
RECOUNTING THE PAST

A Student Journal of Historical Studies at Illinois State University

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CONFLICTS AND CONTRIBUTIONS:

THE ROLE OF FOREIGN VOLUNTEERS IN THE CONTINENTAL ARMY

Daniel J. O'Brien

On March 24, 1776, the Continental Congress drafted its instructions to its recently-appointed commissioners to France. Among the more weighty matters of diplomacy and commerce was the simple instruction to “Engage a few good engineers in the Service of the United States.” From this simple request sprang a flood of foreign volunteers who exasperated and, at times, enraged both Congress and the entire American officer corps. Americans were reluctant to use foreign over American officers unless absolutely necessary and the behavior of many of the foreign officers made the situation worse. Their haughty manner, incessant and unreasonable demands, frequently overstated credentials, lack of English, and sheer numbers would prove an unending source of conflict and consternation. Political considerations worked in favor of the Frenchmen, who comprised the majority of the volunteers, and it is the role of the Marquis de Lafayette in bringing the French and Americans together that made the most dramatic and visible impact. When given the chance, though, a great number of the volunteers rendered extremely valuable military service as well, particularly in specialty fields such as engineering, training, and organization, where they possessed badly needed expertise and experience. As the officers themselves were generally mere pawns in the political arena, an attempt to understand their participation in the Revolution requires a focus on their military contributions and the difficulties they encountered and created

through their service. Despite continued obstacles and hostility, the foreign volunteers made invaluable contributions, both dramatic and unsung, to the American war effort. Furthermore, despite their self-serving motivations, many exhibited a remarkable willingness to sacrifice, and to risk life and limb, on behalf of a nation that only in retrospect would cease viewing them as disruptive mercenaries.

To place the foreign officers' story in its proper context, it must be noted at the outset that the utilization of foreign mercenaries, both officers and soldiers, was common practice in eighteenth-century warfare. Frederick the Great had a staff employed full time for the recruitment of foreign officers.¹ Irishmen abounded in the ranks of the French and Spanish armies and many of the foreign officers who served in the Continental Army were already veterans of other nations' armies as well. The third ranking officer in the Continental Army, the British-born Charles Lee, had already served in the Turkish, Polish, and British armies. European officers considered themselves part of an international fraternity which transcended national borders. As the Americans slowly learned, “...in eighteenth-century Europe there was still a chivalric internationalism among military men. All officers were gentlemen and brothers, regardless of nationality and ideology, and—except in actual combat—were to be treated as such.”²

Americans were initially somewhat removed from these European attitudes. They looked with suspicion and hostility on the Hessian mercenaries bought en masse by the British government and this may have

¹ Ernest R Dupuy, *The American Revolution: A Global War* (New York: David McKay Company, Inc., 1977), p. 47; Louis Clinton Hatch, *The Administration of the Continental Army* (New York: Longmans, Green and Co., 1904), p. 48.

² Dupuy, *Global War*, p. 113.

colored their view of the foreigners who volunteered on the American side. Before the notion of employing foreigners was even entertained, though, some Congressmen expressed concern over the employment of British-born American residents. In the debate over the appointment of Lee and Horatio Gates (also British-born), the first two generals commissioned after Washington, John Adams, for example, pointed out the “natural prejudices and virtuous attachment of our countrymen to their own officers.”³ In fact, Congress was even reluctant to submit men of one colony to the leadership of men from another. Eliphalet Dyer stated the commonly-held belief that “You can’t raise an army, if you put officers over the men, whom they don’t know.”⁴ When the candidates in question were not merely *foreign-born* residents of the colonies but *foreigners*, these relatively mild objections were intensified, in large part due to the conviction that they had no real attachment to, or interest in, America.

Despite such misgivings, the need for engineers was so pressing that Congress considered it expedient to look to foreign shores. This was one of the first concerns Washington expressed to Congress upon taking command of the army in July, 1775. In a letter to John Hancock, then President of Congress, Washington described a “Want of Engineers to construct proper Works & direct the Men.” He later stated: “I can hardly express the Disappointment I have experienced on this Subject: The Skill of those we have, being very imperfect & confined to the mere manual Exercise of Cannon...[T]he War in which we are engaged requires a Knowledge comprehending the Duties of the Field and

Fortification.”⁵ This created some confusion and consternation in an unorganized and naive Congress whose members immediately set out to determine whether there were any qualified engineers and what, in fact, an engineer *did*. On July 21, Benjamin Harrison lamented to Washington that, despite some assertions to the contrary, “The want of Engineers I fear is not to be supplied in America.”⁶ John Adams was still bewildered in November when he wrote to Henry Knox, the head of Washington’s artillery, and requested the name, rank and character of “...every officer, who is best acquainted with the Theory and Practice of Fortification and Gunnery. What is comprehend[ed] within the Term Engineer? and whether it includes skill both in Fortification and Gunnery — and what skillfull Engineers you have in the Army and whether any of them and who have seen service & when and where?”⁷

In December, Congress authorized the Committee of Secret Correspondence to enlist the assistance of “no more than four” French engineers.⁸ Benjamin Franklin, Silas Deane, and Arthur Lee were appointed commissioners and, upon their arrival in France, were immediately beset with an onslaught of candidates determined to offer their services. The reasons for this enthusiasm varied but patriotism and professionalism predominated. Personal reasons also played a role, and Thaddeus Kosciuszko, Colonel Armand, and the

³ Hatch, *Administration*, p. 10.

⁴ Notes of Debates, October 10, 1775, in Worthington Chauncey Ford, ed., *The Journals of the Continental Congress*, (34 vols., Washington D. C.: Government Printing Office, 1905), 3, p. 489.

⁵ George Washington to John Hancock, July 10 and 11, 1775, in W. W. Abbot, ed., *The Papers of George Washington, Revolutionary War Series* (9 vols. to date; Charlottesville: University Press of Virginia, 1985), 1, pp. 86, 89.

⁶ Benjamin Harrison to George Washington, July 21-24, 1775, in *Papers of George Washington*, 1, p. 145.

⁷ John Adams to Henry Knox, November 11, 1775, in Paul H. Smith, ed., *Letters of Delegates to Congress, 1774-1789* (25 vols.; Washington D. C.: Library of Congress, 1977), 2, p. 329.

⁸ *The Journals of the Continental Congress*, 3, p. 401.

Marquis de Lafayette were all examples of men who sought to forget ill-fated love affairs. The Chevalier de Pontgibaud, later aide-de-camp to Lafayette, sought escape from both family troubles and the law. Conspicuously absent among the motives, despite a profusion of rhetoric to the contrary, was attachment to the *principles* of the American Revolution or the well-being of the American people. The intensity of the volunteers' desire to serve would be extremely important in overcoming the many obstacles in their way, while the self-serving nature of their motivations would contribute greatly to the wariness and hostility they faced in America.⁹ As such, they are worth exploring in some, if inevitably limited, detail.

The vast majority of the officers were French, and this was not solely because the commissioners were stationed in Paris. France's historical animosity towards Great Britain and recent humiliation in the Seven Years' War caused the French to look upon the American Revolution as a potential blow to Britain and its powerful empire. The French saw that unofficial, secret aid to the American cause would hurt Britain without risking a war for which they were ill prepared. They urged not only their own men but others, such as Polish exiles residing in France, to serve in the Continental Army. Individual officers saw a chance to further their own interests while serving their monarch in the more or less ongoing struggle with Britain. An April, 1778, letter of the Marquis de Lafayette, whose supposed idealism was exaggerated more than that of any other individuals, demonstrates this anti-British sentiment

⁹ The French engineer Louis Duportail asserted that "(t)here is a hundred times more enthusiasm for the American Revolution in one coffee house at Paris than in all the Thirteen Provinces united." Lincoln Diamant, *Chaining the Hudson: The Fight For the River in the American Revolution* (New York: Carol Publishing Group, 1989), p. 161.

forcefully. He expressed a hope that France would soon declare war on Britain and concluded, "In short, I see this nation...so arrogant, so unjust, so puffed up with its former successes; I see it, I say, crushed at the feet of the A[mericans]. Amen."¹⁰

Even more important than patriotism was the fact that these men were professional soldiers. During a brief period of peace in a century of chronic warfare, the armies of Europe were much reduced. There was little chance for promotion and, worse yet, many officers were placed on inactive status. The lack of opportunity for glory and advancement as well as adventure was intolerable to men whose lives and reputations were built around war. Though nearly all were noblemen, and many were independently wealthy, there were also some who received their livelihood from their military careers. The lack of opportunity was disastrous for them.

