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Editorial contact: editorial@theschola.org

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Defiance and Nationhood: The Montenegrin Struggle Against Ottoman Rule

Simrat Walia '26

Basis Independent Silicon Valley
California, United States

Abstract

Montenegro's mountainous geography, Orthodox ethos, unique military strategies, and leadership allowed it to resist Ottoman conquest longer than most Balkan regions, preserving its autonomy amidst constant external pressures. This history of resistance fostered a deep-seated national consciousness, reinforced through cultural memory and traditions, which later inspired Montenegro's independence movement in the 20th and 21st centuries. This paper examines how the small Adriatic nation of Montenegro's historical and modern identity has been shaped by conflict with the Ottomans, focusing on how centuries of defiance against imperial domination shaped the nation's political and cultural character. Drawing from firsthand accounts, historical analyses, and modern political developments, this paper analyzes the role of historical recollection in shaping Montenegrin nationalism. Special attention is given to the pivotal battles and strategies employed against the Ottoman Empire, the cultural resilience that ensured the survival of Montenegrin traditions, and how these legacies were invoked during the 2006 independence referendum. By exploring the relationship between historical resistance against the Ottomans and modern statehood, this paper highlights how Montenegro's past continues to influence its national identity and political trajectory. Ultimately, it provides insight into how small nations can preserve their sovereignty and cultural heritage through resilience and unity. Understanding the historical context of Ottoman expansion is essential to appreciate Montenegro's position in the Balkans.

Introduction

In recent years, the Ottoman Empire's impact on the Balkans has been a subject of renewed interest among historians, political scientists, and cultural theorists. Often portrayed as an unstoppable force that permanently reshaped Southeastern Europe, the Ottoman advance into the Balkans remains one of the most pivotal periods in European history, setting the stage for the various ethnic conflicts that occurred during the Yugoslav Wars in the 20th and 21st centuries.¹ However, the Ottoman advance into the Balkans, though pivotal, was a complex and multifaceted process. Historians have debated the extent to which Ottoman rule integrated Balkan societies into the imperial framework while simultaneously eroding local identities.² While much attention has been given to regions that were heavily acclimatized into the empire, the case of Montenegro offers a compelling counter-narrative.

Montenegro's history during this protracted era of Ottoman presence in the Balkans is shaped by its geographical isolation and fierce resistance to Ottoman assimilation. Despite the empire's overwhelming dominance over much of Southeastern Europe, Montenegro's rugged terrain and strong cultural cohesion posed significant challenges to Ottoman expansion. It managed to preserve a distinct identity, avoiding the fate of other regions that became fully integrated into the empire. The Ottoman domination of the Balkans began in the late 14th century and was characterized by rapid military conquests, strategic alliances, and the systematic centralization of power. This process altered the political and ethnic landscape of the region, introducing Ottoman-style governance, architecture, and economic systems. However, Montenegro stood apart, maintaining its autonomy through geographic advantages, tribal solidarity, and external alliances.

This paper examines how Montenegro's geography, leadership, military strategy, and religious unity enabled it to withstand Ottoman domination, preserving its unique cultural and social fabric under prolonged imperial pressure. Analyzing this exceptionalism within the broader context of Ottoman rule illuminates the enduring legacy of resistance in shaping Montenegro's modern national identity.

¹ E. A. Hammel. "Demography and the Origins of the Yugoslav Civil War." *Anthropology Today* 9, no. 1 (1993): 4–9. <https://doi.org/10.2307/2783334>.

² William Eichler. "The 'Ghost Empire' of the Balkans." *New Lines Magazine*. September 29, 2021. <https://newlinesmag.com/review/the-ghost-empire-of-the-balkans/>.

From Slavic Migrations to Orthodox Identity: The Origins of Montenegro

The region that would later become Montenegro was shaped by the migration of Slavic peoples into the Balkans during the 6th and 7th centuries.³ These early Slavic settlers merged with existing Illyrian and Roman populations. By the 9th century, the region had emerged as part of Duklja, a principality that would play a key role in the development of Montenegrin identity. Duklja's rulers oversaw the conversion of the principality's residents to Orthodox Christianity through the efforts of Sts. Cyril and Methodius.⁴

In the late 11th and early 12th centuries, Duklja reached its height under King Mihailo and his successor, Bodin. Mihailo's coronation in 1077 by Pope Gregory VII marked Duklja as an independent kingdom,⁵ a rare achievement in a region dominated by larger powers. This period saw the construction of monasteries, the codification of laws, and the flourishing of religious and cultural life. However, the decline of Duklja began in the 12th century as various neighboring powers, particularly the Serbian kingdom of Raška, steadily exerted influence over the region.⁶ The incorporation of Duklja into the Nemanjić dynasty's expanding Serbian state in the early 13th century marked a shift in Montenegrin identity, intertwining it with the history of its Slavic neighbors while retaining its distinct local character.

Following the death of Emperor Dušan in the 14th century, the disintegration of the Serbian Empire created a power vacuum in the Balkans, leaving Montenegro increasingly isolated. The small, mountainous region resisted full integration into larger Balkan empires, maintaining a sense of independence rooted in its tribal structure and Orthodox Christian identity. This legacy of defiance and self-reliance would later serve as the foundation for Montenegrin resistance against Ottoman control. As the 15th century approached, Montenegro stood at the crossroads of larger political and cultural forces. While it would soon face the challenges of Ottoman expansion, its history before this period had already laid the groundwork for its enduring identity. The traditions of independence, faith, and resilience cultivated in the pre-Ottoman era

³ T. Sulimirski. "The Problem of the Origin of the Slavs." *The Journal of the Royal Anthropological Institute of Great Britain and Ireland* 75, no. 1/2 (1945): 51–58. <https://doi.org/10.2307/2844280>.

⁴ Francis Dvornik. "The Significance of the Missions of Cyril and Methodius." *Slavic Review* 23, no. 2 (1964): 195–211. <https://doi.org/10.2307/2492930>.

⁵ Zorica Đergović-Joksimović. "Serbia Between Utopia and Dystopia." *Utopian Studies* 11, no. 1 (2000): 1–21. <http://www.jstor.org/stable/25702454>.

⁶ Ibid.

became defining characteristics that shaped the Montenegrins' ability to withstand centuries of foreign domination.

The Ottoman Conquest: Transforming the Balkans

The Rise of an Empire

The Ottoman Empire ranks alongside the Romans and Byzantines as one of the most powerful and long-lasting imperial systems in world history.⁷ In existence from the late thirteenth century until 1923 and embracing at its height most of Southeastern Europe, the Middle East, and North Africa, it was certainly the most imposing and arguably the most influential political system for more than a millennium of Islamic history. The initial Ottoman push into the Balkans began in the late 14th century, under the leadership of Sultan Orhan I and his successors. The Ottomans, originally a small Turkic state in Anatolia, gradually expanded westward, evolving into a dominant regional power through a combination of military prowess, strategic alliances, and political acumen.⁸ They took advantage of an unstable Byzantine Empire, whose declining influence left the Balkan region politically imbalanced and rife with internal feuds among competing kingdoms. This turmoil created opportunities for the Ottomans to insert themselves into local disputes as allies, often turning their military assistance into long-term control.

The Ottoman military strategy was a key driver of their success. Their armies were renowned for their swift, highly mobile cavalry units and the disciplined infantry corps known as the Janissaries, recruited through the *devshirme* system.⁹ This system took young Christian boys from their families in conquered territories, converted them to Islam, and trained them as elite soldiers or administrators, ensuring loyalty to the sultan. Their siege tactics, bolstered by advanced engineering and artillery, enabled them to overcome heavily fortified cities that had previously seemed impenetrable. Additionally, the Ottomans adeptly used diplomatic maneuvers, forming alliances with local rulers or exploiting divisions among Christian states to weaken potential resistance.¹⁰

⁷ Bernard Lewis. "The Ottoman Empire and Its Aftermath." *Journal of Contemporary History* 15, no. 1 (1980): 27–36. <http://www.jstor.org/stable/260456>.

⁸ William L. Langer and Robert P. Blake. "The Rise of the Ottoman Turks and Its Historical Background." *The American Historical Review* 37, no. 3 (1932): 468–505. <https://doi.org/10.2307/1837961>.

⁹ Halil Inalcik. "Ottoman Methods of Conquest." *Studia Islamica*, no. 2 (1954): 103–29. <https://doi.org/10.2307/1595144>.

¹⁰ Ibid.

A turning point in Ottoman expansion was the Battle of Kosovo in 1389, where Sultan Murad I defeated a coalition of Serbian forces led by Prince Lazar Hrebeljanović.¹¹ Although both leaders perished in the battle, the victory cemented Ottoman supremacy in the Balkans. This triumph not only secured a strategic foothold in the region but also marked the beginning of a centuries-long transformation of Southeastern Europe under Ottoman rule. By the early 15th century, it could be said that the ‘Balkan conquest’ was completed. The Ottomans had subdued Bulgaria, Bosnia, Herzegovina, Serbia, and parts of Greece,¹² integrating these territories into an empire that stretched across three continents. These countries lived under the rule of the Ottoman Empire for about 400 years from the end of the 15th century until the end of the 19th century.

The Ottoman approach to governance in their newly acquired territories combined military occupation with a system of cultural assimilation and administrative centralization.¹³ Pashas, or provincial governors, were appointed to oversee regions and enforce the sultan’s authority. These officials prioritized imperial interests over local needs, often dismantling traditional power structures and replacing them with Ottoman institutions. The introduction of the millet system further solidified Ottoman control by stratifying society along religious lines. Non-Muslims were allowed to maintain their religious practices but were classified as second-class citizens, subject to higher taxes and other forms of socioeconomic discrimination. This stratification incentivized conversion to Islam, gradually diluting the cultural and religious identities of conquered populations.

Consequently, urban centers under Ottoman rule experienced profound transformations. Cities like Skopje, Sarajevo, and Thessaloniki became hubs of Ottoman-style architecture,¹⁴ featuring mosques, bazaars, and public baths that symbolized the empire’s cultural dominance. Rural areas were also incorporated into the Ottoman economy, with agricultural production redirected to serve imperial needs.¹⁵ The cumulative effect of these policies was a systematic erosion

¹¹ K. W. S. W. “The Battle of Kosovo (A Serbian Ballad).” *The Lotus Magazine* 8, no. 4 (1917): 181–82. <http://www.jstor.org/stable/20543828>.

¹² Ibid.

¹³ Suraiya Faruqi. “Civilian Society and Political Power in the Ottoman Empire: A Report on Research in Collective Biography (1480-1830).” *International Journal of Middle East Studies* 17, no. 1 (1985): 109–17. <http://www.jstor.org/stable/163312>.

¹⁴ Wayne S. Vucinich. “The Nature of Balkan Society under Ottoman Rule.” *Slavic Review* 21, no. 4 (1962): 597–616. <https://doi.org/10.2307/3000575>.

¹⁵ Ibid.

of local identities, as the unique traditions of various Balkan communities were absorbed into the imperial fabric of the Sultanate.

Dawn of the Clash with Montenegro

After the Ottomans consolidated control over most of the Balkans in the 15th and 16th centuries, Montenegro remained one of the last independent territories in the region, a strategically vital holdout. Its rugged and mountainous terrain, coupled with the fiercely independent spirit of its people, made it difficult for the Ottomans to fully subjugate the area. From a military perspective, Montenegro occupied a critical position on the Adriatic coast and formed a natural buffer between Ottoman-controlled lands and the Venetian Republic, which also had interests in the region. The Ottomans, eager to secure their western borders and prevent further incursions from Christian powers, sought to bring Montenegro under their control to ensure the stability of their empire. The Montenegrins, on the other hand, were staunchly resistant to Ottoman domination, fueled by their Orthodox Christian faith. Their mountain strongholds and warriors, known as the “Montenegrin tribes,” were committed to preserving their freedom from foreign rule. This resistance was not just a political struggle but a religious one, as the Ottomans were Muslim and sought to spread Islam throughout the Balkans, while the Montenegrins remained devoted to Eastern Orthodoxy.

Subsequently, the tensions between the Ottomans and Montenegro escalated as the Montenegrins increasingly allied with other Christian powers, particularly the Venetians and the Papal States, who saw the Ottomans as a growing threat to Christendom.¹⁶ These alliances provided crucial support to Montenegro. The Ottomans, therefore, viewed Montenegro as a rebellious outpost that needed to be brought into submission, both to eliminate a potential threat on their border and to curb the spread of anti-Ottoman sentiment. The protracted conflicts between the two sides would define the country’s history for centuries. Given the strategic challenges posed by Ottoman forces, Montenegro’s resistance was influenced by several key factors, including its challenging geography, religious cohesion, and military strategies.

Defiance in the Mountains: The Five Pillars of Montenegrin Resistance

Geography

¹⁶ Cornel Bontea. *The Hungarian Historical Review* 8, no. 2 (2019): 437–39. <https://www.jstor.org/stable/26902331>.

Montenegro's rugged terrain made it a natural fortress, impeding Ottoman efforts to establish control. Hemmed in on all sides by Turkish territory, the country was compelled to wage a seemingly hopeless contest for existence. That existence was necessary for not just the Montenegrin people but for the sake of the oppressed peoples in neighboring territories, who saw the country as a rocky citadel of safety from Ottoman control.¹⁷ The region's mountainous landscape presented significant challenges to invading forces, creating a natural barrier that protected its residents from foreign armies. The land defended its inhabitants. Cliffs served as makeshift fortresses, and every rock was a shelter. These inhospitable features made Montenegro an ideal location for guerrilla resistance, with narrow passes limiting the mobility of enemy forces and forcing them into prolonged, resource-draining campaigns.

Historical accounts further reveal the Ottoman struggle to effectively control Montenegro's rugged landscape. In her book *Realm of the Black Mountain*, historian Elizabeth Blake observed that "its proximity to the Venetian-controlled coast provided an important yet easily defensible gateway to the non-Ottoman world. Moreover, an area so mountainous and infertile was scarcely worth the trouble of subduing and holding it."¹⁸ This combination of natural defensibility and strategic irrelevance often led enemy forces to abandon prolonged efforts at conquest, allowing Montenegrins to maintain their autonomy and resist assimilation into the empire. The region's geography not only hindered foreign powers but also shaped the identity of its people, reinforcing a sense of separateness and resilience that became central to their rebellion.

Religion

The Orthodox Christian Church played a pivotal role in uniting Montenegrins against the Ottomans. As the spiritual backbone of Montenegrin society, the Orthodox Church maintained a strong influence over the region, fostering unity and resilience in the face of foreign rule. Balkan Christians were often passionately loyal to their princely bishops, and in many instances, they encouraged them to take

¹⁷ William Denton. "Montenegro: Its People and Their History." *Daldy, Isbister & Company*. 1877.

<https://books.google.com/books/about/Montenegro.html?id=IKgBAAAAQAAJ>.

¹⁸ Elizabeth Blake. "Realm of the Black Mountain July 2007." *European Stability Initiative*. July 2007. www.esiweb.org/pdf/esi_picture_story_-_realm_of_the_black_mountain_-_july_2007.pdf.

on more political responsibilities.¹⁹ The combination of religious and political authority allowed church leaders to rally the population, providing not just moral guidance but also a form of governance that resisted Islamization efforts. This form of theopolitics unified various competing tribes around the Orthodox doctrine, creating a shared sense of purpose that overcame local and petty disputes. Nowhere else in the Balkans were the secular and spiritual powers of the state unified in such a manner. The Church's role extended beyond religion, as it became a symbol of defiance and a preserver of Montenegro's cultural and national character.

The preservation of pre-Ottoman cultural traditions further reinforced this cohesion. As with many other Balkan nations, Montenegro maintained a society structured around tribe and family, valuing loyalty and connections above all else. In fact, some of these values remain in Montenegro today, with Patriarch Dedić of the Montenegrin Orthodox Church commenting that: "the mentality of our people is still very patriarchal. Here, the knife, revenge, and a tribal system exist as nowhere else. The whole country is interconnected, and almost everyone knows everyone else. Montenegro is nothing but a large family."²⁰ This sense of cultural unity, rooted in shared traditions and kinship, became a vital component of resistance against Ottoman attempts to homogenize the region. The Church not only preserved these traditions but also infused them with a sense of divine purpose, elevating the struggle for autonomy to a moral and religious duty.

Folklore

The narrative of resistance became a defining element of Montenegrin identity, deeply rooted in both historical experience and cultural expression. Nationalist historiography and folk epics glorified the defiance of Montenegrin warriors, celebrating their ability to withstand foreign domination: "By living in compact settlements with their own social organization, the peasants were able to resist the penetration of alien cultures and to preserve their ethnic individuality."²¹ These epics and historical accounts mythologized the struggles of Montenegrins, embedding resistance into the cultural fabric as both a source of pride and a unifying force. Stories of bravery and resilience

¹⁹ Jack Fairey. "The Great Powers and Orthodox Christendom." *SpringerLink*. 2015. <https://link.springer.com/book/10.1057/9781137508461>.

²⁰ Steven C. Calhoun. "Montenegro's Tribal legacy." *The Military Review: The Professional Journal of the U.S. Army*. 2000. 32. <https://apps.dtic.mil/sti/tr/pdf/ADA512069.pdf>.

²¹ Sebastian Junger. "Freedom." *Simon & Schuster*. May 17, 2021. <https://www.google.com/books/edition/Freedom/4c3DEAAAQBAJ?hl=en&gbpv=0>.

passed down through generations not only preserved memories of the past but also reinforced a collective identity centered on serving the community.

The intersection of national pride and personal sacrifice became a defining feature of Montenegrin life, with citizens viewing the defense of their homeland as a testament to their honor. Fathers would instill in their sons the belief that dying on the battlefield was far nobler than passing away in their beds. In fact, as soon as a baby boy was born, he was given a weapon by his father in a cultural ceremony. Survival and adaptation in the face of external domination became a cornerstone of Montenegrin identity, linking the Ottoman era with later struggles for independence in the 20th and 21st centuries.²² Together, the geographical advantages, the unifying influence of the Orthodox Church, and the mythologized narrative of resistance contributed to Montenegro's enduring identity as a stronghold of independence. These elements created a cultural and historical continuity that would later serve as a framework for navigating challenges in the post-Ottoman and post-Yugoslav eras. The enduring spirit of defiance set the stage for conflicts that further shaped Montenegro's resistance efforts against Ottoman domination.

Unconventional Tactics

Montenegrin forces adopted guerrilla tactics to counter the superior numbers and resources of the Ottoman armies. In the early conflicts between the Ottomans and Montenegro, the Montenegrins relied on their intimate knowledge of the terrain and unconventional strategies to outmaneuver their adversaries.²³ Small-scale, highly mobile operations leveraged the element of surprise and the rugged environment to inflict disproportionate damage on Ottoman forces. The lack of communications and roads prevented the Ottomans from assembling large military formations, which gave the Montenegrins a strategic advantage with their small and efficient military units. They engaged in hand-to-hand combat with crossbows, the occasional musket, and most notably stones, which they rolled down from inaccessible heights onto the heads of the invaders.²⁴ As a result of these efforts,

²² Kubo Keiichi. "The issue of independence and ethnic identity in Montenegro." *Southeastern Europe*. 32. 163-180. 2007. 10.1163/187633307X00101.

²³ Elizabeth Blake. "Realm of the Black Mountain." *European Stability Initiative*. July 2007. https://www.esiweb.org/pdf/esi_picture_story_-_realm_of_the_black_mountain_-_july_2007.pdf.

²⁴ William Denton. "Montenegro: Its People and Their History." *Daldy, Ishister & Company*. 1877. <https://books.google.com/books/about/Montenegro.html?id=IKgBAAAAQAAJ>.

Ottoman soldiers would often flee, leaving behind weapons that the Montenegrin people could use in later confrontations. From the beginning of Ottoman incursions until the last phase of the conflict, this kind of tactic, which could be called ‘mountain warfare,’ would be the main way the Montenegrins engaged in battle. By avoiding large-scale confrontations, Montenegrins conserved their limited manpower while destabilizing Ottoman campaigns in the region.

Additionally, fortified villages served as the backbone of Montenegrin resistance, providing secure bases for guerrilla operations. These strongholds were strategically positioned to maximize defensive advantages, allowing Montenegrins to retreat, regroup, and launch counterattacks: “After a major military defeat, the tribesmen simply operated in small guerrilla bands. By burning crops and hiding away livestock and by cutting off the enemy supply lines, they made certain that their rugged natural fortress could not be occupied permanently, except at an exorbitantly high cost.”²⁵ This strategy turned Montenegro’s geography into a weapon, forcing the Ottomans to expend resources and manpower without achieving lasting control. The combination of guerrilla warfare and the utilization of fortified villages not only stymied Ottoman advances but also reinforced the Montenegrins’ reputation as resilient and unyielding defenders of their homeland.

Leadership

Leadership under figures like Vladikas Petar I and Petar II Petrović-Njegoš played a crucial role in sustaining Montenegro’s resistance against the Ottomans, blending military prowess with ideological inspiration. Prior to the appointment of Vladikas (Prince-Bishops), Montenegro had been a collection of loosely connected clans, each with its own leadership and allegiances. These divisions were easily exploited by the Ottomans, who sought to destroy Montenegro from within. Petar I understood that Montenegro’s survival depended on overcoming these internal feuds and establishing a strong, unified leadership structure. A key element of his leadership was his ability to establish the office of the Vladika (Prince-Bishop) as both a spiritual and temporal authority. By merging religious and political authority, Petar I gained the loyalty of both the clergy and the common people, creating a sense of shared purpose among the different tribes. He emerged as a unifying force during one of Montenegro’s most challenging eras, boosting both morale and organization through his guidance. Before the Battle of Martinićo in 1796, Petar I addressed his warriors, declaring, “We came to show the enemy of our faith, our name, and our most

²⁵ Ibid.

beloved freedom that we are Montenegrins...the people who are willing to fight for its freedom till the last drop of blood.”²⁶ These powerful words exemplify how Petar I inspired his people to see their resistance as a sacred duty, connected with their identity and independence. His ability to frame military action as a moral obligation ensured unity and resilience among the Montenegrin people.

Serving as an example of effective leadership and strategy, The Battle of Krusi marked a pivotal moment in Montenegrin resistance against the Ottoman Empire. Under the leadership of Petar I, the Montenegrins faced the Ottoman forces in a conflict that would become legendary in their history. Jean Vacrak, in his book *La Souveraineté du Monténégro*, highlights the frequency and success of Montenegrin victories: “... the Montenegrins fought no less than sixty-three battles against the Turks, and the latter were sixty-three times beaten.”²⁷ This persistent resistance was fueled by Montenegro’s role as an asylum for those fleeing Ottoman rule, bolstering its population and fighting forces with individuals committed to independence. The leadership of Petar I was instrumental in rallying this group into a cohesive and effective force, turning Krusi into a symbol of Montenegrin resilience.

When Petar II Petrović-Njegoš succeeded Petar I in 1835, he inherited a Montenegrin state that was still vulnerable to Ottoman control but had also established a sense of unity and resolve under his uncle’s leadership. As a military leader and a philosopher, Petar II codified the Montenegrin ethos in his literary masterpiece, *The Mountain Wreath*. The work is a symbol of Montenegrin identity, honor, and the defense of Christian values against Ottoman tyranny. Through verses like, “We must uphold our honor and our name! Let the struggle go on without respite... Flowers will sprout and grow in our graveyards for some distant future generations,”²⁸ Njegoš immortalized the spirit of defiance that defined Montenegro’s fight against the Ottomans. Both leaders recognized the power of ideology and narrative in sustaining defiance. Petar I and II’s abilities to inspire their people through oratory and literary works ensured that Montenegro’s struggle against the Ottomans was not just a fight for physical survival but also for cultural and spiritual sovereignty. The endurance of Montenegro as an independent political entity can be traced back to its leadership.

²⁶ Stefan Branislavljovic. Speeches to Montenegrins before battles against Turks, 1796 - Petar I Petrovic Njegos. *Njegos.org*. <http://www.njegos.org/petrovics/1796e.htm>.

²⁷ Ibid.

²⁸ Vasa D. Mihailovich. “The Mountain Wreath (English Translation).” *Projekat Rastko*. February 2000. https://rastko.rs/knjizevnost/umetnicka/njegos/mountain_wreath.html.

Alliances and Diplomacy: Montenegro's Pragmatic Path to Independence

Orthodox Bonds and Venetian Strategy

Montenegro strategically sought alliances with European powers to counterbalance the strength of the Ottoman Empire. Petar I understood that further resistance would be futile without external support, due to the Ottomans' copious number of resources. His diplomatic efforts were crucial in establishing the groundwork for Montenegro's relationships with Russia and Venice, two key European powers that would play a role in ending Ottoman incursions. Petar I's alignment with the Russian Empire, grounded in the shared Orthodox faith, was the most vital. The Russian Empire had originally formed a league with other European powers to counter the Ottoman threat. However, this initiative failed at a political level, as nations such as Austria withdrew from the region. This may have encouraged the Russians to look for smaller but strongly motivated Balkan allies, stressing the Orthodox religious and 'national-liberation' aspects of an anti-Ottoman campaign, even if the primary motive of Russian policy towards Southeastern Europe was military expansion.

In 1782, Petar I traveled to St. Petersburg, where he met with Russian Emperor Peter the Great. The visit resulted in two important diplomas: one obligating Montenegrins to aid Russians in case of war with the Ottomans and another providing annual support to the Cetinje Monastery.²⁹ Due to this religious connection, Russia saw itself as the self-proclaimed guardian of Christians in the Balkans, bound to help Montenegro. Russian correspondence highlights this dynamic, noting that "attacks on Montenegro provoked a crisis with Russia, which thought itself to be the moral protector of Montenegro."³⁰ This relationship not only provided Montenegro with much-needed resources but also placed diplomatic pressure on the Ottomans, demonstrating the utility of leveraging international ties. At the same time, an alliance with the Republic of Venice, which, while politically self-interested, provided crucial support in keeping the Ottomans from gaining control over the Adriatic coast. The Venetian-Montenegrin relationship was more

²⁹ Michael Boro Petrovich. "Catherine II and a False Peter III in Montenegro." *The American Slavic and East European Review* 14, no. 2 (1955): 169–94. <https://doi.org/10.2307/3000742>.

³⁰ James R. Reid. "Crisis of the Ottoman Empire." *Franz Steiner Verlag*. 2000. 42. <https://shorturl.at/VFhr2>.

pragmatic and opportunistic than the one with Russia.³¹ While the Venetians provided military support, they would simultaneously extend their influence in the region. Despite this, Petar I and II were able to use the Venetian alliance to secure the Bay of Kotor from Ottoman expansion.

These alliances afforded Montenegro some protection and legitimacy, allowing it to punch above its weight in its resistance against the Ottomans. With the onset of the Russo-Turkish Wars, Montenegro's resistance to the Ottomans was viewed by the Russian Empire as an extension of its own interests.³² Petar II, recognizing the shifting balance of power in Europe, skillfully directed the attention of European empires towards his country. This external pressure, coupled with skirmishes on the border, made it increasingly difficult for the Ottomans to focus their military efforts on Montenegro without diverting resources from their other fronts. The culmination of these efforts came in 1878 with the Congress of Berlin,³³ which marked the official international recognition of Montenegro's full independence from the Ottoman Empire, ending centuries of attempts to subjugate the country.

Recognition on the World Stage

With Montenegro's help, Ottoman dominance in Southeastern Europe was brought to an end in the First Balkan War (1912-1913). Various nationalist movements from different ethnic groups united to defeat the declining Ottoman Empire, often referred to as the 'sick man of Europe.' Montenegro joined the Balkan League – Serbia, Bulgaria, and Greece – with the hopes of helping liberate the rest of the Balkans from Ottoman hegemony. As a staunch advocate for the rights of Slavic peoples in the Balkans, Montenegro sought to represent the interests of Slavs living under Ottoman rule.³⁴ While they had some of their own territorial ambitions, Montenegro's actions were driven by a sense of pan-Slavic solidarity and a desire to liberate other ethnic groups from the Ottoman yoke. The war was characterized by swift military successes for

³¹ Marcellus Donald A. R. von. Redlich. "The Sovereignty of Montenegro: Was Montenegro an Independent State and King Nicholas a Sovereign?" *Social Science* 6, no. 3 (1931): 231–43. <http://www.jstor.org/stable/23907714>.

³² Alexander Bitis. "The 1828–1829 Russo-Turkish War and the Resettlement of Balkan Peoples into Novorossia." *Jahrbücher Für Geschichte Osteuropas* 53, no. 4 (2005): 506–25. <http://www.jstor.org/stable/41051517>.

³³ "The Congress of Berlin and Its Consequences." *The North American Review* 127, no. 265 (1878): 392–405. <http://www.jstor.org/stable/25100692>.

³⁴ E. C. Helmreich. "Montenegro and the Formation of the Balkan League." *The Slavonic and East European Review* 15, no. 44 (1937): 426–34. <http://www.jstor.org/stable/4203245>.

the League, which captured most of the empire's holdings, including Macedonia, Kosovo, and Albania. Despite being outnumbered, Montenegro played a crucial role in the overall success of the League, using their strategic position in the west to put additional pressure on the Ottomans from multiple fronts.

Montenegro's most significant contribution to the war was its involvement in the siege of Shkodër, a key Ottoman-held fortress in northern Albania. The city was a symbol of the lurking Ottoman influence in the Balkans, meaning its capture would signal the end of the empire's tyranny in Europe. While the Ottomans had initially repelled Montenegrin forces, they were eventually forced to abandon the city in early 1913, succumbing to pressure from Montenegro and other Balkan allies. Montenegro's determined military efforts were instrumental in pushing the Ottomans out of Europe and helped pave the way for the emergence of new ethnic states in the Balkans.

Continuity of Spirit: Montenegro's Historical Struggle as a Blueprint for Modern Nationalism

The memory of resistance to Ottoman rule played a pivotal role in shaping Montenegro's later independence movements. In the early 20th century, as nationalism swept through the Balkans, Montenegrin leaders frequently evoked their ancestors' defiance against Ottoman forces as a rallying cry for unity and self-determination. However, Montenegro's independence was lost in 1918 when it was forcibly incorporated into the Kingdom of Serbs, Croats, and Slovenes.³⁵ This period, characterized by fierce battles and an unwavering determination to retain cultural and political autonomy, became an enduring symbol of Montenegrin identity. Leaders and intellectuals drew parallels between the centuries-long struggle for freedom from the Ottomans and the contemporary fight for national sovereignty, emphasizing that Montenegro's resistance was not a singular historical moment but part of an unbroken tradition of defending independence. In writings and speeches, they celebrated Montenegro's historical reputation as a "free mountain state."³⁶

This historical memory was revived and recontextualized during the 2006 referendum on independence, which sought to dissolve Montenegro's union with Serbia and restore full national sovereignty.

³⁵ Dejan Djokić. *Pasic & Trumbic: The Kingdom of Serbs, Croats and Slovenes*. Haus Publishing, 2010. <http://www.jstor.org/stable/j.ctt1hj9wph>.

³⁶ Miloš Bešić and Dušan Spasojević. "Montenegro, NATO and the Divided Society." *Communist and Post-Communist Studies* 51, no. 2 (2018): 139–50. <https://www.jstor.org/stable/48610520>.

Nationalist rhetoric during this period consistently invoked the legacy of resistance to Ottoman rule, linking the historical struggles of Montenegrin ancestors with the modern campaign for independence.³⁷ Political leaders reminded the public of the sacrifices made by earlier generations to preserve Montenegrin autonomy and framed the referendum as a continuation of that legacy. They convinced the Montenegrin public that voting ‘yes’ on the referendum would do justice to their ancestors who witnessed the loss of their country’s independence. This narrative of continuity was particularly powerful, reinforcing the idea that Montenegro’s identity was inextricably tied to its resilience against external domination.

The resistance to Ottoman rule was more than a series of military victories; it was a defining cultural moment that solidified a sense of collective purpose and identity. This legacy provided a framework for understanding modern political challenges and a source of inspiration for overcoming them. Even the imagery and rhetoric used in the successful 2006 referendum campaign – such as references to historical battles and heroic figures – echoed the narratives of defiance that had long been embedded in Montenegrin history. In fact, the new Montenegrin flag had the same coat of arms as Njegoš’ Kingdom of Montenegro flag, but with a golden eagle/border and red background.³⁸ By framing the push for independence as a continuation of this proud tradition, Montenegrin leaders strengthened the emotional and cultural resonance of their political campaign.

Conclusion

Montenegro has borne the weight and has been the center of the movements of the mighty. In this hard and most beautiful land, fine and proud people have grown. The history of Montenegro is one of defiance, endurance, and an unyielding commitment to preserving identity in the face of powerful adversaries. From the earliest days of resisting Ottoman incursions to the modern campaign for independence, Montenegro’s story has been shaped by a determination to remain free – a small nation standing firm against the tides of history. Its people’s resilience is carved into the mountains they call home, a testament to their refusal to bow to the empires that have sought to dominate them. Indeed, the legacy of Ottoman resistance is more than a memory; it is the cornerstone of Montenegro’s national identity, its defining narrative carried across

³⁷ Ibid.

³⁸ Gareth Popovic. “Montenegro Flags: Design, Meaning, and Symbolism.” *Montenegro.org*. June 2, 2023. <https://montenegro.org/montenegro-flag-design-meaning-and-symbolism/>.

centuries. The country's struggles against Ottoman domination were not just acts of survival but moments of cultural and spiritual triumph. Ottoman attempts to control Montenegro were met with fierce opposition, as its people viewed submission not as an option but as an affront to their way of life. The Ottomans, with their well-organized military and administrative apparatus, brought significant change to the Balkans, reshaping their political and cultural trajectory. However, Montenegro remained an exception, avoiding integration into the imperial system. While much of the region experienced assimilation and centralization under Ottoman rule, Montenegro preserved its old traditions.

Montenegro's independence movements of the modern era draw deeply from this defiance. The recollection of unity against a common foe became a powerful force, providing both a sense of purpose and a source of inspiration. As the nation grappled with the loss and regaining of sovereignty in the 20th and 21st centuries, the narrative of the fight for autonomy served as a rallying cry, reminding Montenegrins of their ancestors' sacrifices and framing independence as the fulfillment of a centuries-long struggle.

Montenegro's history, written in blood and sacrifice, is a testament to the strength of its people. It is the story of a nation that refused to yield, a people who cherished freedom above all else. Montenegro may be small, but its legacy is vast – an enduring symbol of pride, identity, and the unbreakable will of a mountain people.

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Theatrical Revolution: Shakespeare and the Rise of Commercial Playhouses in England, 1580-1620

James Qiu '26

University of Toronto Schools
Ontario, Canada

Abstract

While Shakespeare's writing talent is often credited for his enduring popularity, the economic, political, and cultural landscape of Elizabethan and Jacobean England also played a significant role in his success. The growth of royal and noble patronage, the professionalization of theater companies through licensing and regulation, and the rise of permanent playhouses created a stable foundation for theatrical innovation. These developments allowed Shakespeare and other playwrights to capitalize on the expanding entertainment industry and reach wider, more diverse audiences. While sponsored by elites, the opportunities were used to cater to the everyday people and support theatrical company members, including renting permanent performance spaces. Permanent theaters introduced creative possibilities for staging, enabling plays to explore new genres and themes beyond the religious constraints of medieval drama. Moreover, the increasing population of London, alongside the economic growth of the time, greatly increased the demand for theatrical entertainment, ensuring a steady audience for new works. This convergence of societal and artistic factors formed the perfect conditions for theater to become a profitable, commercial industry. The findings presented herein suggest that Shakespeare's enduring legacy is a product not only of his genius but also of the unique social and economic context that enabled a flourishing theater culture, highlighting the importance of favorable conditions for artistic achievement.

Introduction: “Fame Lives Long”¹

In the English language, Shakespeare is synonymous with theater. Within the popular imagination, his work is thought of as some of the most enduring and clever of any of history’s great writers. Given his fame today, it would be easy to presume that he was always popular or that the sheer brilliance of his work is the primary cause of his renown.² While Shakespeare’s talent is undeniable, his extraordinary success cannot be attributed to it alone. Financial, political, and cultural changes in British society during the Elizabethan and Jacobean eras created an environment in which theater could thrive.³ Political changes, such as regulations by the Master of the Revels, brought stability to the theater industry, allowing it to become more professionalized and commercially viable. The availability of financial support through patronage and investments, including the support of wealthy sponsors and shareholders in maintaining theater companies, allowed for the rapid growth of theaters like the Globe Theatre. There were also cultural shifts, including a growing appeal for more diverse forms of entertainment that medieval theater did not offer. Combined, these factors allowed Shakespeare’s work to have the environment it needed to become a cornerstone of English culture. Acknowledging these societal changes helps to explain the longevity of Shakespeare’s influence, suggesting that his legacy is rooted not only in his talent but also in the unique cultural and economic landscape of his time.

The Shifting Politics of the Early Modern Theater: “I Would With Such Perfection Govern, Sir, T’excel the Golden Age”⁴

Censorship and Regulation of Entertainment: “Art Made Tongue-Tied by Authority”⁵

¹ William Shakespeare, *Richard III*, 3.1. All Shakespeare plays and sonnets quoted come from The Folger Library, eds. Barbara Mowat, Paul Werstine, Michael Poston, and Rebecca Niles, <https://www.folger.edu/explore/shakespeares-works/all-works/>.

² See for example the interview conducted with the Shakespeare Birthplace Trust: <https://www.shakespeare.org.uk/explore-shakespeare/podcasts/lets-talk-shakespeare/how-did-shakespeare-get-so-popular/>.

³ The Shakespearean Era specifically refers to the period of English history during the late 16th and early 17th centuries, encompassing the reigns of Queen Elizabeth I (Elizabethan Era) and King James I (Jacobean Era). The Early Modern Era refers to a broader period in European history, generally spanning the 15th to 18th centuries. Essentially, the Shakespearean Era falls within the larger timeframe of the Early Modern Era.

⁴ William Shakespeare, *The Tempest*, 2.1.

⁵ William Shakespeare, Sonnet 66, Line 9.

In the early modern period, theater was not initially seen as a mainstay of English culture. Instead, it was something that needed careful control and oversight. In 1535, Henry VIII began issuing licenses for various entertainments like tennis courts, bowling alleys, street plays, and gambling houses, which allowed these activities to continue to operate under regulated conditions.⁶ Authorities saw these activities as “unlawful” games,” distracting the public from “more important pursuits.” Since they could not eliminate sports, theater, or gambling, the state attempted to limit their influence through select licensing. Despite this, all “proved impossible to eliminate,” and thus the authorities decided to control and license these activities.⁷ These regulations brought new requirements for how professional and sanctioned entertainments would operate, needing outside support, government approval, and financial structures that could support permanent operations that came with licensing.

In addition to regulating entertainers, the London authorities and the Privy Council also tried to manage the spaces and crowd sizes of leisure activities. In the early 1540s, authorities began banning plays in livery company halls and other venues due to concerns about public order and religious propriety.⁸ These regulatory actions were motivated by broader concerns, such as the rapid growth of London and the entertainment industry, which created a need for official regulation as it was “more independent and market-oriented than before.”⁹ The growth of London as a “world-class city” also provided more potential audiences (and revenue) for plays.¹⁰ The theatrical community, therefore, needed to adapt to the new limitations and needed support to operate and take advantage of this boom.

State involvement increased in 1578 when the Privy Council authorized the Master of the Revels to regulate plays across the country.¹¹ The government’s licensing restrictions, such as the 1572 “Acte for the punishment of Vocabondes,” mandated that theater troupes must be licensed by the nobility. Specifically, they had to be “licensed by one noble or two judicial dignitaries of the realm.”¹² This

⁶ David Kathman, “‘The Madnes of Tenys’ and the Commercialization of Pastimes in Early Tudor London,” in *Games and Theatre in Shakespeare’s England*, vol. 3 (Amsterdam University Press, 2021), 83.

⁷ Kathman, “‘The Madnes of Tenys,’” 86.

⁸ David Kathman, “The London Playing Bust of the Early 1580s and the Economics of Elizabethan Theater,” *Shakespeare Studies* 45 (2017): 42.

⁹ Kathman, “The London Playing Bust,” 43.

¹⁰ Kathman, “The London Playing Bust,” 43.

¹¹ Gurr, *The Shakespearean Stage*, 38.

¹² Gurr, *The Shakespearean Stage*, 38-39.

inadvertently promoted the rise of professional and financially backed repertory companies. Some historians even go as far as to say that this regulation actually “served the companies of the players much as it was designed to serve the commonwealth of England as a whole.”¹³ These regulations provided stability and professionalized the industry, transforming it from a loosely organized network of performers into an established commercial enterprise. By regulating where and how companies could perform, authorities managed the social impact of theater but also indirectly created an environment where professional playing companies could adapt and find venues that maximized theater’s success during this period.

Royal Support for the Theater: “The King-Becoming Graces”¹⁴

Despite these governmental attempts to control theater, the monarchy itself (and eager courtiers) was one of its greatest patrons. In 1583, Elizabeth I commanded the formation of an acting company to carry her name: Queen Elizabeth’s Men. Her spymaster, Sir Francis Walsingham, chose the players, picking the best from across popular troupes.¹⁵ The Queen’s Men performed for Elizabeth at her royal palaces and as she progressed throughout the kingdom. They also had permission to perform at two inns in London. They therefore received exalted opportunities with regular work and high exposure. In return for this patronage, the Queen’s Men were expected to use their talents to support the Crown. They performed plays that praised the monarchy, like *The Famous Victories of Henry V*.¹⁶ Though part of a different company, The Lord Chamberlain’s Men, William Shakespeare also adhered to this strategy with his history plays, most of which were penned in the 1590s. Indeed, six of Shakespeare’s plays repeated the plots of plays performed by the Queen’s Men, with some suggesting that he wrote for the Queen’s Men and others arguing he took inspiration from their success.¹⁷ History plays used the past to justify the current path of English culture and politics. In this way, royal troupes served not only as Tudor propagandists but also became an extension of the state’s messages.¹⁸ The involvement of Walsingham even indicates that their travels might have been used for intelligence gathering.¹⁹ The Queen’s

¹³ Gurr, *The Shakespearean Stage*, 38.

¹⁴ William Shakespeare, *Macbeth*, 4.3.

¹⁵ Scott McMillin and Sally-Beth MacLean, *The Queen’s Men and Their Plays*. (Cambridge University Press, 1998), 26-27.

¹⁶ McMillin and MacLean, *The Queen’s Men*, 89, 113.

¹⁷ McMillin and MacLean, *The Queen’s Men*, 161.

¹⁸ Ralf Hertel, *Staging England in the Elizabethan History Play: Performing National Identity* (Ashgate Publishing Limited, 2014), ebook conclusion.

¹⁹ McMillin and MacLean, *The Queen’s Men*, 161.

Men declined during the plagues in the 1590s, but the members passed into other emerging companies, including the Lord Chamberlain's Men (Shakespeare's troupe) and the Admiral's Men (Christopher Marlowe's troupe). Therefore, even with the seeming end of a royal company, the members had received enough benefits and prestige that their careers were able to continue, and more companies were able to rise.

The royal patronage that began under Elizabeth I and continued with James I further solidified the theater's status as a respected art form. Upon his ascension in 1603, James put all "major London dramatic companies exclusively under royal patronage."²⁰ This allowed him to override local authorities (including anti-theater Puritans) in granting performance privileges. Shakespeare's company, the Lord Chamberlain's Men (formed 1594), originally sponsored by Lord Henry Carey, changed its name to the King's Men in 1603 after James I took over as patron.²¹ In contrast to the other companies he acquired, the renaming advertised the King's Men as the most prestigious in terms of talent and status. As evidence of their special treatment, James allowed the King's Men to perform for royalty during the 1603 plague outbreak when all the theaters were closed.²² Continuing the pattern of promoting the monarchy, Shakespeare's history plays were printed during James's reign. Shakespeare also wrote *Henry VIII*, upholding the divine right policies of James and praising James' then heir, Prince Henry Frederick (he died in 1612).²³ It was also during this time that Shakespeare penned *Macbeth* with very clear tributes to the king.²⁴ Therefore, the reciprocal relationship between patrons and companies was continued and expanded under James, further elevating the prestige of the theater as a form of art.

*Non-Royal Patronage of Acting Troupes: "I'll Plead for You as for My Patron"*²⁵

Beyond the royal companies, most patrons were nobles looking for advancement at court. As with royal support, noble patrons granted them protection and allowed them to operate with a degree of immunity from local restrictions on public performances. Other contemporary entertainments operated on similar systems. For example, the Masters of

²⁰ Richard Burt, "Licensed by Authority": Ben Jonson and the Politics of Early Stuart Theater," *ELH* 54, no. 3 (1987), 530.

²¹ Richard Dutton, *Shakespeare, Court Dramatist* (Oxford University Press, 2016), 28-29.

²² Dutton, *Shakespeare*, 278-79.

²³ Mark Rankin, "Henry VIII, Shakespeare, and the Jacobean Royal Court," *Studies in English Literature, 1500-1900* 51, no. 2 (2011): 357-60.

²⁴ George Walton Williams, "'Macbeth': King James's Play," *South Atlantic Review* 47, no. 2 (1982): 12-21.

²⁵ William Shakespeare, *Taming of the Shrew*, 1.2.

the Bears, who managed bull and bear baiting, received substantial support from the monarchy, “especially during the reign of James when his financial backing was something that directly reflected his enthusiasm for the Game.”²⁶ The Earl of Leicester’s Men, sponsored by Robert Dudley, the Earl of Leicester and a favorite of Elizabeth I, became the first company to receive a royal patent in 1574, providing them with stability and prestige, and setting a precedent for other companies to follow.²⁷

This system was formalized when the 1572 Act of Parliament restricted the patronage of playing companies to noblemen or magistrates.²⁸ At this point, ordinary people could not support a company as they “ran the risk of losing them as vagabonds.”²⁹ Without noble sponsorship, players were considered rogues and subject to arrest under the vagabond laws.³⁰ In fact, a later statute in 1598 “took away the licensing power from the magistrates too;” to truly succeed, companies needed not only civic patronage but noble patrons with greater money and status.³¹ By securing a patron, companies could receive licenses, perform at court, and tour the country, which was crucial for their economic survival. As a result, the patronage of a noble was practically “legally required of an itinerant company” as the players “saw it as the best safeguard against being treated as vagrants.”³² Professional players were essentially servants to their patron, often listed as such “on various quarto publications where they are mentioned.”³³ The very protection of a “patron, especially one so powerful, accommodating, and ready to get them opportunities to play at Court as Leicester was,” was seen as something very valuable, propelling the success of the Earl of Leicester’s Men.³⁴ Other companies received royal patrons, as described above, with the Queen’s Men even poaching actors from Leicester’s Men and another competing troupe, Oxford’s Men, to show itself off as the premier company.

²⁶ S. P. Cerasano, “The Master of the Bears in Art and Enterprise,” *Medieval & Renaissance Drama in England* 5 (1991): 196, <http://www.jstor.org/stable/24322096>.

²⁷ Kathman, “The Madnes of Tenys,” 69.

²⁸ Andrew Gurr, *The Shakespearean Stage, 1574-1642*, 4th ed. (Cambridge: Cambridge University Press, 2008), 39.

²⁹ Gurr, *The Shakespearean Stage*, 39.

³⁰ Richard Dutton, *Mastering the Revels: The Regulation and Censorship of Early Modern Drama*, 2nd ed. (Oxford University Press, 2022), 29.

³¹ Gurr, *The Shakespearean Stage*, 39.

³² Dutton, *Mastering the Revels*, 29.

³³ American Shakespeare Center, “Collaboration and Companies,” August 25, 2021, <https://americanshakespearecenter.com/2021/08/26226/>.

³⁴ Gurr, *The Shakespearean Stage*, 41.

Reflections

Despite the heavy regulations that entertainment industries like the theater faced, the rules did not eliminate or limit their existence. Instead, the most successful groups firmly accepted royal control to earn royal favor and prosper. The story of companies like the Queen's Men and the King's Men "is one of increasing royal favour and protection," which not only protected them from local restrictions but also elevated their public standing.³⁵ The troupes understood that pleasing patrons offered a chance at financial support, monopolies on acting spaces, commissions for travel, and the chance to earn more patrons who would commission plays. These formal companies, backed by elite figures, could rise above the street performances to achieve a sense of permanence that allowed them to thrive and expand. This political set-up gave Shakespeare the path toward success, and he looked to those who had prospered and followed in their footsteps.

Economic Growth in the Theater Industry: "Money Is a Good Soldier, and Will On"³⁶

Economic Growth & the Formation of Theater Companies: "Will You See the Players Well Bestowed?"³⁷

The patronage system allowed the theater to rapidly expand as a respected form of entertainment in Shakespearean culture, and the licensing of theater companies provided them with security and allowed for more consistent performances, promoting a commercial model. At the same time, the popularity of theater coincided with a boom in industry during the sixteenth century. Other entertainments including tennis, bear baiting, and cock fighting were also on the rise, pointing to an increased interest across society for physical and visual spectacle.³⁸ In the mid-sixteenth century, these activities shifted away from being viewed as dangerous distractions and toward being valid pastimes on which to spend money. In other words, there was a wider shift in the realm of entertainment that extended beyond the talents of a single individual like Shakespeare.

The section above described how the elite put more money into acting troupes, but the same was true for the common people. The Elizabethan Era saw a rise not only in theater patrons but also in people

³⁵ Gurr, *The Shakespearean Stage*, 39.

³⁶ William Shakespeare, *The Merry Wives of Windsor*, 2.2.

³⁷ Shakespeare, *Hamlet*, 2.2.

³⁸ Kathman, "The Madnes of Tenys," 70-73.

willing to regularly spend their coins on plays.³⁹ For one penny (the cost of a loaf of bread), anyone could view a theatrical performance. For two pennies, they could sit in the lower levels.⁴⁰ Moreover, audience engagement was encouraged; the actors exchanged quips with them while vendors passed around food and ale, making it a thoroughly immersive event. Though theaters hit a lull in the early 1580s, when plagues caused them to close their doors, they bounced back and became more successful in the 1590s.⁴¹ Even during the last years of Elizabeth's reign, when England suffered under an economic crisis, theater and other frivolities became a needed escape from grim reality.⁴² During this time, "the urban market for popular entertainment expanded dramatically."⁴³ When the economy stabilized under James, more money again went to theatrical performances. This increased funding meant that it could produce higher-quality work, attracting an even bigger audience.

With more revenue and stable legal backing from patrons, theaters and acting troupes commercialized their ventures to enable success and longevity. They developed into cooperative ventures where actors, known as sharers, invested in the company and received a portion of the profits. In the 1590s, theater companies in London typically operated with around eight to ten sharers involved at any time.⁴⁴ An example of this is the company structure of the first Globe, which was financed by "eight men – Cuthbert and Richard Burbage, sons of James Burbage who had built the Theatre, who each owned 25 percent, and five actors – Augustine Phillips, Thomas Pope, John Heminges, William Kempe, and William Shakespeare – who each owned 10 percent."⁴⁵ These sharers worked alongside as many as ten hired men, who were paid regular wages for their roles, and who performed small tasks within performances such as fetching, carrying, and making off-stage noises.⁴⁶ Hired men also included more specialized roles like gatherers who collected admission fees at the playhouse doors, tiremen responsible for the costumes, and bookkeepers who cared for the playbooks.⁴⁷ In reflecting on the playhouse activity in 1609, James Wright noted that multiple playhouses, such as the Blackfriars (now successful under the

³⁹ Douglas Bruster, *Drama and the Market in the Age of Shakespeare* (Cambridge: Cambridge University Press, 1992), 21.

⁴⁰ William Ingram, *The Business of Playing: The Beginnings of the Adult Professional Theater in Elizabethan London* (Cornell University Press, 2019), 37.

⁴¹ Kathman, "The London Playing Bust," 41-50.

⁴² Bruster, *Drama and the Market*, 16, 17.

⁴³ Bruster, *Drama and the Market*, 21.

⁴⁴ American Shakespeare Center, "Collaboration and Companies."

⁴⁵ Kinney, *Shakespeare by Stages*, 9.

⁴⁶ Leggatt, *Jacobean Public Theatre*, 25, 26.

⁴⁷ American Shakespeare Center, "Collaboration and Companies."

new economic models) and the Globe, were operating concurrently and thriving. The structure of the companies during the Shakespearean theater allowed for the success of multiple companies at once.

*The Financial Support System of Theater Companies: "One Man in His Time Plays Many Parts"*⁴⁸

The payment structure of employees in Shakespearean theater companies varied significantly based on their roles and status within the company. The "hirelings," or lesser players who were not shareholders, were paid a modest salary, often a shilling a day.⁴⁹ Younger actors, especially those performing female roles, were often paid even less. For example, in 1600, Henslowe noted that his boy actor "James" earned only 3 shillings a week, half of what regular hirelings made.⁵⁰ In smaller companies, without steady revenue, hiring faced delayed or missing payments. One such case was William Brown, who was owed "over sixteen pounds" of back wages, having "not been paid for more than a year."⁵¹ In contrast, actor-sharers in successful companies like Shakespeare's could earn between £25-35 annually, which was around 2 1/2 to 3 1/2 shillings per day, a relatively high rate compared to the "14 to 16 pence per day earned by a master craftsman in London."⁵² Patronage played a role in this success, but so too did talent; the system just allowed the talented companies to better reinvest profit.

As for the playwrights, who are very important within these companies, they were typically paid between £6-£10 per play, with some, like Robert Daborne, earning up to £20. Contrarily, Shakespeare made around £200 annually as an actor, playwright, and partner in the theater industry.⁵³ This point acknowledges that skill certainly could bolster the level of success of individuals and companies, but other playwrights like Johnson and Kit Marlowe still were able to continue in their trade due to the protection and stability of their companies. Moreover, Shakespeare benefited from coming into this situation where he could profit from all of his skills alongside those of his skilled actors, like Burbage.

⁴⁸ William Shakespeare, *As You Like It*, 2.7.

⁴⁹ Alwin Thaler, "Minor Actors and Employees in the Elizabethan Theater," *Modern Philology* 20, no. 1 (1922): 49–50. <http://www.jstor.org/stable/433332>.

⁵⁰ Thaler, "Minor Actors and Employees," 53.

⁵¹ Thaler, "Minor Actors and Employees," 50–51.

⁵² Mary I. Oates and William J. Baumol, "On the Economics of the Theater in Renaissance London," *The Swedish Journal of Economics* 74, no. 1 (1972): 157. <https://doi.org/10.2307/3439014>.

⁵³ University of Victoria. "Shakespeare's Income." Internet Shakespeare Editions, 2019. <https://internetshakespeare.uvic.ca/Library/SLT/life/last%20plays/income.html>.

Companies also provided training and apprenticeships under established actors. This training came with its own set of financial obligations. Managers of children's companies were sometimes required to provide substantial bonds, such as £40, to ensure they would not "dispose of any of the boys in his charge without the consent of his fellow 'housekeepers.'" ⁵⁴ This was to prevent taking advantage of the young men. Meanwhile, some boys took on more important roles, such as the "book-holders," responsible for managing the cues and properties, and tiremen and tirewomen, who took care of costumes and props, were in charge of "important duties" but likely received wages similar to the other boys. ⁵⁵ This gave them more potential career opportunities. Hirelings were motivated to work hard, since if their work "attracted favorable notice," they were "frequently promoted into the ranks of the sharers after an apprenticeship of only two or three years." ⁵⁶ This collaborative effort to make the company survive allowed theatrical workers to form long-term working relationships and build careers, like the career that Shakespeare built within his companies over four decades.

The division of profits among sharers and the payment of wages to hired men ensured that the company had a consistent income, allowing it to maintain a stable workforce and produce new plays regularly. The financial commitment of a sharer was huge, with each one expected to pay a rate based on how successful the company was at the time, with values "usually around £50 to even £80." In fact, "a strong company with eight sharers would be valued at around £500," which included the company's assets such as costumes, props, and the rent for their playhouse. This financial commitment allowed the sharer to take part in both the company's gains and losses. ⁵⁷ By setting up a system of sharers, all members of the company had a degree of protection against bad plays, while still having the motivation to succeed. That the sharers were often themselves writers and actors also allowed for internal oversight of the theater, despite noble and royal patrons.

Reflections

Close financial and social ties bound companies to their noble patrons as well as the commitment the sharers have to the success of the company. This cooperative environment fostered collaboration between actors, playwrights, and stagehands. This collaboration and the reliance of Shakespearean playwrights on the actors with whom they worked is

⁵⁴ Thaler, "Minor Actors and Employees," 52.

⁵⁵ Thaler, "Minor Actors and Employees," 54.

⁵⁶ Thaler, "Minor Actors and Employees," 51.

⁵⁷ American Shakespeare Center, "Collaboration and Companies."

one of the biggest contributing factors to the greatness of Shakespearean drama.⁵⁸ This collaborative economic structure allowed for the rapid expansion of theater as companies could reinvest their earnings, hire skilled professionals, and develop a large number of plays in their repertory that attracted diverse audiences. As a result, many companies were able to rapidly expand, often staging as many as 35 plays annually, with many achieving significant recognition and success in London.

Early Modern Cultural Shifts Promoting New Theatrical Outputs: “Doth Not the Appetite Alter?”⁵⁹

Post-Reformation Departure from Medieval Faith Plays to New Genres: “There Are No Tricks in Plain and Simple Faith”⁶⁰

The establishment of permanent playhouses allowed for Shakespearean theater to experience a growth in the variety of plays being performed, contrasting with the limited religious themes of medieval drama.⁶¹ During the late medieval period, plays were principally a forum for church performances, particularly the genre of Mystery Plays, recreating famous stories and morality tales from the bible. In an attempt to minimize secular performances, the Church was often hostile to *mimi*, *histriones*, *joculatores*, and *lusores* – different types of entertainers or performers associated with secular entertainment. This hostility resulted in restrictions on their activities, limited access to public spaces, and social stigma, making it difficult for these performers to earn a livelihood and practice their craft openly.⁶² This hostility often led to performers being marginalized, with performances taking place in less reputable venues or being pushed to the fringes of society, complicating their ability to reach broader audiences and gain social acceptance. In fact, before 1574 when the Leicester’s Men “received the first royal patent,” many performers had to perform morality plays and interludes “in innards and open spaces” just to make a living.⁶³

The English Reformation from the 1530s led to “ideological shifts” as well as “changes in literary taste” that increased demand for new varieties of performances.⁶⁴ Medieval plays, such as mystery and morality plays, were mainly focused on biblical stories, or “the vast

⁵⁸ Peter Thomson, *Shakespeare’s Theatre* (London: Routledge, 1992), 142.

⁵⁹ William Shakespeare, *Much Ado About Nothing*, 2.3.

⁶⁰ William Shakespeare, *Julius Caesar*, 4.2.

⁶¹ Richard Beadle, ed., *The Cambridge Companion to Medieval English Theatre* (Cambridge: Cambridge University Press, 1994), 2.

⁶² Beadle, *The Cambridge Companion to Medieval English Theatre*, 11.

⁶³ Kathman, “The London Playing Bust,” 41.

⁶⁴ Beadle, *The Cambridge Companion to Medieval English Theatre*, 2.

cosmic implications of individual virtue or vice,” and they primarily served an educational purpose aligned with Christian teachings.⁶⁵ While England stayed religious, mystery plays often focused on miracles or saints, both things now viewed with suspicion or as too Catholic after Henry VIII broke from the Roman Church. Moving away from messages endorsing the pope, promoting the cult of the Virgin Mary, or encouraging pilgrimages, people instead started to embrace secular storytelling.⁶⁶ The establishment of permanent playhouses provided performers with dedicated spaces to stage secular performances, offering them a more stable environment to showcase their art, attract larger audiences, and gain legitimacy despite ongoing religious opposition. With new options, the theater catered to more people. Medieval drama’s main purpose was to teach the laity, not to entertain, but new secular options leaned into the latter.⁶⁷ As a result, the variety and frequency of performances grew. This led directly back to “attempts to control and regulate the growth of the theatre” in the 1570s.⁶⁸

The introduction of new genres and the willingness to experiment with different varieties of performances as a result of the shifting interests “finally put paid to the old genres.”⁶⁹ Specifically, Shakespearean plays (by Shakespeare and his contemporaries like Christopher Marlow, Ben Johnson, and John Fletcher) expanded their thematic range to include genres like comedy and tragedy, as well as the introduction of secular entertainment. This allowed the Shakespearean theater to reach a wider audience as it appealed to the shifting interests of the period. This is not to say that religion was abandoned altogether. Indeed, the new plays still frequently commented on the church and social debates of the time – like whether or not the Ghost in Hamlet was the spirit of his father or a demon, - but now plays could be vague, and wrap up even more messages within them, all while using the creative spaces of the permanent stage, relying on the support of the company and the patron to protect them in case an idea flopped. Plays also experimented with combining both comedic and tragic elements: *Troilus and Cressida* was even dually described as both a comedy and a tragedy.⁷⁰ These plays were met with great excitement by crowds, proving the appetite for new forms of theater.

⁶⁵ Beadle, *The Cambridge Companion to Medieval English Theatre*, 30.

⁶⁶ Huston Diehl, *Staging Reform, Reforming the Stage: Protestantism and Popular Theater in Early Modern England* (Cornell University Press, 2019), 1-9.

⁶⁷ Beadle, *The Cambridge Companion to Medieval English Theatre*, 19–20.

⁶⁸ Kathman, “The Madnes of Tenys,” 69.

⁶⁹ Beadle, *The Cambridge Companion to Medieval English Theatre*, 2.

⁷⁰ Paul Olson, *Beyond a Common Joy: An Introduction to Shakespearean Comedy*. (University of Nebraska Press, 2008), 29.

*Theater as Popular Entertainment for All Society: "O, That Is Entertainment"*⁷¹

Theater companies invited diverse and broad audiences, often performing in "marketplaces on market days, or in open fields bordering villages, or even in the grounds of a manor house."⁷² These spaces were often chosen for their accessibility and control; performances in these locations could easily manage audience size and behavior, and charge admission. However, they also allowed crowds to naturally gather, luring in those who had come to trade or were traveling between spaces. Larger indoor venues were also used, such as the "main room of the guild hall or a civic meeting-room such as a courtroom," which allowed for greater audience comfort, while outdoor stages at inns, such as inn-yards, which accommodated everyone: "groundlings" who stood in the pit to the wealthier patrons seated in the balconies which served as makeshift galleries.⁷³ This design was also likely to have inspired the design of playhouses, which were "so constructed that they play on a raised platform," allowing for everyone to have a good view. They also kept the galleries, which had more comfortable seating for the wealthy.⁷⁴ This shows that while what they had to work with before the establishment of permanent playhouses was already very adaptable and profitable, the permanent playhouses allowed them to focus on these successful aspects and thus maximize revenue.

With the additional revenue, companies were able to rent, purchase, or erect dedicated playhouses, which illustrated the growing popularity of theater as a mainstream form of entertainment. These structures, such as the Globe and the Hope, provided a permanent infrastructure that supported this increased output and underscored the demand for more theatrical venues to cater to audiences of all classes.⁷⁵ Before the development of these permanent theaters, traveling theater troupes had been limited to makeshift venues, performing throughout various towns. Patrons, payrolls, and companies provided stability that made permanent buildings not just useful but also, as mentioned above, financially viable.

Furthermore, the establishment of twenty-three professional theaters in and around London between 1567 and 1642 – the highest number for any European city of the time – demonstrates the

⁷¹ William Shakespeare, *The Winter's Tale*, 1.2.

⁷² Kinney, *Shakespeare by Stages*, 2.

⁷³ Kinney, *Shakespeare by Stages*, 2.

⁷⁴ Kinney, *Shakespeare by Stages*, 6.

⁷⁵ Kathman, "The Madnes of Tenys," 70.

widespread enthusiasm for theater.⁷⁶ Bear and bull baiting, cock fighting, tennis, and other entertainments also received permanent spaces, like the bull baiting theater and the Bear Garden, both located near the Globe in Southbank along the Thames.⁷⁷ The location of these venues, often outside the main ‘hub’ of London, suggests that these playhouses were not just reserved for the elites but rather for a broader and more diverse audience. As mentioned above, performances were cheap (one to three pennies), particularly as hirelings made a shilling, or the equivalent of 12 pence, per day.⁷⁸ The rapidly increasing number of playhouses and their permanence also meant that there would be far more varieties of performance, appealing to all sorts of tastes and preferences. The success of these playhouses soon attracted more opportunities as well. The commercialization was accompanied by rapid urbanization and social shifts. With the establishment of dedicated playhouses, theater companies could perform consistently in controlled settings, improving both production quality and audience experience. Therefore, the political and economic shifts led to a thriving theatrical culture with far more diversity.

The increase in the number of theaters allowed each one to specialize in particular genres, catering to the interests of its patrons. This provided audiences with a great variety of plays from which to choose. For example, the Red Bull in Clerkenwell was “infamous for their rowdiness, lack of refinement, and appetite for sensationalism,” while others showcased plays of high drama and political intrigue.⁷⁹ John Webster took his next play, *The Duchess of Malfi*, to the playhouses of the King’s Men, knowing that its audience was more “accustomed to the “subtler, romantic repertory” of dramatists such as Shakespeare and Fletcher.”⁸⁰ While patrons might commission the type of play being performed, the reactions and sizes of the audiences drove what was regularly performed. Plays were filled with jokes and references accessible to everyone, not just the learned elite. Ribald jokes were particularly rampant in both dialogue and physical humor.⁸¹ In addition, many plays featured lively elements such as dance and fight sequences, maintaining audience interest. It is through these various elements and styles that each theater’s respective audiences were engaged with the

⁷⁶ Kinney, *Shakespeare by Stages*, 10.

⁷⁷ Janelle Jenstad, ed., Map of Early Modern London (MoEML), ed. 7.0. University of Victoria. <https://mapoflondon.uvic.ca/index.htm> - search playhouses.

⁷⁸ Elizabethan-era.org.uk, “Elizabethan Playhouses,” <https://www.elizabethan-era.org.uk/elizabethan-playhouses.htm>.

⁷⁹ James Amelang, “The Playhouse Effect: John Webster, Deixis and Story-Telling in the Theatres of Jacobean London,” *Atlantis (Salamanca, Spain)* 46, no. 1 (2024): 5.

⁸⁰ Amelang, “The Playhouse Effect,” 5.

⁸¹ Eric Partridge, *Shakespeare’s Bandy* (Routledge, 2001).

plays being performed, and thus allowed for more styles to be shown overall since each style would have a dedicated audience. The development of permanent playhouses created the perfect environment for new genres and varieties to emerge. With a stable structure and income, playwrights, actors, and technicians could experiment.

*Innovating Stagecraft for Audience Delight: "All the World's a Stage"*⁸²

The increase in the artistic and technical possibilities of stagecraft also increased the appeal of theater to a wider range of audiences. It allowed theaters to use more complicated staging, which enhanced the overall quality of performances and made them more appealing to audiences. Country stages, for instance, are often "little more than an open space before a simple curtain, or a curtained room and booth, or a curtain with two doorways."⁸³ In contrast, the architecture of the Globe Theatre included a stage floor with a trapdoor that allowed for dramatic entrances and exits, creating symbolic effects that enriched the visual spectacle of plays. This trapdoor was "large enough to accommodate two men," making it a very useful feature for theatrical purposes, such as the appearances and disappearances of characters like the Ghost of Hamlet's father. This greatly enhanced the level of surprise within these scenes. Furthermore, the trapdoor was also often used to symbolically represent hidden spaces, such as tombs. For instance, the trapdoor symbolizes Ophelia's grave in *Hamlet* and the tomb in *Romeo and Juliet*, creating a connection between the set design and the darker themes present in the theater, which allows for a more complex viewing experience.⁸⁴ Aside from trapdoors, the rise of permanent theaters like the Rose also introduced other specialized features, such as raised platforms and enclosed areas, which also likely enhanced the audience experience as it used the space more dynamically.⁸⁵

The Globe's stage design also cleverly utilized the two doors at the back of the stage, turning them into a very useful tool for storytelling that further enhanced dramatic entrances and exits, and was also often symbolically used. This allowed Shakespeare to create a distinction between different groups and themes without any set changes. For instance, in *A Midsummer Night's Dream*, the two doors were used to stage the entrance of the King and Queen of Fairies from opposite sides, which presumably tells the audience about their separation and the

⁸² Shakespeare, *As You Like It*, 2.7.

⁸³ Kinney, *Shakespeare by Stages*, 2.

⁸⁴ Kinney, *Shakespeare by Stages*, 2.

⁸⁵ Scott McMillin, *The Elizabethan Theatre and "The Book of Sir Thomas More"* (Ithaca: Cornell University Press, 2019), 114.

tension between their factions.⁸⁶ Similarly, the discovery space between these doors was used in plays where characters from different backgrounds would meet, such as in *Pericles*, where different characters enter from separate doors, creating a clear divide between the two characters.⁸⁷ This staging essentially allowed for the conflict and the convergence of two different people at the same time, enhancing the viewer's experience. This is also seen in *Henry VI*, where characters such as a son who killed his father and a father who killed his son entered from different doors, illustrating both of their tragic fates to the audience at once. This spatial arrangement allowed audiences to understand both the similarities and the differences between the two separate characters.⁸⁸ These creative uses of space not only saved on resources and more complicated set constructions but also gave the audience a much better viewing experience, in that they could use these uses of the space to interpret the spaces and relationships more easily.

Summary and Insights

As the theatrical landscape expanded, success required innovation and a means to lure in more crowds who had any number of theaters to choose from. Patrons also had to feel that their investment was paying off. Thankfully, the supportive structure of patronage and company financing allowed for experimentation with themes, ideas, and performance. This allowed the best ideas to flourish and for failed ideas to be absorbed or tinkered with until they worked. Recognizing these innovations also serves as a reminder that plays, like Shakespeare's, were principally visual spectacles, filled with audience interaction and acting tones to signal jokes or drama. Shakespeare's plays rocketed to fame long before they were printed as a result of embracing these cultural shifts.

Conclusion: [Exit, Pursued by a Bear]⁸⁹

Shakespeare's success is often credited solely to the quality of his writing, but this perspective neglects the significant influence of societal changes on the flourishing of his work. While many scholars focus on the brilliance of Shakespeare's language and ideas, it is important to analyze how political support, financial stability, and cultural changes created the environment for his work to be successful in the first place. The backing of noble patrons allowed the theater to continue despite increased regulation. Patronage also allowed for stable finances and the

⁸⁶ Kinney, *Shakespeare by Stages*, 20.

⁸⁷ Kinney, *Shakespeare by Stages*, 20.

⁸⁸ Kinney, *Shakespeare by Stages*, 20.

⁸⁹ Shakespeare, *Winter's Tale*, 3.3.

continual employment of a large number of actors, writers, and craftsmen. This led to the development of structured companies with payrolls, pensions, and apprenticeships. With career stability, theatrical figures could engage with more risks and experiments, drawing in larger crowds, while staying economically accessible. Stability also led to permanent theater spaces and more experimentation. These developments helped the theater evolve into a respected art form and a profitable industry.

Playwrights like Shakespeare capitalized on the unique features of these permanent spaces, incorporating both advanced and simplistic stagecraft and engaging with secular themes that allowed the theater to go beyond its limitations in the Medieval era. It also serves as a reminder that Shakespeare's art started as a visual and auditory one, making use of clever stage designs that catered to audience engagement. He also benefited from a stable troupe of famed actors, like Richard Burbage, that drew crowds. Such exalted troupes were partially the result of royal selection and advancement. In this way, the elite support, financial growth, and cultural innovations all fed into each other. This demonstrates that artistic talent alone is often not enough, as it still needs the right social and economic support to become very successful. It raises questions about how artistic legacies are built, showing that societal changes often play as significant a role as the creative work itself in the success of a work.

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The Cost of Freedom: A Study on the Social Ironies of the Flapper Movement

Ainslie Chen '25

The Harker School
California, United States

Abstract

Since its emergence in the 1920s, the flapper movement has been perceived as an emblem of social freedom. However, the movement's notions of freedom were idealistic to the point of being fantastical. Flappers and the era's youth alike, desperate to escape the older generation's traditionalism, conformed to these ideals as an act of defiance. However, because of the unrealistic nature of the ideals, the followers of the flapper movement shed key elements of their identities and embraced only the traits that they deemed relevant to the movement. In many ways, the flapper movement inhibited self-expression instead of encouraging it. This paper examines the flapper movement's impact on two groups of people: the flappers themselves and the youth of the 1920s. While the flappers conformed through consumerism and a blatant disregard for social rules, the youth conformed through sexual experimentation and chaotic college parties. Through an examination of relevant literature and second-hand narrations, this paper debunks the one-dimensional view of the flapper movement sustained by popular media. The findings presented in this paper aim to instigate scholarly discussion on the multifaceted nature of flapper and 1920s youth culture, potentially illuminating other oversimplified cultural movements and fostering a nuanced understanding of social history. By challenging the simplistic portrayal of the flapper movement, this research contributes to a deeper understanding of the interplay between societal norms and individual agency.

Introduction

"I had everything I wanted and knew I would never be so happy again," F. Scott Fitzgerald once wrote, reflecting on the time he cried in a taxicab winding through 1920s New York City.¹ Fitzgerald's elusive words encapsulate the romanticism, and ultimate paradox, of the Jazz Age, an era of prosperity marked by laissez-faire capitalism and rampant commercialism. The embrace of free market ideals was a direct response to World War I, which resulted in widespread distrust toward increased federal power.² By pursuing uninhibited economic growth, the Jazz Age witnessed a rise in America's standard of living as well as the emergence of hedonism, breaking the prior generation's emphasis on order and morality.³

From the appeal of pleasure and nonconformity sprang the flapper movement, which saw freethinking women, or flappers, subverting the notion that women are the embodiment of purity and obedience.⁴ The flapper personified modernity and all the freedom that came with it: she smoked, she swore, and she acted on her sexual desires; she posed a threat to the expectation that men initiate sexual contact while women receive their advances with no hope of pleasure.⁵ Throughout the 1920s, the flapper movement facilitated a rise in sexual expression among the era's youth that ran counter to older generations' insistence on chastity. This rift resulted in tension and confusion for the youth as they struggled to establish their own codes of conduct.⁶ Despite setting a precedent for women's autonomy, the flapper movement did not engender the radical liberty that popular belief insists it did. Rather, it promoted complacency over personal development and generated peer pressure among the youth, inhibiting true self-expression; the conformity sustained by the movement, both directly and indirectly, debunks the notion that its legacy of freedom was untainted.

¹ F. Scott Fitzgerald, *The Crack-Up*, ed. Edmund Wilson (New Directions Publishing, 1945), 28-29, accessed June 14, 2024, https://www.google.com/books/edition/The_Crack_Up/leJRMuTh--wC?hl=en&gbpv=1&printsec=frontcover.

² Theodore W. Eversole, "Social Attitudes in the Roaring Twenties," in *American History* (Facts on File, 2016).

³ Paula S. Fass, *The Damned and the Beautiful: American Youth in the 1920s*. (New York: Oxford University Press USA - OSO, 1977), 19, ProQuest Ebook Central.

⁴ Kenneth A. Yellis, "Prosperity's Child: Some Thoughts on the Flapper," *American Quarterly* 21, no. 1 (1969): 45-46, JSTOR.

⁵ Yellis, 48.

⁶ Fass, *The Damned*, 264.

The Flapper Movement: The Beautiful, the Ugly, the Complicated

Context, Themes, and Nuances

To examine the flapper's flaws, one must first become familiar with her ideology. The primary accomplishment of the flapper movement involved a reinvention of femininity in defiance of the male gaze. Yellis identifies how the flapper's key features, from her bobbed hair to her flat chest, made her the complete antithesis of the Gibson girl – the ideal Victorian woman, a “maternal and wifely” figure characterized by her “long hair, high brow,” and “thirty-six-inch bust.”⁷ The flapper's appearance is intended to convey the immaturity of youth, preferring straight lines to defined curves; this aesthetic is reflected in the word *flapper* itself, a term for a girl in the awkward phase between childhood and womanhood. In creating this beauty standard, the flapper movement emphasized youthful frivolity, which traditionalists expected a woman to sacrifice for an appearance of dignity. For them, propriety and reserve in women naturally complemented men's sexual impulses and aggressive tendencies. These expectations only applied to adult women, whose maturity of age was expected to indicate an understanding of their role in a patriarchal society. Flappers deliberately adopted the simplicity of childhood as a means of social liberation, allowing them to incorporate elements of traditional masculinity into their new definition of femininity.⁸ Their assertiveness, a masculine quality, rivaled the passiveness men sought to find in the Gibson girl archetype.⁹

As a testament to Jazz Age consumerism, the ideals of the flapper movement translated into modern fashion. A *Vogue* magazine from 1922 contains examples of this trend, one of them being an illustration titled “The Mirror of Fashion Reflects These Models.” The illustration depicts four tall, slender women lounging in a foyer. All four women are similarly draped in straight-cut dresses with undefined waists and square necklines, giving their bodies an angled, boyish silhouette. They don the same hairstyle, their sleek, glossy hair resting in buns on top of their heads.¹⁰ These aesthetic choices exemplify the androgynous girlhood that the flapper movement sought to model: while the formless attire and the illusion of short hair create a masculine outline, the dresses' feminine components – frills, folds, and florals – remind one of the fact that these

⁷ Yellis, “Prosperity's Child,” 44.

⁸ Yellis, 49.

⁹ Yellis, 47.

¹⁰ “New York Fashions Number,” *Vogue*, May 1, 1922, 71, https://books.google.com/books?id=R1M5AQAAMAAJ&source=gbs_navlinks_s.

styles did not substitute masculinity for femininity, instead drawing inspiration from the former to re-invent the latter.

Another staple of flapper fashion was the cloche hat, a tight-fitting, bell-shaped hat that complemented a flapper's bobbed hair.¹¹ The cloche hat has been said to resemble men's styles, namely the hats worn by French trench soldiers during World War I. This connection gave the cloche hat a connotation of power and assertiveness. However, a more nuanced explanation exists for the power conveyed through bobbed hair and its relevant accessories.¹² *The Bachelor Girl* (French: *La Garçonne*), a postwar novel by Victor Margueritte about modern women in France, features the following quote: "Delilah emasculated Samson by cutting off his hair: today she thinks she can turn herself into a man by cutting off her own!"¹³ The dual symbolism of emasculation and emancipation shows how the flapper repurposed the original symbol to suit her needs. While Samson's hair had been cut against his will, the flapper's hair was cut short on her own authority. There were also differences regarding the connotation of long hair: whereas Samson's power lay in his long hair, the maintenance of long hair was a burden placed on women by traditionalists.¹⁴ For the flapper, bobbing her hair and adorning it with a cloche hat symbolized her reclamation of agency from society.

Modern Feminism and Cracks in the Flapper Image

With newfound power and freedom, flappers and, increasingly, modern women prioritized their own interests over the societal service they were expected to perform. Their values are reflected in the literary heroines of the 1920s, for traits found in character archetypes often reveal more about those who enjoy them. Instead of working in business careers, which are collaborative and devoted to negotiating common interests, heroines of the Jazz Age are likely to embark on artistic paths, becoming singers, painters, dancers, and actresses. Because careers in art are often solitary in nature, they provide the artist with an opportunity to focus on self-expression. Furthermore, they demonstrate the preference for beauty and emotion – feminine qualities – to logic, a quality traditionally favored because of its masculine connotations.¹⁵

¹¹ Amy McKenna, "Flapper," *Encyclopedia Britannica*, last modified May 29, 2024, accessed June 20, 2024, <https://www.britannica.com/topic/flapper>.

¹² Mary Louise Roberts, "Samson and Delilah Revisited: The Politics of Women's Fashion in 1920s France," *The American Historical Review* 98, no. 3 (1993): 664, JSTOR.

¹³ Victor Margueritte, *The Bachelor Girl*, trans. Hugh Burnaby (New York: Alfred A. Knopf, 1923), 108.

¹⁴ Roberts, "Samson and Delilah Revisited," 664.

¹⁵ Maureen Honey, "Gotham's Daughters: Feminism in the 1920s," *American Studies* 31, no. 1 (1990): 10, JSTOR.

The flapper movement's goal to advance the status of women agreed with the visions of early feminists. However, the modern appeal of self-interest resulted in differences between 1920s feminism and its predecessors, namely the women's suffrage movement: while both eras of feminism rebelled against misogynistic traditions, the women of the Jazz Age simultaneously wanted to engage with the public sphere; they feared that political activism as the suffragists had demonstrated would drive divides between them and their community.¹⁶ Thus, modern feminists chose to communicate their values through indirect means such as fashion choices, leading to a disconnect between feminism and politics.¹⁷

Jazz Age feminism indicated that detrimental effects could result from self-interest, in this case, an undoing of the suffragists' progress. Self-interest morphed into selfish complacency as a reversion to childhood allowed flappers to shun the responsibilities of adulthood. In the words of Liming, the flapper was a "child in a woman's body, irresponsible, uncaring, and unabashedly selfish." As such, society's obsession with her was little more than "the sentimental indulgence of childish impossibility."¹⁸ She was popular precisely for the idealism of her ideals, for her transgressive behavior that rejected the existence of all logical consequences. Consequently, her underdeveloped adult judgment limited her experience of reality. An educator once wrote an editorial about this development in a 1929 issue of the *Peabody Journal of Education*. The educator blames the flappers' boldness on America's new education system. Instead of whipping students into submission, the Dewey educational philosophy warranted praise for a student's performance, no matter how meaningless it was by the standards of the real world. Though the goal was to "[develop] individuality" and "[produce] education from within," the aftermath was the students' misguided confidence in their own abilities.¹⁹ Thus emerged flapperism, "the stage of development reached after the Deweyized school [had] fully done its work and before the grim old world [had] laid on its hand." While the editorial insightfully explains the flappers' self-assured nature, its implication that they were unaware of the tribulations of adulthood dismisses their agency.²⁰ In reality, flappers were more aware than they seemed; already exposed to the "grim old world," they sought to escape it by embracing complacency.

¹⁶ Honey, 2.

¹⁷ Honey, 9.

¹⁸ Sheila Liming, "Suffer the Little Vixens: Sex and Realist Terror in 'Jazz Age' America," *Journal of Modern Literature* 38, no. 3 (2015): 105, JSTOR.

¹⁹ "The Flapper Age," *Peabody Journal of Education* 7, no. 3 (1929): 182, JSTOR.

²⁰ "The Flapper Age," 183.

The Fitzgeralds: Flapperism as Torment and Salvation

The turbulent lives of Zelda and F. Scott Fitzgerald demonstrate the role of fear in instigating the pursuit of self-interest. Often deemed the original flapper, Zelda partook in various shenanigans with her husband;²¹ as Shaw notes, they “[spun] around in revolving doors for half an hour” at the Commodore Hotel on their honeymoon. They then “danced the Charleston on restaurant tables and recklessly rang fire alarms.” When asked to locate the fire, Zelda “pointed to her breasts and screamed, ‘Here!’”²² Although this incident was just one among many, the Fitzgeralds recognized the complications caused by their behavior. In Scott’s *The Crack-Up*, he mentions that he and Zelda refused to raise their baby in the “glamor and loneliness” of 1920s New York City, especially given how their recklessness was the well-established subject of tabloids and gossip. Nonetheless, they found themselves settling in Long Island just a year after they’d moved away.²³ Their choice to return depicts the deliberate nature of their indulgence: just like the modern feminists, the Fitzgeralds feared the possibility of growing disconnected from the urban scene, the stronghold of modernity. Moving out of New York City required them to re-establish their identities, which had already become intertwined with the city’s culture. Relocation not only threatened to render them irrelevant but also entailed sacrificing their impulsive lifestyle to acclimate to a new environment. These issues eclipsed their sense of parental obligation, and their decision to shirk the responsibilities of adulthood indicates a childlike avoidance of undesirable consequences.

Incidentally, Zelda’s embrace of hedonism was motivated by the fear that deviating from the flapper image would damage her romantic and social life. Her flamboyant nature had enchanted Scott since the beginning of their relationship, and she subsequently inspired the heroines he would create. He began to idealize her in his writing; though they originated from Zelda’s thoughts and emotions, his characters possessed a quality of exaggeration that rendered them false representations of her true self. Tavernier-Courbin uses one of Scott’s quotes from a magazine interview to support this notion:

²¹ Deborah Pike, “Masquerading as Herself: The Flapper and the Modern Girl in the Journalism and Short Fiction of Zelda Fitzgerald,” *The F. Scott Fitzgerald Review* 15, no. 1 (2017): 130, JSTOR.

²² Arnold Shaw, *The Jazz Age: Popular Music in the 1920s* (New York: Oxford University Press, 1987), 4-5, ProQuest Ebook Central.

²³ Fitzgerald, *The Crack-Up*, 29.

... we find the young woman of 1920 flirting, kissing, viewing life lightly, saying damn without a blush, playing along the danger line in an immature way – a sort of mental baby vamp... Personally, I prefer this sort of girl. Indeed, I married the heroine of my stories.²⁴

Tavernier-Courbin regards Scott's characterization of Zelda as the epitome of "deceptive emancipation" because it shows that he "locked [her] in the role" of a "mental baby vamp."²⁵ His narrow perception of Zelda, which he shared with the public, forced her to conform to his and, by extension, society's standards. Following an exhibition of her artwork in New York, an art critic published an article titled "Jazz Age Priestess Brings Forth Paintings," in which he criticized her art for lacking the quality of jazz that defined her public persona.²⁶ Evidently, Zelda was perceived less as a person entitled to nuanced emotions, as she was a character devoted to perpetrating the principles of flapperism. The flapper movement's restrictions on her freedom further proved that its radicalism was an unattainable ideal, as it took compromising her identity for her to appear as the quintessential flapper.

Zelda's quest for self-expression came as a response to Scott's manipulation of her public image, and her wish to control her own narrative exemplified the flapper ideal of self-interest. Her quest was riddled with tribulations, with the art critic's response being just one example. A more pressing issue was Scott's desire for control, which contended with her desire for freedom: when she tried to publish her novel *Save Me the Waltz*, he vetoed her first draft on the basis that it received too much inspiration from her marital woes. Despite revealing Zelda's struggles with eczema and mental illness in *Tender Is the Night*, Scott felt that he, an established author, held the sole privilege of incorporating their shared experiences into writing.²⁷ Desperate to escape her husband's shadow, Zelda eventually took solace in dancing.²⁸ *Save Me the Waltz* reflects her views on dancing: unlike the waltz, the kind of dance that the novel examines – ballet – is solitary. The concept of the solitary dance symbolizes life in its entirety; as Tavernier-Courbin notes, "the dancer... is not simply the individual, but the individual performing her life, giving that life a *form*."²⁹ Zelda believed that the only

²⁴ Jacqueline Tavernier-Courbin, "Art as Woman's Response and Search: Zelda Fitzgerald's 'Save Me the Waltz,'" *The Southern Literary Journal* 11, no. 2 (1979): 25-26, JSTOR.