Individual motivations varied as to the degree and manner in which patriotism, professionalism, and personal issues manifested themselves, but there was little evidence of idealism or love of the American cause. Armand was an ambitious, glory-seeking man of some reputation in the French army who sought a chance both for glory and to serve his nation.¹¹ Kosciuszko merely sought employment in a foreign army.¹² His more famous countryman, Casimir Pulaski, was a Polish exile in

¹⁰ Lafayette to L'Abbe Fayon, April 13, 1778, in Stanley J. Idzerda, ed., *Lafayette in the Age of the American Revolution: Selected Letters and Papers, 1776-1790* (5 vols., Ithaca and London: Cornell University Press, 1977), 2, pp. 24, 25.

¹¹ John H. Stutesman, Jr., "Colonel Armand and Washington's Cavalry," *New York Historical Society Collections*, 45 (January, 1961), p. 6.

¹² M. K. Dziewanowski, "Tadeusz Kosciuszko, Kazimierz Pulaski, and the American War of Independence: A Study in National Symbolism and Mythology," in Jaroslaw Pelenski, ed., *The American and European Revolutions, 1776-1848* (Iowa City: University of Iowa Press, 1980), p. 125.

France following a failed guerilla war against Russia on behalf of Polish freedom. In addition to financial troubles arising from the loss of his estates in Poland, Pulaski's personal motivations might be described as escape from oppression coupled with vicarious revenge against Russia. In a letter to the Continental Congress in August, 1779, his proud, fiery personality stands out: "I could not submit to stoop before the sovereigns of Europe, so I came to hazard all for the freedom of America."¹³ These examples are quite typical, and while some of the foreign volunteers had baser motives than others, none were at all selfless.

Two factors contributed to the exaggerated, romantic assertions of idealism often attributed to these men, particularly by future generations. The first is the frequent and eloquent comments of the volunteers themselves regarding their own devotion to the cause. The second is the fact that, with some notable exceptions, these men did prove exceedingly loyal and frequently sacrificed their fortunes, their lives, or both, to the Revolution. Pulaski was perhaps the most notable example of this and his assertion to Congress that "I am a Republican whom the love of glory and the honor of supporting the Liberty of Union drew hither," was typical.¹⁴ In reality, the general consensus is that Pulaski was indeed a devoted Polish patriot but not "a liberal or believer in natural rights."¹⁵ These professions of loyalty were more the natural and sincere outgrowths of their professional creeds and sense of honor than of ideological conviction. Though *some* did *eventually* develop a true affection for the ideals of the Revolution, the sacrifices, bravery, and loyalty of most of the men can

generally be explained by their devotion and loyalty to *whomever* they were serving under. Furthermore, as hostility towards foreigners mounted in America, this lip service to the ideals of the Revolution became, more and more, a simple matter of expedience.

The explanation of how the simple instructions to "engage a few good engineers" led to the arrival of perhaps hundreds of foreign volunteers on American shores is a fascinating and involved story in its own right. Since it is only peripheral to the subject at hand, though, only a few key points that had a direct bearing on the reception these men received and their incorporation into the Continental Army will be mentioned. While the phenomenon is normally blamed on the commissioners, and Silas Deane in particular, this is only part of the picture. First, a great many individuals came to America independent of the commissioners and even, in many cases, against their recommendations. Second, the officers to whom the commissioners furnished contracts, recommendations, or both, were chosen based on the needs of the Continental Army—as perceived by both the commissioners and the French—and on political considerations, and only after the commissioners' repeated requests for instructions from Congress met with no response.¹⁶

Regardless of the commissioners' culpability, Congress was quickly beset by a multitude of foreign officers in search of employment. The first arrivals came, in fact, not at the behest of the commissioners,

¹³ Martin I. J. Griffin, "General Count Casimir Pulaski," *The American Catholic Historical Researches*, 6 (January, 1910), p. 1.

¹⁴ *Ibid.*

¹⁵ Dupuy, *Global War*, p. 36.

¹⁶ A great many works deal with this subject only lightly, and are almost universally disparaging of Deane, in keeping with the view of his contemporaries. For a better perspective on the difficulties the commissioners labored under and the reasons for their actions, peruse Jared Sparks, ed., *The Diplomatic Correspondence of the American Revolution* (12 vols.; Boston: N. Hale and Gray and Bower, 1829-1830), from August 1776 onwards.

but of their own accord and, though they were typically incompetent, arrogant, and often motivated by financial desperation, they were initially welcomed by a naive nation. They “were frequently treated so generously that they boasted that they could obtain whatever they desired merely by assuming a high tone and persevering in their demands.”¹⁷ Many of these men, such as the Baron de Woedtke and Roche de Fermoy, the first two foreign volunteers to be made generals, failed to live up to their self-proclaimed reputations. The experience with these men, coupled with the initial reluctance to employ foreigners, was enough to dampen any enthusiasm that Congress or American military leaders might have generated for foreign officers. As future, and generally more qualified, volunteers arrived they were met with suspicion, regardless of contracts or recommendations. This suspicion, coupled with cultural clashes and the difficulty of incorporating the men into an army already disproportionately staffed with officers, would drive tensions to a fever pitch.

Despite these serious problems, Congress initially fixated on the language barrier and the issue of expense. On March 13, 1777, citing the frequent applications of men who “may very probably have great merit, but, not understanding our language, can be of no use in the army of these States,” Congress resolved that the commissioners be advised to discourage any more such men, “unless they are masters of our language, and have the best recommendations.”¹⁸ In the next week Congress rejected nearly a dozen officers on these grounds and on the 19th they set up a committee to deal with foreign

applications.¹⁹ The letter to the commissioners conveying the resolve of March 13 also mentioned the “heavy expense America has been put to.”²⁰ This had a hand in influencing commissions because Congress was more likely to grant a commission to an officer willing to serve without pay or, better yet, undertake some or all of their unit’s expenses, as was the case with Armand, Lafayette, and Pulaski among others.²¹ Still, Congress sometimes met with unexpected expenses in its dealings with foreign officers. In January, 1777, the Chevalier Devernijou petitioned for compensation for his “losses” in battle. Robert Morris, of the Committee of Secret Correspondence, wrote to Hancock, “...this matter deserves serious attention as there will be other applications of the same kind. The French officers alledge [*sic*] that their Monarch makes good the losses his officers meet with in Battle.”²²

The most significant problem, though, was that this influx of officers exacerbated tensions and controversies that were already rife in the Continental officer corps. In addition to the frequent and conflicting demands from the various states relating to the appointment and promotion of officers, the officers themselves were highly sensitive and contentious in this regard. In fact, the first commissions Congress granted stirred up controversy, both in Congress and

¹⁷ Hatch, *Administration*, pp. 50,51.

¹⁸ *The Journals of the Continental Congress*, 7, p. 174.

¹⁹ They were not totally without tact though as they offered certificates to eight Frenchmen declaring that language was the sole reason for their rejection, and granted \$300 to one for his “embarrassments.” *The Journals of the Continental Congress*, 7, pp. 185,189.

²⁰ Committee of Secret Correspondence to the Commissioners, March 25, 1777, in *Letters of Delegates*, 6, p. 486.

²¹ Pulaski, despite having lost his estates in Poland, frequently used his salary to provide for his men and even sent for money from his family in Poland for the same purpose.

²² Robert Morris to John Hancock, January 14, 1777, in *Letters of Delegates*, 6, p. 97.

between several of the generals commissioned, including Lee and Artemis Ward, and similar occurrences continued throughout the war.²³ According to one historian, “the army’s general officers made up their lack of aristocratic titles with an obsession for the most petty issues of rank, affairs of honor, and questions of competence.”²⁴ This phenomena was by no means limited to general officers and the subject became even more controversial when the officers in question were foreigners, many of whom had inflated expectations. Some of the foreigners based their expectations on their experience or status in Europe and others had received unrealistic promises from the commissioners. While Congress attempted to address this, it was inconsistent and gave some men, either out of ignorance or political considerations, commissions which their rank in Europe, experience, or abilities did not justify. Washington summed the situation up in a harsh letter to Richard Henry Lee in May, 1777; American officers who had been toiling and sacrificing in the service of their country thought it “exceedingly hard” that higher commands were given to “adventurers” and “Strangers...whose merit perhaps is not equal to their own; but whose effrontery will take no denial.” He further threatened that Congress ran the risk of alienating and

²³ Hatch, *Administration*, p. 11.

²⁴ James Scudieri, *The Continentals: A Comparative Analysis of a Late Eighteenth-Century Standing Army, 1775-1783* (Ann Arbor: UMI Dissertation Services, 1995), p. 270. For a discussion of the constant squabbles in the officer corps, see Scudieri. On the specific question of the development of aristocratic attitudes in the officer corps, see Don Higginbotham, “Military Leadership in the American Revolution” in his *War and Society in Revolutionary America: The Wider Dimensions of the Conflict* (Columbia: University of South Carolina Press, 1988).

“disgusting” entire corps in order to “gratify the pride” of such unworthy individuals.²⁵

The most disruptive of these affairs was that of Philippe-Charles-Jean-Baptiste Tronson Du Coudray, whose contract with Deane gave him command over both the artillery and engineers. Washington, amongst others, doubted the advisability of having a foreigner in such an important position.²⁶ A major uproar ensued and Henry Knox, who currently held the position, threatened to resign. On June 5, 1777, he wrote indignantly to Washington, insisting that Congress give “proper justice” to men who had served with loyalty and distinction through two campaigns and not allow them to be “superseded and disgraced.” The French officers rarely had as much service as the Americans and “every Officer of spirit” would resign rather than serve “under people who can have no other tie than the pay they receive, and who cannot give a single order that can be understood.”²⁷ Du Coudray rejected the compromise offer of a purely honorary post and a rank of major general. Instead he offered to serve as a volunteer, asking only the rank of captain for himself and lieutenant for the rest of his party, and the promise that they would be exchanged for if taken prisoner.²⁸

²⁵ George Washington to Richard Henry Lee, May 17, 1777, in *Papers of Washington*, 9, pp. 453, 454.

²⁶ George Washington to John Hancock, May 31, 1777, in *ibid.*, p. 570.

²⁷ Henry Knox to George Washington, June 5, 1777, in *ibid.*, pp. 611, 612.

²⁸ Congress accepted his offer on September 15, 1777, and the affair was settled for good two days later. As Congress delicately expressed it, “Whereas, Mons. du Coudray...gallantly offered to join the American army as a volunteer, but, in his way thither, was most unfortunately drowned in attempting to pass the Schuykill; Resolved, That the corpse of the said Mons. du Coudray be interred at the expense of the United States, and with the honors of war....” *The Journals of the Continental Congress*, 8, pp. 745, 751.

Cultural differences exacerbated these already unpleasant situations. As much as American officers felt slighted by the assignment of rank and command to foreigners, the foreigners tended to look down on their less experienced American counterparts. In his discussion of French officers' negative opinions of the American militias, Orville T. Murphy points to the drastic clash between the European tradition of the professional soldier or officer and the American notion of the "citizen soldier," which was alien and incomprehensible to them. While many of the Frenchmen's disparaging observations were made with regard to the militia, the same lack of professionalism permeated the Continental Army. The Americans, both officers and soldiers, were as a rule not professional but temporary soldiers.²⁹ Furthermore, the very fact that many of the foreigners were "noblemen" created mutual tension and unintended affronts in a new nation attempting to break away from such European traditions. Baron von Steuben explained to a friend: "We are living in a Republic, dear friend—here the baron is not a farthing more valued than Master Jacob or Mister John is, and such a state of things is very unpalatable to the taste of a German or French baron."³⁰

All of this was complicated by Congress's inexperience and failure to establish and utilize a consistent policy regarding foreign officers. Washington grew increasingly frustrated at the shortcomings of men employed without any system for verifying their claims. In the aforementioned letter to Richard Henry Lee, Washington complains of two Frenchmen who "know nothing of the duty of engineers—Gentn of this

²⁹ Orville T. Murphy, "The French Professional Soldier's Opinion of the American Militia in the War of the Revolution," *Military Affairs*, 32 (1969), pp. 191-198.

³⁰ Hatch, *Administration*, p. 52.

profession ought to produce sufficient and authentic testimonials of their skill & knowledge, and not expect that a pompous narrative of their Services, and loss of Papers (the usual excuse) can be a proper Introduction into our Army."³¹ Yet, Congress apparently remained ambivalent. On the one hand, it seemed to remain both naive and impressionable, and on the other, could stand hard regardless of the qualifications of an applicant. Despite a recommendation stating that he was a fine gentleman and soldier with a strong command of English and, moreover, "a man of interest at the court of Versailles,"³² Baron de Kalb was initially denied his promised commission and threatened to sue Deane in French court before Congress finally gave in. In the intervening months, Congress granted commissions to many other men who were far less worthy. Thomas Conway, an Irishman in the French army who would prove to be the most meddlesome of all the foreign volunteers, was granted a commission as brigadier general on May 13, 1777, "speaking our language fluently" being listed as one of his prime assets.³³ Armand received his commission on May 10, when Congress was already quite jaded but perhaps little the wiser for it. Pontgibaud related what happened when Armand and his valet presented themselves to Congress. Armand "at once received his commission as Colonel, and, so simple and inexperienced were the members of the Committee that they offered a similar commission to the valet on the strength of his good looks."³⁴

³¹ George Washington to Richard Henry Lee, May 17, 1777, in *Papers of Washington*, 9, p. 454.

³² Robert Morris to John Hancock, February 17, 1777, in *Letters of Delegates*, 6, p. 309.

³³ *The Journals of the Continental Congress*, 7, p. 349.

³⁴ The Chevalier de Pontgibaud, *A French Volunteer of the War of Independence* (Paris: Charles Carrington, 1898), p. 71.

While this story may not be, strictly speaking, of unimpeachable veracity, it reflects the widespread awareness of Congress's inexperience in recruiting credible officers.

At other times, Congress exhibited much greater acumen. Though not with any regularity or consistency, it occasionally requested a demonstration of proficiency. Kosciuszko, for example, was put to work on the defenses of Philadelphia before receiving his commission. M. Garanger, a captain of bombardiers in the French army, was to give a demonstration of his skills but Washington and Knox thought it better to wait until an actual combat situation due to a lack of powder. Two year after his arrival, and with his money gone, he was still waiting idly for his chance.³⁵ At times, Congress acted out of an awareness of the sensibilities of American commanders. Pulaski, for example, demanded a command that would leave him subordinate only to Washington and Lafayette. The Committee on Foreign Applications wisely suggested that "Compliance with those Expectations would be as contrary to the prevailing Sentiments in the several States as to the Constitution of our Army, and therefore highly impolitic."³⁶ Although he was made commander of the horse, with a rank of brigadier general, he was placed under General Anthony Wayne and would soon resign.