²⁵ Tavernier-Courbin, 33-34.

²⁶ Tavernier-Courbin, 26.

²⁷ Tavernier-Courbin, 26-27.

²⁸ Tavernier-Courbin, 30.

²⁹ Tavernier-Courbin, 32.

person who can give purpose to one's life is the one living it. To her, dancing was a symbolic act that invalidated Scott's attempts at sealing her into a heroine stereotype. Yet her metaphorical rejection of the stereotype was characteristic of the modern heroine who placed self-interest over others' satisfaction. Zelda's relationship with the flapper movement was marked by contradictions: despite her seeking to separate her personal identity from her flapper persona, her attempts at self-expression further highlighted the role of the movement's values in inspiring her relentless pursuit of personal interests.

The New Flapper

Nonetheless, the flapper movement offered a different flavor of consolation to each individual: to Zelda, flapperism was a lifestyle that constructed a consistent public image, yet for some, the movement's appeal lay in consumerism, a manifestation of modern complacency. As consumerism became increasingly popular, Zelda lamented the death of the original flapper, who embodied the movement's values more than her commercial counterpart ever did; the new flapper focused more on looking the part than acting the part, modeling her appearance on Hollywood depictions of the ideal. She played into the market's desires by purchasing various cosmetic products that brought her closer to attaining the stereotypical flapper look.³⁰

A Maybelline advertisement from 1928 targets this emerging demographic: under an image of a flapper with shiny black hair, painted lips, and thick lashes, the caption, "You, Too, Can Have Eyes That Charm," sprawls across the page.³¹ Though the advertisement explicitly advertises mascara, its real intention is to advertise confidence. The new flapper's goal was to feel a sense of security by embracing modern trends; in portraying the ideal flapper, the advertisement tempts the buyer with an implicit promise of conformity. Zelda protested against this development because it undermined the original flappers' devotion to individuality by presenting make-up as the key to fashionability. By idolizing a single portrayal of the entire flapper movement, consumer culture hindered self-expression rather than promoting it.³² Although Zelda herself emulated the flapper to some extent, her emulation extended beyond the level of appearance, hence her chagrin for those

³⁰ Pike, "Masquerading as Herself," 134-135.

³¹ Maybelline, "You, Too, Can Have Eyes That Charm," advertisement, *Photoplay*, November 1928, 99, accessed June 27, 2024, <https://archive.org/details/photoplayvolume33435chic/page/n7/mode/2up>.

³² Pike, "Masquerading as Herself," 135.

who substituted blind materialism for a genuine understanding of the flapper movement's principles.

Popular Stereotypes and Media Distortions

Under the media's scrutiny, the flaws of the flapper movement – both the original movement and its consumerist counterpart – were magnified and gradually came to define its public image; the flappers were soon seen as shallow, thoughtless creatures who existed purely for simple pleasures like drinking and partying. Although well-known critics of the flapper movement judged its core principles, those who spread this stereotype were motivated by partial ignorance, as they based their judgment on actions rather than intentions. The illustrations of John Held, Jr., many of which were featured on cover pages of *LIFE* magazines, depict drastic oversimplifications of the flapper movement and demonstrate the ease with which the stereotype gained influence. For the cover of a 1926 issue, Held drew *The Thinker*, a parody of the original thinker by Auguste Rodin; the illustration portrays a flapper in place of the expected intellectual. The flapper appears contemplative as she, like the original figure, rests her chin on her knuckles. However, her vapid nature is made apparent through the magazine in her hand, which shows the title, *Love Confessions*, in clear block lettering above an image of a man and a woman about to kiss. Though *The Thinker* is not explicitly identified as a flapper, her identity is made clear through Held's inclusion of her stereotypical attributes: short blonde hair, painted lips, a formless white dress ending above the knees, and jewelry galore, from earrings to bracelets and a heavy pearl necklace – a jab at her conspicuous consumption.³³

While *The Thinker* depicts the flapper's indifference to intellectual thought, Held's *Shifting for Herself* mocks her incompetence when she tries to partake in serious adult matters. Gracing the cover page of a 1927 *LIFE* magazine, *Shifting for Herself* shows a flapper in an evening dress driving a topless stick shift. Various mechanical parts are littered around the car, indicating that her driving caused a car accident. She appears confused while a distraught police officer who witnessed the wreckage plugs his ears from the din. Held's clever juxtaposition of the two figures draws attention to the cluelessness of the flapper in relation to the officer's concern. This comparison intends to convey the extent to which the flapper's complacency rendered her unable to perform basic adult tasks, perpetually trapping her in a state of youthful abandon; the

³³ John Held, Jr., *The Thinker*, March 18, 1926, Illustration, JSTOR.

car's license plate number, "SIS," is another joke made at the expense of the flapper's characteristic flippancy.³⁴

Popularized by Held's illustrations, the flapper stereotype labeled its target as an incompetent fool who was unaware of her own incompetence, while really, she practiced a kind of willful ignorance. Like the educator writing in the *Peabody Journal of Education*, the stereotype robbed the flapper of her agency. However, as all stereotypes are rooted in some semblance of truth, the flapper movement itself was partially to blame for its unfavorable reputation. The movement inhibited its members both from within and without: from within, it hindered the development of personal judgment and created a desired flapper image – both in terms of values and appearance – that, contrary to said values, engendered conformity. From without, the movement's conformity resulted in similar behavior – and thus similar flaws – among the flappers, giving rise to demeaning stereotypes.

The Flapper's Influence on Youth Culture

Modern Dynamics in Gender and Sexuality

Facilitated by the flapper movement's liberal sexual mores, a new kind of conformity spread among the youth as well: sexual conformity – more specifically, peer pressure to sexually experiment. This pressure notably manifested in the petting party, a gathering at which young men and women engaged in erotic experimentation without the expectation of intercourse; though the restrictions of petting were observed to preserve some level of dignity, Fass notes that there existed "a considerable pressure to pet at least a little in order to remain in good standing among the eyes of peers."³⁵ While peer pressure was felt by both men and women, the latter experienced it to a higher degree, as their male counterparts evaluated their attractiveness behind closed doors: they could be labeled as promiscuous, unattractive, prudish, or a myriad of other adjectives. As such, they felt the need to strike a delicate balance between being open to erotic play and retaining sexual reserve. Incidentally, the double standard was more strongly enforced by the women themselves, for they saw each other as competitors vying for men's attention. When a woman engaged in sexual contact beyond the level of petting, other women suspected that she was seeking an unfair advantage.³⁶ This sense of competition can be attributed to the flapper movement, which insisted on the right of women to actively pursue love

³⁴ John Held, Jr., *The Thinker*, January 13, 1927, Illustration, JSTOR.

³⁵ Fass, *The Damned*, 266.

³⁶ Fass, 267-268.

rather than simply being pursued. Thus, one of the flaws in such a liberal definition of femininity was the development of tension among women, who, in competing to assert their romantic authority, created hostility and judgment to such an extent that they limited the scope of their freedom.

Sexual Traditionalism and Domestic Misogyny

The idea that the flapper movement provided modern women with unprecedented freedom was further debunked by the persisting influence of Victorian sexual standards in both the domestic and legal realms; these standards provided the impetus for the heavier criticism of promiscuous women relative to promiscuous men, the basis for the aforementioned double standard.³⁷ The notion prevailed, especially among working-class populations, that a young woman who had lost her virginity before marriage was a “ruined girl.”³⁸ In such cases, the man who had sexually interacted with the woman was often begged by her family to marry her to correct her state of ruin; through marriage, the sexual encounter was presented as a stage of courtship rather than the scandalous act that it would otherwise have been.³⁹ Families sometimes went so far as to accuse the man of rape, for criminal courts historically subscribed to the same traditionalist mindset and often pressured sexual aggressors into marrying their victims. Although new marriage legislation in the 1920s intended to reduce court-induced marriages, some families continued to appeal to the legal system.⁴⁰

Forced marriages were also put in place because the social stigma surrounding pre-marital intercourse made it so that ruined girls were faced with limited marriage prospects. As such, they were seen as economic burdens to their families, who regarded marriage as an opportunity to allocate their costs of living to their husbands.⁴¹ This practice enforced traditional misogyny on numerous levels: not only were women reduced to mere financial investments, but they were denied the right to choose their husbands, at times even being subjected to marrying their assailants. Though the flapper movement placed the woman’s choice above all else, its modern view of femininity failed to penetrate the traditionalist domestic environment that had existed for decades. As these Victorian expectations were especially prevalent

³⁷ Fass, 268.

³⁸ Stephen Robertson, “Making Right a Girl’s Ruin: Working-Class Legal Cultures and Forced Marriage in New York City, 1890-1950,” *Journal of American Studies* 36, no. 2 (2002): 203, JSTOR.

³⁹ Robertson, 206.

⁴⁰ Robertson, 202-203, 218-219.

⁴¹ Robertson, 206.

among the working class, they also speak to the fact that meager wealth, in conjunction with limited opportunities for intellectual development, fostered communities that used desperate means to justify the ends.

Compromised Morals and Power Struggles: Novelty vs. Tradition

The war between traditionalism and the flapper movement extended into the press, where the older generation openly expressed its discontent with the youths' increased sexual openness. In a 1922 issue of *The Literary Digest*, Wayman and Robertson, editors of *The Review and Expositor*, are quoted for their repulsion toward the younger generation. They complain of how "girls are actually tempting the boys more than the boys do the girls, by their dress and their conversation."⁴² However, this complaint reveals their ignorance toward the complicated social dynamics of the Jazz Age: as previously mentioned, young women faced peer pressure to partake in erotic experimentation, and the excerpt's implication that all responsibility falls on them dismisses the external forces that compelled them to act this way. While it can be argued that they themselves were most responsible for policing conformity, their policing was, in reality, their way of controlling a situation that was not in their favor: the existing peer pressure meant that falling short of social expectations demonstrated their failure to take advantage of the era's perceived social freedoms, and contributing to the pressure would have granted them a sense of self-assurance that was similar to what the new flapper sought by blindly indulging in consumerism, masking her true self in order to exert control over her appearance.

The same issue quotes George W. Sandt, editor of the *Lutheran*, who conversely denies women all agency and portrays them as delicate creatures foolishly subjecting themselves to sexual exploitation. He states that their lack of modesty made them "easy prey" to "well-fed high-livers, whose chief business was to pluck the blush of innocence [sic] from off the cheek of maidenhood."⁴³ Sandt's view agrees with the views of those who perpetuated the concept of a ruined girl; the passiveness of the adjective *ruined* delegates the action to a second role, the one perpetrating the girl's ruin – or in Sandt's words, a "well-fed high-liver." He failed to realize that the expectation of innocence in women, as he had expressed, was exactly the sort of expectation that the flapper movement sought to challenge through a lack of modesty. Like Wayman

⁴² "Personal Glimpses: The Case against the Younger Generation," *The Literary Digest*, June 17, 1922, 40. Accessed July 7, 2024, <https://babel.hathitrust.org/cgi/pt?id=mdp.39015028101460&seq=1061&q1=the+case+against+the+younger+generation>.

⁴³ "Personal Glimpses," 40.

and Robertson, he misunderstood key facets of the modern woman: while the former was unaware of her desire to gain social credit through conformity, the latter was blind to her desire for romantic autonomy, which incidentally came at the price of conformity.

The ignorance of the older generation introduced the pressure to accommodate established morals, which exacerbated the pressure already placed on the youth to embrace new social norms. These conflicting demands were reflected in the particular social constructs of the youth, one of them being the practice of petting. As Fass states, petting was the “means to be safe and yet not sorry,” as it involved open expressions of eroticism with the strict prohibition of intercourse, a compromise between two warring ideals.⁴⁴ Furthermore, even though drinking in the presence of women was considered indecent in the early 1920s, drinking exclusively among men was considered respectable. College students “were not only drinking but proudly affecting drunkenness and bragging about their drinking sprees.”⁴⁵

Around the mid-1920s, however, the influence of modern hedonism overtook the qualms of conservative voices in the collegiate sphere: parties and dances at which both men and women drank rapidly became the norm. This triumph over traditional morality did not reduce the pressure felt by the youth, for alcohol consumption became another medium for enforcing conformity. A dance was only considered a success if most of the young men – and some of the young women – in attendance were drunk; in certain fraternities, one of the requirements for entry was the habit of carrying a flask.⁴⁶ As demonstrated by petting culture and college drinking practices, the social pressure imposed on the youth resembled a seesaw: though flapper ideals and traditionalism were in a constant power struggle, their combined influence remained the same, stifling the individuality of youth regardless.

A Literary Glimpse into College Culture

Percy Marks’ *The Plastic Age* offers an honest glimpse into the social conformity that plagued the youth of the Jazz Age. An English professor at Dartmouth College and later Brown University, Marks was familiar with the vibrant social scene of the youth and aimed to capture it in writing.⁴⁷ *The Plastic Age* details Hugh Carver’s entry into college and

⁴⁴ Fass, *The Damned*, 264.

⁴⁵ Fass, 316.

⁴⁶ Fass, 317-318.

⁴⁷ Maurice R. Davie, “Percy Marks, Writer and Teacher,” *The Yale University Library Gazette* 38, no. 3 (1964): 111, JSTOR.

his transition from a sheltered childhood to a wild, unruly college life. Beyond the obvious plot, the novel highlights the irony of a college athlete – Hugh is a runner – failing to fit in with his peers; college athletes were seen as embodiments of school spirit, for college sports had become a way to unite a diverse student body through the common interest of school victory. Thus, athletes were met with respect from their peers and the expectation to uphold the norms of their peer group.⁴⁸

However, Hugh’s experience at a frat party shows his discomfort with modern hedonism. Doing as his peers do, he finds himself dancing with half-drunk girls, some of whom, on the verge of vomiting or passing out, he tends to out of moral obligation.⁴⁹ After these drunken ordeals, he stands “gloomily in the doorway watching the bacchanalian scene” when another drunk girl asks him to pet and forces herself onto him.⁵⁰ Humiliated, he pushes her off, his “anger [getting] the better of his manners.”⁵¹ Despite the couples who openly pet at the party, Hugh cannot overcome his sense of horror toward his peers who are too drunk to register their actions. Even so, Hugh is not a complete traditionalist: he does not mind being around girls who smoke but thinks that drinking at a dance is offensive to them, especially those who “[manage] to move through the whole orgy calm and sweet.”^{52,53} Hugh’s balance of traditionalism and liberalism further highlights how extremist hedonism had become among college youth. His conscience represents the voice of reason that the youth ignored to conform, using pleasure to numb their discomfort.

Another glimpse into Hugh’s moral dilemma occurs when he discovers that his roommate, Carl, has had sex with a girl. He feels a “keen sense of disappointment,” but when Carl teases, “You don’t think I’m a moral leper or anything like that?” he “[denies] the suggestion.”⁵⁴ While it appears on the surface that only Hugh is compromising his values to assimilate into youth culture, Carl hides a secret of his own: in reality, he cried after his first sexual encounter.⁵⁵ Carl embellishes the

⁴⁸ Fass, *The Damned*, 238-239.

⁴⁹ Percy Marks, *The Plastic Age* (New York: The Century Company, 1924), 213, accessed July 8, 2024, https://www.google.com/books/edition/The_Plastic_Age/BhE1AAAAMAAJ?hl=en&gbpv=0.

⁵⁰ Marks, 214.

⁵¹ Marks, 215.

⁵² Marks, 213.

⁵³ Marks, 217.

⁵⁴ Marks, 151.

⁵⁵ Marks, 152.

truth to appear more sexually open than he actually is, just like Hugh when he masks his disappointment. The fact that both conceal their genuine thoughts speaks to a wider issue across the youth of the 1920s: a lack of communication. Though many members of the younger generation, like Carl and Hugh, likely had qualms about the rate at which hedonism was overtaking their generation, they were too scared to share their concerns for fear of being judged. Their silence upheld the standard, a dangerous trend that fostered conformity. Thus, Marks' goal in writing from the perspective of college students could have been to remind real students that they were in good company, empowering them to break the vicious cycle.

Conclusion

The risk of making a symbol out of man-made change is that the symbol will find a way to contradict the very notion it represents. As this essay illustrates, the flapper movement was one such symbol: though to many it represented – and still represents – freedom, its idealism sacrificed the liberties of those who supported it, either by encouraging complacency to the point of ignorance or by creating out-groups out of those who did not conform to the same idealistic vision. Failed symbols like these litter the annals of United States History, with America itself being an example. Though the country was built on a seemingly perfect definition of freedom, this definition was murky in practice and became the subject of century-long debates. At the expense of these debates was the freedom of those excluded by this changing definition, often because of race, religion, or political party. The remedy for such costly contradictions is the realization that, while lofty expectations can act as the impetus for change, the change they bring is subject to change itself; thus, maintaining the same expectations over time only serves to restrict an ever-evolving movement.

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*Interdisciplinary:
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Reform or Repeat? Mental Illness and Carceral Practices During the Moral Treatment Era

Chloe Kim '25
Phillips Academy Andover
Massachusetts, United States

Abstract

Throughout the 1840s, a new philosophy of mental health care emerged in the United States. Known as Moral Treatment, the movement prompted the construction of asylums designed to provide humane, serene patient experiences. However, institutions like Danvers State Hospital and Blackwell's Island, which were initially heralded for progressive treatment, ultimately mirrored prisons due to overcrowding, resource shortages, and systemic neglect. Drawing on Michel Foucault's writings on panopticon theory and the work of modern prison abolition scholars like Mariame Kaba and Angela Davis, this paper analyzes institutional reports and exposés from the Moral Treatment period, revealing notable parallels between asylums and prisons. Dehumanizing conditions and negligent experimentation blurred the line between medical care and imprisonment, with marginalized groups bearing the brunt of these failures. Most harmed by these practices were immigrants and people in poverty, who were often housed in asylums due to fears of cultural contamination and overlaps in the welfare system. Examining the shortcomings of Moral Treatment offers insights into the criminalization of mental illness: academic discourse credits deinstitutionalization. The 1950s and 1960s reform movement closed long-stay psychiatric hospitals but failed to strengthen community-based care alternatives. The paper's discussions contribute to a shift toward accessible and culturally informed reforms, prioritizing therapeutic interventions over punitive confinement.

Introduction

Across America's nearly 5,000 prisons and jails, more than 70 percent of inmates suffer from psychological disorders.¹ Additionally, people with mental illnesses in the United States are 10 times more likely to be incarcerated than hospitalized, and those who do not end up in prison often cycle through emergency rooms, residential treatment centers, and the streets.² Historians often credit the origin of criminalizing mental illness to deinstitutionalization, a 1960s reform movement that closed long-stay psychiatric hospitals in hopes of establishing community-based interventions.³ Because local organizations were not equipped to care for people with serious mental illnesses, many patients could not reassimilate to life outside hospitals.⁴ The influx of people with untreated mental illnesses in public spaces prompted law enforcement to arrest and incarcerate countless people, suspicious of their erratic demeanor.⁵ While deinstitutionalization did contribute to the increased incarceration of people with psychiatric disorders, the criminalization of mental illness predated the movement. Over a century earlier, insane asylums strongly resembled prisons during the Moral Treatment era, despite calls for serene and humane care by influential reformers like Dorothea Dix. The criminalization of mental illness as an unintended consequence of attempted reform first occurred long before deinstitutionalization during the Moral Treatment era. Facing pressures to house increasing numbers of patients despite financial constraints, asylums operated above reasonable capacity and confined patients in a carceral manner, disproportionately harming immigrants and people in poverty.

Understanding the stakes of carcerality for people with psychiatric conditions today requires first turning to the following

¹ Norm Ornstein and Steve Leifman, "Locking People Up Is No Way to Treat Mental Illness," *The Atlantic*, May 30, 2022, <https://www.theatlantic.com/ideas/archive/2022/05/mental-illness-treatment-funding-incarceration/643115/>.

² Ornstein and Leifman, "Locking People."

³ Anne E. Parsons, *From Asylum to Prison: Deinstitutionalization and the Rise of Mass Incarceration after 1945*, Justice, Power, and Politics (Chapel Hill, NC: University of North Carolina Press, 2018), 126; Gerald N. Grob, *From Asylum to Community: Mental Health Policy in Modern America* (Princeton, NJ: Princeton University Press, 1991); Arthur Lurigio and James A Swartz, "Changing the Contours of the Criminal Justice System to Meet the Needs of Persons with Serious Mental Illness," in *Criminal Justice 2000: Policies, Processes, and Decisions of the Criminal Justice System*, ed. Julie Horney (Washington, D.C.: National Institute of Justice, 2000), 45-108.

⁴ John A. Talbott, "Deinstitutionalization: Avoiding the Disasters of the Past," *Psychiatric Services* 55, no. 10 (2004). <https://doi.org/10.1176/appi.ps.55.10.1112>.

⁵ Talbott, "Deinstitutionalization: Avoiding."

question: How do the failures of the Moral Treatment era shed light on the roots of the criminalization of mental illness? A close examination of realities in Danvers State Hospital and Blackwell's Island reveals the extent to which Moral Treatment asylums resembled prisons. Danvers State Hospital was constructed according to the era's most advanced architectural and treatment principles, but later became one of America's most dehumanizing healthcare environments. Although Danvers State Hospital claimed to be a pillar of compassionate care, it turned into a site of negligent experimentation, even becoming the birthplace of the prefrontal lobotomy.⁶ Because Danvers State Hospital has been both celebrated and criticized by historians for its approach to serving mentally ill people, its history illuminates the point at which serene treatment became infeasible and thus inhumane. Whereas Danvers State Hospital was an isolated institution in rural Massachusetts, the asylum on Blackwell's Island in New York was part of a large network of prisons and medical buildings. The close connection between spaces of imprisonment and mental health care makes Blackwell's Island an ideal case study for tracing the roots of criminalizing mental illness.

Theoretical Approach

In order to establish parallels between these asylums and prison environments, this paper draws on Michel Foucault's application of Jeremy Bentham's panopticon theory in *Discipline and Punish*.⁷ In particular, Foucault's accounts of the operation and architecture of prisons invoke the principles of surveillance and isolation that characterize Moral Treatment asylums, as seen in the trustee and superintendent reports from Danvers State Hospital and journalistic exposés on Blackwell's Island by W. H. Davenport and Nellie Bly, two leading journalists in unearthing the flaws of Moral Treatment. In making these comparisons, this paper uses the term "insane asylum" to refer to these institutions of care for the sake of historical accuracy and consistency with other scholarship on this topic.⁸ However, this paper does not use pejorative terms like "insane," "lunatic," and "idiotic" to refer to patients, opting for "people with mental illness" or "people with

⁶ "Castle on the Hill: A Brief History of Danvers State Hospital," Danvers Historical Society, last modified September 19, 2022, <https://www.danvershistory.org/2022/09/castle-on-the-hill-danvers-state-hospital/>.

⁷ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, 2nd ed., trans. Alan Sheridan (New York, NY: Random House, 1995).

⁸ Charles L. Cherry, *A Quiet Haven: Quakers, Moral Treatment, and Asylum Reform* (Vancouver: Fairleigh Dickinson University Press, 1989); Andrew T. Scull, "Madness and Segregative Control: The Rise of the Insane Asylum," *Social Problems* 24, no. 3 (1977): <https://doi.org/10.2307/800085>.

psychiatric disorders” instead.⁹ These comparisons reveal that while structures like Danvers State Hospital and Blackwell’s Island were not designed to be punitive institutions, they operated similarly to prisons.

Stakes and Contemporary Implications

Tracing the punitive structure of insane asylums can clarify ideal next steps for contemporary prison abolition efforts, particularly regarding mental health care reform. What are the implications of this failed reform for contemporary prison abolition movements? Two prominent prison abolitionist scholars, Mariame Kaba and Angela Davis, offer insight into the movement’s goals and guiding principles. Kaba’s *We Do This ‘Til We Free Us* advocates for an approach that eliminates systems of criminalization and incarceration.¹⁰ However, as Davis explains in *Are Prisons Obsolete?*, prison abolition involves more than removing incarceration sites.¹¹ Instead, she emphasizes replacing prisons with systems centered around rehabilitation, not punishment, which includes making psychiatric treatment more accessible.¹² The realities of psychiatric care at Danvers State Hospital and Blackwell’s Island highlight the importance of prioritizing treatment principles over the physical environment, planning for unexpected costs, separating various branches of the welfare system, and providing culturally-informed care.

Before Deinstitutionalization: The Goals of Moral Treatment

Deinstitutionalization and the State of Current Scholarship

Many scholars attribute the criminalization of mental illness to deinstitutionalization, a 1950s and 1960s movement that replaced inpatient psychiatric hospitals with community-based mental health care.¹³ Calls for deinstitutionalization arose in the 1940s after journalist Albert Maisel documented the inhumane conditions within America’s asylums. Maisel discovered evidence of starvation, overcrowding, and

⁹ Michael Brown, “Rethinking Early Nineteenth-Century Asylum Reform,” *The Historical Journal* 49, no. 2 (2006): 432, <https://www.jstor.org/stable/4091622>; Lee-Ann Monk, “Working in the Asylum: Attendants to the Insane,” *Health and History* 11, no. 1 (2009): 84, <https://www.jstor.org/stable/20534505>; Gerald N. Grob, *The Mad Among Us: A History of the Care of America’s Mentally Ill* (Cambridge, MA: Harvard University Press, 1994), 48.

¹⁰ Mariame Kaba, *We Do This ‘Til We Free Us: Abolitionist Organizing and Transforming Justice*, ed. Tamara K. Nopper (Chicago, IL: Haymarket Books, 2021).

¹¹ Angela Yvonne Davis, *Are Prisons Obsolete?* (New York, NY: Seven Stories Press, 2003).

¹² Davis, *Are Prisons*.

¹³ Grob, *From Asylum to Community*; Lurigio and Swartz, “Changing the Contours.”

hazardous living quarters in psychiatric care institutions across the nation, providing photographs featuring patients unclothed and in dungeon-like environments, testimonials from pathologists, and court and grand-jury records.¹⁴ Besides the physical state of these wards, Maisel also exposed aggressive treatment protocols, including the use of thick leather handcuffs and psychiatric drugs.¹⁵ At a moment when few people understood the realities of psychiatric care, Maisel's undoctored descriptions and photographs raised awareness of the conditions that many psychiatric patients endured. Maisel hoped that these realizations would increase support for community-based care programs, arguing that "thousands who might be restored to society linger in man-made hells."¹⁶ While this call for a transition to robust community-based psychiatric care was admirable, scholars have since pointed out deinstitutionalization's close association with increased incarceration.

Historians, psychologists, and legal scholars alike have argued that deinstitutionalization led to an unprecedented increase in the arrest and imprisonment of people with mental illnesses. Within a couple of decades after a majority-Democrat Congress passed the Community Mental Health Center Act of 1963, psychologist and sociologist Laurence French argued that "jails and prisons have replaced the mental hospitals."¹⁷ This was largely due to the lack of effective treatment following deinstitutionalization, which made people with mental illnesses more likely to encounter law enforcement and face arrest.¹⁸ H. Richard Lamb and Linda E. Weinberger maintain that poor planning before and during deinstitutionalization meant that people with serious mental illnesses struggled to identify appropriate resources and treatment facilities, such as housing, social services, and psychiatric care.¹⁹ For this reason, Lamb and Weinberger note that deinstitutionalization has been understood as "one of the leading causes [...] increasing the number of persons with mental illness entering the criminal justice system."²⁰ Historian Anne Parsons suggests that while the government pledged to fund community-based care, the Reagan administration, in practice,

¹⁴ Albert Q. Maisel, "Bedlam 1946: Most US Mental Hospitals Are a Shame and a Disgrace," *LIFE Magazine*, May 6, 1946.

¹⁵ Maisel, "Bedlam 1946," 103-105.

¹⁶ Maisel, "Bedlam 1946," 103.

¹⁷ Laurence French, "Victimization of the Mentally Ill: An Unintended Consequence of Deinstitutionalization," *Social Work* 32, no. 6 (1987): 502, <https://www.jstor.org/stable/23715524>.

¹⁸ French, "Victimization of the Mentally," 502.

¹⁹ H. Richard Lamb and Linda E. Weinberger, "Deinstitutionalization and Other Factors in the Criminalization of Persons with Serious Mental Illness and How It Is Being Addressed," *CNS Spectrums* 25, no. 2 (2019): <https://doi.org/10.1017/s1092852919001524>.

²⁰ Lamb and Weinberger, "Deinstitutionalization and Other."

financed prisons instead.²¹ This decision accelerated the “hospital-to-jail pipeline,” as people with psychiatric disorders without housing, supervision, or adequate treatment ended up under arrest for inappropriate behavior.²² Previously, inpatient psychiatric institutions assumed direct responsibility for the care of hospitalized patients. However, after deinstitutionalization, these duties became decentralized, causing what was designed to be a reform movement to not only worsen the quality of life for people with mental illnesses but also contribute to their criminalization. Deinstitutionalization prompted a setback in the treatment of mental illness, but this was not the first time such a pattern occurred.

The Origins of Moral Treatment

Shifting the timeline back a century from the generally accepted narrative about the origin of criminalizing mental illness reveals that mental health care institutions themselves can be punitive structures. Dorothea Dix’s goal in launching the Moral Treatment movement of the 1840s was to ensure that sites of mental health care would be restorative, but these institutions became just as inhumane as the almshouses she sought to replace. In her 1843 plea to the Massachusetts Legislature, Dix detailed the suffering she witnessed when visiting almshouses and prisons that housed the mentally ill.²³ Dix chronicled the violence used to “beat” patients into submission within institutions that resembled “cages, closets, cellars, stalls, [and] pens.”²⁴ She emphasized that almshouses and prisons became public storehouses: a way to pacify, not help, mentally ill people, unhoused people, and criminals alike. In calling attention to institutional negligence, Dix hoped to advocate for a “well-conducted lunatic asylum,” a site dedicated solely to the treatment of mental illness.²⁵ She maintained that not conflating people with psychiatric disorders with other groups would be an important first step in treating mental illness. Arguing that “under proper medical and moral treatment, a large proportion do perfectly recover,” Dix called for the creation of hospitals that would promote fast recovery.²⁶ She acknowledged that while not every patient would be curable, these asylums could go a long way in offering those with mental illnesses

²¹ Parsons, *From Asylum*, 129.

²² Parsons, *From Asylum*, 124.

²³ Dorothea Lynde Dix, *Memorial to the Legislature of Massachusetts* (Boston, MA: Munroe & Francis, 1843), <https://lccn.loc.gov/11006306>.

²⁴ Dix, *Memorial to the Legislature*, 4.

²⁵ Dorothea Lynde Dix, *Memorial Soliciting a State Hospital for the Insane* (Philadelphia, PA: I. Ashmead, 1845), 3, <https://lccn.loc.gov/08015608>.

²⁶ Dix, *Memorial to the Legislature*, 8.

comfortable accommodations and a sense of purpose.²⁷ Eric Andrew Nelson has credited Dix for convincing many states to fund asylums throughout the 19th century.²⁸ Dix's activism became essential to what became known as the Moral Treatment movement.

The goals of Moral Treatment included providing psychiatric patients with a serene living environment, opportunities to learn new skills, and regular social activities. Dr. Amariah Brigham, one of the leading voices of the movement, published an article in *The American Journal of Insanity* in 1847 describing mechanisms of implementing compassionate care.²⁹ Dr. Brigham proposed a treatment plan that would resemble the routines and norms of life outside the asylum, including a job, religious worship, and academic coursework in subjects like reading, arithmetic, and geography.³⁰ His rationale for this structured program was to treat the whole individual and ensure that patients would be well-equipped to re-enter society following treatment. Research psychiatrist John Sanbourne Bockoven characterized moral treatment as "organized group-living in which the integration and continuity of work, play and social activities produce a meaningful total life experience."³¹ Brigham and Bockoven both highlighted the belief that combining treatment with recreation and intellectual stimulation could restore patients' mental faculties and position them to leave asylums feeling confident and well-adjusted.

The Kirkbride Plan for Moral Asylums

Physician Thomas Kirkbride proposed a structure for asylums that embodied the spirit of Moral Treatment. In 1854, he published *On the Construction, Organization, and General Arrangements of Hospitals for the Insane*, which detailed physical and architectural specifications for new psychiatric institutions.³² Kirkbride designed his plan to accommodate a maximum of 250 patients, ensuring that all patients felt attended to in this space.³³ He also required that these asylums be in a "healthful,

²⁷ Dix, *Memorial to the Legislature*, 8.

²⁸ Eric Andrew Nelson, "Dorothea Dix's Liberation Movement and Why It Matters Today," *The American Journal of Psychiatry Residents' Journal* 17, no. 2 (2021): <https://doi.org/10.1176/appi.ajp-rj.2021.170203>.

²⁹ Amariah Brigham, "Moral Treatment of Insanity," *The American Journal of Insanity* 4 (July 1847): <https://archive.org/details/americanjournalo4184amer/mode/2up>.

³⁰ Brigham, "Moral Treatment," 12.

³¹ J. Sanbourne Bockoven, *Moral Treatment in Community Mental Health* (New York, NY: Springer Publishing, 1972), 76.

³² Thomas S. Kirkbride, *On the Construction, Organization, and General Arrangements of Hospitals for the Insane* (Philadelphia, PA: Lindsay & Blakiston, 1854), <https://hdl.handle.net/2027/hvd.32044009558842>.

³³ Kirkbride, *On the Construction*, 4.

pleasant, fertile district.”³⁴ This demand for a calm, natural setting echoed Moral Treatment’s emphasis on providing a serene treatment experience, as opportunities for outdoor recreation and exercise would help patients heal. In his description of the floor plan, Kirkbride called for patients to be placed in different wards based on the type and severity of their mental illness, arguing that “the best arrangement, after all, will be to associate in the same ward those who are least likely to injure and most likely to benefit each other.”³⁵ He posited that socialization could positively impact patients’ mental health and that a purposeful demarcation of wards would facilitate these beneficial interactions. Kirkbride’s plan became the “gold standard” of Moral Treatment asylums, prompting the construction of nearly 80 institutions on the basis of his specifications throughout the 19th century.³⁶ The Kirkbride structure ushered in an age of compassionate treatment, establishing a blueprint for patient-centered care for an otherwise marginalized demographic.

From Peaceful to Punitive

Case I: Danvers State Hospital

While many institutions adhered to Kirkbride’s principles when they first opened, they later deviated from these tenets in ways that resembled the almshouses the Moral Treatment movement aimed to correct. At Danvers State Hospital, patients initially enjoyed various enrichment activities, such as outdoor exercise, cookie decorating, and belly dancing.³⁷ However, by 1885, the average number of patients far surpassed Kirkbride’s intended capacity, reaching over 700.³⁸ Overcrowding made it difficult for patients to have a private living space.³⁹ Additionally, they could no longer be placed into appropriate wards that were “calculated to promote recovery,” which led to altercations and worsened many patients’ conditions.⁴⁰ Without adequate space, it was challenging for administrators and healthcare workers to provide basic resources, let alone implement the humane and holistic

³⁴ Kirkbride, *On the Construction*, 7.

³⁵ Kirkbride, *On the Construction*, 58.

³⁶ Katherine Ziff, *Asylum on the Hill: History of a Healing Landscape* (Athens, OH: Ohio University Press, 2012), 23.

³⁷ “Middleton Colony,” accessed June 25, 2024, <https://www.danversstatehospital.org/paperwork-and-files?pgid=jars9msv-b308447e-131c-406d-945a-9f66106dcdb9>.

³⁸ Danvers State Hospital, *Eighth Annual Report of the Trustees of the Danvers Lunatic Hospital*, 7, 1886.

³⁹ Danvers State Hospital, *Eighth Annual*, 9.

⁴⁰ Danvers State Hospital, *Eighth Annual*, 18.

experience championed by supporters of Moral Treatment. Unable to manage their caseloads, physicians often turned to experimental procedures like lobotomies and electric shock therapy to tame patients.⁴¹ Danvers State Hospital also did not have the personnel to supervise patients, resulting in patients successfully fleeing about once a month or suffering from accidents and injuries.⁴² C.A. Bonner and Lois E. Taylor reported that from June 1935 to June 1937, Danvers State Hospital dealt with 4,755 assaults and altercations.⁴³ While many aspects of Kirkbride's plan could be implemented to an extent, overall, Moral Treatment was too idealistic to operate under material constraints.

Case II: Blackwell's Island

The same issues that affected Danvers State Hospital also emerged on Blackwell's Island. Asylum administrators initially offered enriching activities like painting and carpentry.⁴⁴ However, the number of patients – about 800, or more than three times Kirkbride's recommendation – meant the hospital could not provide individualized care plans and diversions “to relieve [patients'] mind[s] of the fancies that oppress[ed] them.”⁴⁵ Thus, instead of immersing themselves in mentally stimulating pursuits, patients often followed monotonous, homely routines. The overcrowding in Blackwell's also meant that many patients shared their rooms with others, leading to a series of conflicts that compromised the peaceful environment and healing experience.⁴⁶ Just as Danvers State Hospital relied on potentially harmful procedures, Blackwell's used sedatives and tonics to dull patients.⁴⁷ This resulted in an environment that focused on managing immediate threats, rather than centering long-term treatment plans for the recovery of each patient.

As hospitals restructured daily activities and treatment to accommodate increased patient intake, these institutions began to resemble prisons. Theorists Angela Davis and Michel Foucault offer context on features typical of penal institutions across history. In *Are Prisons Obsolete?*, Davis makes a case for prison abolition, arguing that

⁴¹ “Timeline,” Danvers State Hospital, accessed June 25, 2024, <https://www.danversstatehospital.org/timeline>.

⁴² Preston, “DSH Employee Interview,” by John Gray, Danvers State Hospital, accessed June 25, 2024, <https://www.danversstatehospital.org/employee-interview>

⁴³ C. A. Bonner and Lois E. Taylor, “A Study of Accidents in a Mental Hospital,” *The American Journal of Psychiatry* 96, no. 2 (1939): <https://doi.org/10.1176/ajp.96.2.283>.

⁴⁴ W. H. Davenport, “Blackwell's Island Lunatic Asylum,” *Harper's New Monthly Magazine*, February 1866, 284.

⁴⁵ Davenport, “Blackwell's Island,” 275.

⁴⁶ Davenport, “Blackwell's Island,” 277.

⁴⁷ Davenport, “Blackwell's Island,” 277.

sites of mass incarceration profit from the inhumane treatment of marginalized groups while doing little to curb crime.⁴⁸ Drawing parallels between prisons and the practice of slavery, Davis highlights that “both institutions subordinated their subjects to the will of others,” forcing inmates and enslaved people to follow a strict daily routine, rely on others for food and shelter, isolate from the public, and work without compensation.⁴⁹ Foucault’s *Discipline and Punish* explains how structural components of prisons contribute to the lived conditions that Davis observes. Foucault borrows from philosopher and jurist Jeremy Bentham’s idea of the Panopticon, in which a supervisor occupies the top of a central tower, ensuring the constant visibility of people in the cells of an annular building below.⁵⁰ In asylums, as in prisons, patients were subject to around-the-clock surveillance and a regimented schedule with little autonomy.

The Prison-Like Conditions of Asylums

Danvers State Hospital also assumed characteristics of a punitive institution, both in its physical structure and reliance on constant observation. In *The Eye of Danvers 2*, artist and social worker Michael Ramseur noted that the asylum’s “heavily rusted iron bars and screen mesh,” “small, barred windows,” and “stained glass paper covering the windows” prevented patients from seeing out.⁵¹ Danvers State Hospital functioned as what Foucault would call an “exhaustive disciplinary apparatus,” such that the asylum completely separated patients from the outside world.⁵² Despite Moral Treatment’s emphasis on the curative potential of the outdoors, patients who needed to move to different parts of the hospital did so through “an extensive tunnel system.”⁵³ Much like prisoners who are only allowed outside for limited recreational purposes, patients at Danvers State Hospital were confined in what Ramseur called a “snake pit” – a reference to Mary Jane Ward’s 1946 semi-autobiographical account of her time in an insane asylum titled *The Snake Pit*.⁵⁴ The nature of surveillance in the asylum ensured the patients could adhere to this structure of imprisonment: Danvers State Hospital employed indoor watchmen, night nurses, and an outside guard to patrol

⁴⁸ Davis, *Are Prisons*, 30.

⁴⁹ Davis, *Are Prisons*, 27.

⁵⁰ Foucault, *Discipline and Punish*, 200.

⁵¹ Michael Ramseur, *The Eye of Danvers 2: A History of Danvers State Hospital* (Amesbury, MA: JLH Publishing, 2010), 35-64.

⁵² Foucault, *Discipline and Punish*, 235.

⁵³ Katherine Anderson and Robert Duffy, *Danvers State Hospital* (Charleston, SC: Arcadia Publishing, 2018), 77.

⁵⁴ Mary Jane Ward, *The Snake Pit* (New York, NY: Random House, 1946).

the premises.⁵⁵ These employees ensured that patients were being watched at all times of the day, even when asleep. However, the total surveillance also depended on the fact that other patients were aware of the goings-on within the hospital. A former employee stated that because all patients lived in close quarters, they could hear “every bodily function going on.”⁵⁶ Additionally, it was easy for other patients to identify when another person was missing because they all followed the same, regimented schedule each day.⁵⁷ While Danvers State Hospital was not literally constructed as a Panopticon, its operation resulted in the same level of hyper-visibility and control. If patients deviated from hospital norms, staff relied on “restraint and seclusion” to enforce order.⁵⁸ Danvers State Hospital was not unique in this punitive approach to managing patients.

At the asylum on Blackwell’s Island, patients also lived in a jail-like environment despite intentional efforts to hide overtly penal elements. W. H. Davenport, a journalist writing for *Harper’s Monthly Magazine*, found that “all means are taken to conceal every prison-like appearance,” obscuring any bars, bolts, and iron doors.⁵⁹ Although these physical features were not visible at first glance, investigative reporter Nellie Bly, who pretended to be a Cuban amnesiac to be admitted to Blackwell’s Island, noticed “large iron doors fastened by a padlock” at the end of the hall.⁶⁰ Not all patients could easily see these barriers, but they became integral to the rhythm of life within the asylum. Bly brought awareness to the prison-like structure of Blackwell’s Island, but these punitive mechanisms were clear even before patients were admitted. Most patients entered the asylum after being arrested, brought to a police station, and transferred to Blackwell’s Island.⁶¹ Once there, staff asked them to remove their clothes, wear hospital attire, and, in some situations, inhabit a cell with only a mattress.⁶² Additionally, work and recreational time remained heavily structured, with patients routinely performing forced labor and exercising in enclosed courtyards.⁶³ With these considerations in mind, *Harper’s Monthly Magazine* referred to

⁵⁵ Danvers State Hospital, *Twelfth Annual Report of the Trustees of the Danvers Lunatic Hospital* 18, 1890.

⁵⁶ Ramseur, *The Eye of Danvers*, 50.

⁵⁷ Ramseur, *The Eye of Danvers*, 50.

⁵⁸ Danvers State Hospital, *Ninth Annual Report of the Trustees of the Danvers Lunatic Hospital*, 15, 1887.