In light of this decidedly negative picture, it might be considered surprising that these gentlemen were able or allowed to render any service whatsoever. In fact, many men returned to Europe when their services were declined or terminated. Some remained, either pressuring Congress to accept their offers or accepting a compromise position. The majority who could afford it either

waited idly or volunteered, for no pay, in an independent legion or on the staff of another foreigner lucky enough to have received a command, waiting for a position to open up or the chance to prove themselves. Service, with or without pay, in the independent legions formed by Armand and Pulaski (after his resignation of his command of the horse), was considered by many on both sides to be an ideal compromise. Robert Morris suggested in February, 1777, "...those French Gentn sent by Mr. Penet are very impatient for being employed & really I think the Congress cannot too soon determine to form a Corps of Foreign Officers to Act in a Body & as they learn our language keep drafting them out into other Regiments."³⁷ Lafayette saw that the legions could serve that purpose and repeatedly suggested that Armand's corps would give "Room to many stranger [foreign] officers who can not be employ'd in the line of the Several states."³⁸ By allowing them to recruit Hessian deserters and prisoners, and other foreigners, Congress reduced the drain on potential recruits for the Continental Army.³⁹ In this way, they maximized the usefulness of the foreign officers without aggravating jealousies. The utility of attaching foreigners to staffs was also recognized, and while many simply served with other Europeans, some more promising candidates were invited to serve on American officers'

³⁷ Robert Morris to the Committee of Secret Correspondence, February 29, 1777, in *Letters of Delegates*, 6, p. 321.

³⁸ Lafayette to George Washington, July 2, 1778, in *Lafayette in the Age of the American Revolution*, 2, p. 97.

³⁹ Armand would take over command of a corps formed by Major Nicholas Dietrich Ottendorf, a Prussian volunteer who finished out the war fighting for the British under Benedict Arnold. It had been hoped that Ottendorf and other Germans would improve recruitment among German-Americans, and likewise the French among Canadians, but, in practice, little was achieved in this regard.

³⁵ Hatch, *Administration*, p. 54.

³⁶ *The Journals of the Continental Congress*, 8, p. 673.

staffs. In this way, their lack of English was less of an impediment and, again, controversy was averted or reduced while the volunteers' abilities were evaluated.

That so many of the foreigners were eventually able to procure positions is attributable to two causes: the needs of the Continental Army, and the desire for an alliance with France. A few comments are necessary on the impact that political consideration had on the French officers because, from the beginning, their relative influence at the French court had been a factor in their commissions. In February, 1777, Congress strongly reminded the commissioners of the need for France to take a "decisive part in the war."⁴⁰ Even Adams, despite his early opposition to foreigners, recommended the hiring of Du Coudray due to his being "so near the Throne."⁴¹ Washington was aware of this, too, and asked Richard Henry Lee whether he was being burdened with these men due to political considerations or simply because Congress sought to rid themselves of an annoyance. Lee responded that their motivations were "military and political merely [*sic*]."⁴² Lafayette, who was the chief beneficiary due to his position at the French court, was keenly aware of the political factor and used it to both his own advantage and that of his fellow countrymen. Thus, politics ensured that a great many foreign officers who might otherwise have been turned away outright were permitted to remain. They formed a pool from which the Americans could draw to correct the myriad faults and deficiencies of their newly-created army.

⁴⁰ Committee of Secret Correspondence to the Commissioners, February 19, 1777, in *Letters of Delegates*, 6, p. 267.

⁴¹ Edmund Cody Burnett, *The Continental Congress* (New York: The Macmillan Company, 1941), p. 243.

⁴² George Washington to Richard Henry Lee, May 17, 1777, and Lee to Washington, May 22, 1777, in *Papers of Washington*, 9, pp. 453, 497.

An examination of those deficiencies is beyond the scope of this essay but a few points must be mentioned for their relevance to this discussion. First and foremost was a lack of experienced officers. Many officers were new to the military arts and, of those who were not, very few had served in a regular army.⁴³ The lack of specialized knowledge, already mentioned with regard to engineers, would reveal itself in many areas, including artillery, cavalry, organization, and training. Though Congress never explicitly sought foreign assistance to correct these deficiencies, the French were well aware of them. After the alliance, they arranged for Rochambeau, commander of the French forces in America, to serve under Washington alone, as they were "determined to protect their men from incompetent American commanders."⁴⁴ As such, many of the officers sent or recommended by the French were chosen for their experience or ability to transform the American army into a professional fighting force.

One area where the foreigners made incalculable improvements was that of engineering, the original impetus for seeking foreign aid. By the time the originally authorized contingent of engineers arrived, they faced a volatile situation with regard to the employment of foreign officers. Duportail, their leader, was granted his commission on July 8, 1777, but their contract, the *only* one which Congress had authorized the commissioners to make, was not confirmed in its entirety until October 2.⁴⁵ The only saving grace was that, despite the earlier influx of foreigners, the army still lacked capable engineers (many of the early volunteers had been commissioned as

⁴³ Hatch, *Administration*, pp. 1-4.

⁴⁴ Dupuy, *Global War*, p. 92.

⁴⁵ There were three—Duportail, Mons. de Laumoy and Mons. de Gouvion—to be made colonel, lieutenant colonel and major, respectively.

engineers but this was done whether or not they had any training or skill in that capacity).⁴⁶ In April, 1777, Washington wrote to John Hancock concerning a Chevalier de Vrecourt: “I never heard of him before, but if he is a skilful Engineer, he will be extremely usefull and should be employed, though he may not understand our Language. At this time we have not One with the army, nor One to join it of the least reputation or pretensions to skill.”⁴⁷ In fact there was *one* extremely capable engineer stationed with the northern army—Thaddeus Kosciuszko, who had arrived in August, 1776.⁴⁸ Kosciuszko, along with Duportail and his companions, would completely reverse the Americans’ inferiority in engineering.

The engineers made immediate, practical contributions and provided the knowledge and inspiration for more enduring improvements in the Continental Army. The responsibilities of engineers included such diverse duties as scouting terrain and mapping, constructing bridges, siege preparations, and the design and construction of both temporary and permanent fortifications. Many were capable artillery commanders as well and quite a few were jacks-of-all-trades. The diverse and profound contributions of the engineers are best exemplified by

⁴⁶ Kenneth Robert Wright, Jr., *Organization and Doctrine in the Continental Army, 1774 to 1784* (Ph.D. dissertation, College of William and Mary, 1980), p. 206.

⁴⁷ George Washington to John Hancock, April 10, 1777, in *Papers of Washington*, 9, p. 113.

⁴⁸ Washington may have been referring only to the main army, or he may not have been aware, yet, of the valuable resource he had in Kosciuszko. In November of that year, he wrote to Congress, “. . . I have been well informed, that the Engineer in the Northern Army (Cosieski, I think his name is) is a Gentleman of science and merit. From the character I have had of him he is deserving of notice too.” November 10, 1777, in *Writings of Washington*, 16, p. 35.

Kosciuszko, who made contributions in all of the above-mentioned areas and more. His first opportunity came at Fort Ticonderoga where his suggestions for its defense, which would prove prophetic, were ignored. After the British took the fort, he helped secure the successful retreat of the American army by directing the obstruction of the road and the destruction of bridges in their wake. Perhaps his greatest accomplishment was at Saratoga, where he scouted the ground and then designed and supervised the constructions of the breastworks, redoubts, and trenches behind which Gates’s men would face the British army. As Gates himself said of Saratoga, perhaps the most crucial American victory of the war, “The hills and the woods were the great strategists which a young Polish engineer knew how to select with skill for my camp.”⁴⁹ Transferred to West Point, Kosciuszko took over the construction on that crucial strategic point already in progress. He designed a complex series of fortifications on both sides of the Hudson River which Washington praised and Duportail termed “almost impregnable.”⁵⁰ After two years, during which he continued to perfect the post’s defenses, he was transferred to the South where he performed scouting work for General Nathanael Greene and supervised the construction of a fleet of flat-bottomed boats used by Greene’s army to elude Cornwallis.⁵¹ Though the siege of the Loyalist town of Ninety-Six failed, Greene commended him for the planning and construction of the trenches and mines which “would have gained infallible

⁴⁹ Arnold Whitredge, “Kosciuszko: Polish Champion of American Independence,” *History Today*, 25 (July, 1975), p. 454.

⁵⁰ Thomas Froncek, “Kosciuszko,” *American Heritage*, 26 (June, 1975), p. 8.

⁵¹ Whitredge, “Kosciuszko,” p. 457.

success, if time had admitted of their being compleated [*sic*].”⁵²

The long-term contributions were primarily the work of Duportail, who operated as an advisor to Washington, as well as, beginning in November, 1777, commander of engineers. The corps of engineers was reconstituted and designated a separate branch of the army early in 1779 which allowed it to operate more efficiently, either independently or in supervising work forces of regular soldiers for major projects.⁵³ Duportail’s proposal for companies composed of trained engineers not only served a practical purpose but created a supply of Americans schooled in engineering, thereby reducing American dependence on foreigners. Washington had expressed concern on this score in a letter to the President of Congress in November, 1777, “It is of great importance too, to consider the practicability of replacing these Gentn. with persons equally qualified, if they should quit the service, and how indispensible, men of skill in this branch of military science are to every Army.”⁵⁴ Additionally, but not to be understated, “Duportail’s emergence as a trusted expert gave the army a standard on which to judge Europeans for professional merit for the first time.”⁵⁵ In short, the engineers were extremely successful in fulfilling the task they had been recruited for. According to James Scudieri, the engineering corps eventually surpassed the British, equaled the

⁵² Nathanael Greene’s Orders, June 20, 1781, in Dennis M. Conrad, ed., *The Papers of General Nathanael Greene* (9 vols.; Chapel Hill and London: The University of North Carolina Press, 1994), 8, p. 419.

⁵³ Wright, *Organization and Doctrine*, p. 208.

⁵⁴ George Washington to President of Congress, November 10, 1777, in John C. Fitzpatrick, ed., *The Writings of George Washington* (39 vols.; Washington D.C.: United States Government Printing Office, 1931), 10, p. 35.

⁵⁵ Wright, *Organization and Doctrine*, p. 207.

far more advanced French, and became “a model to emulate in other armies.”⁵⁶

Cavalry, too, had always been a weak point of the Continental Army and it is frequently asserted that it was a weakness that was never totally overcome. Colonel Armand, in tones bordering on insolence, accused Washington of neglecting the cavalry to the extent of making it a disgrace.⁵⁷ This is sometimes attributed to Washington’s own experiences in the French and Indian War and the general lack of experience of the American officers. There are indications, though, that Washington did come to understand the importance of the cavalry, though he was obstructed by Congress and circumstances. Ultimately, strategic considerations and expense combined to relegate it to a peripheral role.⁵⁸ Nevertheless, Pulaski and Armand did what they could under the circumstances and within the confines of their limited roles. Pulaski began a school to train both men and horses in “European style shock action, including cut-and-thrust tactics.”⁵⁹ The development of partisan units that utilized both mounted men and light infantry were valuable for reconnaissance and skirmishing and occasionally made dramatic contributions in major battles. Pulaski helped to hold off British forces at both Brandywine and Germantown, thereby protecting retreating American armies.⁶⁰

The greatest contributions to the war effort came from the use of the volunteers as staff officers and advisors. Many foreigners provided valuable military training and advice, such as Thomas-Antoine, Chevalier de Mauduit Du Plessis, who introduced the

⁵⁶ Scudieri, *The Continentals*, p. 379.

⁵⁷ Stutesman, “Colonel Armand and Washington’s Cavalry,” p. 16.

⁵⁸ Scudieri, *The Continentals*, pp. 365-369, and Wright, *Organization and Doctrine*, pp. 210,211.

⁵⁹ Wright, *Organization and Doctrine*, p. 210.

⁶⁰ Dziewanowski, “Tadeusz Kosciuszko,” p. 130.

Americans to the writings of Jacques Antoine Hippolyte Comte de Guibert, who wrote what has been called, “the most important military book of the century.”⁶¹ Foremost among the technical advisers was Baron Friedrich von Steuben who, according to one historian, was the only officer indispensable to the American cause apart from Washington.⁶²

Von Steuben was a well respected but relatively minor military figure in Europe, unemployed and broke in 1777. The consummate mercenary, he had already attempted to gain placement in the East India Company’s army and the armies of France and Spain⁶³ before deciding to seek his fortunes in America. Having served as an aide-de-camp to Frederick of Prussia, the master of eighteenth-century warfare, and having served in the Seven Years’ War, he had knowledge and skill in the practical arts of war which the colonies needed. St. Germain, the French War Minister, strongly recommended him to the Americans due to what he felt was their obvious need for practical, technical advice. The valuable supplies the French were sending were being wasted due to a “lack of organization, discipline and administrative experience,” and von Steuben seemed like the man to correct the situation.⁶⁴ The commissioners agreed and set to work on a plan which would convince Congress of the same,

⁶¹ Wright, *Organization and Doctrine*, pp. 228, 220.

⁶² John McAuley Palmer, *General Von Steuben* (Port Washington, New York: Kennikat Press, Inc., 1937), p. 1. Von Steuben, along with Lafayette (for his political contributions mainly), are considered far and away the most important foreign volunteers. As such, their fascinating stories have been told repeatedly and in great detail. The lack of attention paid to them here is merely a reflection of that and in no way a reflection on their relative contributions.

⁶³ There is also an unconfirmed, but not unlikely, story that he attempted to gain employment with the British forces in America. Palmer, *General Von Steuben*, p. 91.

⁶⁴ *Ibid.*, pp. 87-89.

despite the rampant anti-foreign sentiment at the time. A persona was created for the Baron (probably largely by Franklin) which not only vastly exaggerated his military experience and rank, but his fortune and zeal for the cause. He was introduced as a former lieutenant general in the service of Frederick the Great, who wanted only to volunteer in the cause of liberty and asked nothing in return, neither pecuniary gain, rank, nor command. Though none of this was true, it was agreed that the fact that he *had* been a staff officer to Frederick the Great justified a little exaggeration.

A detailed account of his contributions is impossible here, but von Steuben made immeasurable progress in raising the efficiency and skill of the American army. As early as the spring of 1777, Washington was bemoaning the need for “a standard system of discipline, maneuvers, evolutions, [and] regulations.”⁶⁵ Arriving at Valley Forge in February of 1778, von Steuben quickly noted the same deficiencies and developed a uniform system of drill which he adapted from the Prussian model. His system was considered brilliant both by his contemporaries and future historians, not only for its effectiveness, but for its flexibility. He made compromises which took into account the prejudices and habits of the Americans formed from their traditional reliance on British models, and he simplified it to take into account the exigencies of the situation, particularly the short time available in which to ready the army for the next campaign. In March, with the assistance of translators, he personally led the training of a “model company” in the new techniques of marching and drilling, the members of which, in turn, instructed their respective units. In a matter of weeks, the army was transformed. The boost in morale and von Steuben’s concentration on bayonet techniques were invaluable, instilling in the

⁶⁵ Wright, *Organization and Doctrine*, p. 228.

Continental Army a sense that it was a match for its previously awe-inspiring British opponents.⁶⁶ Lafayette's retreat at Barren Hill in May, and the performance of the troops at the Battle of Monmouth in June, demonstrated the newfound proficiency and professionalism of the army. The crowning moment of von Steuben's successes came in 1779 when the British fortress at Stony Point was taken in a well-executed and disciplined bayonet charge.

Despite anti-foreign sentiment, von Steuben was made a major-general and appointed inspector-general in May of 1778.⁶⁷ His new system was formally adopted and he and a team of translators spent much of the next year writing *The Regulations for the Order and Discipline of the Troops of the United States, Part I*, known as *The Blue Book*. In addition to codifying the new methods of drill, the book covered virtually every aspect of army life, including health and morale, administration, the function of each member of a regiment, and the training of senior NCOs to replace officers in emergencies. He also placed a premium on patience and kindness in the treatment of the individual soldier. *The Blue Book* would be the American army's standard drill book through the War of 1812.⁶⁸ As inspector-general, von Steuben continued to improve and maintain the condition and readiness of the Continental Army and became such a trusted advisor to Washington that the inspector-general's office eventually took over the functions of

⁶⁶ Ibid., p. 229; Scudieri, *The Continentals*, pp. 228-235.

⁶⁷ Replacing Thomas Conway, who came to symbolize, whether justly or not, all that was despised in the volunteers after it was revealed that he had made disparaging remarks about General Washington. The events of the "Conway Cabal" have been dealt with exhaustively and it is now considered to have been largely a non-event.