⁵⁹ Davenport, “Blackwell’s Island,” 4.

⁶⁰ Nellie Bly, *Ten Days in a Mad-House* (New York, NY: Norman L. Munro, 1877), 17.

⁶¹ Davenport, “Blackwell’s Island,” 5.

⁶² Davenport, “Blackwell’s Island,” 4.

⁶³ Davenport, “Blackwell’s Island,” 3-6; Bly, *Ten Days*, 43.

patients as “inmates” on nine occasions.⁶⁴ Although designed to be a rehabilitative center, Blackwell’s Island became a closed environment that compromised patient autonomy.

Behind Moral Treatment’s Shortcomings

Financial Concerns

Moral Treatment asylums could not offer humane, individualized care due to financial constraints. At Danvers State Hospital, the patients lived in overcrowded wards, and the Commonwealth struggled to provide basic resources like clothing.⁶⁵ Compounding this lack of funding from the state were multiple unanticipated damages: in 1912, two fires within 10 months cost the asylum a total of \$10,500.⁶⁶ In addition, the hospital spent another \$45,000 on a new building for male attendants and \$6000 on an upgraded storage barn, leaving them with an end-of-year balance of only \$300.⁶⁷ Limited savings made it difficult for Danvers State Hospital to fulfill patient needs, especially to the standard of Moral Treatment principles. On Blackwell’s Island, financial constraints impacted the asylum even before patients arrived. While the asylum was supposed to adhere to the Kirkbride model, only two wings were built.⁶⁸ Lacking resources, the asylum administrators decided to forego formal security, instead opting to hire inmates from the nearby penitentiary as guards.⁶⁹ These staffing challenges, combined with the lack of physical space, meant that, from the beginning, the asylum was not the serene haven proponents of Moral Treatment imagined. Although founded on the premise of ethical care, both of these institutions struggled to meet patients’ basic living and safety needs.

Conflating the Mentally Ill with “Improper Subjects”

As standards for mental health care continued to deteriorate due to budgetary concerns, these asylums turned into dumping grounds for “undesirable” citizens. From alcoholics to people with physical disabilities, those who visibly deviated from the norm were sequestered

⁶⁴ Davenport, “Blackwell’s Island,” 276-280.

⁶⁵ Danvers State Hospital, *Tenth Annual Report of the Trustees of the Danvers Lunatic Hospital*, 16, 1888.

⁶⁶ Danvers State Hospital, *Thirty-Fifth Annual Report of the Trustees of the Danvers Lunatic Hospital*, 19-20, 1913.

⁶⁷ Danvers State Hospital, *Thirty-Fifth Annual*, 21-35.

⁶⁸ Samantha Boardman and George J. Makari, “The Lunatic Asylum on Blackwell’s Island and the New York Press,” *The American Journal of Psychiatry* 164, no. 4 (2007): <https://doi.org/10.1176/ajp.2007.164.4.581>.

⁶⁹ Boardman and Makari, “The Lunatic.”

in asylums and removed from the public sphere. As early as 1885, trustees at Danvers State Hospital reported concern that the institution, a place for “the unfortunate insane,” had admitted “sane criminals.”⁷⁰ While the trustees questioned this practice, they faced pressure from the state to admit people deemed as social outcasts. They also regularly took on patients with issues not related to mental health, including syphilis, sunstroke, paralysis, and scarlet fever.⁷¹ By conflating psychiatric disorder with physical disability and illness, the asylum could no longer separate patients by their individual conditions or provide personalized care. The *Harper’s Monthly Magazine* piece on Blackwell’s Island noted similar trends in New York. According to Davenport, “six to twelve improper subjects are annually sent to the Institution,” most of whom were under the influence of alcohol, though some were also criminals who had pleaded insanity during trial to escape jail.⁷² In reality, these insane asylums became places that housed various marginalized populations, demonstrating how closely intertwined the criminal justice and healthcare systems have been since the 19th century.

The Disproportionate Impact on Immigrants

The failures of Moral Treatment had a particularly large impact on immigrants. By the end of the 1850s, 3 million more immigrants entered the United States than in the previous decade.⁷³ There was an additional influx of immigration after the Civil War, with many Europeans settling in Eastern cities.⁷⁴ Unable to find work, many immigrant families did not have the capacity to support and care for mentally ill relatives and thus opted to send them to insane asylums.⁷⁵ Records from both Danvers State Hospital and Blackwell’s Island indicate a significant population of foreign-born patients. In 1895, 199 of 429 patients at Danvers State Hospital were immigrants, many of whom were from Ireland and the British Provinces.⁷⁶ At Blackwell’s Island, only between one-third and one-half of the patients were American citizens.⁷⁷ Despite this large immigrant population, asylum staff and administrators found it difficult to understand their needs. As part of her investigation, Nellie Bly interacted with Louise Schanz, a German woman who struggled to communicate with doctors and did not know

⁷⁰ Danvers State Hospital, *Eighth Annual*, 14.

⁷¹ Danvers State Hospital, *Eighth Annual*, 36.

⁷² Davenport, “Blackwell’s Island,” 276.

⁷³ Walter E. Barton, *The History and Influence of the American Psychiatric Association* (Washington DC: American Psychiatric Press, 1987), 48.

⁷⁴ Barton, *The History*, 48.

⁷⁵ Barton, *The History*, 48.

⁷⁶ Ramseur, *The Eye of Danvers*, 21.

⁷⁷ Davenport, “Blackwell’s Island,” 276.

where she was.⁷⁸ Part of Schanz's disorientation was due to a language barrier, but asylum staff did not appear to address her concerns and those of other foreign patients. Bly also met an Irish woman whom she deemed "perfectly sane."⁷⁹ She noted that doctors and officers dismissed the concerns of foreign patients, choosing to place them in the asylum without thorough consideration of their cases or requests for more information.⁸⁰ Bly's remarks shed light on cultural stereotypes surrounding Irish identity that persisted throughout the second half of the 19th century.

As early as 1866, American pseudoscientists labeled Irish immigrants as racially inferior to white Anglo-Americans. Widely popularized caricatures by Samuel R. Wells depicted the Irish as subhuman and uncivilized, framing Florence Nightingale as feminine and intellectual and Bridget McBruiser – a stereotypical Irish woman – as "liv[ing] in the basement mentally as well as bodily."⁸¹ According to Catherine M. Eagan, "the simian caricatures [Irish immigrants] saw of themselves in the newspapers suggested that they were 'racially' inferior to white Anglo-Americans and thus somehow nonwhite, perhaps even 'black.'"⁸² H. Strickland Constable's 1899 illustration of "Irish Iberian," "Anglo-Teutonic," and "Negro" heads depict both Irish immigrants and African Americans as ape-like. In fact, Strickland's description for the illustration likens the Irish to Black people, arguing that "the Iberians are believed to have been originally an African race [...] They came to Ireland, and mixed with the natives of the South and West."⁸³ The racial othering of Irish Americans contributed to fears that these immigrants would reproduce with white Anglo-Americans, passing on their "inferior" mental and physical traits.

Asylum physicians' disregard for the foreign patient population was representative of the greater climate of immigration, particularly within the American Medico-Psychological Association (AMPA). Throughout the late 1800s and early 1900s, members of the AMPA (now known as the American Psychiatric Association) advocated for immigration restriction. During their annual meeting in 1912, several

⁷⁸ Bly, *Ten Days*, 25-26.

⁷⁹ Bly, *Ten Days*, 17-39.

⁸⁰ Bly, *Ten Days*, 17.

⁸¹ Samuel R. Wells, *New Physiognomy, Or, Signs of Character* (New York, NY: Fowler & Wells, 1866), 537.

⁸² Catherine M. Eagan, "'White,' If 'Not Quite': Irish Whiteness in the Nineteenth-Century Irish-American Novel," *Éire-Ireland* 36, nos. 1-2 (2001): 66, <https://doi.org/10.1353/eir.2001.0004>.

⁸³ Samuel R. Wells, *New Physiognomy, Or, Signs of Character* (New York, NY: Fowler & Wells, 1866), 537.

psychiatrists raised concerns about “mental defectives.”⁸⁴ For instance, James V. May asked, “Shall our entire population be made inferior by reason for the admixture of vast hordes of the insane from foreign countries?”⁸⁵ May and his colleagues believed that because mental illness was hereditary, ethnic mixing posed a risk to future generations of Americans. These fears led psychologists to propose ways to curtail immigration. Arguing that “there is something radically wrong with either our immigration laws or with the methods of inspection at the port entry,” members of the AMPA pushed for a rigorous examination of the mental status of immigrants at ports of entry.⁸⁶ Given these fears of cultural contamination, physicians and staff in insane asylums often labeled immigrants as mentally ill without an adequate assessment at intake. These stigmas, when combined with language barriers, prevented immigrants from advocating for themselves at Danvers State Hospital and Blackwell’s Island.

The Toll of Moral Treatment on the Poor

Asylums also had a disproportionate impact on people living in poverty. Historian and social scientist Gerald Grob maintained that in Massachusetts asylums like Danvers State Hospital, “a high proportion of institutionalized patients came from [the] lower-class.”⁸⁷ Part of the reason for the conflation of mental illness and poverty stemmed from the close working relationship between the Board of State Charities and the State Board of Insanity, which eventually merged into one unit.⁸⁸ In 1898, the Commonwealth of Massachusetts “took the poor out of the almshouses and put them under state control,” meaning many individuals without resources ended up in asylums.⁸⁹ Indeed, the State Board of Lunacy and Charity oversaw the Division of State Adult Poor, such that state support for those in poverty overlapped with state support for psychiatric disorders.⁹⁰ According to journalist Davenport,

⁸⁴ Samuel B. Thielman, “Psychiatry and Social Values: The American Psychiatric Association and Immigration Restriction, 1880-1930,” *Psychiatry* 48, no. 4 (1985): <https://doi.org/10.1080/00332747.1985.11024291>.

⁸⁵ Thielman, “Psychiatry and Social.”

⁸⁶ American Medico-Psychological Association, *Proceedings of the American Medico-Psychological Association Annual Meeting* 19 (1912): 193.

⁸⁷ Gerald N. Grob, “Introduction,” Introduction to *Insanity and Idiocy in Massachusetts: Report of the Commission on Lunacy, 1855*, by Edward Jarvis (Cambridge, MA: Harvard University Press, 1971), 4.

⁸⁸ Richard B. Trask, “Danvers State Hospital,” Danvers Archival Center, Peabody Institute Library, last modified August 2013, <https://www.danverslibrary.org/archive/danvers-state-hospital/>.

⁸⁹ Trask, “Danvers State,” Danvers Archival Center.

⁹⁰ Executive Office of Health and Human Services, “Record Groups HS: Health and Human Services,” last modified August 19, 2020, PDF.

the majority of patients at Blackwell's Island were "friendless or poor," as people able to afford better care generally preferred charitable institutions over public asylums.⁹¹ Nellie Bly's trip to Blackwell's Island began with her "feign[ing] poverty" to get admitted, and she cites multiple examples of impoverished patients: Anne Neville entered Blackwell's after her family could no longer afford to support her in an assisted living facility and another woman noted that the asylum became a default place for "all the poor who applied for aid" or requested accommodations in a poorhouse.⁹² Due to individual families' financial constraints and the structure of the welfare system, public Moral Treatment asylums doubled as havens for the poor.

Conclusion

Shifting the Scholarly Conversation

Records from the Moral Treatment era indicate that asylums adopted harsh disciplinary practices to manage a growing patient population. However, previous literature by scholars like Gerald Grob, Arthur Lurigio, James Swartz, Steven Sharfstein, and Gary Whitmer points to deinstitutionalization as the primary contributing factor to the criminalization of mental illness.⁹³ Historians who study Moral Treatment understand it as an ambitious treatment philosophy that asylums embraced, only to abandon it shortly afterward.⁹⁴ For example, Robert Sprafkin calls it a movement that "arose at the beginning of the 19th century and disappeared some 70 years later," and James W. Trent Jr. writes that "the dream of Moral Treatment died" due to overcrowding.⁹⁵ These interpretations, while valid, overlook the fact that Moral Treatment asylums did not simply disappear, but transformed into carceral institutions. Because the welfare system was not structured to accommodate the diverse needs of displaced groups, asylums housed the mentally ill, people with physical disabilities, immigrants, and criminals

⁹¹ Davenport, "Blackwell's Island," 277.

⁹² Bly, *Ten Days*, 17-40.

⁹³ Grob, *From Asylum to Community*; Lurigio and Swartz, "Changing the Contours"; Steven Sharfstein, "Whatever Happened to Community Mental Health?" *Psychiatric Services* 51, no. 5 (2000), 616-620; Gary Whitmer, "From Hospitals to Jails: The Fate of California's Deinstitutionalized Mentally Ill," *The American Journal of Ortho-Psychiatry* 50, no. 1 (1980), 65-75.

⁹⁴ Preethy George, Nev Jones, Howard Goldman, and Abram Rosenblatt, "Cycles of Reform in the History of Psychosis Treatment in the United States," *SSM - Mental Health* 3 (2023), 1-19.

⁹⁵ Robert P. Sprafkin, "The Rebirth of Moral Treatment," *Professional Psychology* 8, no. 2 (1977), 161. James W. Trent, Jr., "Moral Treatment," VCU Libraries Social Welfare History Project, accessed January 20, 2025, <https://socialwelfare.library.vcu.edu/issues/moral-treatment-insane/>.

alike. Sprafkin and Trent Jr. rightfully attribute the end of Moral Treatment to financial pressures, but these constraints stemmed from the influx of residents just as much as the costly upkeep of Moral Treatment's recreational programming and architectural specifications. Moving from deinstitutionalization to Moral Treatment, with an emphasis on why the movement ended, offers insight into the overlap between mental illness and carceral practices.

Reforming Reform: Lessons of the Moral Treatment Era

Retracing the roots of the criminalization of mental illness has clear stakes for scholars of prison abolition today. Unlike in the 1800s, when racialized immigrants ended up in asylums due to fears of ethnic mixing, today's discrimination of Black Americans in the criminal justice system is more systematically ingrained: this dehumanization stems from a long history of oppression that began with slavery and transformed into police brutality. For decades, scholar-activists like Angela Davis, Mariame Kaba, Keeanga-Yamahtta Taylor, and Ruth Wilson Gilmore have organized to protest prisons, policing, and Black violence. In *We Do This 'Til We Free Us*, Kaba argues that "disposing of people by locking them away in jails and prisons does nothing significant to prevent, reduce, or transform harm in the aggregate."⁹⁶ Because of these flaws in the idea of incarceration, scholars argue that replacing the prison system with more prison-like alternatives will not suffice. Davis clarifies that prison abolitionists are not advocating for substitutes like house arrest, but rather see "decarceration as our overarching strategy."⁹⁷ This would include initiatives like demilitarizing schools, improving education, universal healthcare (including psychiatric care), and a criminal justice system centered around rehabilitation.⁹⁸ Because abolishing the prison system involves strengthening mental health care, it is crucial for scholars of prison abolition to examine past cycles of reform to imagine a realistic path forward.

Prison abolition cannot occur without reforming psychiatric treatment, and the Moral Treatment era reveals four tenets that undermined the quality of care. First, the specifications of the physical setting took priority over the quality of treatment. Although the Kirkbride Plan aimed to create a more humane environment, its focus on architecture, location, and entertainment often overshadowed the core principles of treatment. The same could be said about deinstitutionalization: once patients had left the asylums, the treatments

⁹⁶ Kaba, *We Do This*, 19.

⁹⁷ Davis, *Are Prisons*, 107.

⁹⁸ Davis, *Are Prisons*, 107.

they relied on were no longer available. However, with hospital halls now empty, few cared to provide the mental health care crucially lacking for released patients. Reimagining America's approach to treating mental illness necessitates considering factors beyond the physical settings in which such services take place. Second, Moral Treatment asylums did not secure adequate funding prior to implementing proposed programming. The movement failed because institutions did not have enough funding to operate and were unable to respond to unexpected situations, whether fires or an influx of patients. Third, different branches of the welfare system did not operate independently. In the 19th and 20th centuries, the overlap between systems for people with mental illness, immigrants, and people in poverty led to the conflation of psychiatric disorders with other marginalized statuses, leaving fewer mental health resources for those who needed them. Lastly, mental health professionals were not recruited from diverse populations. At Danvers State Hospital and Blackwell's Island, providers routinely struggled to communicate with immigrant patients or dismissed their concerns, highlighting the need for cultural diversity and humility within psychiatry. Given the parallels between prison abolitionist scholars' calls to eliminate the conditions of incarceration and Moral Treatment advocates' interest in removing patients from inhumane facilities, the shortcomings of Moral Treatment can enhance the discourse on decarceration.

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Philosophy

Challenging Hard Luck: Defending Libertarian Free Will

Hamish Miao '26
Saint Andrew's School
Florida, United States

Abstract

The hard luck objection to free will suggests that if our actions are ultimately determined by factors beyond our control – what could be termed “no-control luck” – then free will is impossible. This objection rests on the premise that free will requires genuine control over our actions. This essay opposes this view, asserting that it conflicts with our intuitive understanding of free will. By comparing humans and large language models (LLMs), the paper demonstrates that while both are influenced by no-control luck, we intuitively ascribe free will to humans but not to LLMs. This difference in ascriptions suggests that the concept of free will, as commonly understood, does not depend on the presence or absence of no-control luck. Based on an analysis of contemporary positions in the free will debate, the essay concludes that our ascriptions of free will depend on factors other than no-control luck, and the hard luck objection fails to capture the essence of the concept of free will. The hard luck objection, therefore, fails to capture the true essence of free will. This analysis opens up a new possibility in the free will debate, suggesting that the traditional “up-to-us” condition may not be significant to the ascription of free will. Thus, it suggests the establishment of a potential new free will framework that requires further research. The discussions presented in this paper are intended to enrich academic discourse by challenging established paradigms and promoting a reevaluation of the foundational principles that underpin the concept of free will.

Introduction

This essay argues that the hard luck objection against free will fails because free will does not require control over our choices. Instead, a comparative analysis of large language models (LLMs) and human beings will show that ascriptions of free will depend on capacities other than control over our actions. The hard luck objection aims to reject the claim that we have free will. The hard luck argument is based on two premises. First, it is argued that free will requires the absence of “no-control luck.” Second, various arguments are intended to show that all our actions are ultimately affected by no-control luck. Therefore, hard-luckians conclude that we lack free will. This essay accepts the second premise – that no-control luck ultimately affects our actions. However, it rejects the first premise, i.e., the claim that free will requires the absence of no-control luck.

I advance an argument based on two primary observations. Initially, I examine LLMs, noting our consistent denial of free will in their case. Subsequently, I analyze our intuitive free will ascriptions to humans. While demonstrating that both human and LLM actions are influenced by no-control luck, I highlight the persistent intuitive difference in how we attribute free will. This discrepancy implies that free will does not require immunity from no-control luck, effectively challenging the hard luck objection.

Within the free will debate, a key distinction exists between libertarianism and compatibilism. Libertarians assert that free will is contingent upon a robust form of control over one’s actions, exemplified by the ability to do otherwise. Compatibilists, conversely, contend that free will does not necessitate this stringent condition. A further point of contention concerns whether individuals actually possess this robust control. Libertarians who are skeptical about such control are consequently skeptical about free will. Compatibilists, however, maintain that free will is compatible with the absence of this strong control. The hard luck objection challenges both libertarian and compatibilist positions, arguing that neither can adequately establish the reality of free will.

The following outlines the structure of this essay. Section 1 introduces the contemporary debate on free will, summarizing libertarian, compatibilist, and skeptical positions, and highlighting the central role of control in these views. Section 2 examines the hard luck objection itself, explaining its claim that, since our actions are influenced by no-control luck, we lack genuine free will. In Section 3, I analyze

cases where humans and LLMs, despite both being subject to no-control luck, are treated differently in terms of free will ascription. I introduce thought experiments to explore why we intuitively ascribe free will to humans but not to LLMs, suggesting that factors other than the presence of no-control luck are at play. Finally, Section 4 presents a concluding analysis, arguing that our intuitive understanding of free will is not based on control over external influences alone. Instead, I propose that the hard luck objection's reliance on no-control luck as a criterion for free will fails to align with our intuitions, revealing a need for alternative frameworks in the free will debate. Further, I suggest avenues for further exploration to refine our understanding of free will beyond the hard luck objection.

The Notion of Free Will

This section defines free will and explores two prominent views: libertarianism and compatibilism. It explains the incompatibility of libertarianism and determinism, briefly addressing why determinism is now less central to the debate due to recent scientific findings. The section aims to contextualize the hard luck argument within the broader history of free will debates.

The Importance of the Free Will Discourse

The discussion of free will is essential. One example of the relevance of free will is its significance for our values and choices as human beings. Some philosophers, such as Robert Nozick, argue that the lack of free will would significantly diminish the value of humans.¹ According to Nozick, if we do not have free will, our dignity and even our value are undermined.² In light of this threat to our own dignity and value, we must debate whether we do, indeed, possess free will. Another example of the relevance of free will is its significance to the ascription of moral responsibility. Some philosophers argue that we can ascribe moral responsibility to ourselves only if we have free will. Since we frequently blame people for their actions, this means that our practice of blaming and punishing people depends on us having free will. For example, when a mentally healthy and physically mature adult intentionally breaks the window of your house, you normally blame him for what you take to be an evil and blameworthy deed. However, if free

¹ In *Philosophical Explanations* (1981), Robert Nozick contends that the capacity to make autonomous decisions and to act according to one's values and principles is what enables individuals to live authentically and meaningfully. Consequently, a life devoid of free will, which lacks such capacity, is devoid of meaning.

² Nozick, Robert. *Philosophical Explanations*. Harvard University Press, 1981. 291.

will does not exist, then it becomes inappropriate to blame this adult. After all, without free will, he cannot truly be assumed to have “chosen” to act in this way. Instead, we would have to assume that other factors cause him to act in such a way. Thus, some argue that we must be fully confident that humans do indeed have free will to assign moral responsibility to human beings.³

Defining Free and Will

Having established the significance of the free will debate, we now turn to its foundations, beginning with a definition of free will. Libertarians argue that free will requires strong control over our actions. One intuitive way of realizing the condition of “control over our actions” that free will seems to require is that we have the “ability to do otherwise.”⁴ Suppose humans have the causal power to start a causal chain. In that case, humans will have the ability to choose among all the options that are available to them. One way to test whether humans have this strong sense of control over their actions – i.e., their own “causal power” – is to ask if they could have done otherwise. Consider the following example of Fred, who chooses vanilla over chocolate ice cream. To understand whether Fred has control over his actions in the libertarian sense of control, we would have to determine whether he could have chosen chocolate ice cream in the exact same situation. That is, we would assume that everything about the universe would be the same in this situation. And we would enquire whether Fred could have done otherwise, despite every aspect of the universe being exactly the same. This view, in the literature related to the field, is often called “hard libertarianism” about free will.⁵

Determinism and Compatibilism, and Their Limitations

Determinism is inconsistent with libertarian free will. Correspondingly, determinism is also inconsistent with the notion of free will as the ability to do otherwise, i.e., us having our own causal power. Determinism claims that everything, including our actions, is causally determined to occur. Everything that happens is the result of a prior factor, which can finally be traced back to the beginning of the universe. One of the key figures supporting such a view is Baruch de Spinoza and

³ Susan Wolf, ‘Freedom within Reason’, in *Personal Autonomy: New Essays on Personal Autonomy and Its Role in Contemporary Moral Philosophy*, 2005, <https://doi.org/10.1017/CBO9780511614194.012>. 24.

⁴ Hume, David. “Of Liberty and Necessity.” In *A Treatise of Human Nature*, edited by L.A. Selby-Bigge, 2nd ed. Oxford: Clarendon Press, 1902. 81.

⁵ Robert Kane, ‘Precis of The Significance of Free Will’, *Philosophy and Phenomenological Research* 60, no. 1 (2000), <https://doi.org/10.2307/2653432>.

his work *Ethics*.⁶ Spinoza argues that everything is governed by natural law. Therefore, everything that occurs is caused by some prior causes. A contemporary version of this view is expressed by Sam Harris, who argues that “thoughts and intentions emerge from background causes of which we are unaware and over which we exert no conscious control” in his book *Free Will*.⁷ Thus, if everything is determined prior to our own decisions, then we probably do not have the capability to make our own decisions because these decisions are caused by prior events. So, if the world is deterministic, then we could not have the ability to do otherwise and would, therefore, lack freedom (in the hard libertarian sense).

Compatibilists attempt to reconcile free will with determinism by arguing that free will does not depend on the strong sense of control advocated by libertarians. According to compatibilism, “control over our actions” does not necessitate the ability to do otherwise. Compatibilists argue that “being in control over our actions,” rather than requiring the ability to do otherwise, consists in acting *rationally*, based on *good reasons*, or *non-foolishly*. An action can be rational or irrational, regardless of whether we have the ability to do otherwise. For example, one proponent of compatibilism, Daniel Dennett, argues that free will must be understood in practical terms.⁸ He argues that even if our choices are influenced by prior causes, what matters is that we can act according to reasons and engage in decision-making processes. For compatibilists like Dennett, free will does not require the ability to do otherwise. Therefore, the determinism objection does not stick. Another example of compatibilist thinking comes from philosopher John Martin Fischer, who argues that “[t]he control needed for moral responsibility does not require the ability to do otherwise. What matters is that the agent’s actions flow from his own, reason-responsive mechanism.”⁹ For Fischer,

⁶ Spinoza contends that everything that exists is a part of what he terms ‘God or Nature’ (Deus sive Natura). As a result, ‘God or Nature’ governs all things through immutable, universal laws. In claiming that the world operates according to fixed patterns, he thus articulates a deterministic philosophy.

⁷ Sam Harris argues that thoughts emerge spontaneously, highlighting that they occur within our consciousness without conscious choice. He then posits that the feeling of conscious control we experience is simply an illusion.

⁸ Daniel Dennett, in his book *Freedom Evolves* (2003), develops the concept of reasons-responsive agency, emphasizing that free will depends on our ability to deliberate on reasons, foresee outcomes, and modify our behavior based on new information. Consequently, he dismisses libertarian free will and proposes that free will and determinism are compatible.

⁹ Fischer distinguishes between two types of control: regulative control, the capacity to choose among alternatives, and guidance control, the ability to act in accordance with one’s reasons, values, and intentions, free from external influence. He argues that guidance control is sufficient for moral responsibility, emphasizing its focus on the quality of decision-making.

moral responsibility depends on the alignment between one's actions and personal reasons or values, rather than on the freedom to act otherwise. This view builds on the compatibilist emphasis on acting from one's own motivations, offering an alternative to the libertarian focus on absolute freedom. Following this, we will examine how the hard luck objection challenges even these compatibilist ideas by questioning whether any actions can truly be "reason-responsive" if shaped by factors beyond our control.

Compatibilism faces significant objections, primarily because it appears to dilute the concept of free will by allowing it to coexist with determinism. Critics argue that if all actions are causally determined, then our sense of genuine choice becomes an illusion, undermining the authenticity of moral responsibility.¹⁰ Compatibilism redefines "freedom" as simply the capacity to act according to one's desires or reasons, but this interpretation, opponents claim, fails to address whether those desires are themselves determined by factors beyond one's control.¹¹ Moreover, compatibilism risks trivializing moral accountability; if an individual's actions stem from predetermined causes, holding them responsible for those actions seems unjust. This critique suggests that compatibilism, rather than preserving free will, actually erodes the meaningful distinctions between choice and necessity, freedom and constraint.

Regardless of the plausibility of compatibilist vs. libertarian conceptions of free will, more recent developments in physics seem to show that the world is not deterministic.¹² In the last century, many of the new theories in quantum mechanics seem to reject the notion of determinism. One such theory is the uncertainty principle developed by German physicist Heisenberg, who claims that there is a limit to the degree of accuracy for certain pairs of physical quantities.¹³ Briefly, the principle states that the precision of measurement for one quantity in a pair is inversely related to the precision of the other. Consequently, both quantities cannot be known with perfect accuracy simultaneously, which supports a non-deterministic view of the world.

¹⁰ Strawson, G. (1994). "The Impossibility of Moral Responsibility." *The Journal of Philosophy*, 91(4), 159-178.

¹¹ Kane, R. (2005). *The Significance of Free Will*. Oxford University Press.

¹² Hawking, Stephen, and Leonard Mlodinow. *The Grand Design*. Bantam Books, 2010, 38-39.

¹³ Heisenberg discovered that it is impossible to observe a particle on a quantum scale without intervening in its state. To more accurately know the position, one will have less accurately known momentum, and vice versa.

However, even in an indeterministic world framework, libertarian theories of free will still face severe challenges. One prominent objection is the hard luck objection.¹⁴ The following section details the hard luck objection and demonstrates why it poses a challenge to both libertarian and compatibilist accounts of free will.

Introducing the Hard Luck Objection

This section aims to introduce the concept of luck and offer some insight into the idea of the hard luck objection. It describes the objection to hard luck and why it casts doubt over libertarian and compatibilist theories of free will.

Summary of Argument

The luck objection, in short, suggests that our choices are ultimately governed by luck and that this reliance on luck undermines the concept of free will.¹⁵ Consider the seemingly simple act of choosing an ice cream flavor. Suppose someone selects vanilla over chocolate. While this choice may appear free, luck objection advocates argue that the factors underlying the choice are outside the chooser's control and thus a matter of luck. For instance, the individual's preference for vanilla might stem from a childhood memory where they associated vanilla ice cream with happy family gatherings – a memory that, by chance, made vanilla feel comforting. Or perhaps their genetic makeup inclines them toward flavors with a certain sweetness profile, making vanilla more appealing than chocolate. These influences – genetic predispositions, formative experiences, and environmental conditioning – shape preferences and decisions but are themselves the products of factors entirely beyond one's control. Had this individual been raised in a different environment or with a different genetic makeup, their taste preferences might have been completely different, leading them to choose chocolate instead. This example illustrates the luck objection's claim that our decisions, even in trivial matters like ice cream flavors, are fundamentally influenced by luck. If true, this view implies that our "choices" are not truly free because they rely on conditions beyond our control, casting doubt on the existence of free will.

Hard-luckians claim that all our choices are like the ice cream example; they are due to luck: a thing, as introduced by hard-luckians, is

¹⁴ Neil Levy, *Hard Luck: How Luck Undermines Free Will and Moral Responsibility*, Oxford University Press, 2011, <https://doi.org/10.1093/acprof:oso/9780199601387.001.0001>.

¹⁵ Mele, Alfred. *Free Will and Luck*. Oxford University Press, 2006. 5-6.

out of our control due to the no-control condition.¹⁶ All of the things that we experience are largely dependent on luck, the different environments that we are raised in are largely dependent on luck, the things we eat and drink are dependent on luck, etc. All the following events might result in the difference in choosing the flavor of ice cream, and therefore, our decisions are largely dependent on luck, even more than our decisions are dependent on ourselves.

Challenges to Libertarian and Compatibilist

The hard luck objection is intended to undercut both libertarian and compatibilist conceptions of free will. Under the **libertarian frame**, the concept of free will is linked to the notion of **agential control**, which implies that individuals must have the capacity to make choices that are not merely influenced by external factors or luck. Libertarians assert that for an individual to genuinely possess free will, their decisions must come out of their own volition and rational deliberation, rather than from random chance or predetermined circumstances. If our choices are ultimately determined by luck, meaning that they could have easily been different based on arbitrary factors, then it becomes clear that the individual lacks true control over their actions.¹⁷

In such a scenario, the essence of free will is compromised because the individual cannot be held accountable for their decisions; they become passive participants in a game of chance rather than active agents shaping their own choices. Thus, for libertarians, the presence of luck as a determining factor in decision-making fundamentally undermines the very foundation of free will. Under the **compatibilist frame**, the discussion of free will shifts to a focus on how individuals can exercise freedom *even within* a deterministic framework. While the luck objection does not directly address the concepts of determinism or indeterminism, it poses a significant challenge to compatibilism by questioning the very nature of choice itself. Compatibilists argue that free will exists when individuals can act according to their desires and motivations without external influences, even if those desires are shaped by prior causes. However, if luck is deemed to play a crucial role in our decision-making processes, suggesting that our choices could just as easily have turned out differently due to random circumstances, then the idea of acting freely becomes doubtful.¹⁸ Under this situation, the

¹⁶ Dwayne Moore, 'Libertarian Free Will and the Physical Indeterminism Luck Objection', *Philosophia (United States)* 50, no. 1 (2022), <https://doi.org/10.1007/s11406-021-00370-2>.

¹⁷ Kane, R. (2005). *The Significance of Free Will*. Oxford University Press.

¹⁸ Nagel, T. (1979). *Mortal Questions*. Cambridge University Press. 24–38.

existence of free will, whether defined compatibly with determinism or not, is undermined, as it implies that individuals are not fully in control of their choices. Thus, if our decisions are contingent upon luck rather than our agency, it challenges the compatibilist claim that individuals can be considered free in their actions, effectively rejecting the notion of free will in any sense.

The hard luck objection poses a significant challenge to both compatibilist and libertarian accounts of free will. However, compelling responses from either side are lacking. The next section of this essay, therefore, identifies the counterintuitive aspect of the hard luck argument.

Critique of the Hard Luck Argument

Premises of the Argument

To examine the hard luck objection against free will, I accept its main premise for the sake of argument: that our choices are shaped by no-control luck or factors beyond our control. According to this objection, such luck undermines genuine free will. However, I argue that no-control luck alone does not determine whether we ascribe free will to an agent. By comparing humans and language models (LLMs), I aim to show that, even when both are subject to no-control luck, we intuitively attribute free will to humans but not to LLMs, suggesting that free will ascription depends on other factors. The first premise that we need to acknowledge is that, according to the hard luck objection, the condition that determines whether an individual has free will or not is whether the individual is subject to no-control luck. Once one is affected by no-control luck, then one loses control over one's own decisions, and what seems to be one's own decision is actually the result of no-control luck. Under these circumstances, since humans are subject to no-control luck, humans lack free will according to proponents of the hard luck thesis.

However, whether the lack of no-control luck is the true condition for free will remains quite doubtful. To test the connection between no-control luck and free will, the essay compares humans and Large Language Models (LLMs). We intuitively reject the idea that LLMs have free will, while we intuitively ascribe free will to humans. I will argue that this difference is not explained by the presence or absence of no-control luck, even in cases where the presence of no-control luck is clearly evident. For the sake of argument, I will grant that all human actions are affected by no-control luck. Humans, as previously described in the hard luck objection section, might have no control over their own

actions because of luck. According to the hard luck objection, human decisions are ultimately influenced by the constant intervention of luck. Thus, I will here admit the hard luck objection's claim that luck determines our decisions for the sake of the argument.

Comparison Between Humans and LLM

Just like humans, LLMs are subject to no-control luck, as they do not control the data they are trained on or the algorithms that govern their outputs. Let us consider large language models, like ChatGPT, which are advanced AI systems trained on vast datasets of human language. These models are designed to generate text based on input prompts, and their outputs are determined by algorithms, training data, and pre-programmed rules. When we ask LLMs questions, the database that is used to train the LLMs determines the answers that the LLMs provide. The specific data used to train LLMs – determining the responses they produce – can vary considerably depending on what data was selected and when the training occurred, both of which are often influenced by external and sometimes arbitrary decisions. For instance, an LLM trained a year ago on data available at that time may yield different responses than an LLM trained today on more recent data. This difference is ultimately due to factors beyond the model's control. For example, an LLM trained last year using the data from last year might give people a completely different response to the exact same question. This is because these two LLMs are trained at different times, which ultimately turns out to be a matter of luck. And, of course, just as humans cannot choose when they are born, LLMs also cannot choose when they are trained. Therefore, LLMs, just like humans, are subject to no-control luck.

If the hard luck objection were correct, it would follow from my acceptance that both humans' and LLMs' actions are down to no-control luck that we should be equally reluctant to ascribe free will to both humans and LLMs, since both are subject to no-control luck. However, even though both humans and LLMs are affected by no-control luck, we do not intuitively ascribe free will to LLMs. This is a crucial observation. If the presence of no-control luck were truly incompatible with free will, we would expect to treat both humans and LLMs in the same way – that is, we would be equally reluctant to ascribe free will to either. However, this is not the case. We are more inclined to assign free will to one but not another. The no-control condition cannot explain the difference between the inclination to ascribe free will to humans and the inclination to ascribe free will to LLMs. People readily ascribe free will to themselves and to other human beings, even though they acknowledge

the role of no-control luck in shaping human actions. This suggests that the absence of no-control luck is not the determining factor in whether we ascribe free will to an entity.

To demonstrate that the evident presence of no control luck has no influence on our usage of the concept “free will,” let’s consider a few thought experiments.

Thought Experiment 1: Choice of Ice Cream

Let’s assume that there is a human individual named Max, and an LLM named ModelMax. ModelMax is trained using all of the experiences of Max and is asked to imitate Max in all aspects of him. Let’s assume, further, that both Max and ModelMax choose vanilla ice cream. As per our assumption, Max’s choice is a matter of no-control luck. Max’s reasons for choosing vanilla ice cream are ultimately a result of matters beyond his control. For instance, Max might have been forced to eat chocolate ice cream in the past and grew to dislike it for the fact of being forced to consume it. Or perhaps it’s just a matter of the genetic makeup of his sense of taste. Acknowledging this, we can see that Max’s choice is down to no-control luck.

If Max’s choice is down to no-control luck, then so is ModelMax’s choice. The data and reasons for ModelMax’s choice are identical to Max’s. So, if Max chooses vanilla ice cream because he grew to dislike chocolate ice cream for being forced to eat it, then the same will be true of ModelMax. And if Max chooses vanilla ice cream simply because his sense of taste, which is ultimately a result of matters beyond his control, predisposes him to do so, then this, too, will be a matter of no control luck.

Let’s assume that there is a third person, named Sarah, who witnesses Max’s choice between vanilla and chocolate ice cream. As a good friend, Sarah knows Max well. She also knows that Max was forced to eat chocolate ice cream in the past and that he dislikes it for that reason. She is aware that being forced to eat something is, at least in Max’s case, beyond one’s control. That means that she knows that Max chooses vanilla ice cream over chocolate ice cream for reasons that are ultimately beyond Max’s control. Still, if Sarah is like most people, she will not think that Max’s choice is unfree or that he lacks free will. In ordinary situations like this, most people are perfectly willing to attribute free will to each other. Sarah is no exception: even though she knows that Max’s choice is caused by his past experiences that are beyond his

control, she still thinks that Max freely chooses vanilla instead of chocolate ice cream.

Let's contrast this with a case where Sarah witnesses ModelMax. Sarah knows that ModelMax was trained on Max's experiences. Therefore, she knows that ModelMax chooses vanilla ice cream because Max was forced to eat chocolate in the past. Still, it is unlikely that Sarah would be equally prepared to attribute free will to ModelMax. The fact that ModelMax is an LLM and not, like Max, a person, seems to somehow matter for our readiness to attribute free will to an entity. Although Sarah would be prepared to attribute free will to Max, she would most likely deny that ModelMax's choice results from free will.

The contrast between the two cases shows that our usage of the notion of free will does not depend primarily on the presence or absence of no-control luck. Even in cases where two entities, like Max and ModelMax, are equally under the influence of no-control luck, and where this is clear to observers, we are happy to ascribe free will to humans but not to LLMs. This indicates that whether or not an entity possesses free will depends on factors other than the presence or absence of no-control luck.

Before proceeding, let me address a possible objection to this thought experiment. It might be argued that there is, after all, a difference between Max and ModelMax that explains the difference in Sarah's attribution of free will. For Max's experiences are his own, yet ModelMax's experiences are not genuinely his own. After all, ModelMax is trained on Max's data. So, someone might argue that the two cases of comparison are not identical in all relevant aspects. However, even if we change ModelMax to Model AI, which independently chooses vanilla ice cream, and let Sarah judge these two individuals again, the result will still be quite the same. Sarah, as before, will still attribute free will to Max readily, for she knows all the reasons behind the choice of Max. However, it still seems inappropriate for Sarah to attribute free will to Model AI, even though she knew both individuals are equally susceptible to the influence of no-control luck. She will intuitively deny the fact that Model AI has free will, even though the choice may be somehow illogical from the hard-luck perspective.

To further illustrate my point, I offer another thought experiment, this one involving a more significant decision.

Thought Experiment 2: Choice of Career

If the trivial case is still not convincing enough, let's consider two individuals choosing careers: still one human, and the other an artificial intelligence. The human is named Ian, who dreams of becoming a firefighter after his childhood experience of observing firefighters save people in extremely dangerous environments. The AI is named IdeaInspirer. IdeaInspirer can access relevant information about a person to help them with choices in their life, such as career choices. When Ian asks the AI what to do for a career, it also suggests that he should become a firefighter. A stranger observing both choices might reasonably judge that Ian chose his career freely. By contrast, if the stranger is asked whether IdeaInspirer exercised free will in recommending the career choice, they would likely feel confused or even reluctant to attribute free will to the AI.

In all of these thought experiments, no matter if it's a stranger or a friend making the decision, no matter if the event itself is trivial or significant, the observing individuals tend to be willing to ascribe free will to humans but not to LLM. Since all the individuals mentioned in all the thought experiment are clearly and consciously susceptible to the influence of no-control luck, it seems that no-control luck does not explain or affect intuitive free will ascriptions. Yet, if hard-luckians were right, the presence of no-control luck should have the same outcome for both humans and LLMs. This outcome is the refusal to ascribe free will to both LLMs *and* humans. But this implied premise conflicts with our intuitions, as demonstrated by the thought experiments.

Our intuitive ascriptions of free will are not random; they reflect the way we understand the concept of free will. People's intuitions about concepts are often indicative of the meaning of the concept. Under the free will context, our ascriptions of free will should not conflict with our own intuition. And, if it conflicts with our intuitions, then the condition that we use might either be problematic or false. The contrast between free will ascriptions to humans as opposed to LLMs demonstrates that the concept of free will is not tied to the presence or absence of such luck. This, in turn, undermines the hard luck objection, which assumes that free will is only possible in the absence of no-control luck. Our intuitive use of the concept of free will shows that this assumption is mistaken. The presence or absence of no-control luck is not directly relevant for our intuitive use of the concept of free will. Therefore, the hard luck objection fails because the meaning of the concept of free will, as measured by our intuition, does not depend either on the presence or on the absence of no-control luck.

Conclusion

We intuitively distinguish between humans and LLMs in our ascriptions of free will. This difference suggests that our evaluation of free will should also differ between the two. However, the hard luck argument's reliance on the no-control condition fails to capture this distinction, making it an unreliable basis for evaluating free will. Consequently, the hard luck argument, premised on this flawed no-control condition, is itself flawed. While this essay has demonstrated the untenability of the hard luck objection by exposing the counterintuitive nature of its underlying premise, the precise conditions for the ascription of free will remain an open question. This suggests a promising avenue for future research, exploring the alternative framework hinted at here.