⁶⁸ Wright, *Organization and Doctrine*, pp. 232, 233, and Scudieri, *The Continentals*, pp. 236-244.

the mustermaster-general and the quartermaster-general, making for much more efficient administration.⁶⁹

Von Steuben is a classic example of the versatility of the foreign officers which allowed them to be utilized effectively in a variety of functions. Kosciuszko, for example, despite his recognized value as an engineer, would finish out the war leading cavalry raids in the South and Armand commanded partisan units which ranged in varying degrees from strictly cavalry to strictly infantry. Du Plessis was one of many who served as both an artillery commander and an engineer. Francois-Louis Teissedre de Fleury was the quintessentially versatile officer, perhaps even more so than von Steuben. He served as a brigade major in Pulaski's dragoons, an assistant inspector-general, and an engineer. He helped to design Fort Mifflin and was wounded in its defense, and he also served as an infantry commander, as did von Steuben.

Most of the foreign officers, in fact, longed for such infantry line commands, and this was where a great deal of the trouble erupted. It was one thing to assign foreigners to staffs where they could dispense valuable advice or to utilize them in the technical branches where American expertise was clearly lacking but quite another to give them line commands. American officers had quickly become, like their foreign counterparts, "obsessed with every aspect of honor, glory, rank, prerogative, and privilege," and this made for intense competition for precious line commands which were the surest road to glory.⁷⁰ Even Lafayette, despite his constant badgering of friends in Congress on behalf of his unemployed countrymen, acknowledged the need to "lessen the

⁶⁹ Wright, *Organization and Doctrine*, p. 232, and Scudieri, *The Continentals*, pp. 245-253.

⁷⁰ Scudieri, *The Continentals*, pp. 277, 278.

number of officers.”⁷¹ Hence, for a foreign officer, political connections were generally more useful than skill or experience for gaining a command in the infantry.

The most blatant example of this was the case of the Marquis de Lafayette. Though only nineteen and inexperienced, his contract with Silas Deane, which made him a major-general, was honored as soon as his influence at the French Court was ascertained. This gave affront not only to lower-ranking Americans who had been fighting for two years but also to his fellow countrymen. De Kalb had much more experience, higher rank in France, and a better command of English but had to struggle for months for his commission. Though it was generally acknowledged that Lafayette’s commission was merely an honorary one, he received his sought-after command soon after a victory in a minor skirmish with a Hessian force during the dismal days following Brandywine and Germantown.⁷² Important men in the Continental Congress and Army continued to lavish upon him opportunities, as well as flattery, far in excess of his experience, credentials, or admittedly solid performance. After Lafayette negotiated the retreat at Barren Hill in the spring of 1778, the President of Congress wrote, “I congratulate with your Excellency most heartily on the late honorable Retreat which is Spoke of by every body here in the highest terms of applause. ‘The Marquis de Lafayette has acquired new Glory by this great Act of Generalship’.”⁷³ In reality, this was an extremely minor engagement, the success of which was attributable as much to von Steuben’s miracle working with the troops

as it was to Lafayette’s generalship. The deferential treatment received by Lafayette is also attributable to the close, almost father-son relationship he had with General Washington and, indeed, Washington was often accused of blatant favoritism which according to Pontgibaud, derived “partly out of friendship, and partly from policy.”⁷⁴ Thus, it no doubt pleased the Commander-in-Chief to bestow the honor of a divisional command on Lafayette at Yorktown, but it is equally clear that it was the ultimate political symbol. Lafayette had been invaluable as the “strong, friendly voice at the French Court that Deane and many members of Congress had hoped to acquire through him.”⁷⁵ According to Thomas Balch, the treaty with France “should be attributed in a great degree to the impulse that La Fayette [sic] had given to public opinion in France, and to the change of ideas that had been produced in men’s minds in consequence of his favorable reports respecting the Americans.”⁷⁶

Whether it was due to political or personal reasons, Lafayette’s role at Yorktown was not the result of military considerations. For most of the foreign officers who lacked Lafayette’s clout, opportunities did not come so easily. They found it extremely difficult to procure line commands in the infantry at any level, let alone promotions. Men like de Fleury might labor and sacrifice for years with little recognition, being called upon only when some pressing demand could not be answered by an available American, and von Steuben himself was quickly removed from his first command because of the controversy it stirred. Nevertheless, many

⁷¹ Lafayette to Henry Laurens, April 18, 1778, in *Lafayette in the Age of the American Revolution*, 2, p. 26.

⁷² Dupuy, *Global War*, p. 31.

⁷³ John Laurens to Lafayette, May 29, 1778, in *Lafayette in the Age of the American Revolution*, 2, p. 60.

⁷⁴ Pontgibaud, *A French Volunteer*, p. 52.

⁷⁵ Shirley A. Bill and Louis Gottschalk, “Silas Deane’s Worthless Agreement With Lafayette,” *Prologue*, 4 (Winter, 1972), p. 223.

⁷⁶ Thomas Balch, *The French in America During the War of Independence of the United States, 1777-1783* (Philadelphia: Porter and Coates, 1891), p. 85.

of the volunteers who were able to procure commands acquitted themselves very well in the field. Von Steuben eventually received a command in Virginia where his expertise was of particular value in attempting to build an army out of virtually nothing. De Kalb staunchly held the right flank at Camden, while everywhere else the militia fled the field, until he finally succumbed to his twelve wounds. De Fleury distinguished himself at Brandywine as well as Fort Mifflin but is most famous for his conduct at Stony Point. He commanded a brigade, was the first man over the defenses, and personally struck the British flag. While he received a medal and praise from all quarters, he did not receive a promotion, though one had been promised to the first man over the works.⁷⁷

Finally, despite a notable lack of devotion to the ideals of the Revolution, a great number of the volunteers distinguished themselves for their bravery and sacrifice, and in some cases underwent an idealistic transformation. In addition to examples already mentioned, Lafayette distinguished himself at Brandywine, where, despite being wounded, was among the last to leave the field. Pulaski is famous for his reckless disregard for his own safety; he was killed leading a gallant but futile charge at Savannah in October of 1779. Furthermore, many men, such as Pulaski, Armand, and Lafayette, made financial sacrifices as well as risked life and limb, and Lafayette in particular dug deeply into his own pockets.

The question of ideological conversion is a trickier one that has, perhaps, been exaggerated by historians seeking to romanticize the contributions of these men; nevertheless, it is clear that there were some transformations. Pontgibaud, along with

⁷⁷ Henry P. Johnston, *The Storming of Stony Point on the Hudson: Its Importance in the Light of Unpublished Documents* (New York: Da Capo Press, 1971), pp. 82, 88.

Armand a devout monarchist to the end, supported this view, though he saw it in a decidedly negative light, “When we think of the false ideas of government and philanthropy which these youths acquired in America, and propagated in France with so much enthusiasm and such deplorable success, we are bound to confess that it would have been better, both for themselves and us, if these young philosophers in red-heeled shoes had stayed at the Court.”⁷⁸ Lafayette is certainly the most famous example of this. His devotion to the cause has been frequently noted and is often antedated to his decision to come to America. Though the image of the rebellious, idealistic young nobleman is quite romantic, in reality it is difficult to establish to what degree he was inspired by, or even understood, the *ideals* of the Revolution initially. The fact is that he primarily sought to establish a name for himself, independent of his wife’s family.⁷⁹ Nevertheless, he exhibited a remarkable devotion to the cause, risking his life and sacrificing his fortune, and is generally acknowledged to have been deeply moved by the ideals he encountered here, as demonstrated by his service in the French Revolution. Another less famous example, that of Kosciuszko, was even more striking.

Kosciuszko stood out from the majority of the foreign volunteers for his cooperation, congeniality, and apparent lack of concern for his own advancement. Despite constant, dedicated, and dramatic contributions, he served out the entire war as a colonel, being promoted to brigadier in token appreciation of his service only after the close of the war. He not only refused to seek promotions but at least twice *declined* them, writing once, “...if you see that my promotion will make a great many Jealous, tell the General that I

⁷⁸ Pontgibaud, *A French Volunteer*, p. 89.

⁷⁹ Bill and Gottschalk, “Silas Deane’s Worthless Agreement with Lafayette,” p. 220.

will not accept of one because I prefer peace more than the greatest Rank in the World.”⁸⁰ After the war, he attempted to institute reforms while struggling for Polish freedom but he had also developed a profound repugnance for the institution of slavery in America. Though not well off, he declined over \$12,000 in unpaid salary and interest owed him by the American government, leaving it instead to buy the freedom of, and educate, slaves.⁸¹

Notwithstanding their many contributions, their sacrifices, and in some cases, their idealism, foreign officers in general continued to be viewed as mercenaries. The alliance with France, news of which reached America in May of 1778, alleviated the situation somewhat by solidifying ties and, more importantly, draining many officers back into the French army. Despite this, even Washington, with his admiration of von Steuben and paternal love for Lafayette, continued in his hostility toward foreign officers. He wrote in July, 1778, in response to the controversy surrounding von Steuben’s first command, deriding their supposed abilities and excessive pride and accusing them of being “men who, in the first instance, tell you they wish for nothing more than the honor of serving so glorious a cause as volunteers, the next day solicit rank without pay, the day following want money advanced to them, and in the course of a week want further promotion, and are not satisfied with anything you can do for them.”⁸² Furthermore, despite his personal and professional esteem for von Steuben, he asserted: “I do most devoutly wish, that we had not a single foreigner among us, except the Marquis de Lafayette, who acts upon very different principles from those which govern the rest.” Pulaski, while he consistently distinguished himself for his

bravery, overshadowed this with his contentious personality and technically rather spotty performance record. Armand was equally contentious and would be court-martialed in 1779 for, among other things, striking the hats off the heads of some men who dared neglect to doff them in his presence. Also, the entrance of France and Spain into the war did not totally alleviate the “importunities.” Thus, in August of 1779, Congress was forced to turn away one Colonel Knaublauch who claimed that he had been “earnestly persuaded and strongly encouraged” to come by Franklin and Lee and who promptly submitted a hefty account of his expenses. That same month, Congress received a rather unusual request from Captain Columbe, a Frenchman who had been serving in the Spanish army before joining the Continental Dragoons. He had been captured by the British and, to gain his release, renounced his commission and agreed to serve no more under the standard of the United States, yet he petitioned Congress for a promotion to major, saying that he would serve America *as a Frenchman* [his request was denied].⁸³

The controversy did not end even with the conclusion of the war. True to Washington’s words, demands *continued* to pour in from men, many of whom had originally insisted they desired only the opportunity to volunteer for a glorious cause. Conspicuous among the applications for monetary recompense were those of von Steuben and Lafayette. Von Steuben’s request could easily have been predicted since he always had been a spendthrift and had made one solicitation after another during the entire course of the war. In the case of Lafayette, the demands of two revolutions in the space of twenty years had taken their toll on his fortunes. The effects

⁸⁰ Froncek, “Kosciuszko,” p. 8.

⁸¹ Dziewanowski, “Tadeusz Kosciuszko,” p. 128.

⁸² Hatch, *Administration*, p. 48.

⁸³ *The Journals of the Continental Congress*, 14, pp. 934-937.

of their experiences went far beyond expense, though, as many of the volunteers returned to Europe, inspired by the cause in which they had fought, to engage in similar struggles in their own nations.

For America, too, the expense, as well as the frequent controversies and irritations, has to be seen as ultimately inconsequential given the weight of the foreigners' contributions. Quite apart from the political value of Lafayette, the military contributions these men made may well have been indispensable to the American cause. Mercenaries or not, they persevered in their desire to serve America in the face of continuous opposition and hostility, and many sacrificed considerably for the cause. Some, like von Steuben, instigated dramatic, sweeping changes, while others, like du Plessis, Kosciuszko, and Fleury provided steady and consistent, if less dramatic, assistance. Some of their contributions, such as those in training and organization, or the design of permanent fortifications, far outlasted the war itself. Von Steuben's *Blue Book* and a treatise on horse artillery written years later by Kosciuszko would continue to benefit the American army until well into the next century. Whether short or long term, dramatic or subtle, their contributions were invaluable to a newly-born nation struggling to find its feet and create a military capable of standing up to the mighty British army.

**BUNRAKU PUPPETS AND NOH
MASKS: THE MATERIAL CULTURE
OF JAPANESE THEATER**

Kelly Rushing

The Japanese theater has produced a very rich material culture. In addition to the stages and the costumes of the actors, puppets and masks are frequently used. Puppets are the focus of *bunraku*, while masks are used in *noh* plays. The making of these puppets and masks is an art, one that flourished in the eighteenth century during the height of the Japanese theater. Every detail is important in portraying a character. From the shape of the chin to the way the kimono is stitched, every aspect of a puppet helps to convey to the audience exactly what kind of person it is supposed to represent. The same holds true for *noh* masks. The size and shape of the features, as well as the wigs used with the masks, help to communicate the character being portrayed. In each type of theater, an expert, upon simply seeing the lead character, should be able to determine which play is being performed. The puppets and masks are the lifeblood of *bunraku* and *noh*, so it is vital that they are made well. In the eighteenth century, they were made by experts, who spent their lives learning how to transform their creations into masterpieces.

Bunraku was created from the fusion of the arts of puppets and storytelling. It was originally a popular entertainment, despised by people of high culture. However, it eventually became more prestigious. The first theater was founded in 1685 by Takemoto Gidayu and Chikamatsu Monzaemon, although it was not then called

bunraku. It was initially called *yoruri*. The puppet theater was renamed *bunraku* in the nineteenth century after Uemura Bunrakuken, the man responsible for its renewed popularity in the early 1800s. It is now common to refer to the puppet theater as *bunraku* even when talking about the period before it was renamed. The heyday of *bunraku* was during the eighteenth century. It attracted much enthusiasm from the common people, and that enthusiasm attracted the attention of serious artists and helped *bunraku* to develop into a higher form of art.¹

Bunraku puppets are carved from a special type of Japanese cypress and are about four feet tall. Their appearance underwent many changes throughout the seventeenth and eighteenth centuries. The wooden puppets began to appear in the middle of the seventeenth century. Prior to that time, they were made out of clay and had no hands or feet. These puppets were operated by only one puppeteer, instead of the three needed to control later puppets. The puppets were given hands in 1674 and feet in 1676. There were no more major changes until 1730, when moveable eyes were introduced. In 1733, the puppets were given articulated fingers. This was soon followed by the major innovation of using three puppeteers. Two years later, the puppets were given eyebrows and the size of the trunks was doubled. The dimensions of the puppets have remained the same ever since.²

The most important part of a puppet is definitely the head. There are about seventy types of heads in *bunraku*, forty general types and thirty that are specific to a certain

¹ Peter Arnott, *Theatres of Japan*. (London: Macmillan, 1969), p. 183; A.C. Scott, *The Puppet Theatre of Japan* (Tokyo: Charles E. Tuttle Co., 1963), p. 13.

² Scott, *Puppet Theatre*, pp. 23-24.

character and cannot be used for any other purpose. The heads fall into general categories such as male and female; young, old, and middle-aged; and good and evil. There is usually one person assigned to take care of all the heads and distribute them to the puppeteers as needed. This person has to be familiar with all the heads owned by a troupe. Even within the basic categories, there are countless subtle variations. Among young women puppet heads, some may have larger eyes while others have plumper cheeks. Differences such as these are taken into account when choosing the right head for each role.³

In order to ensure that the proper head is chosen, the distributor of heads must consider the preferences of the puppeteer as well. One distributor said that in order to choose the proper head for each part, he had “to consider the puppeteer’s tastes, style, idiosyncrasies, and skill as well as the way he wants to play the role: what complexities does he want to emphasize—the abandoned wife’s loneliness, say, or her loyalty to her husband?”⁴ The choice of a certain head can sometimes determine the tone of the entire play. Needless to say, the choices of the distributor of heads are very important.