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*Interdisciplinary:
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The Political Economy of Antitrust Enforcement Under Republican Rule, 1890-1914

Nathan Hu '25
The Lawrenceville School
New Jersey, United States

Abstract

In the post-Civil War era, rapid technological development in the US fueled significant economic growth and catalyzed local businesses to expand into interstate trusts that wielded monopolistic power through active combinations. The Republican Party's pro-business ideology aligned with academia's advocacy for laissez-faire economic policies and the public's preference for limited federal regulation, allowing Republicans to dominate Congress and the presidency throughout much of this period. Unchecked, unregulated monopolistic practices exacerbated economic inequalities and social injustices, ultimately sparking widespread public demand for federal antitrust legislation. Despite the Sherman Act of 1890, Republicans, including "trust-buster" Theodore Roosevelt, strategically weakened its enforcement through vague language, selective prosecution, and expanded executive power. By analyzing congressional records and drawing on historians' treatises, this study reveals how Republicans shaped the Sherman Act to serve their interests, delaying its passage and undermining its effectiveness. The Clayton Act of 1914, under Democratic leadership, finally addressed these shortcomings by clarifying legal ambiguities and strengthening regulatory oversight. As AI drives another era of rapid technological change, this history underscores the critical need for proactive and robust government regulation to prevent the emergence of unchecked power and maintain a balanced system of governance.

Introduction

From the end of the Civil War in 1865 to the 1910s, the United States experienced robust economic and industrial growth fueled by immigrant labor and technological advancements.¹ The rapid expansion of the railway network merged local markets into interstate and even nationwide systems, making it possible for businesses to develop mass production and mass sales for the first time.² This transformation generated enormous wealth through economies of scale and productivity growth. However, business monopolies, formed through aggressive business combinations, captured disproportionate shares of this prosperity, exacerbating income and wealth inequality.³ Big businesses extended their monopolistic power into citizens' daily economic lives, eroding consumer and worker welfare.⁴ Social injustice deteriorated. Although Republicans initiated the first federal antitrust law, ostensibly addressing monopolistic abuses, they systematically undermined it by delaying its legislation in the late 1880s, weakening its legal text, and selectively enforcing it from 1890 to 1914, until Democratic reforms established a supplementary antitrust law and an independent enforcement agency.

The Republican Party's Laissez-Faire Ideology: Public and Academic Support

The Republican Party embraced a pro-business ideology, aligning its post-Civil War platform with the classical economics principles of free markets, which championed industrial capitalism and self-constrained government interference. These ideas resonated with mainstream academic perspectives of public intellectuals like William Graham Sumner, J. Laurence Laughlin, and Arthur Latham Perry, who advocated laissez-faire economics in leading universities.⁵ The

¹ Tim McNeese, *The Robber Barons and the Sherman Antitrust Act* (Infobase Publishing, 2009), locations 181, 347–420 of 1068; Laura Phillips Sawyer, *American Fair Trade: Propriety Capitalism, Corporatism, and the "New Competition," 1890–1940* (Cambridge University Press, 2018), 23–28, 45–63.

² Merle Fainsod and Lincoln Gordon, *Government and the American Economy* (New York: W. W. Norton, 1941), 433.

³ Amy Klobuchar, *Antitrust: Taking on Monopoly Power from the Gilded Age to the Digital Age* (New York: Alfred A. Knopf, 2021), 123.

⁴ "Nothing but Feed and Fight: Farmer Jonathan, Uncle Sam in Field with Hoe Facing Many Headed Monsters – Coal Trust, Oil Trust, Sugar Trust, Steel Trust, Rubber Trust, etc., 1887," *Harper's Weekly*, v. 31, (December 3, 1887), p. 885, photograph, Library of Congress, Prints & Photographs Online Catalog, <https://www.loc.gov/item/99614243/>.

⁵ William Graham Sumner, *What Social Classes Owe to Each Other* (New York: Harper & Brothers, 1883), 28–42; J. Laurence Laughlin, *The Study of Political Economy* (New York: D Appleton, 1885), 18–20, 40–49, 60–72, 100–104; Arthur Latham Perry, *Elements of*

Republican belief in limited government intervention also reflected public opinion, as many citizens who had witnessed the federal government's wartime expansion feared further centralization of authority.⁶ Responding to these concerns, the Republican Party swiftly adopted a business-friendly economic approach to foster industrial growth with minimal regulation.⁷ The Republican Party's prioritization of economic growth helped them win control of the presidency for 16 years, the Senate for 18 years, and the House for 10 years between 1865 and 1884.⁸ During this period, Republican policies consistently favored industrial expansion over individual welfare, leading to significant deterioration in consumer and worker protections.

The Republican Party's laissez-faire approach drew substantial intellectual support from prominent contemporary historians and political theorists. In *History of the Formation of the Constitution of the United States of America* (1882), historian and politician George Bancroft interpreted the Constitution and the early United States as fundamentally committed to limiting federal authority in economic matters.⁹ Bancroft

Political Economy (New York: Charles Scribner, 1868), 77–90, 124–136, 280–282, 324–359. Sumner, Laughlin, and Perry taught economics at Yale University, the University of Chicago, and Williams College, respectively, during the Gilded Age.

⁶ Richard Franklin Bensel, *Yankee Leviathan: The Origins of Central State Authority in America, 1859–1877* (New York: Cambridge University Press, 1990), 238–239, 303–341, 366–414; Phillip Shaw Paludan, *A People's Contest: The Union and Civil War, 1861–1865* (New York: Harper & Row, 1989), 3–31; 316–338, 375–393; Eric Fonder, *Reconstruction: America's Unfinished Revolution, 1863–1877* (New York: Harper & Row, 1984), 41–85.

⁷ Eric Fonder, 409–490; 637–704; John Gerring, *Party Ideologies in America, 1828–1996*, (New York: Cambridge University Press, 1998), 9–20, 33–52, 57–106.

⁸ “Party Government Since 1857,” *History, Art & Archives: Institution*, Office of the Historian, accessed October 25, 2024, <https://history.house.gov/Institution/Presidents-Coinciding/Party-Government/>; “The Presidents: Biographies and Portraits,” The White House Historical Association, accessed October 25, 2024,

<https://www.whitehousehistory.org/collections/president-biographies>. Republicans maintained majorities in the Senate for 18 years (1865–1878 and 1881–1884) and the House of Representatives for ten years (1865–1874) while occupying the presidency for 16 years under Ulysses Grant (1869–1877), Rutherford Hayes (1877–1881), James Garfield (March–September 1881), and Chester Arthur (1881–1885).

⁹ George Bancroft, *History of the Formation of the Constitution of the United States of America, vol I* (Boston: D. Appleton and Company, 1882), 65–73, 97–101, 210–266; Massachusetts Historical Society, “George Bancroft Papers, 1815–1908,” Collection Guide, March 2016, accessed December 15, 2024, <https://www.masshist.org/collection-guides/view/fa0413>. George Bancroft (1800–1891) was a historian and Democratic statesman who served as Secretary of the Navy under Democratic President James K. Polk (1845–1846), during which he established the US Naval Academy. He later served as US Minister to Prussia under Democratic

argued that the Founding Fathers embraced the ideas of Adam Smith and other classical liberals, who advocated for free markets and minimal government interference.¹⁰ The work asserts that the Constitution emphasizes individual liberty and property rights.¹¹ Bancroft's interpretation provided historical legitimacy to Republican resistance against federal economic regulation.

While Bancroft provided historical legitimacy, Francis Lieber offered a theoretical justification. Lieber's *On Civil Liberty and Self-Government* focuses on the importance of protecting individuals' property rights, which include the freedom of use of property.¹² It contends that civil liberty depends on limitations on government power to prevent the abuse of authority.¹³ On commerce, the monograph highlights that "Our constitution distinctly enacts that 'no state shall pass any law impairing the obligation of contracts.'"¹⁴ On monopolies, it specifies that "Every single subject here mentioned, monopolies, freedom of trading, freedom of home production, freedom of exchange, possession of property, taxation and confiscation – each one has a long history, full of struggle against error and government interference."¹⁵ The post-Civil War scholarship thus underscored a constitutional landscape supportive of commercial liberty – a principle closely aligned with the policies of the Republican Party during the era.

Monopolistic Power: Pathway to Inequality

Under two decades of laissez-faire economic policy enforced by Republican presidents after the Civil War, monopolistic business powers expanded unregulated. In 1882, Standard Oil Trust formed the first trust

President Andrew Johnson (1867–1871) and as US Minister to Germany under Republican President Ulysses S. Grant (1871–1874).

¹⁰ George Bancroft, 193–196, 439–443.

¹¹ Ibid., 68–70, 160–165, 228–230.

¹² Francis Lieber, *On Civil Liberty and Self-Government*, vol. I (Philadelphia: Lippincott, Grambo, 1853), 108–134; Library of Congress, "Biography: Dr. Francis Lieber," Library of Congress, accessed December 16, 2024,

<https://www.loc.gov/item/n50050452/dr-francis-lieber/>. Francis Lieber (1798–1872) was a Prussian-born American political philosopher and legal scholar. He served Republican President Abraham Lincoln as a key legal advisor during the Civil War, writing the *Lieber Code* under the title *Instructions for the Government of Armies of the United States in the Field*. He was a professor teaching political science at the University of South Carolina, Columbia College, and Columbia Law School. His *On Civil Liberty and Self-Government* (1853) was widely adopted as a standard college textbook for forty years.

¹³ Francis Lieber, 108–134.

¹⁴ Ibid., 125.

¹⁵ Ibid., 126.

by transferring the stock of more than 40 companies to nine trustees who would control and coordinate their operations, with stockholders receiving trust certificates in return.¹⁶ Through a series of predatory monopolistic practices, Standard Oil Trust controlled 90 percent of America's refinery capacity by 1889.¹⁷ Encouraged by Standard Oil's monopolistic profits, thousands of businesses across the country combined to form fewer than two hundred trusts across sectors ranging from major industries such as railways and steel to daily necessities such as sugar and matches in the following decade.¹⁸ The escalating monopolistic powers eliminated business competition, enabling monopolies to raise prices arbitrarily and disregard product quality at the expense of consumers.¹⁹ Fewer competing corporate employers weakened the wage bargaining power of workers.²⁰ Work safety conditions deteriorated as employers faced no competitive pressure to improve them. The Republican Party's pro-business economic policy continued to exacerbate these social injustices.

Antitrust Development in the Late 1880s

The Public Backlash Against Monopolies

The year 1887 marked an early turning point in public scrutiny of trusts and monopolies. Journalists and major newspaper editorials began uncovering the destructive practices of trusts and monopolies: how industrial giants ruthlessly exploited their customers through price manipulation, mistreated workers through harsh working conditions, destroyed small business vendors through predatory practices, monopolized raw materials to strangle competitors' supply chains, formed cartels to control production levels artificially, and coerced railroads into providing secret rebates that disadvantaged rival shippers.²¹

¹⁶ Ron Chernow, *Titan: The Life of John D. Rockefeller, SR.* (New York: Penguin Random House, 2004), 213–216; Tim Wu, *The Curse of Bigness* (New York: Columbia Global Reports, 2018), 58.

¹⁷ Wu, 58–68.

¹⁸ Wu, 24–25; Wayne D. Collins, "Trusts and the Origins of Antitrust Legislation," *Fordham Law Review* 81, no. 5 (April 2013): 2317, accessed October 27, 2024, <https://heinonline.org/HOL/LandingPage?handle=hein.journals/flr81&div=79&id=&page=>.

¹⁹ Glenn Porter, *The Rise of Big Business, 1860–1920* (Wheeling, IL: Harlan Davidson, 1973), 74–90.

²⁰ David Montgomery, *The Fall of the House of Labor: The Workplace, the State, and American Labor Activism, 1865–1925* (New York: University of Cambridge Press), 58–170; 102–104.

²¹ "The People and the Trusts," *New York Times*, June 3, 1887, 4, accessed December 16, 2024, <https://timesmachine.nytimes.com/timesmachine/1887/06/03/100916074.html?pag>

Public outrage intensified when monopolists' claims of efficiency and progress were exposed as lies concealing their greed. A political cartoon published in *Harper's Weekly* in 1887, now archived by the Library of Congress, vividly captured public frustration.²² It depicted a weary Uncle Sam confronting the true face of industrial consolidation: a menacing army of many-headed monsters labeled Coal Trust, Nail Trust, and Rubber Trust.²³ The cartoon symbolized how extensively monopolistic practices eroded American economic life.

Galvanized by these exposés, public anger against corporate abuses began to mount. Citizens increasingly demanded political action to end the monopolists' reign of economic tyranny and social injustice. The growing public awareness of the destructive nature of trusts and monopolies pointed to a pivotal moment for political parties: They could no longer ignore these abuses without risking backlash from an increasingly infuriated electorate.

Democratic-Led Congressional Investigation into Monopolies

In 1887, the Democratic Party emerged as an early advocate for federal anti-monopoly regulation, particularly when responding to concerns from agricultural states where fragmented farmers were strained by industrial consolidation.²⁴ When state antitrust laws proved ineffective against interstate monopolies, citizens across the country – farmers, customers, workers, suppliers, and competitors of monopolies – increasingly called for federal intervention.²⁵ President Grover Cleveland (1885–1889, first term), the first Democratic president since the Civil War, addressed these public concerns in a proclamation on December 6, 1887, “Competition is too often strangled by combinations quite prevalent at this time, and frequently called trusts, which have for their

eNumber=4; “Trust Conspiracies,” *New York Times*, July 5, 1887, 4, accessed October 29, 2024, <https://nyti.ms/4ec2qoi>; “The Oil Trust and the Knights,” *New York Times*, October 11, 1887, 4, accessed December 16, 2024, <https://timesmachine.nytimes.com/timesmachine/1887/10/11/103147035.html?pag> eNumber=4; Collins, 2293–2335.

²² “Nothing but Feed and Fight: Farmer Jonathan, Uncle Sam in Field with Hoe Facing Many Headed Monsters—Coal Trust, Oil Trust, Sugar Trust, Steel Trust, Rubber Trust, etc., 1887,” *Harper's Weekly*, v. 31 (December 3, 1887), 885, photograph, Library of Congress, Prints & Photographs Online Catalog, accessed November 3, 2024, <https://www.loc.gov/item/99614243/>.

²³ *Ibid.*

²⁴ Collins, 2334–2339; Klobuchar, 97–103.

²⁵ *Ibid.* Before the Sherman Act was enacted in 1890, 13 states had enacted their own antitrust law: Iowa (1888), Kansas (1889), Maine (1889), North Carolina (1889), Nebraska (1889), Texas (1889), Tennessee (1889), Missouri (1889), Michigan (1889), Mississippi (1890), North Dakota (1890), South Dakota (1890), and Kentucky (1890).

object the regulation of the supply and price of commodities made and sold by members of the combination.”²⁶ He highlighted that “The people can hardly hope for any consideration in the operation of these selfish schemes.”²⁷ On January 25, 1888, the Democratic-controlled 50th House of Representatives (1887–1889) responded, adopting a resolution proposed by Democratic Congressman Henry Bacon of New York, chairman of the House Committee on Manufactures, to conduct extensive, unprecedented congressional hearings into the Standard Oil Trust and the Sugar Trust.²⁸ The hearings exposed monopolistic schemes used by the two trusts to manipulate production and supply to impose higher prices on American consumers.²⁹ The House of Representatives issued a detailed report on July 30, 1888, criticizing the corporations that combined in the form of trusts or associations for “the purpose of controlling or curtailing the production [of goods with the intent of] increasing their prices to the people of the country.”³⁰ This Democratic-led report laid a factual foundation for future antitrust legislation.

The Democratic Party’s antitrust stance solidified in their platform on June 5, 1888, declaring that “Judged by Democratic principles, the interests of the people are betrayed...by trusts and combinations [that] rob the body of our citizens by depriving them of the benefits of natural competition.”³¹ This Democratic antitrust position contrasted with the Republicans’ laissez-faire ideology.

²⁶ Grover Cleveland, “Third Annual Message (First Term), December 6, 1887,” The American Presidency Project, accessed October 26, 2024, <https://www.presidency.ucsb.edu/node/204041>; “Party Government Since 1857,” *History, Art & Archives: Institution*, Office of the Historian.

²⁷ Grover Cleveland, “Third Annual Message (First Term), December 6, 1887.”

²⁸ US Congress, House of Representatives, 50th Cong., 1st sess., “Investigation of Certain Trusts,” Congressional Record 19, pt. 1 (January 25, 1888): 719, GovInfo, accessed October 28, 2024, <https://www.govinfo.gov/app/details/GPO-CRECB-1888-pt1-v19/GPO-CRECB-1888-pt1-v19-29-2>; “Party Government Since 1857,” *History, Art & Archives: Institution*, Office of the Historian.

²⁹ “The Sugar Trust: Henry O. Havemeyer Before the Committee,” *The New York Times*, March 11, 1888, 5, accessed October 29, 2024, <https://nyti.ms/3YnjF0c>; Ida M. Tarbell, *The History of the Standard Oil Company*, vol. 2 (New York: McClure, Phillips, 1904), 129–155.

³⁰ US Congress, House of Representatives, 50th Cong., 1st sess., “Trusts. Mr. Bacon, from the Committee on Manufactures, Submitted the Following Report.” H. Rept. 50-3112, July 30, 1888, GovInfo, accessed October 28, 2024, https://www.govinfo.gov/app/details/SERIALSET-02606_00_00-002-3112-0000.

³¹ Democratic Party Platforms, “1888 Democratic Party Platform,” The American Presidency Project, accessed October 29, 2024, <https://www.presidency.ucsb.edu/node/273187>.

Republican Leadership in Early Antitrust Legislation

In July 1888, four months before the presidential and congressional elections, Republicans faced increasing pressure to win voter support as Democrats led high-profile congressional hearings on the Standard Oil Trust and the Sugar Trust.³² Recognizing public concern over trusts, Republicans strategically moved to seize control of antitrust legislation on July 10, 1888.³³ Republican Senator John Sherman preempted Democrats by securing Senate consent for his chaired Finance Committee to take exclusive responsibility, as a bundle, for “any bill” addressing tariff revenues and the prevention of competition.³⁴ In doing so, Sherman engineered a linguistic strategy to shape the legislation process.

Sherman deftly concealed his plan to hijack the antitrust agenda by omitting the term “antitrust” from his resolution.³⁵ Instead, he framed his resolution with tariff policy language, such as “protect and encourage American industries by levying duties on imported goods.”³⁶ By bundling tariff revenue reduction with competition prevention, he diverted Democrats’ attention toward the contentious issue of tariff policy – another hot political battleground between Republicans and Democrats.³⁷ This calculated maneuver, combined with the Republican majority in the Senate, resulted in unanimous consent.³⁸ The

³² Library of Congress, “1888 Presidential Election of Benjamin Harrison: Topics in Chronicling America,” Research Guides, accessed December 20, 2024, <https://guides.loc.gov/chronicling-america-1888-presidential-election>.

³³ US Congress, Senate, 50th Cong., 1st sess., “Prevention of Competition,” Congressional Record 19, pt. 7 (July 10, 1888): 6041, GovInfo, accessed December 19, 2024, <https://www.govinfo.gov/app/details/GPO-CRECB-1888-pt7-v19/GPO-CRECB-1888-pt7-v19-2-1.pdf>; Hans B. Thorelli, *The Federal Antitrust Policy: Origination of an American Tradition* (Johns Hopkins Press, 1954), 166–169; Gregory J. Werden, *The Foundations of Antitrust* (Durham, NC: Carolina Academic Press, 2020), 37–40.

³⁴ US Congress, Senate, 50th Cong., 1st sess., “Prevention of Competition,” Congressional Record 19, pt. 7 (July 10, 1888): 6041; Werden, 37–40; Martin Letwin, *Law and Economic Policy in America: The Evolution of the Sherman Antitrust Act* (University of Chicago Press, 1954), 87–95.

³⁵ US Congress, Senate, 50th Cong., 1st sess., “Prevention of Competition,” Congressional Record 19, pt. 7 (July 10, 1888): 6041.

³⁶ *Ibid.*

³⁷ Library of Congress, “1888 Presidential Election of Benjamin Harrison: Topics in Chronicling America,” Research Guides, accessed December 20, 2024, <https://guides.loc.gov/chronicling-america-1888-presidential-election>; US Congress, Senate, 50th Cong., 1st sess., “Prevention of Competition,” Congressional Record 19, pt. 7 (July 10, 1888): 6041.

³⁸ US Congress, Senate, 50th Cong., 1st sess., “Prevention of Competition,” Congressional Record 19, pt. 7 (July 10, 1888): 6041; United States Senate, “Party

Republicans' camouflage scheme enabled them to control the legislative process of the first federal antitrust law; its control would have otherwise fallen to the House Committee on Manufactures, chaired by Democratic Congressman Henry Bacon, who led hearings on the Standard Oil Trust and the Sugar Trust.

As chairman of the Senate Finance Committee, empowered by Senate consent to oversee the drafting of the first federal antitrust law, Sherman deliberately obstructed progress on the antitrust law by insisting on tying antitrust legislation to tariff bills.³⁹ On August 14, 1888, the first two antitrust bills were submitted to the Senate Finance Committee – one by Sherman himself and another by Democratic Senator John H. Reagan of Texas.⁴⁰ Although Reagan's bill provided clearer and more detailed legal text, Sherman used his authority to deflect and terminate it.⁴¹ In response, Democrats proposed multiple amendments during the Senate debate, but they were all rejected.⁴² With the Senate's consent to bundle "any bill" relating to tariff revenue and competition prevention, Sherman extended his Finance Committee's authority to antitrust legislation, traditionally the responsibility of other committees like the House Committee on Manufactures.

Despite Sherman's 33 years of congressional experience and legal expertise, his insistence on tying antitrust legislation to tariff bills contradicted the constitutional principle of regulating interstate commerce and tariff revenues as independent domains.⁴³ Legal historian Hans B. Thorelli criticized Sherman's bill as "amateurish."⁴⁴

Division," *United States Senate: History*, accessed October 28, 2024, <https://www.senate.gov/history/partydiv.htm>.

³⁹ Thorelli, 166–197; Letwin 87–94; Werden, 38–40, 44–47.

⁴⁰ US Congress, Senate, 50th Cong., 1st sess, "Bills Introduced," Congressional Record (Bound) 19, pt. 8 (August 14, 1888): 7512–7513, GovInfo, accessed December 19, 2024, <https://www.govinfo.gov/content/pkg/GPO-CRECB-1888-pt8-v19/pdf/GPO-CRECB-1888-pt8-v19-13-1.pdf>; Werden, 39–42.

⁴¹ Thorelli, 169–175; Werden, 39–41; Letwin, 88–89; US Congress, Senate, 50th Cong., 1st sess, "Bills Introduced," Congressional Record (Bound) 19, pt. 8 (August 14, 1888): 7512–7513.

⁴² Henry R. Seager and Charles A. Gulick, *Trust and Corporation Problems* (New York: Harper & Brothers, 1929), 372; Thorelli, 170–192.

⁴³ United States Senate, "John Sherman: A Featured Biography," Senators, accessed October 29, 2024.

https://www.senate.gov/senators/FeaturedBios/Featured_Bio_Sherman.htm; John Sherman, *John Sherman's Recollections of Forty Years in The House, Senate and Cabinet: An Autobiography* (New York: Werner, 1895), locations 83–1791 of 20263; Letwin, 87–94; Seager and Gulick, 369.

⁴⁴ Hans B. Thorelli, *The Federal Antitrust Policy: Origination of an American Tradition* (Johns Hopkins Press, 1954), 170; William E. Leuchtenburg, "Review of The Federal Antitrust Policy: Origination of an American Tradition, by H. B. Thorelli," *Political*

Nevertheless, Sherman pursued two objectives: delaying legislation through prolonged floor debates and embedding future legal loopholes by limiting the bill's scope to trusts benefiting from government tariff protection. Had Sherman's bill succeeded, the Standard Oil Trust would have escaped the reach of antitrust law.⁴⁵ At a minimum, Sherman's gambits accomplished one key objective: delaying the law's enactment until July 2, 1890, when the Republican Party controlled the presidency and both houses of the 51st Congress (1889–1891).⁴⁶ Sherman's strategies revealed the Republican Party's true priorities: safeguarding big business interests while appearing to address public concerns about monopolistic exploitation.

Republican Influence on the Sherman Act (1890–1914)

Crafting the Sherman Act: Legislative Compromises and Ambiguities

The Republicans further undermined the antitrust legislation by weakening the text of the Sherman Act. Although Democrats successfully removed the tariff bill's binding restrictions and transferred its drafting from Sherman's Finance Committee to the Judiciary Committee on March 25, 1890, Republican control of the latter ensured continued Republican dominance over the bill's content.⁴⁷ The resultant Sherman Act contained four deliberate textual flaws that marginalized its effectiveness.

First, the Republicans refused Democratic requests to include a labor union exemption clause in the Sherman Act, a decision that had

Science Quarterly 71, no. 4 (1956): 602–4, accessed November 18, 2024, <https://doi.org/10.2307/2145550>; Hans B. Thorelli (1921–2009) was a Swedish-American academic teaching at the University of Indiana since 1964 till his retirement. He was avowed partisan of the Sherman Act.

⁴⁵ Letwin 88; Werden, 46–47.

⁴⁶ “Sherman Anti-Trust Act (1890),” *Milestone Documents*, The US National Archives and Records Administration, accessed October 27, 2024, <https://www.archives.gov/milestone-documents/sherman-anti-trust-act>; “Party Government Since 1857,” *History, Art & Archives: Institution*, Office of the Historian; “The Presidents: Biographies and Portraits,” The White House Historical Association, accessed October 25, 2024, <https://www.whitehousehistory.org/collections/president-biographies>. In the 51st Congress (1889–1891), Republicans held 51 seats in the Senate compared to the Democrats' 37 seats, and 179 seats in the House of Representatives compared to the Democrats' 152 seats.

⁴⁷ US Congress, Senate, 51st Cong., 1st sess., “Trusts and Combinations,” *Congressional Record (Bound)* 21, pt. 3 (March 25, 1890): 2597–2616, Congress.Gov, accessed December 19, 2024, <https://www.congress.gov/bound-congressional-record/1890/03/25>; Letwin, 88–93. The Senate Judiciary Committee was chaired by George F. Franklin Edmunds (1828–1919), a Republican Senator from Vermont.

far-reaching consequences for the American labor movement.⁴⁸ By excluding protections for organized labor, the Republicans left unions vulnerable to prosecution under antitrust laws originally designed to curb monopolistic business practices. The consequences of this omission became starkly evident in *Loewe v. Lamlor* (1908), also known as the Danbury Hatters' Case, in which the Supreme Court unanimously applied the Sherman Act against labor unions.⁴⁹ In this landmark ruling, the Court found unionized workers guilty of "restraining trade" through boycott activities, subjecting them to treble damages under antitrust provisions.⁵⁰ This decision not only jeopardized workers' ability to organize and advocate for better wages and working conditions but also had a chilling effect on labor activism nationwide. While the Sherman Act was intended to address monopolistic abuses, the Republican-led omission of labor union protections effectively transformed it into a tool for monopolies, enabling powerful corporations to suppress worker organization and maintain their dominance over labor.

Second, The Sherman Act was written in broad and absolute terms, lacking the principles of reasonableness and intent found in other federal laws, such as the Interstate Commerce Act.⁵¹ The Sherman Antitrust Act declared illegal, in sweeping terms, "Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several states or with foreign nations."⁵² Furthermore, it imposed criminal liability, deeming guilty of a misdemeanor "Every person who shall make any such contract or engage in any such combination or conspiracy."⁵³ This codified use of the term "Every" caused courts to adopt a strictly literal interpretation,

⁴⁸ "Sherman Anti-Trust Act (1890)," *Milestone Documents*, The US National Archives and Records Administration; Letwin, 97–98; Thorelli, 174–176.

⁴⁹ *Loewe v. Lamlor*, 208 US 274 (1908); E. B. McNatt, "Labor Again Menaced by the Sherman Act," *Southern Economic Journal* 6, no. 2 (1939): 190–208, accessed October 26, 2024, <https://doi.org/10.2307/1053239>; Laura Phillips Sawyer, "Restructuring American Antitrust Law: Institutionalist Economics and the Antitrust Labor Immunity, 1890–1940s," *The University of Chicago Law Review* 90, no. 2 (2023): 670, accessed November 19, 2024, https://lawreview.uchicago.edu/sites/default/files/2023-03/11_SYMP_PHILLIPS.pdf.

⁵⁰ *Ibid.*

⁵¹ Robert H. Bork, *The Antitrust Paradox: A Policy at War with Itself* (Bork Publishing, 2021), 17–22; Andrew I. Gavel, William E. Kovacic, and Jonathan B. Baker, *Antitrust Law in Perspective: Cases, Concepts and Problems in Competition Policy* (St. Paul, MN: Thomson West, 2002), 81–84.

⁵² "Sherman Anti-Trust Act (1890)," *Milestone Documents*, The US National Archives and Records Administration; Rudolph J. R. Peritz, *Competition Policy in America, 1888–1992: History, Rhetoric, Law* (New York: Oxford University Press, 1996), 25–26.

⁵³ "Sherman Anti-Trust Act (1890)," *Milestone Documents*, The US National Archives and Records Administration; Sawyer, 89.

failing to distinguish between reasonable business practices that incidentally restrained trade and genuinely anti-competitive behavior.⁵⁴ In a literal sense, every business contract could be interpreted as a restraint of trade if reasonableness were not considered.⁵⁵ Although the Supreme Court acknowledged that this interpretation could “result in disaster to the roads and a failure to secure the advantages sought out from such legislation,” it deferred responsibility to Congress as “the body to amend it.”⁵⁶ The Republican-drafted Sherman Act thus led to significant tensions between legislative intent and judicial interpretation, undermining the Act’s initial effectiveness.

The Supreme Court’s ruling in *United States v. Trans-Missouri Freight Association* (1897) highlighted the inherent problems with the Sherman Act’s unduly broad and absolute language.⁵⁷ In this case, 18 fragmented and struggling railway companies operating west of the Missouri River formed an association to fix freight rates to prevent bankruptcies caused by destructive price competition.⁵⁸ The railroads argued that their agreement aligned with the goals of the Interstate Commerce Act, which aimed to regulate railroads to promote fair practices and ensure reliable service.⁵⁹ The Supreme Court, however, rejected their arguments, ruling that the Sherman Act prohibited all agreements “restraining trade” – regardless of whether the restraint was reasonable or served a legitimate business purpose.⁶⁰ This mechanical interpretation of the Sherman Act ignored the broader economic context, prohibited practices that might have been reasonable, incidental, or even beneficial to the public, and fueled criticism of the Act’s inflexible application in complex economic situations.

Third, the Republican-drafted Sherman Act contained vague language that granted courts significant discretion, leading to interpretations narrower than the legislative intent. The Act’s text – “in restraint of trade or commerce among the several states” – enabled courts to interpret it narrowly, restricting its application to monopolies’

⁵⁴ Gilbert Holland Montague, “The Defects of the Sherman Anti-Trust Law,” *The Yale Law Journal* 19, no. 2 (1909): 88–89, 102–104, accessed October 28, 2024, <https://doi.org/10.2307/784687>.

⁵⁵ Thorelli, 222.

⁵⁶ *United States v. Trans-Missouri Freight Association*, 166 US 290 (1897).

⁵⁷ *United States v. Trans-Missouri Freight Association*, 166 US 290 (1897); Peritz, 29–58; Gavel, Kovacic, and Baker, 81–84.

⁵⁸ Peritz, 29–58.

⁵⁹ Ari Arthur Hoogenboom and Olive Hoogenboom, *A History of the ICC: From Panacea to Palliative* (New York: W. W. Norton, 1976), 35–38; *United States v. Trans-Missouri Freight Association*, 166 US 290 (1897).

⁶⁰ *United States v. Trans-Missouri Freight Association*, 166 US 290 (1897).

primary activities that directly restrained interstate “trade” and “commerce” while excluding interstate manufacturing.⁶¹ *United States v. E. C. Knight Co.* (1895) directly illustrated this legal loophole. In that landmark case, the Supreme Court ruled that “manufacturing” was not “commerce” under the Sherman Act and therefore left sugar refining outside its reach, further holding that “the law did not reach the admitted monopolization of manufacturing.”⁶² The Supreme Court ruled in favor of the defendant, E. C. Knight Co., on the grounds that its primary business was manufacturing, not interstate trade or commerce.⁶³ This interpretation allowed the Sugar Trust to acquire E. C. Knight Co., enabling the trust to control 98 percent of US sugar manufacturing.⁶⁴ The Court’s decision spurred a massive wave of mergers.⁶⁵ The Act’s loopholes, crafted by Sherman’s Republicans, created fundamental flaws compromising its supposed anti-monopoly purpose.

Fourth, the Sherman Act included the undefined term “monopolize” in its legal text: “Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty...”⁶⁶ Early Supreme Court cases struggled with the vague term “monopolize,” setting precedents that undermined the Act’s effectiveness. In *United States v. United States Steel Corp.* (1920), United States Steel Corp. increased its control of the US steel market to over 80 percent through aggressive acquisitions, although this share had declined to roughly 50 percent by the time of the ruling.⁶⁷ The federal government filed its antitrust case

⁶¹ “Sherman Anti-Trust Act (1890),” *Milestone Documents*, The US National Archives and Records Administration; James May, “Antitrust Practice and Procedure in the Formative Era: The Constitutional and Conceptual Reach of State Antitrust Law, 1880-1918,” *University of Pennsylvania Law Review* 135, no. 3 (1987): 510–517, 542–553, accessed October 29, 2024,

https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=3950&context=penn_law_review; Charles W. McCurdy, “The Knight Sugar Decision of 1895 and the Modernization of American Corporation Law, 1869-1903,” *Business History Review* 53, no. 3 (1979): 323–42, accessed October 29, 2024, <https://doi.org/10.2307/3114089>; Martin J. Sklar, *The Corporate Reconstruction of American Capitalism, 1890–1916: The Market, the Law, and Politics* (New York: Cambridge University Press, 1988), 123–163.

⁶² *United States v. E. C. Knight Co.*, 156 US 1 (1895); Sklar, 123–163.

⁶³ *Ibid.*

⁶⁴ Sawyer, 91.

⁶⁵ Gavel, Kovacic, and Baker, 567.

⁶⁶ “Sherman Anti-Trust Act (1890),” *Milestone Documents*, The US National Archives and Records Administration; Bork, 15–17, 33–35, 42–44, 54–63; Sklar, 94–119.

⁶⁷ *United States v. United States Steel Corp.*, 251 US 417 (1920); Peritz, 61–69; William E. Kovacic and Carl Shapiro, “Antitrust Policy: A Century of Economic and Legal Thinking,” *Journal of Economic Perspectives* 14, no. 1 (2000): 43–60, accessed December 20, 2024, <https://faculty.haas.berkeley.edu/SHAPIRO/century.pdf>.

against United States Steel in 1911, but in a narrow four-to-three decision in 1920, the Supreme Court ruled that size alone did not constitute monopolization – mere size and market dominance, without predatory conduct, did not violate the Act’s monopolization clause.⁶⁸ This ruling illustrated how the undefined term “monopolize” led to subjective judicial interpretations, enabling large corporations to maintain significant market power as long as they avoided explicitly anti-competitive conduct.

Ambiguities in the Sherman Act as a Republican Strategy

The Republican-led legislation embedded critical ambiguities in the Sherman Act’s text, undermining its effectiveness. Given the solid legal credentials of Sherman, who drafted the bill, and the Republican-controlled Judiciary Committee, which crafted the final version, the inclusion of gross vagueness appeared deliberate, sabotaging the Act. Professor Merle Fainsod of Harvard University noted in his 1941 textbook that the Act’s ineffectiveness stemmed from the Republican Party’s dominance in the 51st Congress, heavily influenced by industrial interests during its drafting.⁶⁹ His perspective aligned with a political cartoon published in *Puck* in 1889, now archived by the Library of Congress, depicting a corrupt Senate bossed by trusts during a period when the Republican Party had held the Senate majority since 1881.⁷⁰ Additionally, Thorelli’s 1954 treatise, *The Federal Antitrust Policy: Origination of an American Tradition*, supported this portrayal of corruption. He noted that contemporary public opinion referred to the 51st Congress (1889–1891) as the “Billion Dollar Congress” and documented both “the strong influence of wealthy senators” and “the Congress’s excessive deference to big business interests.”⁷¹ His research further underscored that trusts viewed the antitrust bill as a symbolic gesture meant to pacify public outrage without threatening monopolies’ interests.⁷² Trusts were so politically influential that they were confident they could control the enforcement of the Sherman Act.

⁶⁸ Ibid.

⁶⁹ Merle Fainsod and Lincoln Gordon, *Government and the American Economy* (New York: W. W. Norton, 1941), 450. Merle Fainsod and Lincoln Gordon taught political science and economics at Harvard University when they wrote the book, which was used as a university textbook.

⁷⁰ J. Keppler, “The Bosses of the Senate,” *Puck*, January 23, 1889, Photograph, Library of Congress, Prints & Photographs Online Catalog, accessed November 1, 2024, <https://www.loc.gov/item/2002718861/>; United States Senate, “Party Division,” *United States Senate: History*.

⁷¹ Thorelli, 222–223.

⁷² Ibid., 222–223.

Minimal Enforcement: Presidents Benjamin Harrison and William McKinley

Republican President Benjamin Harrison (1889–1893) marginalized the Sherman Act through selective and minimal enforcement. While states increasingly enacted state-level antitrust laws in response to public demand, Harrison advocated an agnostic federal government role in trust business in his first annual message to Congress on December 3, 1889.⁷³ His agnostic approach resulted in only seven antitrust cases brought to court during his four-year presidential term.⁷⁴ Given this first-ever federal antitrust law, the strikingly small number of cases demonstrated the Republican Party's selective law enforcement.

Republican President William McKinley (1897–1901) supported monopolies and was unwilling to enforce the Sherman Act. During his presidency, a record 125 trusts were formed by combining 2,343 firms, yet only three antitrust cases were brought to court.⁷⁵ Instead of using the Sherman Act to regulate J.P. Morgan's creation of a steel trust, McKinley invited him to a celebration dinner.⁷⁶ McKinley opted not to use Republican political resources to amend the defective Sherman Act, even when the Republican Party controlled Congress during his first presidential term.⁷⁷ McKinley's minimal and selective law enforcement continued the Republicans' undermining of the Sherman Act.

Selective Enforcement: President Theodore Roosevelt

Republican President Theodore Roosevelt (1901–1909) weakened the Sherman Act more than any other Republican by intensifying selective law enforcement despite his overrated reputation as a “trust-buster.”⁷⁸ After unexpectedly assuming the presidency in September 1901 following McKinley's assassination, Roosevelt opportunistically

⁷³ Benjamin Harrison, “First Annual Message, December 3, 1889,” The American Presidency Project, accessed October 28, 2024, <https://www.presidency.ucsb.edu/documents/first-annual-message-14>.

⁷⁴ George Bittlingmayer, “Antitrust and Business Activity: The First Quarter Century,” *Business History Review* 70, no. 3 (1996): 376, accessed December 20, 2024, <https://core.ac.uk/download/pdf/213399653.pdf>.

⁷⁵ Naomi R. Lamoreaux, *The Great Merger Movement in American Business, 1895–1904* (New York: Cambridge University Press, 1985), 2; Ralph Nelson L., *Merger Movements in American Industry, 1895–1956* (Princeton University Press, 1959), 37; George Bittlingmayer, “Antitrust and Business Activity: The First Quarter Century,” *Business History Review* 70, no. 3 (1996): 376.

⁷⁶ Klobuchar, 132.

⁷⁷ “Party Government Since 1857,” *History, Art & Archives: Institution*, Office of the Historian.

⁷⁸ “Roosevelt and the Trusts,” eHistory, Ohio State University, accessed October 29, 2024, <https://ehistory.osu.edu/exhibitions/1912/trusts/roosevel>.

reversed his earlier opposition to the Sherman Act, which he had expressed during his governorship of New York in 1900.⁷⁹ Once in office, Roosevelt selectively targeted trusts to consolidate political power and bolster his re-election prospects.

Leveraging a Republican-controlled Congress, Roosevelt actively expanded presidential executive power to enforce the Sherman Act selectively. First, he secured Congressional approval to create a new position, assistant to the attorney general, reporting directly to the president to oversee enforcement of the Act.⁸⁰ Second, he obtained funding from Congress to establish a new antitrust investigatory agency, the Bureau of Corporations, within the Department of Commerce and Labor, also reporting directly to the president.⁸¹ Third, he pushed Congress to pass the Expediting Act, which required the Supreme Court to prioritize appeals in government-filed antitrust cases.⁸² Additionally, he reshaped the Supreme Court by appointing three justices, gaining substantial influence over one-third of the nine-member Court.⁸³ The more executive power Roosevelt amassed to enforce the Sherman Act selectively, the more he undermined its broader purpose.

Simply put, Roosevelt abused the Sherman Act to expand his power. In his first annual message to Congress on December 3, 1901, he argued that “combination and concentration should be, not prohibited, but supervised and within reasonable limits controlled.”⁸⁴ Speaking to New England industrialists and citizens in Providence, Rhode Island, on August 23, 1902, he reiterated the “need for supervision” over trusts.⁸⁵

⁷⁹ NCC Staff, “On This Day, McKinley Is Shot While Roosevelt Is Traveling,” National Constitution Center, last modified September 6, 2023, accessed October 29, 2024, <https://constitutioncenter.org/blog/on-this-day-mckinley-is-shot-while-roosevelt-is-traveling>; Arthur M. Johnson, “Theodore Roosevelt and the Bureau of Corporations,” *Mississippi Valley Historical Review* 45, no. 4 (1959): 572, accessed October 31, 2024, <https://doi.org/10.2307/1888711>.

⁸⁰ “Party Government Since 1857,” *History, Art & Archives: Institution*, Office of the Historian; US Department of Justice, “Organization, Mission and Functions Manual: Antitrust Division,” Justice.gov, accessed December 18, 2024, <https://www.justice.gov/doj/organization-mission-and-functions-manual-antitrust-division>.

⁸¹ Arthur M. Johnson, “Theodore Roosevelt and the Bureau of Corporations,” *Mississippi Valley Historical Review* 45, no. 4 (1959): 573–578.

⁸² Werden, 92–94; “Party Government Since 1857,” *History, Art & Archives: Institution*, Office of the Historian.

⁸³ *Ibid.*, 110–112.

⁸⁴ Theodore Roosevelt, “First Annual Message, December 3, 1901,” The American Presidency Project, accessed October 28, 2024, <https://www.presidency.ucsb.edu/documents/executive-order-21>.

⁸⁵ Theodore Roosevelt, “Necessity of Establishing Federal Sovereignty Over ‘Trusts,’” in *The Roosevelt Policy: Speeches, Letters and State Papers, Relating to Corporate Wealth and*

In his speech to industrialists in Fitchburg, Massachusetts, on September 2, 1902, he emphasized that his policy was not “to destroy the trusts in a way that will destroy all our property,” highlighting his differentiation between beneficial and harmful trusts.⁸⁶ When he spoke to business leaders in Milwaukee, Wisconsin, on April 3, 1903, he focused on federal supervision and administration to target harmful trusts, arguing that “legislation of a general and indiscriminate character would be sure to fail.”⁸⁷ Roosevelt was particularly enthusiastic about controlling the federal government’s administrative and investigative resources to control trusts.⁸⁸ He demonstrated a powerful appetite for executive power.

In his annual message to Congress on December 3, 1906, Roosevelt asserted the importance of “sharply discriminating between those combinations which do good and those combinations which do evil.”⁸⁹ Economic historian William Letwin, in his 1954 treatise, argued that US firms’ large-scale cost efficiency and global competitiveness might explain Roosevelt’s discretionary approach.⁹⁰ However, Roosevelt and his administration never established formal criteria or consistent standards for evaluating corporate combinations, making the distinction between “good” and “evil” trusts largely subjective.⁹¹ In practice, Roosevelt turned the Sherman Act into a political weapon. He used his

Closely Allied Topics, vol. 1, ed. William Griffith (New York: The Current Literature, 1919), 36.

⁸⁶ Theodore Roosevelt, “Wise and Unwise Methods for Remedying Trust Evils” in *The Roosevelt Policy: Speeches, Letters and State Papers, Relating to Corporate Wealth and Closely Allied Topics*, vol. 1, ed. William Griffith (New York: The Current Literature, 1919), 51.

⁸⁷ Theodore Roosevelt, “Progress Made Toward Federal Control of Corporations” in *The Roosevelt Policy: Speeches, Letters and State Papers, Relating to Corporate Wealth and Closely Allied Topics*, vol. 1, ed. William Griffith (New York: The Current Literature, 1919), 113.

⁸⁸ Arthur M. Johnson, “Theodore Roosevelt and the Bureau of Corporations,” *Mississippi Valley Historical Review* 45, no. 4 (1959): 580–590.

⁸⁹ Theodore Roosevelt, “Sixth Annual Message, December 3, 1906,” The American Presidency Project, accessed October 28, 2024, <https://www.presidency.ucsb.edu/documents/sixth-annual-message-4>.

⁹⁰ Letwin, 238–282; “Professor William Letwin: Obituary,” *The Telegraph*, modified March 3, 2013, accessed November 18, 2024, <https://www.telegraph.co.uk/news/obituaries/9908371/Professor-William-Letwin.html>. William Letwin (1922–2013) was an American-born academic who taught Political Science at the London School of Economics for three decades from 1966 till his retirement. Having no partisan affiliation in US politics, he provided an independent scholarly perspective on American antitrust policy.

⁹¹ Arthur M. Johnson, “Theodore Roosevelt and the Bureau of Corporations,” *Mississippi Valley Historical Review* 45, no. 4 (1959): 576, 583; Gilbert Holland Montague, “The Defects of the Sherman Anti-Trust Law,” *The Yale Law Journal* 19, no. 2 (1909): 93, 97–98.

discretion to determine which trusts warranted supervision and which deserved to be dismantled. His personal preference ultimately jeopardized the original national purpose of the first federal antitrust law.

President William Taft's Maintenance of Legal Ambiguity

Following resident Theodore Roosevelt, Republican President William Taft (1909–1913) did not improve the foundational weaknesses of the Sherman Act. Although Taft pursued a more consistent approach to antitrust enforcement – initiating 75 suits in four years compared to Roosevelt's 44 suits over nearly eight years – he did not address the root problem: the vague text of the Sherman Act.⁹² Despite the Republican Party's control of Congress during his first two years in office, Taft did not take the opportunity to close legislative and executive loopholes that future presidents could exploit.⁹³ Furthermore, he failed to apply his superior legal expertise to reform the Sherman Act.

President Woodrow Wilson-Driven Reforms in Antitrust Legislation

In 1914, Democratic President Woodrow Wilson (1913–1921) reformed the federal antitrust law while resisting the allure of enlarged presidential executive power. He addressed the Sherman Act's intrinsic weaknesses: vague language and selective enforcement. Recognizing that presidential executive power had grown excessively, legislative power was too weak, and judiciary rulings were overly subjective around the Sherman Act, Wilson relinquished his inherited expanded executive authority to restore the checks and balances among the three branches of government. Capturing the opportunity of a Democratic-majority Congress for the first time since the Civil War, Wilson promptly introduced two reform bills – the Clayton Antitrust Act and the Federal Trade Commission Act – shortly after taking office.⁹⁴ Both bills, passed by Congress in 1914, supplemented the Sherman Act.⁹⁵ Unlike Roosevelt's executive-centered approach, Wilson's legislative reforms created a more sustainable and balanced framework for addressing monopolies.

⁹² Wu, 74.

⁹³ "Party Government Since 1857," *History, Art & Archives: Institution*, Office of the Historian.

⁹⁴ David Dale Martin, *Mergers and the Clayton Act*, (University of California Press, 1959) 44–64; Sawyer, 127–148; "Party Government Since 1857," *History, Art & Archives: Institution*, Office of the Historian.

⁹⁵ Martin, 44–51; Bork 58–65.

The Clayton Act: Closing Loopholes in the Sherman Act

The Clayton Act's language explicitly outlined four anti-competitive practices, offering more precise guidance than the Sherman Act. These were price discrimination between purchasers, exclusive dealing arrangements, mergers and acquisitions that substantially lessened competition or tended to create a monopoly, and interlocking directorates among competing companies where the arrangement substantially lessened competition.⁹⁶ In contrast, the Sherman Act contained broad and vague provisions, such as prohibiting "every contract, combination... or conspiracy in restraint of trade" and actions to "monopolize, or attempt to monopolize... trade or commerce," without defining key terms such as "monopolize."⁹⁷ By specifying prohibited practices, the Clayton Act supplemented the Sherman Act, allowing for more predictable and actionable enforcement of antitrust laws. By reducing judicial discretion in interpretation, the Clayton Act improved the transparency and effectiveness of federal antitrust regulations.

Although the Clayton Act did not directly resolve the distinction between "trade," "commerce," and manufacturing – which had limited the Sherman Act's ability to address interstate manufacturing monopolies in cases such as *United States v. E. C. Knight Co.* (1895) – it did target the four distinct anti-competitive activities that substantially lessened competition or tended to create a monopoly in interstate commerce.⁹⁸ By addressing these specific anti-competitive practices, the Clayton Act supplemented the Sherman Act and significantly expanded the scope of federal antitrust regulation.

Additionally, the Clayton Act included provisions with forward-looking language that sought to prevent the formation of monopolies by targeting specific anti-competitive practices, whereas the Sherman Act primarily addressed monopolies after they had already formed.⁹⁹ The

⁹⁶ Clayton Antitrust Act of 1914, 15 USC §§ 12–27, accessed December 17, 2024, <http://euro.ecom.cmu.edu/program/law/08-732/Antitrust/ClaytonAct.pdf>; Martin 38–64.

⁹⁷ "Sherman Anti-Trust Act (1890)," Milestone Documents, The US National Archives and Records Administration; Bork, 15–17, 33–35, 42–44, 54–63.

⁹⁸ *United States v. E. C. Knight Co.*, 156 US 1 (1895); "Sherman Anti-Trust Act (1890)," Milestone Documents, The US National Archives and Records Administration; Clayton Antitrust Act of 1914, 15 USC §§ 12–27; Martin 38–64; Gavel, Kovacic, and Baker, 567.

⁹⁹ Federal Trade Commission, "The Antitrust Laws," accessed October 30, 2024, <https://www.ftc.gov/advice-guidance/competition-guidance/guide-antitrust-laws/antitrust-laws>; Clayton Antitrust Act of 1914, 15 USC §§ 12–27; "Sherman Anti-Trust Act (1890)," Milestone Documents, The US National Archives, and Records

Clayton Act prohibited mergers and acquisitions that “tended to create a monopoly” and precisely stated, “No person... shall acquire... any part of the stock” where such actions would “tend to create a monopoly.”¹⁰⁰ Using forward-looking phrases such as “tended to” and “shall,” the Clayton Act aimed to curtail anti-competitive actions before they could fully develop into monopolistic dominance.¹⁰¹ In contrast, the Sherman Act’s language was broad, vague, and undefined, relying on terms like “every,” “restraint of trade,” and “monopolize.”¹⁰² This textual limitation restricted courts’ ability to interpret the Sherman Act with a proactive approach because forward-looking enforcement combined with imprecise language would have granted excessive power to the judiciary. The Clayton Act’s proactive approach thus supplemented the Sherman Act’s reactive framework, creating a more comprehensive system to combat monopolistic practices.

The Clayton Act strengthened the ability of private individuals, including consumers, workers, and businesses, to enforce antitrust laws by explicitly granting them the right to ask courts to stop harmful anti-competitive practices before further damage occurred (a process known as injunctive relief).¹⁰³ In contrast, the Sherman Act did not explicitly address consumer or worker rights.¹⁰⁴ It also left unclear whether private individuals could seek preventive measures, such as injunctive relief, creating significant legal uncertainty.¹⁰⁵ The Clayton Act, however, explicitly reaffirmed and clarified the right of consumers, workers, and

Administration; Martin 8, 40–42, 50–64; Herbert Hovenkamp, “Progressive Antitrust,” *The University of Illinois Law Review* 2018, no. 1 (2018): 77–78, accessed December 17, 2024, https://scholar.google.com/scholar?cluster=6134331618316751837&hl=en&as_sdt=0,5; Robert H. Lande, “Wealth Transfers as the Original and Primary Concern of Antitrust: The Efficiency Interpretation Challenged,” *Hastings Law Journal* 50 (1998): 887–911, 937–946, accessed December 17, 2024, https://repository.uclawsf.edu/cgi/viewcontent.cgi?article=3366&context=hastings_law_journal.

¹⁰⁰ Clayton Antitrust Act of 1914, 15 USC §§ 12–27.

¹⁰¹ Clayton Antitrust Act of 1914, 15 USC §§ 12–27; Herbert Hovenkamp, “Progressive Antitrust,” *University of Illinois Law Review* 2018, no. 1 (2018): 77–78; Lande, 887–911, 937–946.

¹⁰² “Sherman Anti-Trust Act (1890),” *Milestone Documents*, The US National Archives and Records Administration; Gilbert Holland Montague, “The Defects of the Sherman Anti-Trust Law,” *The Yale Law Journal* 19, no. 2 (1909): 88–109.

¹⁰³ Clayton Antitrust Act of 1914, 15 USC §§ 12–27; Gavel, Kovacic, and Baker, 42–43.

¹⁰⁴ Gilbert Holland Montague, “The Defects of the Sherman Anti-Trust Law,” *The Yale Law Journal* 19, no. 2 (1909): 108–109; “Sherman Anti-Trust Act (1890),” *Milestone Documents*, The US National Archives and Records Administration.

¹⁰⁵ “Sherman Anti-Trust Act (1890),” *Milestone Documents*, The US National Archives and Records Administration.

businesses to pursue financial remedies. It codified the ability of harmed parties to recover “threefold the damages” they had sustained, a provision that was less clearly established under the Sherman Act.¹⁰⁶ While the Sherman Act allowed lawsuits for damages caused by monopolistic practices, it did not clearly define the scope of such remedies.¹⁰⁷ By providing these protections, the Clayton Act strengthened the legal tools available to individuals, consumers, workers, and businesses to protect themselves from unfair competition. These provisions increased the financial risks for companies that violated antitrust laws, incentivized private enforcement, and broadened access to justice through antitrust litigation. Therefore, the Clayton Act promoted fair competition by explicitly empowering businesses, consumers, and workers to challenge anti-competitive conduct, reducing the risk of selective government enforcement.

One of the most notable reforms of the Clayton Act was its protection of labor unions and agricultural organizations from prosecution under antitrust laws. Under the Sherman Act, courts had, at times, interpreted strikes, boycotts, and other collective labor activities as illegal restraints of trade – most notably in *Loewe v. Lawlor* (1908) – effectively equating worker organizing with monopolistic practices.¹⁰⁸ The Clayton Act addressed this issue by explicitly stating that “the labor of a human being is not a commodity or article of commerce.”¹⁰⁹ This provision exempted labor unions and agricultural organizations from antitrust prosecution, ensuring that workers could strike, organize, and bargain collectively without being accused of violating competition laws. Protecting labor rights, the Clayton Act aligned antitrust law with broader social and economic reforms to promote fairness and equity.

The FTC Act: Reforming Presidential Discretion in Enforcement

Also in 1914, the Federal Trade Commission (FTC) was established as a new independent antitrust enforcement agency under the

¹⁰⁶ Clayton Antitrust Act of 1914, 15 USC §§ 12–27; Letwin 273.

¹⁰⁷ Gilbert Holland Montague, “The Defects of the Sherman Anti-Trust Law,” *The Yale Law Journal* 19, no. 2 (1909): 108–109.

¹⁰⁸ *Loewe v. Lawlor*, 208 US 274 (1908); Laura Phillips Sawyer, “Restructuring American Antitrust Law: Institutional Economics and the Antitrust Labor Immunity, 1890–1940s,” *The University of Chicago Law Review* 90, no. 2 (2023): 670.

¹⁰⁹ Clayton Antitrust Act of 1914, 15 USC §§ 12–27; Laura Phillips Sawyer, “Restructuring American Antitrust Law: Institutional Economics and the Antitrust Labor Immunity, 1890–1940s,” *The University of Chicago Law Review* 90, no. 2 (2023): 677–678.

Federal Trade Commission Act.¹¹⁰ The investigatory Bureau of Corporations, established during Theodore Roosevelt's presidency and reporting to the president, was dissolved in 1915.¹¹¹ This transformation from a president-controlled investigatory agency to an independent enforcement institution reflected Wilson's commitment to impartiality in investigating and combating market monopolies.

Before the FTC's creation, antitrust enforcement relied solely on the Department of Justice (DOJ), which brought cases under the Sherman Act to the judicial system.¹¹² The attorney general, who headed the DOJ, served at the sole discretion of the president and could be appointed or removed without cause.¹¹³ This structure meant that antitrust enforcement often reflected the political orientation of the executive branch. During the administrations of Presidents Harrison and McKinley, who showed little enthusiasm for trust regulation, their Justice Departments mirrored this stance through minimal enforcement. This reliance on presidential priorities led to selective enforcement based on the president's preference and political agenda, eroding the antitrust law's effectiveness. To reform these limitations, the Wilson administration sought to establish a politically independent regulatory agency.

In contrast to the DOJ's presidential-controlled structure, the FTC was created with a governance system designed to minimize direct presidential control. By law, the FTC was headed by five commissioners

¹¹⁰ US Congress, "An Act to Create a Federal Trade Commission, to Define Its Powers and Duties, and for Other Purposes," Statutes at Large, 63rd Congress, 2nd Session, Ch. 311, 38 Stat. 717 (1914), accessed November 17, 2024, <https://www.govinfo.gov/content/pkg/STATUTE-38/pdf/STATUTE-38-Pg717.pdf>.

¹¹¹ Federal Trade Commission, "FTC Commemorates 100th Anniversary of Predecessor, Bureau of Corporations," Press Release, February 14, 2003, accessed October 28, 2024, <https://www.ftc.gov/news-events/news/press-releases/2003/02/ftc-commemorates-100th-anniversary-predecessor-bureau-corporations>.

¹¹² Federal Trade Commission, "The Enforcers," accessed October 30, 2024, <https://www.ftc.gov/advice-guidance/competition-guidance/guide-antitrust-laws/enforcers>; US Department of Justice, Antitrust Division, "History of the Antitrust Division," Justice.gov, last modified December 13, 2018, accessed December 21, 2024, <https://www.justice.gov/atr/history-antitrust-division>; Marc Winerman, "The Origins of the FTC: Concentration, Cooperation, Control, and Competition," *Antitrust Law Journal* 71 (2003): 17–18, accessed December 21, 2024, <https://www.ftc.gov/sites/default/files/attachments/federal-trade-commission-history/origins.pdf>.

¹¹³ US Congress, "Appointments Clause," *Constitution Annotated*, accessed October 30, 2024, https://constitution.congress.gov/browse/essay/artII-S2-C2-3-1/ALDE_00013092; Martin 97–115.

serving staggered seven-year terms, appointed by the president with the consent of the Senate.¹¹⁴ No more than three commissioners could belong to the same political party.¹¹⁵ Commissioners could only be removed by the president for specific causes – inefficiency, neglect of duty, or malfeasance – rather than at will. This governance framework ensured consistent antitrust enforcement and insulated commissioners from presidential control.

The FTC and the DOJ complemented each other in antitrust investigation and enforcement roles.¹¹⁶ The two separate antitrust enforcement bodies created checks, reducing the risk of selective or politically motivated enforcement. The Federal Trade Commission Act empowered the FTC with autonomy to “make investigation upon its own initiative.”¹¹⁷ It also mandated the FTC to follow directives from either House of Congress or the President to investigate and report on alleged violations of antitrust laws by corporations.¹¹⁸ Additionally, the Act required the FTC to publish its market competition research to promote transparency and public accountability.¹¹⁹ The FTC's powers, combined with the Clayton Act's proactive measures, addressed anti-competitive practices before major market harm. This preventative approach lessened trust dismantling, saving substantial economic costs.

Reform Outcomes

Public opinion strongly supported Wilson's reformative approach, as illustrated by a laudatory political cartoon published in 1914 and now archived by the Library of Congress.¹²⁰ The Clayton Act's clear

¹¹⁴ US Congress, United States Code, Title 15, Commerce and Trade, Section 41, “Federal Trade Commission Established; Membership; Vacancies; Seal” (1914), accessed December 17, 2024, <https://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title15-chapter2-subchapter1&edition=prelim>; US Congress, “An Act to Create a Federal Trade Commission, to Define Its Powers and Duties, and for Other Purposes,” Statutes at Large, 63rd Congress, 2nd Session, Ch. 311, 38 Stat. 717 (1914), accessed November 17, 2024, <https://www.govinfo.gov/content/pkg/STATUTE-38/pdf/STATUTE-38-Pg717.pdf>.

¹¹⁵ Ibid.

¹¹⁶ Federal Trade Commission, “The Enforcers.”

¹¹⁷ US Congress, “An Act to Create a Federal Trade Commission, to Define Its Powers and Duties, and for Other Purposes,” Statutes at Large, 63rd Congress, 2nd Session, Ch. 311, 38 Stat. 717 (1914), accessed November 17, 2024, <https://www.govinfo.gov/content/pkg/STATUTE-38/pdf/STATUTE-38-Pg717.pdf>.

¹¹⁸ Ibid.

¹¹⁹ Ibid.

¹²⁰ Clifford Kennedy Berryman, “President Woodrow Wilson, Antitrust, Tariff, and Currency Legislation and Business Prosperity,” June 26, 1914, NAID: 306143, Series:

provisions reduced judicial discretion in interpreting antitrust laws. Independent and transparent, the FTC's regulatory structure allowed it to enforce laws free from presidential control, maintaining market oversight and promoting fair competition.

Conclusion

The quarter-century history of federal antitrust laws, from 1890 to 1914, epitomized three distinct modes of government: laissez-faire, an overpowered executive branch, and a system of checks and balances among the three branches. So, the period provides multifaceted insights into the US economic, political, and legal histories. While laissez-faire governance fostered innovation and economic productivity, it also deepened uneven prosperity, social inequities, and the risk of civil unrest. Had the Harrison or McKinley administrations continued their minimal governmental intervention in monopolistic abuses and wealth inequalities, the United States might have faced widespread revolts.

Both Roosevelt and Wilson responded to public pressure to address social injustice through market monopoly reform, but their approaches reflected stark contrasts. Roosevelt exploited the weaknesses in federal antitrust legislation to expand executive authority, pursuing a case-by-case, executive-centered strategy. While effective in specific instances, this approach undermined the constitutional system of checks and balances among the executive, legislative, and judicial branches. On the contrary, Wilson sought a more sustainable approach by restoring balance among the three branches of government. This institutional reform required exceptional leadership, as it demanded resisting the temptation to consolidate executive power while implementing meaningful change.

Similar historical dynamics may emerge in response to rapid technological advancements in artificial intelligence (AI). As AI reshapes economic and social structures, it will likely create significant imbalances and challenges for governance. Without careful regulation, societies may lose their political systems' checks and balances, echoing the lessons of the antitrust developmental era. A historical understanding of how leaders navigated these tensions can provide valuable insights as we confront modern challenges.

Berryman Political Cartoon Collection, Record Group 46: Records of the US Senate, National Archives, accessed November 19, 2024, <https://catalog.archives.gov/id/306143>.

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Tongyangxi Tradition in Ancient China: The Practice of Raising Future Daughters-in-Law

Xiao Bo Zeng '26
Collingwood School
British Columbia, Canada

Abstract

Tongyangxi was a unique marriage practice in ancient China in which families adopted young girls as future daughters-in-law and raised them within their households. These girls were adopted during adolescence and raised alongside their betrothed until the consummation of their marriage upon both reaching maturity. This practice was most prevalent among peasants in the countryside during a time known as the Old Society, a term for the period between the late Qing dynasty and the founding of the People's Republic of China. This paper analyzes the cultural, economic, and political influences in the Old Society that shaped the unique nature of tongyangxi. It finds that the emphasis on patriarchy, family duty, and female obedience in Confucianism, a pillar of ancient Chinese philosophy, was crucial in prompting the adoption of daughters-in-law from a young age. Furthermore, economic instability in the Old Society's largely agrarian and family-labor-focused economy caused families to seek tongyangxi to avoid the financial burdens of traditional marriage and secure labor. Finally, political tolerance in the Qing Dynasty and the persistence of social norms under the Nationalist Government allowed for the perpetuation of the practice. This paper contributes to scholarly discussions by analyzing the underpinnings of the Old Society that led to the prevalence of tongyangxi. Understanding tongyangxi within its historical context provides insight into how cultural, economic, and political factors influenced family structures and gender roles in traditional Chinese society.

Introduction

Many households adopted and raised a girl in the Chinese countryside during the early twentieth century. Except this girl was not simply supposed to be their daughter – she was their intended daughter-in-law. This girl, known as tongyangxi,¹ was betrothed to her adoptive brother. As missionary Mary Bryson documented from her time in Wuchang in the 1890s, “Is that your daughter?’ I have sometimes asked a Chinese woman, as I have seen a little girl sitting by her side. ‘No, she is betrothed to my son,’ is a frequent reply, as she looks away to a small boy playing merrily, with his thoughts more exercised by the making of mud-pies than anything else.”² A tongyangxi was raised side-by-side with her betrothed until they were formally married after both had reached puberty.

Tongyangxi was a one-of-a-kind Chinese folk practice that displayed many interesting characteristics. First, it was concomitant with economic downturns and peasant households in rural areas. When anthropologist Fei Xiaotong researched the Yangzi area in the 1930s, locals informed him that they witnessed the practice rise to popularity after the Taiping Rebellion ended in 1865, when there was a general economic depression.³ Second, it was common for families to simultaneously offer a biological daughter for adoption when welcoming a tongyangxi into their family. As James Dyer Ball observed in Guangdong in the late nineteenth century, “Sometimes in the Swatow district, two families change girls so that when grown-up they may be daughters-in-law in the respective families who have adopted them in this way.”⁴ Third, when a tongyangxi and her betrothed were formally married, their ceremony was unusually mundane, unlike vibrant and ritual-filled traditional Chinese marriages. As one tongyangxi recalled, “When I was sixteen years old, my mother told me it was time for me to marry my brother. She helped me make new clothes, and my father bought me some jewelry. There was not any feast and we didn’t worship

¹ Tongyangxi is the Mandarin Chinese term used for both the custom and the girl adopted and raised to become a daughter-in-law. The individual characters add to mean, “child (tong) raised (yang) wife (xi).” Hokkien alternatives for the custom are *sim pua* and *t’ung yang hsi*. Common English terms for this practice are “child bride” and “adopted daughter-in-law.” These English terms, however, do not encapsulate the practice as well as the term *tongyangxi*.

² Mary Isabella Bryson, *Child Life in Chinese Homes* (London, England: The Religious Tract Society, 1885), 65.

³ Xiaotong Fei, *Peasant Life in China: A Field Study of Country Life in the Yangtze Valley* (London: Routledge & K. Paul, 1980), 55.

⁴ James Dyer Ball, *Things Chinese: Or Notes Connected with China*, 4th ed. (Hong Kong: Kelly and Walsh, 1903), 419.

the ancestors. My father just said something at dinner, and after that, we slept together.”⁵ Finally, a tongyangxi was often older than her betrothed, an oddity in a heavily patriarchal society.

Tongyangxi was most prevalent in a period that the Chinese people call “the evil old society.” “Old Society” is the historical term used in China to describe the period between the late Qing dynasty and the establishment of the People’s Republic of China (PRC). It was a rocky era of instability after the fall of the Qing dynasty in 1911; warlordism, Japanese aggression, and civil war left the nation politically divided and unstable. This time, however, is most well remembered for its infamous practices like foot binding and the tongyangxi custom. After the PRC was founded in 1949, the government collected data about the practice’s prevalence in the Old Society. In 1951, *Southern Daily*, the official newspaper of the Guangdong provincial committee of the Chinese Communist Party (CCP), reported that 80 percent of women in a Guangdong village had been tongyangxi.⁶ In 1953, *Hebei Daily*, the official newspaper of the Hebei Provincial Committee of the CCP, reported that 70 percent of all the women in a county in Fujian had been tongyangxi.⁷ The practice was outlawed shortly after the founding of the PRC in 1949 when the government initiated a series of revolutionary changes that modernized the economy and cultivated a new culture of gender equality. The end of the tongyangxi custom came soon after. “The New Marriage Law of the People’s Republic of China,” issued on May 1, 1950, marked the end of the tongyangxi custom. The law proclaimed the abolition of traditional marriage practices like tongyangxi and polygamy and established a new democratic marriage system.⁸

Old Chinese family customs, such as the tongyangxi, have long been a topic of interest for the academic community. Existing works on the subject are mainly based on observations and accounts of the tongyangxi practice in Chinese society. While these works provide detailed insights into the tongyangxi custom, they are case-specific and do not inquire into the causation. The approach of this essay is holistic; it will analyze the underpinnings of old Chinese society that caused the formation of this unique practice. This essay will explain the cultural and economic forces that shaped the nature of the tongyangxi custom. This essay first analyzes the cultural influences that prompted families to

⁵ Arthur P. Wolf and Chieh-shan Huang, *Marriage and Adoption in China, 1845-1945* (Stanford, CA: Stanford University Press, 1980), 116.

⁶ Wolf and Huang, *Marriage and Adoption*, 7.

⁷ Ibid.

⁸ John W. Engel, “Marriage in the People’s Republic of China: Analysis of a New Law,” *Journal of Marriage and the Family* 46, no. 4 (1984): 955, <https://doi.org/10.2307/352547>.

adopt and raise their daughters-in-law, then discusses the period's economic conditions that necessitated tongyangxi, and finally looks at the legal policies and social norms that sustained the practice.

Confucianism: The Pillar of Ancient Chinese Philosophy and Ethics

The Deep-Rooted Influence of Confucianism in Traditional Chinese Society

As the dominant ideology from approximately 200 BCE to 1949, Confucianism fundamentally defined old Chinese culture.⁹ In the Old Society, there was a revival of the older Confucian ideas. Indeed, the Confucianization of society in China reached its apex in the Qing dynasty when the Qing emperors transformed Confucian teachings into a mechanism of political control.¹⁰ The Confucian ideal of filial piety, which emphasized respect for elders and authority, was used by Qing rulers to legitimize their authority. The emperor was regarded as the “father” of the nation, and his subjects were expected to demonstrate the same respect and obedience they would show their paternal figure. In addition, other aspects of Confucianism were used to promote moral and ethical behavior among subjects. As a result, Confucian teachings were codified into laws and solidified into folk practices, making it a particularly influential force in this practice.

Devaluing Daughters: Cultural Roots of Female Infanticide

Confucianism placed women in subordinate positions, which led families to view their daughters as superfluous. In *The Analects*, a collection of Confucius' teachings, Confucius teaches his students how to behave in any conceivable situation. On women, however, he only says, “It is not pleasing to have to do with women or people of base condition. If you show them too much affection, they become too excited, and if you keep them at a distance, they are full of resentment.”¹¹ Confucius compares women to people of “base condition” and suggests that they must be forgotten and passed over in silence. Based on his teaching, Confucius' followers developed a series of societal expectations for women. In *Precepts for Women*, the author, a loyal follower of Confucianism, praises submission: “In truth, as far as knowledge goes, a woman need not be extraordinarily intelligent. As for her speech, it need not be exceptionally clever. As for her appearance, it

⁹ Xiongya Gao, “Women Existing for Men: Confucianism and Social Injustice against Women in China,” *Race, Gender and Class* 10, no. 3 (2003): 114, JSTOR.

¹⁰ Encyclopedia Britannica.

¹¹ Gao, 115.

need not be beautiful or elegant, and for her talents, they need only be average... This is why the Nuixian says, 'If a wife is like a shadow or an echo, how can you fail to praise her?'¹² The manifestation of these views was a patriarchal, patrilineal, and patrilocal configuration of Chinese society. That is, women were restricted to the domestic sphere, ancestry could only be traced through males, and wives had to relocate to their husbands' households after marriage.¹³ Patrilocality, in particular, caused families to view their daughters with low regard. The belief was that "Daughters were goods on which one lost money. They could contribute little or nothing to their natal families in the way of enhancing their status, increasing their wealth, or providing for their care in their old age."¹⁴ A daughter was viewed as an inevitable deserter of her natal household. As soon as she was old enough to help around the house, she would marry, relocate to her husband's household, and take care of his family.

The marginalization of daughters gave rise to female infanticide, which severely skewed the gender ratio, making it hard for men to find wives. While female infanticide had always existed in Chinese history, it was not until the Old Society, when faced with severe economic hardships, that families were extremely unwilling to keep and raise daughters. In the 1930s, Fei observed only 100 girls to 135 boys in the age group 0-5 in a village in the Yangzi Valley.¹⁵ Moreover, he recorded that only 37 percent of households had girls under sixteen.

Marriage Demands and the Rise of Tongyangxi

Even in a time of a markedly unbalanced gender ratio, men and their families still saw it as necessary to find a wife. This is because having children – and, by extension, marriage, the necessary prerequisite – was of utmost importance in Confucian teachings. Filial piety, a core of Confucianism, stresses the importance of perpetuating the family lineage. To have children was to preserve the family name and heritage, which was seen as a way to honor ancestors. Moreover, the younger generation was important for continuing ancestral worship. In fact, having "five generations under one roof" was the ultimate sign of status and moral worth.¹⁶ The importance of having children was reflected in

¹² Gao, 116.

¹³ Lisa Tran, "Marriage and Family in China: Ideology and Practice," *Education About Asia* 13, no. 1 (2008): 17-19.

¹⁴ Margery Wolf, *Revolution Postponed: Women in Contemporary China* (Stanford, CA: Stanford University Press, 1985), 1-2.

¹⁵ Fei, *Peasant Life*, 34.

¹⁶ Kay Ann Johnson, *Women, the Family, and Peasant Revolution in China* (Chicago: University of Chicago Press, 1985), 9.

sayings such as, “There are three unfilial things, not to have a child is the first one.”

To secure a wife for their son, families resorted to the tongyangxi custom. While raising a daughter was seen as a waste of resources, raising a daughter-in-law was valuable as she would care for her in-laws when they grew old and carry children to preserve the family name. This idea is expressed in a 1930s lullaby, “Milling rice and millet, let’s raise a rooster to tell us the time; let’s raise a dog to stand watch at night; let’s raise a son to take of us when we are old; but even if we raise her, a daughter will only marry out, so let’s raise a sim pua who will become a mother-in-law.”¹⁷ Giving away daughters families did not want to raise soon replaced the practice of female infanticide; as Reverend Justus Doolittle observed in Fuzhou, “When a girl is born in a poor family, which it feels unable or is unwilling to rear she is often given away or sold when but a few weeks or months, or one or two years old, to be the wife of a son in the family of a friend or a relative which has a little son not betrothed in marriage.”¹⁸ With the biological daughter given away, the family will instead use their resources to raise a daughter-in-law. In fact, many families gave away their daughters to make room so that the mother could nurse her future daughter-in-law.¹⁹ This trend was made apparent before 1920 when boys who succeeded by a sister, or a brother who died, were three times as likely to be matched with a tongyangxi as those who succeeded by a brother who lived.²⁰

Tongyangxi and the Imperative of Bearing a Son

Sometimes, a tongyangxi was adopted before a household even had a son so that she could “bring in a son.” Households did so based on the old Chinese thought that trees represented women in an unseen world, and a woman’s fertility depended on whether that tree had flowers. The idea was that, since a man would graft a tree so it would bear fruit, adopting a child into a childless family would allow the woman to have children.²⁴ So, families adopted tongyangxi to “bring in a son.” This kind of tongyangxi was called a *huadengnü*: flower (hua) waiting (deng) girl (nü). The term was associated with the proverb, “Plant a flower and wait for the birth of a son.”²⁵ Many families believed in this superstition; of all adopted daughters born in 1916-1920, 45.7

¹⁷ Wolf and Huang, *Marriage and Adoption*, 234.

¹⁸ Justus Doolittle, *Social Life of the Chinese: With Some Account of the Religious, Governmental, Educational, and Business Customs and Opinions. With Special but Not Exclusive Reference to Fuchchau* (New York, NY: Harper & Brothers, 1865), 1:194-195.

¹⁹ Wolf and Huang, *Marriage and Adoption*, 235.

²⁰ Ibid., 274.

percent were adopted by families with no male children.²⁶ Informants have spoken of the effectiveness of this kind of tongyangxi; however, medical researchers have argued that this phenomenon of “bringing in a son” was because adopting a tongyangxi soothed a couple’s childlessness anxiety, leading to an increased chance of conceiving.²⁷ As to why these adopted daughters became daughters-in-law instead of normal foster daughters, it circles back to the disparate value perceived by a daughter and a daughter-in-law.

The Role of Female Obedience in Confucian Family Dynamics

Besides marginalizing daughters, Confucianism also insisted that the ideal Chinese woman was passive and obedient. This concept is exemplified in the didactic code, the *Three Obediences and Four Virtues*. The text instructed women to obey three men throughout their lifetime: their father before marriage, their husband after marriage, and their first son after the death of their husband.²¹ Moreover, it insisted that a female abide by the virtues of sexual morality, proper speech, modest manners, and diligent work. The subservience of females is also shown in filial piety, as the way a female demonstrated filial piety, apart from giving birth to a son, was by faithfully obeying her in-laws. The 22nd example of *The Twenty-four Exemplars of Filial Piety*, one of the most influential tracts ever written in China, was of an exemplary daughter-in-law,

Madame Zhangsun was the great-grandmother of Cui Nanshan of the Tang dynasty. When she was old and toothless, every day Cui’s grandmother, Madame Tang, after combing her hair and washing her face, entered the main hall and breast-fed her. Although the old lady did not eat a grain of rice, after several years she was still in good health. One day she fell sick, and young and old gathered about her as she announced, “There is no way that I can repay my daughter-in-law’s goodness to me. If the wives of my sons and grandsons are as filial and respectful as this daughter-in-law, it will be enough.”²²

The text describes a daughter-in-law so loyal that she was willing to breastfeed her sick mother-in-law, demonstrating how an ideal daughter-in-law complied with her husband’s household. The oppression a daughter-in-law would face when she first enters her husband’s

²¹ Gao, “Women Existing,” 116.

²² William Theodore De Bary and Richard Lufrano, *Sources of Chinese Tradition: Volume 2: From 1600 Through the Twentieth Century (Introduction to Asian Civilizations)*, 2nd ed. (New York, NY: Columbia University Press, 1999), 139.

household often causes her to experience a crisis after marriage and get into many arguments with her mother-in-law. It was described that “It comes to be taken more or less for granted that the mother-in-law is a potential enemy of the daughter-in-law. Friction between them is taken as usual and harmony as worth special praise. Anyone who has listened to gossip among the elder women will confirm this statement. They are never tired of cursing their daughters in law.”²³ In the Old Society, a mother-in-law frequently took advantage of her position, often to avenge her own bad treatment when she was a daughter-in-law herself.²⁴

Tongyangxi as a Means to Prevent Familial Conflict

To avoid tensions that would jeopardize harmony and enforce a daughter-in-law subservient to the household, families wanted to raise their intended daughters-in-law. This is because tongyangxi, used to the ungenerous treatment she had experienced from her mother-in-law since she was young, accepted her fate and did not make a fuss.²⁵ This motivation was why this custom, predominantly practiced by peasants, was also observed occasionally in wealthy households. In 1936, Okada Yuzuru surveyed 148 farm families in Shih-lin, a village northwest of Taipei City, where the average income was 428 yen per household.²⁶ He found tongyangxi was not just in poor households but also in households with a gross income of over 30,000 yen. Although these wealthier households practiced the custom, they concealed it from others by sending the tongyangxi back to her natal family a few weeks before the wedding and then marrying her in a pompous traditional wedding.²⁷ After all, they did not want others to know they were practicing something associated with the peasant class.

Cultural influences from Confucianism were crucial in shaping the unique nature of the tongyangxi custom. The school of thought marginalized women in society, causing families to view their daughters with low regard and practice female infanticide. This, coupled with the duty of carrying on the family line, emphasized in filial piety, created a double bind: daughters were superfluous, but a daughter-in-law was valuable. The tongyangxi custom developed as a solution; families would give their biological daughters away and raise an adopted tongyangxi in her place, allowing them to guarantee wives for their sons in a time of

²³ Fei, *Peasant Life*, 48.

²⁴ Olga Lang, *Chinese Family and Society* (New Haven, CT: Yale University Press, 1946), 48.

²⁵ Wolf and Huang, *Marriage and Adoption*, 175.

²⁶ Wolf and Huang, *Marriage and Adoption*, 262-263.

²⁷ Margery Wolf, *Women and the Family in Rural Taiwan* (Stanford, CA: Stanford University Press, 2005), 178.

scarcity of females in society and not spend resources on a daughter who would marry into another household. Moreover, the Confucian view of women as obedient manifested within the domestic household, as a woman demonstrated filial piety by subservience to her in-laws. The expectations for docility expected of a daughter-in-law by her mother-in-law, in particular, led to much friction. To enforce loyalty in daughters-in-law and preserve domestic families, many families wanted to control the upbringing of their daughters-in-law.

Family Strategies for Economic Stability and Labor Productivity

Economic Hardships in Old Chinese Society

The economy of ancient Chinese society was agrarian, operating under feudalism. Land ownership fell into the hands of a small class of landlords, leaving the rest as peasants who worked the land. This system, which governed a significant portion of the Chinese economy, suffered during the Old Society. During the early half of the era – the late Qing dynasty – the Opium Wars and the unequal treaties that followed significantly weakened the Chinese government and spurred multiple domestic uprisings. During the second half of the period – the Republican Era – the economy was exacerbated when self-sufficiency ended abruptly from the import of foreign commodities protected by tariff privileges, causing the steep decline of agricultural products and peasant incomes.²⁸ In addition to a severe economic condition, ancient China was rife with landlord exploitation. Farm rent was intensely high in the Old Society, often 70-80 percent of all money made from the harvest; what remained was insufficient for peasants to survive, so they borrowed rice and money with high-interest payments of 5-10 percent monthly.²⁹ As one saying had it, “The poor man faces two swords – heavy farm rent and high interest. The poor man has three roads before him to run away at night, to hang himself, or to go to jail.”

Costly Expenses of a Traditional Chinese Marriage

Traditional Chinese marriage was costly from start to finish due to its status as an integral rite. Regarding marriage, the *Book of Rites* explains,

The respect, the caution, the importance, the attention to secure correctness in all the details, and then (the pledge

²⁸ Ono Kazuko, *Chinese Women in a Century of Revolution, 1850-1950*, ed. Joshua Fogel (Stanford, CA: Stanford University Press, 1989), 141.

²⁹ Kazuko, *Chinese Women*, 140.

of) mutual affection - these were the great points in the ceremony, and served to establish the distinction to be observed between man and woman, and the righteousness to be maintained between husband and wife. From the distinction between man and woman came the righteousness between husband and wife. From that righteousness came the affection between father and son; and from that affection, the rectitude between ruler and minister. Whence it is said. The ceremony of marriage is the root of the other ceremonial observances.³⁰

Marrying properly was of utmost importance as it demonstrated the couple's and their family's righteousness. As a result, marriage was a complicated process that required "Six Rites": *nacai* (formal proposal at the woman's house), *wenming* (asking about the woman's personal information), *naji* (placing the characters at the ancestral altar to confirm compatibility), *nazheng* (sending betrothal gifts to the bride and returning gifts to the groom), *qingqi* (selection of an auspicious wedding date by the groom's family), and *qinying* (wedding ceremony).³¹ The "Six Rites" were shortened to "Three Rites" and secularized further. Nonetheless, aspects remained necessary, like the bride price. The bride price was the betrothal gift the groom sent to the bride's household. Though negotiated between the groom and the bride's father, the bride price was paid to the bride as a symbolic sense of her value.³² It was taken for granted that a family would ask for a high bride price. If they did not, there would be assumptions that something was wrong with their daughter, so they were ashamed to demand a high price. Based on his research in North Taiwan, Sung Lung-sheng wrote that around 1900, the bride price of a traditional marriage ranged from 200 to 500 yen.³³ Furthermore, the secularization of marriage reshaped the affair into an opportunity for families to display their status. As described in the following remarks by Chen Hongshou, a Qing dynasty official,

When it comes to marriage, people care only about keeping up with the times. They spend extravagantly on material things. [...] Utensils and articles for the home and

³⁰ Confucius et al., *The Book of Rites: English-Chinese Version* (Beijing: Intercultural Press, 2013), 305.

³¹ Yu Wu and Zhidiankui Xu, "Six Rites of Allied Harmony: Changes in Ancient Chinese Wedding Ceremonies under the Influence of Confucianism," *Religions* 14, no. 12 (2023): 1533-1534, <https://doi.org/10.3390/rel14121528>.

³² Jinghuan Chen and Weiyu Pan, "Bride Price and Gender Role in Rural China," *Heliyon* 9, no. 1 (2023): 3, <https://doi.org/10.1016/j.heliyon.2022.e12789>

³³ Lung-sheng Sung, *Inheritance and Kinship in North Taiwan* (Stanford, CA: Stanford University Press, 1974), 44.

business are the finest and the most expensive, and they must be beautifully made as well. The decorated pavilion to welcome the bride and her elegant sedan chair, the banquet where the two families meet and exchange gifts, all require the most fantastic outlays of cash. One sees the worst of this among poorer people, who will borrow heavily to give the appearance of having property, all for the sake of a single public display, ignoring the needs of the “eight mouths” at home.³⁴

The eyes of many watched a traditional marriage, and being parsimonious would cause families to lose face. For these reasons, while based in the Jiangxi province to conduct rural surveys, Mao Zedong wrote, “Since in the old days it was impossible to obtain a wife without money, many poor farmers did not marry at all. One had to either adopt a t’ung-yang-hsi or wait until an advanced age.”³⁵ In the Old Society, marriage in the traditional form was impossible for households with the lowest income.

Tongyangxi as a Way to Escape Marriage Costs

The high costs of a traditional form of marriage drove families to practice the tongyangxi custom during these times of economic adversity. For a tongyangxi, a bride price was unnecessary as a family adopted her into their household before she was of age to marry. The costs of adopting a young girl were much lower than a bride price, as young girls were viewed to be worth very little by their natal households. While a bride price was hundreds, Sung noted that adopting a tongyangxi only cost 20-50 yen.³⁶ Furthermore, when a tongyangxi and her betrothed reached the age of marriage, their wedding could remain simple. A tongyangxi was already living in her husband’s household, so there was no ceremony to welcome her into the household on the day of her marriage. There was no bridal procession, guests, or rituals – often, a simple family feast sufficed.³⁷ This custom was an inexpensive alternative to traditional marriages that became widespread during economic hardship. For this reason, this practice was common among peasants in rural areas and concomitant with economic downturns. Tongyangxi became popular in the 1930s, during the Great Depression, when there was a steep decline in the prices of agricultural products. The frequency

³⁴ Rubie Sharon Watson and Patricia Buckley Ebrey, eds., *Marriage and Inequality in Chinese Society* (Berkeley, CA: University of California Press, 1991), 205.

³⁵ Wolf and Huang, *Marriage and Adoption*, 261.

³⁶ Sung, *Inheritance and Kinship*, 44.

³⁷ Wolf and Huang, *Marriage and Adoption*, 116.

of tongyangxi increased from 17 percent of all married women to 39 percent; there was an average of one tongyangxi per 2.7 households.³⁸

Tongyangxi as a Source of Family Labor

Finally, tongyangxi was adopted as a source of unofficial labor. In the Old Society, the economy was predominantly agricultural, with families in the countryside making a living from family labor. The size and productivity of the family labor force impacted their economic stability. When squeezed dry by cruel landlords and pressured by a flagging economy, many peasant households sought additional sources of cheap labor, which they found through tongyangxi. Although a family had to raise a tongyangxi, they often used her as a free source of labor. In fact, some informants insisted that this was a primary reason for adopting a tongyangxi. When asked whether people adopted tongyangxi to avoid paying a bride price, an informant replied, “That is just a lie people tell. Their real reason for adopting tongyangxi was to have someone work for them.”³⁹

This would explain why families wanted to adopt a tongyangxi older than her betrothed. This age dynamic was documented by many poems and songs, such as *Do I Really Have a Husband?*,

The bride is eighteen, the groom is three. I take the lamp and go
to the bedroom.
When my husband grows up, my beauty will have already faded.
When the flower blooms, the leaves have already withered.
The bride is eighteen, the groom is three.
Every night I carry him to bed.
My eyes open in the dead of night and I wonder,
Is he my child or my husband?
Do I really have a husband?
Every night I sleep in a cold bed.
If I could only talk to my pillow,
It would feel sorry for me.⁴⁰

The poem describes a significant age difference between the tongyangxi and her intended husband – she is a grown woman, yet her husband is an infant. Many families preferred an older tongyangxi as she could contribute more to agricultural work and household chores, sometimes even caring for her future husband. There were cases throughout China

³⁸ Fei, *Peasant Life*, 54.

³⁹ Wolf and Huang, *Marriage and Adoption*, 287-288.

⁴⁰ Kazuko, *Chinese Women*, 144.

in which a girl carried her future husband on her back and washed his diapers; in fact, in the Shanxi province during the Old Society, the price of adopting a tongyangxi was set according to the girl's age: the older she was, the higher the price to adopt her.⁴¹

The Mistreatment of Tongyangxi

The treatment of tongyangxi as free help led to a master-servant-like relationship dynamic between a tongyangxi and her husband. This often led to the harsh treatment of these girls – some witnesses even described them as “virtual slaves.”⁴² Folktales and proverbs often refer to their ill-treatment in everyday expressions like “a sullen expression has a face like a sim-pua,” “a child cries like a sim-pua,” and “a young girl complains that her parents make her work like a sim-pua.”⁴³ Moreover, deprived of a grand wedding and an elegant gown, many tongyangxi were disliked by their husbands, as explained: “It was one thing to marry a girl whose entry into the family was a celebrated event and who came dressed in Imperial finery; quite another to be told that the drudge who helps mother in the kitchen is to share your bed.”⁴⁴ In times of economic hardship, families needed to increase their family labor force to keep themselves afloat, so they adopted a tongyangxi who not only served as an inexpensive wife for their son but also as a free source of labor.

The flagging economy of the Old Society was important in necessitating the tongyangxi practice. The high costs of traditional marriages were out of reach during times of economic depression caused by uprisings, the Great Depression, and exploitation by landlords. To avoid these costs, families instead adopted a tongyangxi, so when the time came to marry her and their son, they could avoid the high bride price and a lavish ceremony. Moreover, in households in the countryside, families needed additional labor to support themselves financially during the economic instabilities of the Old Society. So, they adopted tongyangxi, old enough to provide labor and care for her young betrothed. The intention of tongyangxi as free help led to the horrible treatment of these helpless young girls.

Legal Tolerance and the Persistence of Tradition

Legal Legitimacy of Tongyangxi in the Qing Dynasty

⁴¹ Ibid., 143.

⁴² Susan L. Glosser, *Chinese Visions of Family and State, 1915-1953* (Berkeley, CA: University of California Press, 2003), 189.

⁴³ Wolf, *Women and the Family*, 172.

⁴⁴ Wolf and Huang, *Marriage and Adoption*, 173.

During the early half of the Old Society, the tongyangxi practice was tolerated. The Board of Punishment, the ministry in the Qing Dynasty responsible for overseeing law enforcement and the administration of justice, never formally recognized the tongyangxi custom. However, the board did grant the custom a degree of legitimacy when it said, “Among the people, when a family lacks clothing and food and is not able to support a daughter, sometimes they have no choice but to resort to sending the girl to the family of her intended before actual marriage. It is called tongyang. The law does not forbid it, but rather follows what is convenient for the people.”⁴⁵ On poor families adopting tongyangxi, the board took the same stance it held towards impoverished men who sold their wives into another marriage – tolerance. That is, the board recognized that the practice was widespread and found a justification for it in the plight of the poor. Interestingly, the Qing code forbade the selling of wives. Yet, the practice of men selling their wives became so prevalent in the Qing Dynasty that by 1818, the Board of Punishment came to acknowledge and tolerate it.⁴⁶ While the board never outlawed the tongyangxi custom, it did acknowledge the prevalent practice, granting it a degree of legitimacy and allowing it to continue.

Lack of Regulation and Social Norms Under Nationalist Rule

After the collapse of the Qing Dynasty in 1911, a new revolutionary republic – the Republic of China – was established. This government attempted to westernize the political and social order; however, the nascent administration faced difficulties assuming authority over the people, and competing warlords maintained control over pieces of the country.⁴⁷ Various warlords maintained their own interests, and tradition prevailed in China. The tongyangxi custom continued to be allowed in this period and was practiced at an increasing rate because of high taxes and land exploitation.

The Guomindang unified China in 1928 and established a Western legal system that modernized marriage and promoted women’s rights. This, combined with the infiltration of Western technology and laws, led to concepts of individualism in Chinese society.⁴⁸ As the new government took office, a slow cultural evolution began in urban

⁴⁵ Philip C. C. Huang, “Women’s Choices under the Law: Marriage, Divorce, and Illicit Sex in the Qing and the Republic,” *Modern China* 27, no. 1 (2001): 9, JSTOR.

⁴⁶ Huang, “Women’s Choices,” 6.

⁴⁷ Roxana Ng, *The Marriage Law and Family Change in China with Special Reference to Kwangtung Province 1950-1953* (Vancouver, BC: University of British Columbia, 1974), 44, <https://doi.org/10.14288/1.0093448>.

⁴⁸ Ng, *The Marriage*, 44-45.

regions. Individualism spread among young, urban individuals, especially students, who denounced the strict hierarchy of the traditional family structure.⁴⁹ This phenomenon, however, was restricted to the urban population close to industrial centers and failed to influence the countryside, where tradition was most potent. Policy alone did not change people's minds; traditional values and norms remained dominant in the countryside. In fact, some living in rural areas were unaware of the rapid changes occurring in cities. In a survey of marriages conducted in the villages of North China, only one family out of the 360 investigated answered that they asked for the consent of their child when arranging their marriage.⁵⁰ Moreover, out of 170 rural inhabitants interviewed, only three women admitted to having heard of “modern” marriages.⁵¹

While the tongyangxi custom was against the traditional Chinese view of marriage, its widespread practice led to its acknowledgment by the Qing Dynasty, granting it legitimacy. After the fall of the Qing Dynasty, a lack of active regulation against traditional customs like the tongyangxi allowed them to continue. The persistence of the tongyangxi reveals the deep-rooted influence of social norms on families in the rural countryside.

Conclusion

Throughout their lives, tongyangxi were powerless victims of great misfortune, abandoned by their natal families and treated as virtual slaves by their betrothed family. Such maltreatment was so notorious that, towards the end of the Old Society, the Chinese Communist Party used tongyangxi as an emblem of the old marriage system in party propaganda.⁵² It proved wildly successful; the adopted daughter-in-law provided excellent ground on which peasant sympathies were gained, all of whom viewed the practice as an unfortunate necessity.

The tongyangxi practice is remembered as a shameful practice from ancient times; however, a close investigation into the context will reveal it as a practice necessitated by the cultural and economic conditions of the time. Confucianism, the dominant ideology, established a patriarchal society that saw women as only valuable for their contribution to the perpetuation of the patrilineage. As a result, families viewed their daughters as deserters of the household and wanted to raise an intended daughter-in-law instead. The rigid societal

⁴⁹ Ng, *The Marriage*, 45.

⁵⁰ Lang, *Chinese Family*, 123.

⁵¹ Ibid.

⁵² Glosser, *Chinese Visions of Family and State*, 189-190.

expectation of female obedience created a desire to control the upbringings of daughters-in-law to enforce subservience to their household. The declining economy caused by multiple uprisings and the Great Depression forced households to stray from traditional marriages and practice inexpensive marriage practices, like tongyangxi. Furthermore, extreme pressures on the peasant class by exploitative landlords left them desperate for additional sources of labor, which they gained by adopting tongyangxi. Finally, this practice was sustained through political tolerance in the Qing Dynasty, which allowed families who sold their young daughters as brides to be treated with sympathy rather than punishment. Despite the increased influence of Western ideas after the Qing collapsed, the practice continued in the countryside due to the persistence of social norms.

The tongyangxi custom is a vivid symbol of the struggles faced by Chinese people in the Old Society: bondage by deep-rooted Confucian ideologies and pressure from a struggling economy, an unfortunate custom born of necessity in those times.

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Political to Personal: The Evolution of Feminist Poetry

Amani Shroff '26
Carlmont High School
California, United States

Abstract

Poetry has long empowered women to express their experiences and challenge social norms. This essay explores the evolution of feminist poetry, comparing the politically charged verses of the suffragette movement with the diverse, personal expressions of modern feminist poets. While both share themes of female empowerment and resistance against patriarchy, shifts have occurred in poetic style, accessibility, and focus. Early 20th-century suffragette poetry, often formal and rhythmic, rallied women for suffrage, uniting them in a collective political struggle. However, access to poetry was limited, excluding many women, particularly women of color and working-class individuals. The second-wave feminist movement of the 1970s marked a turning point. Feminist poetry surged, becoming a tool for women from all backgrounds to articulate personal struggles, explore identities, and engage in social commentary. This era saw diversified voices and styles, with women moving beyond collective activism to explore individual, intersectional experiences in a globalized world. This transition reflects a shift from primarily political aims to personal expression and self-definition. Poetry, intimate and often unconventional, creates a vital space for honest self-expression, especially where systemic barriers restrict women's voices. This study demonstrates poetry's enduring power for women to challenge norms, articulate their realities, and assert their perspectives, contributing to discussions about art's role in social movements and empowerment.

Introduction

This paper examines the use of poetry in the suffragette movement and its contemporary application. While both suffragette and modern feminist poetry share themes of empowerment, their stylistic differences reflect their distinct impacts on women. Exploring how poetry has both reflected and shaped women's voices, this paper argues that it has evolved as a medium for resistance, self-expression, and cultural commentary. Modern women's poetry addresses more intersectional issues than suffragette-era poetry. Poetry offers women a raw, unfiltered avenue for expressing their opinions and championing their causes. Though historically limited in representing diverse voices, particularly women of color and lower-class women, it has broadened to include a wider range of experiences, strengthening the feminist movement. As feminist poetry has shifted from primarily political expression, focused on suffrage, to personal expression, it has become more effective in capturing a wider range of women's voices through diverse styles and authentic storytelling.

Background and Exploration

Suffrage Movement Poetry

In the tumultuous landscape of the late 19th and early 20th centuries, women advocating for suffrage utilized poetry as a powerful tool. While suffragettes engaged in activism through protests and speeches, they also employed poetry as a more nuanced form of expression, uniting women and disseminating crucial messages about their societal roles. Through the rhythmic cadence and unfiltered nature of verse, many women articulated their frustrations and demands. These poetic collections stand as a testament to the resilience of the women's suffrage movement.

Women's experiences are multifaceted, encompassing roles as wives, mothers, and independent thinkers. During the 19th century, societal constraints often limited their ability to share these experiences without facing public disapproval or even abuse. Poetry and writing offered a more private avenue for expression, as these media were often perceived as more socially acceptable and less overtly confrontational than the actions of public activists who delivered speeches. Poets responded to the suffrage movement by composing verses that explored the debate surrounding women's right to vote. Rather than focusing on personal narratives, these poems largely addressed the broader themes and aims of the movement itself.

To gain recognition, many women of the late 19th and early 20th centuries had to express their unconventional views on women's roles within the established poetic conventions of the time. Poets frequently employed structured forms like rhymed couplets and sonnets for musicality, and often incorporated religious allusions. Suffragette poets also used religious references, but they strategically linked the suffrage movement to the concept of divine justice.

Despite this need to conform to some extent, many outspoken suffragette activists also used poetry as a tool in their cause. For example, Elizabeth Cady Stanton penned a three-part poem for Susan B. Anthony, a key figure in the movement, on the occasion of Anthony's eightieth birthday in 1900. The poem recounts their initial meeting and chronicles their shared activism:

Day and night, in stormy weather:
Climbing the rugged Suffrage hill,
Bravely facing every ill:
...
All for the emancipation
Of the women of our Nation.¹

The vivid language in this poem, with words like “day and night,” “rugged,” and “bravely,” creates an outspoken and unflinching tone, reinforcing the power of women by ascribing to them traditionally masculine traits. Stanton does this while carrying a sense of obedience to rhythm and other poetic devices. She also uses traditional heroic and classical language from the classical era with “bravely,” but changes it to reflect the strength of women. By declaring their story and proclaiming the emancipation of all women, Stanton is taking pride in the feminist work she and Anthony have carried out. Yet, she also does not break with the accepted poetic norms of the time, as can be seen in her use of strict rhymes. Her poem continues to use rhymes like “hill, ill” and “emancipation, our Nation.” It also contains the same number of syllables in each line and is structured in three equal parts, exemplifying how women would often insert important messages in their poetry while continuing to obey societal norms for their poetry to be taken seriously, in other words, published and widely read. This example shows how, although poetry provided women a way to champion their cause, it often did not fully serve as a refuge, as they still had to fit into the expectations and rules men had created around it.

¹ Elizabeth Cady Stanton, “To Susan B. Anthony on Her Eightieth Birthday,” *Academy of American Poets*, 1990, lines 16–24, accessed January 4, 2024, <https://poets.org/poem/susan-b-anthony-her-eightieth-birthday>.

In contrast to Stanton's overt activism, more introspective poets like Emily Dickinson explored political themes with greater subtlety. Her observations on life, nature, and the human experience, though seemingly personal, often carried a subversive undercurrent that challenged the status quo. While Dickinson's poetry may not have been explicitly feminist or political, it still contained themes of autonomy. "They shut me up in Prose" by Emily Dickinson states:

They shut me up in Prose –
As when a little Girl
They put me in the Closet –
Because they liked me 'still' —²

During Dickinson's writing period (1858–1865), rigid gender norms and societal expectations limited women's participation in intellectual and artistic fields.³ The belief that poetry was the domain of only highly intelligent men perpetuated the marginalization of women's voices in poetry. In this context, any woman, like Dickinson, who dared to write poetry was considered a rebel. Dickinson uses this poem to position prose as being less liberating than poetry because poetry is more fluid. She describes how girls were taught to be "still" or passive, not meant to be seen or heard. Poetry is open, passionate, and often disturbing – something men did not believe women should be.⁴ Women's poetry during this period of social upheaval demonstrates their active struggle for recognition and autonomy, using poetry as a powerful symbol of breaking free from male dominance. Poetry served as a language to them, literally to convey their thoughts and metaphorically to break into a male-dominated field. Despite poetry being an effective tool for women to communicate their feelings, as Dickinson's poem shows, women were not often encouraged to write it.

Another prominent suffragette writer, Charlotte Perkins Gilman (1860–1935), was also a novelist, humanist, and advocate. Born in Hartford, Connecticut, she experienced a childhood marked by extreme poverty after her father left the family during her infancy. In 1884, she

²Emily Dickinson, "They Shut Me Up in Prose (445)," *Poetry Foundation*, lines 1–4, accessed April 5, 2024, <https://www.poetryfoundation.org/poems/52196/they-shut-me-up-in-prose-445>.

³Melina Stavropoulos, "Emily Dickinson: Reframing Patriarchal Objectification," *Vassar Critical Journal*, Spring 2024, <https://vassarcriticaljournal.vassarspaces.net/issues/spring-2021/emily-dickinson-reframing-patriarchal-objectification/>.

⁴Maggie Glover, "I'm Ceded: Sexual, Social and Gender Role Rebellion in the Poems of Emily Dickinson," *Articulate* 10, no. 2 (2017): 7–13, <https://digitalcommons.denison.edu/articulate/vol10/iss1/2>.

married Charles Walter Stetson, but the marriage ended in divorce shortly thereafter – a rare occurrence in the 19th century. Gilman then moved to California with her daughter, where she became involved in various feminist organizations and began writing poetry. Her poem “We as Women” is one of her most well-known works, challenging patriarchal notions of male supremacy and the then-prevalent idea of female submissiveness:

Now then, all forward together!
But remember, every one,
That 'tis not by feminine innocence
The work of the world is done.

The world needs strength and courage,
And wisdom to help and feed—
When, “We, as women” bring these to man,
We shall lift the world indeed.⁵

Here, Gilman points out that women should not fall into the trap of being idealized by men to save the world. Women must see through this manipulative logic of men and not allow themselves to be romanticized as having “feminine innocence.” She urges women to see the world as it is and have the “strength and courage / And wisdom to help and feed.” She describes how women have larger goals in the world than being idolized by men for their own wants. Her poetry explores complex topics and urges women to change their behavior. In 1911, Gilman’s poetry collection, *Suffrage Songs and Verses*, became one of the first poetry books of the time that focused on equal voting rights for women. Here, poetry effectively provided Gilman with a voice through which to convey her ideas.

Many suffragette poems ended up in published collections, while others were printed in newspapers or pamphlets for further reach. These publications helped spread poetry and unite women. *The Revolution* was established by Susan B. Anthony, Elizabeth Cady Stanton, and George Francis Train in New York, and ran from 1868 to 1872. Often cited as the first women’s suffrage newspaper, it inspired many other publications.⁶ Lucy Stone and her husband, Henry Browne Blackwell, founded *Woman’s Journal* (1870–1912) in Boston, Massachusetts. In 1917,

⁵ Charlotte Perkins Gilman, “We as Women,” *Academy of American Poets*, lines 37–44, accessed March 13, 2024, <https://poets.org/poem/socialist-and-suffragist>.

⁶ Paperless Archives, “Susan B. Anthony’s Suffrage Newspaper: The Revolution,” accessed April 20, 2024, <https://www.paperlessarchives.com/susan-b-anthony-the-revolution.html>.

it was purchased by Carrie Chapman Catt's Leslie Woman Suffrage Commission and merged with *The Woman Voter* and *National Suffrage News* to become *The Woman Citizen*.⁷ Various poems were published in *The Woman Citizen*, including "Song for Equal Suffrage" by Gilman.

Woman's right is woman's duty! For our share in life we call!
Our will it is not weakened and our power it is not small.
We are half of every nation! We are mothers of them all!
In Wisdom marching on!⁸

The Suffragist (1913–1920), one of the most prominent publications of the time, was published by the Congressional Union for Woman Suffrage to advance the cause of women's suffrage. Initially conceived as a small pamphlet, *The Suffragist* evolved into an eight-page weekly newspaper dedicated to disseminating political news concerning women's rights and featured numerous political poems. These publications show how poetry acted as a language or communication channel for women. In this situation, women effectively used poetry to communicate their ideas.

Suffragette poetry accurately captured the turmoil at the time and provided women with a place to communicate their emotions and catch other women's attention. Although motivated by personal reasons, suffragette poetry was highly political, with women largely writing to achieve their political agendas, not utilizing poetry to express their experiences or stories as women. The poetry at the time also did not effectively capture the voice of all women. During the suffragette era and early feminist literary movements, poetry and other forms of written activism were largely dominated by upper-class, white, educated women. This was not necessarily because lower-class women and women of color lacked the desire to write, but rather because of systemic barriers that limited their access to education, publishing opportunities, and recognition. This shows how suffragette poetry was often not an effective tool for all women at this time to achieve their goals.

Modern Feminist Poetry

Modern feminist poetry, from about the mid-20th century to the present, diverges significantly from suffragette poetry, reflecting the

⁷ Massachusetts Historical Society, "A Big Baby Always Having to Be Fed and Never Growing Up": Lucy Stone and the Woman's Journal," August 2019, <https://www.masshist.org/object-of-the-month/objects/august-2019>.

⁸ Charlotte Perkins Gilman, "Song for Equal Suffrage," *Academy of American Poets*, lines 5–8, accessed February 23, 2024, <https://poets.org/poem/song-equal-suffrage>.

evolution of feminism itself. The core of feminism is the belief in the equality of people of all genders. Thus, men, women, and non-binary people should have the same – or equal – rights. However, the meaning of equality and the question of what an equal right is have changed greatly. Modern feminism is an intersectional movement, with women concerned about multiple social issues such as race, disabilities, class, and sexuality. This sharply contrasts with the sole political aim of the suffragettes: to obtain the vote. Thus, while suffragette poetry can be defined clearly as a genre, modern feminist poetry cannot.⁹

One change in women poets' writing after the 1970s was the idea of women writing about their own lives and experiences. Feminist poetry became a more personal act for many women, rather than political poetry meant to speak to all women.¹⁰ This change in focus, from collective struggles to more personal and diverse issues, mirrored the growing, though incomplete, equality women were achieving at the time. The suffragettes made this evolution possible through their fight for political rights, laying the groundwork for future generations to explore more individualized and intersectional experiences in their poetry. Additionally, modern poetry represents a broader range of women, allowing them to write about their experiences and break free from poetic norms. Poetry during this time focused on the abstract representation of women and was often criticized for not acknowledging traditional language norms. Unlike earlier poets, modern women poets do not fear expressing their thoughts openly. Their words communicate their anger without embellishing it with decorative language.

Modern feminist poets also established themselves in spaces that were traditionally occupied by men. One of the most notable examples is Eileen Myles. Myles is nonbinary, which shows how feminist poetry widened to include different identities. Myles moved from New York City to Boston in 1974, where they found poets drinking and smoking cigarettes at church tables during creative writing seminars. For Myles, the East Village felt like the center of anti-institutional poetry.¹¹ They have published several poetry collections that use an edgy activist

⁹ Suzanne Juhasz, "Transformations in Feminist Poetry," *Frontiers: A Journal of Women Studies*, 4, no. 1 (1979): 23–30.

¹⁰ Kelly Knutelski, "Elevating Our Voices: An Exploration and Demonstration of Modern Feminist Poetry," accessed February 9, 2024, <https://digitalcommons.assumption.edu/cgi/viewcontent.cgi?article=1134&context=honorstheses/136>.

¹¹ Emily Witt, "The Poet Idolized by a New Generation of Feminists," *The New York Times*, April 15, 2016, <https://www.nytimes.com/2016/04/15/t-magazine/poet-eileen-myles-chelsea-girls.html>.

persona. For example, their poem “Peanut Butter” explores a woman’s sexual desire in new ways:

I am always hungry
& wanting to have
sex. This is a fact.
If you get right
down to it the new
unprocessed peanut
butter is no damn
good & you should
buy it in a jar as
always in the
largest supermarket
you know.¹²

Myles’s boldness immediately captures the reader’s attention, conveyed not only through language but also through style. Their use of short lines creates a deliberate pacing, inviting the reader to linger over each word while also establishing a distinct rhythm, perhaps even a sense of urgency or desperation. The poem, focused on long-term love, later incorporates images of the lover’s “white hair” alongside a continued appreciation of their desirable qualities. This subverts conventional notions of female beauty, presenting aging as something beautiful and desirable. Furthermore, the poem reveals Myles’s own sexual awakening, demonstrating the shift in poetic focus from the collective concerns of the suffragette movement to more individual and personal experiences. In this way, Myles’s poetry effectively conveys their unique voice and experience, reflecting the broader movement of women’s sexual awakening in the 1960s and ’70s.

Warsan Shire, a British poet of Somali heritage, is another significant voice in feminist poetry. Winner of the inaugural Brunel International African Poetry Prize and London’s first Young Poet Laureate, Shire’s work has also reached a wider audience through her contributions to Beyoncé Knowles-Carter’s acclaimed album *Lemonade* and the Disney film *Black is King*. Additionally, she wrote the short film *Brave Girl Rising*, highlighting the voices of Somali girls in Africa’s largest refugee camp.¹³ One of her most famous poems, “For Women Who Are ‘Difficult’ to Love,” focuses on women finding love within themselves.

¹² Eileen Myles, “Peanut Butter,” *Poetry Foundation*, lines 1–12, accessed May 15, 2024, <https://www.poetryfoundation.org/poems/54620/peanut-butter>.

¹³ BBC, “Somali Poet Warsan Shire on Her African Poetry Award,” April 30, 2013, <https://www.bbc.com/news/av/world-africa-22358337>.

and you tried to change didn't you?
closed your mouth more
tried to be softer
prettier
less volatile, less awake
but even when sleeping you could feel
him traveling away from you in his dreams
so what did you want to do, love
split his head open?
you can't make homes out of human beings
someone should have already told you that
and if he wants to leave
then let him leave
you are terrifying
and strange and beautiful
something not everyone knows how to love.¹⁴

This poem, written in the second person, explores Shire's failed relationship. Her short, free-verse style, which openly expresses vulnerability and weakness, distinguishes her work from that of earlier suffragette poets. Those poets, operating within a more patriarchal era, often felt compelled to project an image of strength in pursuit of their goals. She describes how the man could not love her and treated her as not a full person by comparing her to inanimate objects. She attempted to fit into the man's image of her and lost parts of herself along the way. She accurately describes one of the greatest difficulties of being a woman: losing yourself in attempting to fit into a man's image of you. This poem speaks to women who fear their passion or perceived "difficulty" makes them unlovable. Many critics argue whether this poem is a valuable feminist work.¹⁵ Many argue that it does not provide a route for other women to be empowered because it is highly personal, but it is, again, a story about Shire's personal experience. Emily M. Anderson, an editor at *The Atlantic*, describes her experience reading this poem: "It makes it intimate. I revisit the audio every once in a while, and each time I get the feeling that she's speaking to me directly, giving me advice, perhaps a warning."¹⁶ Perhaps Shire's sharing her story is empowering in

¹⁴ Warsan Shire, "For Women Who Are 'Difficult' to Love," *Genius*, lines 20–34, accessed May 7, 2024, <https://genius.com/Warsan-shire-for-women-who-are-difficult-to-love-annotated>.

¹⁵ Mayte Cantero Sánchez, "'Teaching My Mother How to Give Birth': A Feminist Approach to Warsan Shire's Poetry," *Blue Gum* 3 (2016).

¹⁶ Emily M. Anderson, "Warsan Shire's 'Lesson for Women Who Are 'Difficult' to Love,'" *The Atlantic*, April 18, 2017, <https://www.theatlantic.com/culture/archive/2017/04/warson-shires-lesson-for-women-who-are-difficult-to-love/622467/>.

itself because it leads women to feel heard, seen, and addressed. In many ways, feminist poetry is a language for women to authentically share their experiences, emotions, and feelings. Through this shared language and communication, women find courage, strength, and solace, echoing the experience of the suffragettes.

Contemporary feminist poetry embodies a rich tapestry of themes and complexities. It is multifaceted, delving into diverse subjects and embracing intersectionality, acknowledging the interconnectedness of race, gender identity, sexuality, and nationality. Rather than merely advocating for rights, women utilize poetry as a platform for visibility and connection. Through this medium, they articulate their experiences, communicate with one another, and shed light on pressing issues facing women today.

Comparison of Suffragette Poetry and Modern Feminist Poetry

Women of Color as Feminist Poets

The suffragette poetry movement, in comparison to contemporary feminist poetry, exhibits a marked disparity in the representation of women of color. While the former saw a relative scarcity of poets from these backgrounds, the latter included a significantly broader range of racial diversity. During the 1800s, African American women in the United States faced many challenges because of their race and gender. Many African American women were enslaved, enduring brutal conditions (including physical and sexual abuse) while also being denied human rights under the control of their enslavers. Even for free African American women, life was rife with obstacles due to racism, limited opportunities, and discrimination.¹⁷ Despite these challenges, many African American women rose using various media, including poetry. By comparison, many women of color today are not physically or legally bound to anyone else, but society does not permit them the same opportunities as white women, and they often still face racial discrimination.

Racism became a factor that caused strife between coalitions of white and Black women, leading to divisions in the suffragette movement. During the 19th and 20th centuries, Black women played an active role in the struggle for universal suffrage. African American women attended political conventions and meetings and organized

¹⁷ Rosalyn Terborg-Penn, *African American Women in the Struggle for the Vote, 1850–1920* (Indiana University Press, 1998), 2–12.

societies.¹⁸ However, despite their continuous efforts, their contributions often went unnoticed and ignored. The National American Woman Suffrage Association actively barred Black women from attending their conventions. However, the Black women who joined the suffrage movement were vital to its success.¹⁹

As is often reflected in their poetry, Black women were pulled in two different directions as part of the suffragette movement: helping Black men fight racial discrimination or helping white women change the inferior status of women.²⁰ The pressure to align with either racial or gender-based activism limited the scope of their poetic expression, often preventing a full articulation of their complex identities. Consequently, their poems received limited circulation and recognition.

Modern women of color poets articulate their unique experiences as Black women, a concept Kimberlé Crenshaw termed “intersectionality.”²¹ This framework explores how race, gender, class, and other social categories intersect to shape individual experiences. Unlike earlier constraints, modern poets can explore the complexities of their backgrounds without compromising their identities, finding in poetry a space for self-expression.

One of the most important Black suffragette poets was Frances Ellen Watkins Harper. She was the first African American woman to publish a short story and was an abolitionist, suffragette, and founder of the National Association of Colored Women’s Clubs.²² Her first poetry book, *Forest Leaves*, was published in Maryland in the late 1840s. One of her poems is “My Mother’s Kiss.”

As precious pearls I’ll clasp her words
Until my latest breath.

The world has scattered round my path
Honor and wealth and fame;
But naught so precious as the thoughts

¹⁸ Megan Bailey, “Between Two Worlds: Black Women and the Fight for Voting Rights,” *National Park Service*, September 13, 2022, <https://www.nps.gov/articles/black-women-and-the-fight-for-voting-rights.htm>.

¹⁹ Terborg-Penn, *African-American Women*.

²⁰ Bailey, “Between Two Worlds.”

²¹ Kimberlé Crenshaw, *On Intersectionality: Essential Writings* (New York: New Press, 2014).

²² Kerri Lee Alexander, “Frances Ellen Watkins Harper 1825-1911,” *National Women’s History Museum*, 2020, <https://www.womenshistory.org/education-resources/biographies/frances-ellen-watkins-harper>.

That gather round her name.

And friends have placed upon my brow
The laurels of renown;
But she first taught me how to wear
My manhood as a crown.

My hair is silvered o'er with age,
I'm longing to depart;
To clasp again my mother's hand,
And be a child at heart.

To roam with her the glory-land
Where saints and angels greet;
To cast our crowns with songs of love
At our Redeemer's feet.²³

In this poem, Harper honors her mother through language, by using words such as “crown” and “saints” to almost compare her to a divine figure. Although not outrightly promoting the right for women to vote, this poem describes women’s wisdom in contrast to many ideas at the time that devalued women’s intellectual abilities. The phrase “But she first taught me how to wear / My manhood as a crown” displays how she took pride in her masculine traits. Instead of writing a soft poem describing the beauty of her mother, Harper described the typically masculine traits of honor, wealth, and fame.

Another of her more recognizable poems is “Bible Defense of Slavery”:

Take sackcloth of the darkest dye,
And shroud the pulpits round!
Servants of Him that cannot lie,
Sit mourning on the ground.

Let holy horror blanch each cheek,
Pale every brow with fears;
And rocks and stones, if ye could speak,
Ye well might melt to tears!

Let sorrow breathe in every tone,

²³ Frances Ellen Watkins Harper, “My Mother’s Kiss,” *Poem Hunter*, lines 19–36, accessed February 13, 2024, <https://www.poemhunter.com/poem/my-mother-s-kiss-2/>.

In every strain ye raise;
 Insult not God's majestic throne
 With th' mockery of praise.²⁴

Harper describes the hypocrisy that slave masters create when they use Christianity to justify oppressing enslaved people. Similar to other 19th-century poems, it is metered with a clear rhythm ABAB scheme. Harper uses religious imagery and symbolism to convey her message. She says, "holy horror blanch each cheek," indicating that the situation is so dire that even the holy are stricken with horror. The poem describes "servants of Him that cannot lie," speaking directly to those who claim to be religious and urging them to understand and respond to the situation. It is heavily political, criticizing the use of religion to justify slavery, going against many 19th-century ideas of women.

Both poems focus on different parts of her identity. The first poem focuses on Harper owning her womanhood and being a strong, empowered woman, while the second focuses on Harper claiming her identity as a Black person and working to free enslaved people and end the racially prejudiced system of slavery. This divide shows how Black women had to compromise their identity to write and appeal to various groups. Most 19th-century poems written by Black women followed similar themes, and they often did not write about their experience as a whole. This shows how poetry was not able to effectively capture the voice and intersectional identity of these women.

Harper's relative success must be acknowledged. While her debut novel, despite negative reception from white critics, achieved considerable popularity during her lifetime, the majority of Black suffragette poets experienced limited circulation. This disparity stemmed largely from the priorities of prominent suffragette leaders, such as Susan B. Anthony and Elizabeth Cady Stanton, whose activism did not prioritize Black women's enfranchisement.²⁵ Suffragette publications, including *The Revolution*, rarely featured the work of Black suffragette writers and poets, effectively excluding them from the mainstream poetic discourse of the movement.²⁶ Consequently, the dominant narrative of suffragette poetry offers an incomplete representation of the movement,

²⁴ Frances Ellen Watkins Harper, "Bible Defense of Slavery," *Forest Leaves*, James Yonge, 1840, lines 1–12.

²⁵ Becky Little, "How Early Suffragists Left Black Women Out of Their Fight," *History*, updated January 29, 2021, <https://www.history.com/news/suffragists-vote-black-women>.

²⁶ Little, "Early Suffragists."

highlighting the limitations of a rhetoric of freedom that, in practice, excluded Black women and marginalized their literary contributions.

The scarcity of preserved works makes it difficult to assess the full extent of poetry written by Black suffragettes. Harper's "Bible Defense of Slavery" is a notable exception, as its republication in an 1854 collection ensured its survival, despite a period of assumed loss before its rediscovery in archives.²⁷ The case of a lost work by a significant Black writer, recently rediscovered after 150 years, highlights the potential for significant gaps in our understanding of Black feminist literary production. This example demonstrates how historical records, including poetic works, may not fully represent the diversity of voices within social movements, often overemphasizing the perspectives of white women. The rediscovery of Harper's writing suggests the possibility of a substantial body of undiscovered poetry by Black women from the suffragette era, which could offer a more comprehensive and inclusive portrayal of their experiences.

However, modern Black feminist poetry is much more widely circulated and discussed. Modern Black female poets are more able to embrace their intersectional identity. This has to do with the fact that, as previously discussed, poetry trends have shifted to women telling their own stories instead of directly working for a movement, shaped by the socio-political and historical landscape. To take one example, Aja Monet is a renowned African American poet whose work often addresses themes such as Black identity, feminism, and social justice. Her poetry combines an activist voice with an exploration of history. Perhaps one of her most effective poems is "Say Her Name."

black and woman is a sort of magic
you cannot hash tag
the mere weight
of it too vast to be held

we hold ourselves
an inheritance felt between the hips
womb of soft darkness portal of light
watch them envy the revolution of our movement
how we break open to give life flow

²⁷Johanna Ortner, "Lost No More: Recovering Frances Ellen Watkins Harper's* Forest Leaves," *Commonplace* 15, no. 4 (Summer 2015), <https://commonplace.online/article/lost-no-more-recovering-frances-ellen-watkins-harpers-forest-leaves/?print=print>.

while the terror of our tears the torment of our taste
my rage
is righteous my love is righteous
my name
be righteous here what I am not here to say
we too have died we know we are dying too

I am not here to say look at me how I died
so brutal a death I deserve a name to fit all the horror in
I am here to tell you how if they mentioned me
in their protest and their rallies
they would have to face their role in it too
my beauty too²⁸

In “Say Her Name,” Monet explores themes of empowerment, solidarity, and the enduring struggles faced by Black women. The poem celebrates the power and resilience of Black womanhood and the intersectionality of Black female identity, portraying Black women as embodiments of strength. It is both an affirmation of Black womanhood and a call for recognition of that womanhood. As poetry has shifted toward personal narratives rather than explicitly advocating for a cause, it has become a more intimate form of expression for women. This amplification of diverse voices ultimately strengthens the feminist movement.

Shifting Feminist Theories and Their Influence on Feminist Poetry

The evolution of modern poetry is intertwined with psychological insights, unlike earlier suffragette poetry, which had pure social motivations. In the 1970s, the feminist movement started to highlight the victimization of women, largely due to the emergence of feminist criminology.²⁹ Previously, discussions on women and crime had been shaped by a male perspective. This was exemplified by figures like Cesare Lombroso, who categorized women as either virtuous or depraved.³⁰ Criminologists often sexualize and condemn women instead of treating them objectively. Traditional criminology interpreted crimes against women from a skewed male lens.³¹

²⁸ Aja Monet, “Say Her Name,” Kent State University, 2015, lines 14–35, <https://www.kent.edu/wick/word-warriors-sayhername>.

²⁹ Elizabeth M. Schneider, “Feminism and the False Dichotomy of Victimization and Agency,” *New York Law School Review* (1993): 387–400.

³⁰ Clarice Feinman, *Women in the Criminal Justice System* (New York: Praeger, 1980).

³¹ Carin Perilloux, Joshua D. Duntley, and David M. Buss, “Blame Attribution in Sexual Victimization,” *Personality and Individual Differences* 63 (2014): 81–86,

Early criminologists used rape statistics, such as those from Menachem Amir's 1971 study,³² to prove that women were held responsible for "precipitating" their own rapes. In his work, *The Differend*, Jean-François Lyotard posited the concept of the "differend," which suggests that victims may suffer injustices not adequately recognized by existing legal frameworks, rendering their suffering inexpressible within the confines of conventional language.^{33,34} Dana M. Britton, an advocate for rape law, argues: "Unlike studies of female offenders, which did exist before feminist criminology drew attention to them in the 1970s, there simply was no comparable research in mainstream criminology on women's experiences of victimization or on the crimes that disproportionately affect women."³⁵ The work by these scholars has been important in framing women's victimization as an issue and embedding it into the social justice system. This change was also seen in the poetry written during the rise of modern feminist poetry. As poetry shifted from being overtly political to more personal, women were able to write more vulnerably and authentically about the ways in which the patriarchy had hurt them. For feminist criminologists, such as Susan Brownmiller, the offender is seen as acting upon the current patriarchal, male-dominated makeup of society. Meanwhile, victims are often conditioned by societal pressures to internalize their experiences, remain silent, and accept the injustices they are told they deserve.³⁶

One of the many examples of victim poems is exemplified in modern poet Anne Carson's poem "The Glass Essay":

I can hear little clicks inside my dream.
Night drips its silver tap
down the back.
At 4 A.M. I wake. Thinking

of the man who
left in September.
His name was Law.

My face in the bathroom mirror

³² Menachem Amir, *Patterns of Forcible Rape* (Chicago: University of Chicago Press, 1971).

³³ Jean-François Lyotard, *The Differend* (Minneapolis: University of Minnesota Press, 1988).

³⁴ Rebecca Stringer, "Vulnerability After Wounding: Feminism, Rape Law, and the Differend," *SubStance* 42, no. 3 (2013): 148.

³⁵ Dana M. Britton, "Feminism in Criminology: Engendering the Outlaw," *The Annals of the American Academy of Political and Social Science*, 571 (2000): 64.

³⁶ Britton, "Feminism in Criminology," 566.

has white streaks down it.
I rinse the face and return to bed.³⁷

Or, consider this poem by Rupi Kaur:

what is the greatest lesson a woman should learn

that since day one
she's already had everything she needs within herself
it's the world that convinced her she did not.³⁸

Such poetry is considered “victim poetry,” as rather than providing a traditional, empowering stance, they discuss the ways in which society has conditioned women to be silent and accept the treatment they are given.

The idea of a woman being the victim was heavily debated and often deemed ineffective by feminist scholars. Naomi Wolf compared “victim feminism” with what she termed “power feminism” in her 1994 book *Fire with Fire*.³⁹ She describes how an emphasis on victimization reinforces the notion of women being fragile and unable to defend themselves, preventing them from taking responsibility. Wolf advocated for a shift to “power feminism,” wherein women assert themselves and actively challenge societal norms. Her book gained considerable media attention. Subsequent scholars like Elizabeth M. Schneider have critiqued the simplistic dichotomy between “victim vs. power,” arguing that it is fundamentally inadequate because both labels are overly restrictive. Schneider instead believes that women’s experiences are too multifaceted to be neatly categorized into these boxes.⁴⁰

Although this victim poetry is often considered weak by some feminists, modern feminist poetry is meant to make women feel seen through combined grievances and experiences. They no longer have to write solely for political motives; instead, they can write stories for themselves about their experiences. This can be seen as empowering in a sense as well, as women gain a feeling of unity from such works and no longer feel alone. Women are no longer asking for the vote, but they are expressing their stories to build a community. Although some might say

³⁷ Anne Carson, “The Glass Essay,” *Glass, Irony, and God* (New York: New Directions, 1995), lines 1–11.

³⁸ Rupi Kaur, “What’s the Greatest Lesson a Woman Should Learn?” in *The Sun and Her Flowers* (New York: Simon & Schuster, 2017), lines 1–4.

³⁹ Naomi Wolf, *Fire with Fire: The New Female Power and How to Use It* (New York: Ballantine Books, 1994).

⁴⁰ Schneider, “Feminism and the False Dichotomy of Victimization.”

that victim poetry falls short and can hardly be considered feminist, it could be argued that it is effective in its own way by serving as a language and refuge for women and capturing their stories. This shows how poetry has evolved as a language to more accurately and effectively convey the voices of women.

Many feminist poets thought of the victimization of women as not being empowering compared to suffragette poems. This poem from Lola Ridge, a suffragette poet, exemplifies the influence of political poetry and how it rejects the idea of victimhood:

I see you, refulgent ones,
Burning so steadily
Like big white arc lights...
There are so many of you.
I like to watch you weaving –
Altogether and with precision
Each his ray –

Your tracery of light,
Making a shining way about America.
I note your infinite reactions –
In glassware
And sequin
And puddles
And bits of jet –
And here and there a diamond...

But you do not yet see me,
Who am a torch blown along the wind,
Flickering to a spark
But never out.⁴¹

The poem's bold language and direct address reveal how suffragettes viewed themselves not as victims of patriarchy, but as active agents, responsible for both their actions and their pursuit of suffrage. Suffragettes needed to make themselves appear stronger because they were fighting against such a powerful patriarchy. They thus used poetry effectively to empower other women as a call to action. Poetry has now evolved as a language for women, allowing them to show their weaknesses and more accurately tell their stories, instead of forcing them to portray themselves as strong.

⁴¹ Lola Ridge, "To the Others," *The Ghetto, and Other Poems*, ed. Lawrence Kramer (New York: Fordham University Press, 2023), lines 1–19.

The Unity of Women's Stories

As poetry has changed from being highly political to a more personal act, so too have the poems women write. During the suffragette movement, a singular objective prevailed: the attainment of the vote. This central aim guided the suffragettes' activism and dominated their poetry. On the other hand, modern feminism does not have a cohesive focal point, as it is less of a political act for women and more personal. Contemporary feminism encompasses a spectrum of concerns. Feminist scholars often argue that having many different agendas can dilute the effectiveness of advocacy due to the confusion of various messages, in comparison to the suffragette poets who united for one cause.⁴²

Modern poetry is all about a woman telling her own story. Consider this poem by modern feminist Dorothea Lasky:

I had a baby inside of me
But no one expected it to happen so fast
Or then at least they said they didn't
Maybe they expected it to happen so fast
All along

Alone in the waiting room I shook and shook
And the blood ran down my legs
Later with the magnesium
I thought of the many permutations of the bald head
Pale, pickling fish skin, glowing with scales⁴³

In this poem, Lasky communicates her personal experience of having a baby. She describes it as an unnatural and otherworldly experience, using figurative language like the scales of a fish to portray the strange nature of giving birth. Although this poem may not seem overly feminist, it describes the power of women to navigate through this unfamiliar journey, tolerate the pain, and give birth to a whole new organism. Many modern poems follow these patterns where women tell their own story rather than writing a poem for "all women."

As a contrast, consider this poem by late 1800s poet Margaret Widdemer, "The Women's Litany":

⁴² R. Claire Snyder, "What is Third-Wave Feminism? A New Directions Essay," *Signs* 34, no. 1 (2008): 176.

⁴³ Dorothea Lasky, "The Birth," *Poetry Foundation*, 2015, lines 5–14.
<https://www.poetryfoundation.org/poems/58029/the-birth>.

Let us in through the guarded gate,
Let us in for our pain's sake!
Lips set smiling and face made fair
Still for you through the pain we bare,
We have hid till our hearts were sore
Blacker things than you ever bore:
Let us in through the guarded gate,
*Let us in for our pain's sake!*⁴⁴

It is immediately clear that Widdemer uses collective language such as “us,” “let’s,” and “we.” Her language implies that she thinks of women as a whole rather than only writing about herself. Her poem is highly political as well, as she is writing to achieve a political motive. She writes to empower all women, and a sense of unity and togetherness can be found in this poem, which was effective during a period when women were not encouraged to have political discourse.

Modern feminist poetry has often been trivialized for not being as political or having as much courage as suffragette poetry. However, this paper argues that modern feminist poetry does have a sense of unity – simply not in the way suffragette poetry did. The issues women face today are complex and nuanced, and poetry offers relief to women. It creates a community for women to share their feelings and thoughts, as well as find comfort in the words of others, proving to be an act of empowerment for women. Additionally, the multiplicity of voices has made the movement stronger. Multiple types of women coming together to express their stories through the language of poetry is more effective than one type of woman writing to achieve one goal. This shows how the feminist poetry movement has evolved as a language to more accurately and effectively capture the voices of women.

Conclusion

Overall, poetry has evolved as a language for women by more effectively capturing their voices and concerns. Suffragette poetry was effective in the way that it empowered more women and provided women with a means to express their want for the vote. However, it also excluded large groups of women, including women of color. It was inaccessible to most women, and primarily only upper-class white women would write for feminist magazines. Women also followed the traditional poetic styles created by men in order to be taken seriously in the literary world and widely read and considered. Their poetry was

⁴⁴ Margaret Widdemer, “The Women’s Litany,” *Academy of American Poets*, 1917, lines 1–8, <https://poets.org/poem/womens-litany>.

highly focused on political motives, but they rarely showed any vulnerability, as they wrote to make themselves appear strong.

Modern feminist poetry has evolved to be much stronger and to accurately represent the feminist movement. Many women of color (including Black women) are involved in poetry. Their work is celebrated and appreciated. Contemporary women's issues are much more complex and do not convey the same singular point as the suffragette movement did. Modern feminist poetry effectively captures this sentiment and reflects the voices of many women around the world.⁴⁵ These voices can be seen to make the movement stronger. Additionally, women's unconventional poetry is applauded and seen as innovative. Contemporary women poets often use unconventional poetic styles – a departure from the more traditional forms favored by early suffragettes – to articulate their ideas, including those considered radical. Additionally, women write feminist poetry not only for political motives but also to celebrate their authentic stories and experiences, which is empowering in itself. Within a social context that has historically marginalized women, poetry provides a space for direct and courageous expression of their experiences and emotions. Feminist poetry, in particular, has evolved as a powerful language for women, adapting to their changing needs over time.

⁴⁵ Adrian Oktenberg, "Smashing the Mold Straight Off: Feminist Poetry Now," *The Kenyon Review* 16, no. 3, (1994): 162.

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*Interdisciplinary:
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Patriotism as a Vice: Justus Lipsius and Neostoicism's Argument Against Fervent Patriotism

Lukas Odenius '26
St Paul's School
New Hampshire, United States

Abstract

Over the past decade, Stoicism has experienced a resurgence in American popular culture, largely attributed to the perceived challenges facing both the nation and the world. However, despite the significant role of patriotism in contemporary American culture and politics, this topic is rarely discussed by modern Neostoics. Justus Lipsius, the sixteenth-century founder of Neostoicism, stands as a notable exception. In his 1584 philosophical work *De Constantia in Publicis Malis* (*On Constancy in Times of Public Calamity*), Lipsius delineates and analyzes the necessity to moderate three emotions that directly contradict constancy (defined as “an upright and unmovable strength of the soul”) and contribute to fervent and often detrimental patriotism: pretense, piety, and pity. Lipsius argues that these three emotions must be restrained to uphold the Stoic virtue of temperance. This essay examines the relevance of Lipsius’ analysis and critique of fervent patriotism by grounding it in American historical instances of its potential for adverse outcomes, including McCarthyism, Japanese internment, the KKK, and, more recently, the invasion of Iraq and the January 6th riot. By analyzing the arguments presented in *De Constantia*, it is possible to draw inferences about how Lipsius’s beliefs may be incorporated into contemporary American Neostoicism and address the question of Stoic citizenship, particularly within modern contexts. This analysis encourages a reassessment of ancient philosophical frameworks for understanding contemporary political and social phenomena.

Introduction

Stoicism, a philosophical school of enduring importance, has maintained a consistent presence within European and American general culture. However, within the last decade, it has experienced a notable surge in popularity throughout America, marked by the emergence of a revitalized Neostoicism. As contemporary Stoic revivalists frequently point out, numerous founding fathers, including George Washington, embraced the core tenets of Stoicism. Furthermore, the philosophy's inherent resilience renders it particularly appealing during periods of adversity, as evidenced by the significant increase in online content dedicated to Stoicism during the COVID-19 pandemic. Digital technology has amplified the Neostoic revival, enabling Stoicism to reach a wider audience through abundant online resources, including YouTube videos and scholarly articles. Justus Lipsius's *De Constantia*, a foundational Neostoic text, offers a valuable framework to complement and potentially rectify contemporary approaches.

Many modern Stoics tend to overlook the complex dimensions of patriotism, often confining their discourse to the mere recognition of those who have rendered exemplary service to their country, such as Cato in ancient Rome or James Stockdale during the Vietnam War. The case of Stockdale is particularly noteworthy, given that the Vietnam War was, and continues to be, perceived by many as an unjust undertaking, yet Stockdale is still lauded for his unwavering endurance of brutal conditions as a prisoner of war for his nation. The only definitive stance contemporary Stoics articulate concerning patriotism is the unequivocal rejection of partisanship, citing its violation of the virtue of temperance. However, they refrain from addressing the detrimental effects of excessive and insufficient patriotism. In contrast, drawing from Stoic principles, Lipsius contends patriotism must be tempered to align with temperance, illustrating that, according to Stoic philosophy, excessive patriotism poses a greater threat than its deficiency.

Background: Lipsius and Neostoicism

Justus Lipsius

Justus Lipsius was a humanist and philosopher born in 1547 in Overysse (Overijsje), a village near Brussels and Louvain, in Belgium.¹ He is recognized as the founding figure of the philosophical movement

¹ Unless otherwise noted, all biographical information is from: Papy, Jan. "Justus Lipsius." Stanford Encyclopedia of Philosophy. Last modified 2023. Accessed January 5, 2025. <https://plato.stanford.edu/archives/fall2023/entries/justus-lipsius/>.

known as Neostoicism, which aimed to make Stoicism more accessible to modern Europeans and compatible with Christianity during a period of significant religious turmoil. (Lipsius's own religious journey is noteworthy; despite his Catholic upbringing, he held a professorship at the Lutheran University of Jena in 1572 and subsequently converted to Calvinism while teaching at the Calvinist University of Leiden from 1578 to 1591.) In 1584, he authored his most renowned and influential philosophical work, *De Constantia in Publicis Malis* (*On Constancy in Times of Public Calamity*), articulating his belief in the importance of constancy, defined as "an upright and unmovable strength of the soul not born aloft or brought low by externals or fortune" in the face of public evils.² *De Constantia* effectively synthesized Lipsius's Christian beliefs with Stoic philosophy, providing solace to individuals living through the tumultuous times confronting the Low Countries, thereby fostering a revival of Stoic philosophy in the form of Neostoicism. In 1566, the Eighty Years' War commenced due to religious tensions and the Habsburg insistence on enforcing Catholicism in the Netherlands while opposing the Reformation; Calvinists revolted, leading to a protracted religious war. Notably, Lipsius's *De Constantia* was dedicated to the people of Antwerp, who had endured a year-long siege by the Spanish from July 1584 to August 1585; Lipsius maintained a special connection with this city due to its cultural significance and its proximity to his birthplace.

De Constantia in Publicis Malis

De Constantia is a dialogue that features two characters, Lipsius himself and his good friend Charles de Langhe, referred to in the dialogue by his Latin name, Langius. In many ways, the style of Lipsius's writing resembles that of the ancient Stoic philosopher Seneca, but instead of writing letters, Lipsius writes more similarly to a play with a proper physical conversation. Lipsius's work suggests influences from philosophical dialogues in the Platonic and Ciceronian traditions. Mark Morford, in his study of Lipsius's circle, describes the relationship between Lipsius and Langius as "no complicated relationship; Lipsius admired and loved Langius," further noting that Lipsius's remembrance of Langius "records a friendship unclouded by jealousy, ambition, or slander."³

² I quote Jacques Bailly's draft translation of the *De Constantia*, sometimes with revisions: Bailly, Jacques. "Lipsius *De Constantia* Translation." Working paper, University of Vermont, n.d. Accessed January 5, 2025.

³ Morford, Mark. *Stoics and Neostoics: Rubens and the Circle of Lipsius*. Princeton University Press, 2017. Accessed January 5, 2025.

About twenty-five years older than Lipsius (probably born in 1521), Langius studied at the University of Leuven and served as a Canon of the cathedral at Liege. Morford explains the complexity of Lipsius's choice of Langius as interlocutor as follows: "Langius... was part of Lipsius's orthodox, Catholic world, and this fact makes his portrait in the *De Constantia* all the more poignant. For it was written while Lipsius was at Leiden, outwardly at least conforming to Calvinism."⁴ While working at the University of Leiden, Lipsius may have been required, or at least expected, to become a Calvinist. In 1592, however, just one year after departing from the university, he re-embraced Catholicism. Lipsius's almost immediate reversion to Catholicism suggests that he may have remained a Catholic at heart, and his frequent and close contact with Langius, a devout Catholic, would have distanced him from the most radical, anti-Catholic Calvinists in Leiden.

However, Lipsius's outward appearance as a Calvinist is important: the conversation in *De Constantia* is occurring between two people who belong to opposing sects of Christianity while their respective sects are at war in their country. What is more, as one summary of the work puts it, Lipsius is "guided by the older and wiser Langius, into whose mouth the positive content of the dialogue is placed."⁵ Langius's status as a Catholic, indeed a member of the church hierarchy, coupled with his portrayal as the wiser figure in the dialogue, may hint that, in Lipsius's view, Catholicism is the sect of Christianity most compatible with Stoicism. That *De Constantia* was controversial, in any case, is evident in Lipsius's preface to the text, in which he states that some people criticize him for writing purely as a philosopher and not including any citations from biblical sources or Christian authors.⁶ He is addressing a nationalistic and religious matter in *De Constantia*, and yet he is not using scripture as evidence, all while presenting himself as the student of a Catholic Canon; it is unsurprising that some readers, perhaps especially his fellow Calvinists, accused him of insufficient piety.

De Constantia follows a fairly simple dialogue format in which Lipsius and Langius discuss the relationship of constancy to public evils and explore various adjacent topics. The structure of the dialogue can be described simply as a back-and-forth debate over the various points that

⁴ Morford, Mark. *Stoics and Neostoics: Rubens and the Circle of Lipsius*. Princeton University Press, 2017. Accessed January 5, 2025.

⁵ Sellars, John. "Justus Lipsius (1547-1606)." Internet Encyclopedia of Philosophy. Accessed January 5, 2025. <https://iep.utm.edu/lipsius/#SH3b>.

⁶ Bailly, Jacques. "Lipsius *De Constantia* Translation." Working paper, University of Vermont, n.d. Accessed January 5, 2025.

Langius raises, followed by Lipsius's rebuttals, which are then ultimately overcome by Langius. This is due to Langius's aforementioned wisdom, and as such, he takes the role of the teacher in this dialogue. The dialogue contains a total of twenty-two chapters, beginning with a definition of constancy and an account of its importance, then shifting to a discussion of the nature of public evils and their relationship to the idea of patriotism. Once again, Lipsius defines constancy as "an upright and unmovable strength of the soul not born aloft or brought low by externals or fortune" in the face of public evils.⁷ The idea of constancy can be summarized as internal resilience and fortitude in the face of whatever may happen externally.

The centerpiece of the dialogue is Langius's case against fervent patriotism, which he makes by outlining the three emotions that he claims oppose constancy: pretense, piety, and pity (in his original Latin, *simulatio*, *pietas*, and *miseratio*). The English terms, which I have borrowed from Jacques Bailly's unpublished translation of the dialogue (see footnote 2), pick out the closest single English concept, but *simulatio* could also be translated as "feigning" or "dissimulation" or "putting on appearances," the meaning of *pietas* extends from from 'sense of duty (e.g. to one's family and community)' to 'patriotism' to '(religious) piety,' and *miseratio* ranges from 'sympathy' to 'commiseration' to 'pity.'⁸ As my discussion of the Latin words suggests, Classical Latin, the language in which Lipsius (as a humanist) wrote, does not have a single word that directly translates to "patriotism" in English, and the concept of patriotism is a modern one, which makes Lipsius's discussion all the more valuable and striking.

Lipsius defines pretense as feigning concern for public ills because of their potential to impact one's personal life, piety as a misguided love of one's country when the only proper recipient of that love is God and one's parents, and pity as excessive worrying about the condition of others without properly helping them. These three emotions oppose constancy because they lead to deception (pretense), a misguided love of one's country (piety), and emotional overreactions (pity). These emotions also fuel fervent patriotism, which is one of the reasons that Lipsius, during a time of great turmoil in the Netherlands, worked so hard to understand and oppose them. If patriotic fervor is the societal expectation at a given time, then pretense will cause people to adopt this fervor in order to conform to society, further fueling excessive

⁷ Bailly, Jacques. "Lipsius *De Constantia* Translation." Working paper, University of Vermont, n.d. Accessed January 5, 2025.

⁸ Bailly, Jacques. "Lipsius *De Constantia* Translation." Working paper, University of Vermont, n.d. Accessed January 5, 2025.

patriotism. When one is overly “pious” towards one’s country, it fuels fervent patriotism because the mission of one’s nation could be misguided, and yet people would still blindly support it. Finally, pity causes excessive weakness in one’s soul, and this weakness leaves one vulnerable to nationalistic sentiments and fervent patriotism.

Neostoicism

Neostoicism, founded by Justus Lipsius in the late Renaissance, aimed to reconcile ancient Stoicism with Christianity.⁹ Its core tenets, temperance and constancy, echo those of Classical Stoicism.¹⁰ While Lipsius and the Neostoics retained many Classical Stoic beliefs, they made necessary adjustments to integrate the philosophy with Christian doctrine.¹¹ For example, Neostoicism diverges from Classical Stoicism’s determinism, the belief in inevitable actions and events.¹² However, Neostoicism does not differ significantly from Classical Stoicism in regards to its stance on patriotism, which is that the most fervent patriotism must be controlled to maintain the virtue of temperance.¹³

Lipsius’s Critique of Fervent Patriotism

Pretense and Patriotism

Lipsius and Langius present contrasting views on patriotism. Lipsius offers arguments likely common for the period, while Langius emphasizes the need to understand and moderate patriotic impulses through virtue. Langius further divides evils into ‘public’ and ‘private’ classifications:

“Unless I am mistaken, however, the more serious [diseases/afflictions] are from public evils, certainly the more obstinate ones... Behold, someone has fallen to a private grief, he ought to profess his vice and weakness, even if he does not correct it (for what punishment is there?), but one who so often fails to make a confession of

⁹ Sellars, John. “Neo-Stoicism.” Internet Encyclopedia of Philosophy. Accessed February 23, 2025. <https://iep.utm.edu/neostoic/>.

¹⁰ Sellars, John. “Neo-Stoicism.” Internet Encyclopedia of Philosophy. Accessed February 23, 2025. <https://iep.utm.edu/neostoic/>.

¹¹ Sellars, John. “Neo-Stoicism.” Internet Encyclopedia of Philosophy. Accessed February 23, 2025. <https://iep.utm.edu/neostoic/>.

¹² Sellars, John. “Neo-Stoicism.” Internet Encyclopedia of Philosophy. Accessed February 23, 2025. <https://iep.utm.edu/neostoic/>.

¹³ Sellars, John. “Neo-Stoicism.” Internet Encyclopedia of Philosophy. Accessed February 23, 2025. <https://iep.utm.edu/neostoic/>.

his slip or lapse thus becomes one who even boasts of it and thinks of it as praise. For it is called ‘piety’ and ‘compassion.’ And is it far off that this fever be enshrined among the virtues?”¹⁴

Langius argues that patriotism is often simply a pretense on the grounds that one (truly) mourns less privately when public evils such as war occur than when evils such as poverty befall individuals, comparing this phenomenon to an illness and going on to explain:

“Poets and orators eulogize and press upon us a fervent love of country, and I certainly do not stamp it out, but I judge and decree that it must be tempered and moderated. For in truth it is a vice, intemperance, and a fall and slip of the soul from its firm position... behold your Belgium is now vexed not by more than one catastrophe, and the flames of this civil war surround it on all sides... This is a pain to you, right? Yes, but varied and distinct, if you look at it, because at the same time you mourn yourself, your fellow citizens, and your country.”¹⁵

While Langius states that some level of patriotism is important, he believes that it “must be tempered and moderated,” because excessive patriotism is a form of intemperance, a vice that must be avoided in order to live in accordance with Stoic principles because temperance is one of the four cardinal virtues of the Stoics.

Langius continues his argument against fervent patriotism by presenting the three emotions – pretense, piety, and pity – that directly oppose constancy and argues that many people make their own private ills appear as if they were public ones. Langius extends the military analogy begun earlier in the conversation, opening his argument against pretense by stating:

“The first one first. Do you deny that you suffer public ills, that they are painful to you, no even fatal. Do you claim that seriously enough? or is this a sort of deceit and disguise?”¹⁶

¹⁴ Bailly, Jacques. “Lipsius *De Constantia* Translation.” Working paper, University of Vermont, n.d. Accessed January 5, 2025.

¹⁵ Bailly, Jacques. “Lipsius *De Constantia* Translation.” Working paper, University of Vermont, n.d. Accessed January 5, 2025.

¹⁶ Bailly, Jacques. “Lipsius *De Constantia* Translation.” Working paper, University of Vermont, n.d. Accessed January 5, 2025.

After a brief rebuttal from Lipsius, Langius goes on to say that he is “serious”:

“For no few from this field hospital of yours deceive the doctors and dissemble as a public pain one that is in truth private. I ask therefore whether you hold it as sufficiently understood that that worry ‘which now harasses you and twists fixed in your chest’ has been taken up for the sake of the fatherland itself or for your sake?”¹⁷

Langius argues that people often exaggerate personal suffering, presenting it as a national or communal affliction. They feign patriotism to justify expressing pain in a manner contrary to Stoic principles. This assertion prompts Lipsius to shake his head, replying, “This grief is for the sake of the fatherland (*patria*) alone, Langius, for the fatherland.”¹⁸ In contrast to Langius, Lipsius contends that outward displays of pain in response to public ills reflect genuine grief for the country, not personal distress. He views patriotism as a form of altruism, the true source of widespread public anger and grief. Langius counters Lipsius with a detailed monologue:

“The words ‘the misfortune of the fatherland affects me’ are currying favor, not truth... We see country folk often worry and come running and make vows, when a sudden calamity or storm comes, but you, once it has raged and is gone, pull back and examine the same folk, and you will find each and every one was fearful strictly for the crops and their own tiny field. There is a shout about a fire in this city: the lame, I shall almost say, and the blind will run to extinguish it. Why do you suppose? from love of the fatherland? no, ask them: because the loss affects each singly or certainly their fear does. Your situation is similar: public ills rouse and disturb humans all over, not because the loss belongs to many, but because they themselves are among the many.”¹⁹

Langius argues that people do not fear public ills because of the impact that these ills may have on their country or on their fellow

¹⁷ Bailly, Jacques. “Lipsius *De Constantia* Translation.” Working paper, University of Vermont, n.d. Accessed January 5, 2025.

¹⁸ Bailly, Jacques. “Lipsius *De Constantia* Translation.” Working paper, University of Vermont, n.d. Accessed January 5, 2025.

¹⁹ Bailly, Jacques. “Lipsius *De Constantia* Translation.” Working paper, University of Vermont, n.d. Accessed January 5, 2025.

citizens' well-being, but rather due to the effect that those ills could have on their own lives. He uses the calamitous examples of farmers during a storm and city dwellers during a fire to illustrate this point, claiming that they attempt to deal with these disasters only because they are fearful for their "own tiny field" and because the potential for loss "affects each singly." During times of public ills, people merely simulate or feign patriotism to disguise their self-interested concerns.

Langius continues his argument against pretense and its close connection to ordinary understandings of patriotism by arguing that although the entire world is one's (true) fatherland, the only "public ills" that affect people are those that are near them. Langius brings up the current war raging through the Low Countries and asks Lipsius:

No doubt, you fear this war? ... Why? Because plague and calamity accompany a war. Plague for whom? At the moment for others, but it could reach you. There's the source of your pain... Consider if war should be waged among the Ethiopians or Indians, you would not be disturbed (for you know you are outside its range): if it is waged among the Belgians, you weep and shout and strike your forehead and thigh. But if you feel grief about public ills, what is the difference? ... Aren't those humans from the same race and stock as you? ... This little bit that these mountains bound, these rivers gird, you think is a fatherland? You are wrong. The whole world is, wherever humans are to arise from that celestial seed... If some god were a guarantor to you in this war itself that your little fields would be untouched, that your home and wealth would be safe, and should set you yourself on some mountain veiled in a Homeric cloud: will you still feel pain? ... Many will still rejoice and will eagerly feed their eyes on that jumbled carnage of the dying... A sort of malice is inborn in the human character, 'rejoicing in another's ill,' as the old poet says. And just as some fruits are sweetly unripe in taste, so are other people's cares while we are free from cares... with all pretense dropped, show yourself to us with the true face of your pain."²⁰

Langius's response is structured to demonstrate the self-interested nature of human concern for public evils, challenging the notion of genuine altruism. He begins by presenting three scenarios. First, he cites

²⁰ Bailly, Jacques. "Lipsius *De Constantia* Translation." Working paper, University of Vermont, n.d. Accessed January 5, 2025.

a distant war that elicits no worry, illustrating the lack of concern for remote suffering. Second, he proposes a thought experiment: a nearby war from which an individual is guaranteed immunity, thus testing the limits of empathetic anxiety. Third, he observes the human tendency to derive a perverse pleasure from the suffering of others when personally unscathed. These examples aim to expose the underlying self-preservation that often masquerades as a patriotic concern.

Langius asserts that fear of public calamity arises only when personal harm is imminent, emphasizing, “There’s the source of your pain.” He reinforces this with a compelling thought experiment: an individual residing on a mountain, insulated from the suffering below, might even relish the misfortunes of their countrymen. This scenario underscores the pretense that often underlies patriotic displays, revealing that many individuals are only concerned with national affairs insofar as they pose a personal threat. Indeed, Lipsius acknowledges a natural inclination towards deriving pleasure from others’ suffering, labeling it an “inborn” malice akin to “schadenfreude.”

This observation resonates with the insights of ancient philosophers whom Lipsius emulated. Notably, at the outset of Book II of *De Rerum Natura* (*On the Nature of Things*), the Epicurean philosopher Lucretius, a figure well-known to Lipsius as a humanist and scholar of Roman philosophy, posits that human nature often leads individuals to appreciate their own well-being and comfort most acutely when witnessing the deprivation of others. This propensity to find satisfaction in others’ misfortune, while personally secure, renders the pretense of pious concern all the more repugnant.²¹

Today, Lipsius’s ‘pretense’ would probably go by the name ‘performative patriotism’; it is a concept that has many contemporary examples. One of the most striking of these took place during the McCarthy era in the 1950s. In an attempt to curb the supposed ongoing Communist infiltration in America at the time, Congress forced through the McCarran Act of 1950, which limited freedom of speech and gave the government the ability to detain suspected Communists. As Robert Griffith puts it, the bill had “profound constitutional weaknesses” due to its setting aside of the right of habeas corpus; as Griffith explains, the main purpose of the bill was to “impress the public with the fact that [they were] determined to act against Communists.”²² As such,

²¹ Kelk, Christopher. “Lucretius *De Rerum Natura*: Book II.” *Poetry in Translation*. Last modified 2022. Accessed January 5, 2025.

²² Griffith, Robert. “The Political Context of McCarthyism.” *The Review of Politics* 33, no. 1 (1971): 24-35. JSTOR.

lawmakers in Congress were convinced to support this unconstitutional bill simply to avoid scrutiny by McCarthy and those responsible for uncovering supposed Communists, with liberal lawmakers who privately despised the bill still publicly supporting it in order to protect themselves from investigation.²³ Lawmakers who fundamentally disagreed with the bill and understood its danger still claimed to support it and even voted for it for the cause of “patriotism” and pretending to be tough on Communism, simply to avoid the potential repercussions of going against McCarthy. Similarly, another example of performative patriotism would be public support for the internment of Japanese-Americans during World War II. While many people genuinely feared the Japanese after the bombing of Pearl Harbor and supported their internment, the (in retrospect) obvious immorality and unconstitutionality of this decision and the relative lack of internal resistance against these actions suggest that many Americans simply pretended to support the order so as not to be labeled as dissenters.²⁴ Both of these examples show that people put on the pretense of patriotism for their own benefit, and, in the case of McCarthyism, in ways that harmed their constituents and the nation they claimed, and aimed, to serve.

Piety and Patriotism

Langius posits that fervent patriotism, seen as antithetical to constancy, originates from a misapplication of piety. He argues that genuine piety is due solely to God and one’s progenitors and that the metaphorical extension of ‘motherland’ and ‘fatherland’ (Latin *patria*) has engendered a misapprehension regarding the appropriate object of piety:

I know that it (i.e., *pietas*) is...properly not other than legitimate and appropriate honor and love toward God and parents. Under what description, however, does the fatherland insert itself in the middle amongst these? Because, they [i.e., people] say, it too is the most inviolable and ancient parent. Why? how? I see nothing here... It nourished us? the livestock do that, the trees do that, the field crops do that every day and so do the sky, the air, and water... Real parents are only those who bore, formed, and supported us... you will reserve that sacred and exalted word [i.e., ‘piety’] for god, and...for parents, but this passion, even once corrected, you will bid to be

²³ Griffith, Robert. “The Political Context of McCarthyism.” *The Review of Politics* 33, no. 1 (1971): 24-35. JSTOR.

²⁴ Sundquist, Eric J. “The Japanese-American Internment: A Reappraisal.” *The American Scholar* 57, no. 4 (1988): 529-47. JSTOR.

content with the honorable title of love [*caritas*, “charity” in Bailly’s translation].”²⁵

Langius argues that patriotism and love of one’s fatherland are fundamentally distinct from the true essence of piety. He challenges the notion that the fatherland is akin to a parent, pointing out that numerous individuals and places, far exceeding the scope of what we inaccurately label a ‘fatherland,’ have provided sustenance and refuge throughout our lives. Specifically, he contends that livestock, trees, crops, and the surrounding elements have nourished us; if we owe piety to the fatherland for this reason, we would absurdly owe equal piety to these natural components. Furthermore, he casts doubt on the proper application of the term ‘fatherland’ itself. He posits that for someone confined to their village, only the village, rather than the broader region or country, could rightfully be considered their fatherland. The concept of an entire political territory as one’s homeland is illogical if one has not traversed it, or, in the case of a lifelong village resident, has not experienced it at all. Having critiqued the term “fatherland” and the analogy of the fatherland as a parent, Lipsius concludes that piety should be reserved for God and, potentially, one’s biological parents, as they are our primary caretakers. Langius, however, does not advocate for the complete eradication of this passion, but rather its moderation and redirection:

“I freely confess that there is some tendency and love in each of us for this smaller ‘fatherland,’ but its causes or origin...are known by you with insufficient clarity. For you want it to be from nature, but in truth it is from custom and convention. For after humans were brought out of that crude and solitary life from the fields into towns, and they began to construct houses and walls, and to assemble and to use or ward off violence as a people, behold, a community arose amongst them by necessity and a society of many varied things... Our greed began to love and care for these very things...as its own. For truly the right of individual citizens is in them, and they do not differ from private possessions except in that they do not belong to just one. This partnership elicited as it were a form and appearance of a new situation, which we call ‘Republic’ and ‘fatherland.’”²⁶

²⁵ Bailly, Jacques. “Lipsius *De Constantia* Translation.” Working paper, University of Vermont, n.d. Accessed January 5, 2025.

²⁶ Bailly, Jacques. “Lipsius *De Constantia* Translation.” Working paper, University of Vermont, n.d. Accessed January 5, 2025.

Langius elucidates that piety towards one's country cannot be innate, as it lacks the historical depth of human existence, instead possessing a discernible origin: it emerged as a defensive strategy enabling humans to safeguard their territories and innovations, fundamentally rooted in self-preservation rather than altruism (echoing his earlier argument regarding suffering). While a cooperative arrangement for protection or material gain can be justified on the basis of shared self-interest, it does not warrant unconditional affection. Consequently, authentic piety rests upon a justified reverence for God and one's parents, and an immoderate affection for one's country or the conflation of this excessive affection and patriotism with divine concepts is purely nationalistic and unwarranted. Langius's argument reveals his understanding that the significance of patriotism lies in protecting one's possessions and lifestyle, but he advocates for "tempering" it, i.e., moderating it, to avert the emotion from becoming a vice. Patriotism degenerates into a vice when it is not moderated, and thus, fervent patriotism is a vice that can be incited by excessive and misguided piety.

Langius further argues against the inherent nature of patriotism by highlighting the disparity between noble and common displays of national loyalty. He attributes the nobles' stronger patriotism to their vested interest in protecting property, contrasting this with the poor's limited assets. Moreover, he cites the frequent emigration of Italians and Spaniards for financial gain as evidence contradicting patriotism as an innate sentiment.²⁷ Langius concludes his argument against fervent patriotism by asserting that earthly fatherlands are "empty" in comparison to heaven, thereby positing heaven as the sole true fatherland.²⁸

In the modern world, as in Lipsius's time, piety is misused to stoke fervent patriotism, frequently by conflating religious devotion with a supposed piety towards one's country. The KKK's history of adapting Protestant hymns and patriotic anthems, each chapter with its own unique renditions, stands as a stark illustration of this phenomenon in America.²⁹ This appropriation reveals how the Klan's misuse of piety led to the intertwining of their Protestant values and patriotism, and ultimately, excessive patriotism, which fueled racism and bigotry. Another prime example of this perversion of piety is the Know-Nothing

²⁷ Bailly, Jacques. "Lipsius *De Constantia* Translation." Working paper, University of Vermont, n.d. Accessed January 5, 2025.

²⁸ Bailly, Jacques. "Lipsius *De Constantia* Translation." Working paper, University of Vermont, n.d. Accessed January 5, 2025.

²⁹ Jacobs, Michael. "Co-Opting Christian Chorales: Songs of the Ku Klux Klan." *American Music* 28, no. 3 (2010): 368-77. JSTOR.

movement that emerged around the 1850s, which propagated xenophobic and anti-Catholic rhetoric under the guise of patriotism and defended the Protestant cultural heritage of America.³⁰ In particular, the movement's rapid spread, surpassing even the Republican Party's growth in some regions, highlights how patriotic fervor and manipulated piety can ignite like wildfire.³¹

Pity and Patriotism

Langius critiques the third and final emotion that obstructs constancy and fuels fervent patriotism, pity, by asserting that pity engenders weakness and, consequently, is unsuitable for human beings. When Lipsius expresses his inability to witness the suffering of his countrymen and fatherland without experiencing personal anguish, Langius counters with the following:

“But in that case, it is not pain per se, but pity, which is itself to be spurned by the wise and constant. For nothing is more in keeping with it than firmness and strength of soul, which cannot exist if not only one's own grief but that of another bring the soul down and diminish it... For it is truly a sickness and one who sympathizes with the wretched is not far from wretchedness... That is correctly defined as the vice of a weak and small soul, faltering at the sight of another's ill... I allow mercy to you, but not pity... I call ‘mercy’ an inclination of the soul to relieve another's helplessness or grief... For it is human to be affected and to pity... But our true merciful person will not pity indeed, but will do all the same things or greater for the one pitying... He will console courageously and will help generously and will act more kindly than he will speak and will stretch out a hand to the one in need or who has slipped rather than offer words.”³²

Langius asserts that he aims to eradicate pity, “this sickness,” from souls because it is a “vice of a weak and small soul.” Excessive pity “bring[s] the soul down and diminish[es] it,” culminating in “wretchedness.” From Lipsius's standpoint, this wretchedness and

³⁰ Holt, Michael F. “The Politics of Impatience: The Origins of Know Nothingism.” *The Journal of American History* 60, no. 2 (1973): 309-31. JSTOR.

³¹ Holt, Michael F. “The Politics of Impatience: The Origins of Know Nothingism.” *The Journal of American History* 60, no. 2 (1973): 309-31. JSTOR.

³² Bailly, Jacques. “Lipsius *De Constantia* Translation.” Working paper, University of Vermont, n.d. Accessed January 5, 2025.

diminishment of the soul, as a “sickness,” would weaken the soul and likely render it more susceptible to other detrimental emotions, namely, pretense and piety, which fuel fervent patriotism. His alternative to pity is mercy, which he deems a valid emotion to express and not a sickness because it is a virtue that benefits others, a quality he contends pity lacks. He defines mercy as “an inclination of the soul to relieve another’s helplessness or grief,” with the inclusion of “soul” indicating his belief that mercy is an inherent human emotion, as opposed to the public pretense or display that pity necessitates. Langius then elaborates on the advantages of acting with mercy rather than pity, namely that the human aspect of sympathy is preserved when acting mercifully, and that it enables individuals to act “kindly” and console those around them “courageously.” Langius considers pity both ineffectual and conducive to weakness, while mercy embodies Stoic ideals of humanity, while simultaneously being productive.

In contemporary debates concerning humanitarian intervention, proponents frequently emphasize the moral imperative to assist those in need, while opponents argue for non-intervention based on principles of sovereignty and self-determination. Through a Lipsian perspective, it becomes evident that those capable of providing humanitarian intervention have a moral obligation to do so for those in need. This obligation stems not from pity, which Lipsius regards as an emotion that debilitates the soul, but from mercy, which incites action and leads to courageous consolation. The inherent flaw of pity lies in its potential for paralysis; offering mere “thoughts and prayers” to those in distress does not provide meaningful assistance. Furthermore, Lipsius would argue that pity is an unsuitable disposition for a strong nation, as it encourages passive sympathy rather than active, practical assistance.

Contemporary Relevance and Application

Lipsian Case Studies: Iraq War and the January 6th Riot

In the modern world, fervent patriotism has demonstrated its destructive potential, with prominent examples including the misguided invasion of Iraq following 9/11 and the more recent violent extremes of the MAGA movement, characterized by religious and nationalistic fervor. The surge in patriotism within the United States after 9/11, fueled by the terror unleashed by Al-Qaeda, contributed to the 2003 invasion of Iraq. Through a Lipsian lens, this instance of fervent patriotism was driven by untempered piety towards one’s country, with the brutality of 9/11 compelling many to support a misguided war effort. Only after the initial fervor subsided and casualties mounted did public

support for the war diminish.³³ The invasion of Iraq serves as a stark reminder of the rash decisions that excessive piety can engender and stands as a cautionary tale about the perils of unchecked patriotism.

Contemporary American political discourse reveals instances where expressions of intense national sentiment, often intertwined with religious conviction, have led to civil unrest. Public figures and political movements that prominently display symbols of national pride and blend political messaging with religious themes have been observed to correlate with periods of heightened social tension. These instances, including the events surrounding the 2020 presidential election, demonstrate how strong nationalistic feelings, particularly when coupled with religious zeal, can contribute to societal divisions and unrest. Examining historical perspectives on the potential pitfalls of unchecked patriotism, such as those offered by Justus Lipsius, may provide valuable insights for understanding and navigating these complex dynamics within American society.

Neostoic Responses and Practical Implications

The significance of Lipsius's discourse on patriotism cannot be overstated, given his status as the founder of Neostoicism and its most profound explorer of this topic. Lipsius's contention that patriotism is an emotion intricately linked to self-interest, often involving deception and self-deception, and thus requiring moderation for the well-being of oneself and others, remains largely unaddressed by subsequent Neostoics. Indeed, contemporary Neostoics predominantly seem to endorse patriotism without qualification, if they address it at all. This stance is perplexing, considering the Stoic emphasis on living in accordance with nature and the virtue of temperance. As Lipsius convincingly demonstrates in *De Constantia*, patriotism is neither an innate emotion nor one typically tempered. This oversight in contemporary Neostoic literature is particularly striking given the prevalence and importance of patriotism in American society.

For example, the widely recognized Stoic author and podcaster Ryan Holiday frequently cites notable American patriots who practiced Stoicism, such as John McCain, who endured severe torture in a Vietnamese prisoner of war camp, and George Washington and other founding fathers. Holiday uses these figures as exemplars of the practical application of Stoic philosophy during difficult times. However, while

³³ Voeten, Erik, and Paul R. Brewer. "Public Opinion, the War in Iraq, and Presidential Accountability." *The Journal of Conflict Resolution* 50, no. 6 (2006): 809-30. JSTOR.

highlighting these fervent American patriots, he neglects to acknowledge the counterargument: that for the average individual, uncritical and passionate love for one's country can be a significant vice, intertwined with selfishness and self-deception.

Theoretical Framework

Contemporary American Neostoics can utilize Lipsius's work to cultivate a more refined comprehension of patriotism by adhering to his principles, thereby reimagining our understanding of "tempered" (i.e., moderate and reasoned) patriotism. Firstly, Lipsius's central argument against pretense in the context of patriotism is that it constitutes a performative act, enabling individuals to project their personal suffering as communal in a manner contrary to Stoic ideals. Consequently, contemporary Neostoics should strive to maintain resilience in the face of adversity and refrain from excessively seeking opportunities to exhibit their discontent. Secondly, Lipsius warns against the excessive piety that individuals exhibit towards their country, which is often compounded by excessive piety towards their deity. Contemporary American Neostoics would benefit from heeding Lipsius's caution and disentangling their love of country from their religious fervor or love of their god, as the conflation of the two can precipitate fervent patriotism. Lastly, Lipsius condemns the emotion of pity, citing its tendency to weaken the soul. Instead, contemporary Neostoics should cultivate the emotion of mercy, recognizing its potential to provide meaningful assistance to others.

Cultivating Constancy

Neostoics can cultivate constancy amidst nationalistic pressures by focusing on Lipsius's concept of tempering piety towards one's country. The crucial aspect is not to abstain from loving one's country, as it serves as an essential defense mechanism for protecting one's land and innovations, but rather to moderate this love and maintain it appropriately. Consequently, Lipsius would concur with the notion that Neostoics should remain detached from periods of fervor or excessive nationalism. Lipsius also acknowledges an individual's obligations to other communities, such as their families and towns, and their moral responsibilities to the broader world. It is essential for Neostoics to preserve their fundamental obligations, lest the 'fatherland' usurp their attention, thereby compromising other indispensable aspects of their existence.

Navigating Citizenship

Lipsius's ideas provide general strategies for individual Stoics to balance their civic duty with Stoic principles. Specifically, just as one should not neglect local and communal obligations in favor of an exclusive focus on the 'fatherland,' one should work within the existing political system to improve the world as a whole. The tone of the dialogue indicates that Lipsius does not believe passions can be eradicated; therefore, from a Neostoic perspective, one must accept that these passions, including those that generate fervent patriotism, are enduring. Rather than succumbing to despair or expecting a transformation of human nature, it is essential to work within the given system, whose structure is beyond individual control, and redirect misapplied passions towards beneficial ends. Beneficial ends include humanitarian aid, which exemplifies Lipsius's preferred emotion of mercy, and non-nationalistic religious organizations, which exemplify Lipsius's concept of piety directed exclusively towards one's god, distinct from any nation.

Conclusion

The current hyper-partisan climate in American and global politics presents a significant challenge, but by adhering to Lipsius's principle of mercy and his condemnation of the emotions that foster fervent patriotism, individuals can cultivate constancy. Lipsius fundamentally argues that pretense, piety, and pity all contribute to fervent patriotism because they undermine constancy, defined as resilience against external forces. Pretense manifests as the conflation of personal grievances with public ills; piety as the misdirection of reverence from god and parents to the fatherland; and pity as a debilitating force that weakens the soul, hindering the capacity for merciful aid. Contemporary Neostoics must therefore prioritize the Stoic virtue of temperance, preventing excessive love of country from devolving into fervent patriotism. It is not about eradicating patriotism, but about moderating it. Given the enduring nature of current political systems and misdirected emotions, Neostoics should focus on their sphere of control: their own actions. Supporting organizations and movements that embody Lipsian virtues of temperance and mercy becomes crucial for fostering global constancy.

This re-examination of Lipsius's work is expected to contribute to the ongoing scholarly debate on Stoicism and its contemporary relevance. By elucidating the nuanced relationship between patriotism, piety, and constancy, this analysis challenges the prevailing tendency

among modern Neostoics to overlook the potential vices inherent in fervent nationalism. Moreover, it provides a practical framework for navigating the complex ethical dilemmas posed by modern political landscapes, offering a much-needed corrective to the uncritical embrace of patriotism. Furthermore, the analysis of how Lipsian principles might be applied to contemporary events, such as the Iraq War and the January 6th riot, suggests avenues for further discussion that could broaden the scope of Neostoic thought in the 21st century.

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