Bunraku heads are made out of Japanese cypress. A carver begins to make a head by carefully making measurements on a block of wood. The measurements must be exact so that the line from the top of the head through the neck is absolutely straight. Since the puppet is operated from behind, if the head is not exactly straight it will never look as though it is being held erect. The carver then uses a hatchet and a double-edged saw to cut an oblong core out of the block of wood. A plane is used to smooth the oblong piece. When the core is the right shape, the carver marks in the central nose

line and the intersecting eye and mouth lines. He then outlines the features with *sumi* ink. Using first larger tools and then gradually smaller ones, he chisels out small pieces of wood to form the features. The head is then cut in half and the inside is hollowed out to make room for the mechanisms that control the facial features. The eyes have a mechanism that allows them to open and close, look left and right, and squint. The eyebrows can move up and down. The mouth can open and close, and in a few types of heads the upper lip can be drawn back to bare the teeth. After these mechanisms are fitted into the heads, the two halves are glued back together. A long spring made of whale baleen is attached to the inside of the neck and head. This spring allows the movements of the head to be smooth. After the neck is made and attached, the headgrip is added to this construction. This is a very important step which requires much skill and care. The eyes, eyebrows, and mouths are operated by moving heavy silk threads that come down the back of the neck and are attached to the headgrip. All the strings and the baleen must be adjusted properly and be the right length in order for the puppet to move properly. Toggles are attached so the puppeteer can manipulate the features. The head is then ready to be painted and given a wig.⁵

There are endless variations for each of the facial features. Eyes can be large or small, while lips can be puckered, pursed, thin, or full. However, the method of carving them is the same for most features. The construction of eyebrows is different. There are four types of eyebrows, each made in a different way. The first kind, used for warriors, is made from hair glued to a thin metal plate. The second kind is made out of plaster molded onto a wooden support and painted with Chinese ink. It is used for

³ Barbara Adachi, *Backstage at Bunraku* (Tokyo: John Weatherhill, Inc., 1985), p. 87.

⁴ *Ibid.* pp. 88-90.

⁵ *Ibid.*, pp. 96-98; Scott, *Puppet Theatre*, pp. 63-64.

young characters. The last two types, used for female characters, are simpler. The first is made from black cloth cut in the shape of an eyebrow and glued to the head, and the other is simply drawn. The second of these is more common and is used for young girls and unmarried women. Puppets of married women do not have eyebrows, as it was the custom for married women to shave them.⁶

After the head has been constructed with all the proper facial features and glued back together, it is ready to be painted. This is an involved process that requires careful timing. The heads are painted with a substance called *gofun*, which is made of ground seashells and glue. Heads are painted white, beige, or deep pink, and lines are added to define cheeks, eyes, and jaws. As many as twelve coats of *gofun* can be put on each head. The painter must be extremely careful while allowing the paint to dry; if it dries too fast, it can shrink and crack. Therefore, the temperature and the timing must be carefully planned and controlled. The proportions of the shell to be glued also differ with changes in the weather. After each coat of *gofun*, the heads are sanded to add luster.⁷

After the head is painted, it is ready to be fitted with a wig. Wigs are made from real hair and can have many different styles. Many are quite complicated, and all are styles actually worn by people in the Edo period. The style of wig says a great deal about the character. It signifies the age, sex, social position, occupation, and for females, the marital status of the character being portrayed. Every detail about a hairstyle, from the way a topknot is tied to the puff of a sidelock, helps to communicate who the character is. It is the job of the wig master to know about all the symbolic meaning of hairstyles. He must create all the hairstyles for each *bunraku* performance. Hairstyles

⁶ Scott, *Puppet Theatre*, pp. 62-63.

⁷ Adachi, *Backstage*, p. 98.

can range anywhere from the complicated style of high-class courtesans to the simple low ponytail of a young emperor, princess, or elderly noble. This latter style, which seems the simplest, is actually the hardest to shape. The hair has to hang just right so that it doesn't get caught in the neck of the costume as the puppeteer moves the head. The wig master does not just style the hair; he also makes all the wigs. The traditional way of making wigs is to attach each hair individually to a base of silk net. A bent crochet hook is used to weave one hair at a time into the net. Being the wig master obviously takes a great deal of patience and skill.⁸

When a head has been carved, fitted with its mechanisms, painted, and fitted with a wig, it is ready to be attached to a body. The body of a puppet is very simple compared to the complexity of the head. There are different versions for male and female puppets. The male version has shoulders constructed from a rectangular piece of wood with rounded ends. Strips of loofah are put on these ends to create the form of shoulders. The chest and back are formed from two cotton panels attached to the shoulder piece. A bamboo ring around these cotton pieces creates the waist. Strings from the shoulder piece attach the arms and legs. There is a socket made from strings in the shoulder piece that supports the headgrip. A bamboo rod attached to the trunk gives the puppet balance when leaned against the puppeteer. The female version is even simpler. The arms are attached to the shoulder piece in the same way but the loofah is "cut in a flat circular piece around the neck socket." Female puppets do not have legs. Instead, a weighted cloth pouch is connected to the waist ring. It gives balance to the puppet and helps to create the impression of knees when the puppet is in a seated position. The rest of the female

⁸ *Ibid.*, pp. 101-104.

puppet's body is the same as a male's. Occasionally a male puppet must appear without clothing and with a tattooed torso. Under these circumstances, the trunk is made of padded cloth with the tattoo design painted on. The arms and trunk are made in one piece, and the hands are fitted separately.⁹

Although the trunks of puppets seldom vary, differences in the hands and feet are common and reveal much about a character. There are nine ordinary types of hands used in *bunraku*. The first type is the "open hand," in which the four fingers move as one, but the thumb moves on its own. The wrist in this hand is not jointed. In the second type, the wrist is again not jointed, but the fingers can be moved separately. This hand is used when the puppet has to hold a prop. The next type has fingers that move separately and a jointed wrist. In the fourth type, the thumb and fingers are one piece, but the wrist is jointed. The fifth type has fingers that move as one but are jointed and a separate thumb. The sixth type is the same, only smaller, so it is used for young, gentle characters. Another type is mostly used for women; it has a jointed wrist and fingers, which are carved in two main pieces. An eighth type is used for old women. It has a jointed wrist and the hand is carved in one piece, with the fingertips curled. The final type is used for children. It has a jointed wrist and is carved in a single piece. It is, of course, smaller than all the other types. The hands are mostly painted with a flesh or light carnation color. However, other colors are used for special purposes. Deep carnation is for a strong character, while white is used for women, children, and young men. The hands of high officials are painted in a cinnabar color. In addition to the nine normal hands, there are also twenty-four special types. They are used for various special effects. Many are

⁹ Scott, *Puppet Theatre*, p. 68.

used when puppets have to play musical instruments such as the *samisen*. Another special hand, used in *The Modori Bridge*, is used to represent a talon that has been cut off a demon. This hand has only three fingers and is painted blue and white. The fingers of all the types of hands are controlled by strings with toggles, but in the left hand this mechanism is placed in a long rod that is visible as it is operated by the puppeteer.¹⁰

The feet of puppets also come in several varieties. For male puppets, the feet can be large, small, medium, or of a special type. Most are painted either white or flesh-colored. Some special types are painted other colors. The feet are moved by a L-shaped piece of metal attached above the heel. The puppet's shoes are also attached there. Female puppets do not have feet because they interfere with the graceful line created by the long kimono. Since a woman's feet were not visible under her kimono anyway, this is not considered to be unrealistic.

It takes three puppeteers, called *ningyo-zukai*, to operate the *bunraku* puppets. The lead puppeteer, or *omo-zukai*, operates the head and the right arm of the puppet. He uses his left hand to hold the headgrip and manipulate the toggles that control the movement of the eyes, mouth, and eyebrows. His right hand controls the right hand of the puppet. The puppeteer that controls the left arm of the puppet is called a *hidari-zukai*. With the use of a fifteen-inch wooden rod attached to the arm of the puppet, he can control the arm's movements and open and close the puppet's hand. The last puppeteer, the one who operates the feet, is called an *ashi-zukai*. As mentioned, he uses metal grips to move the feet. This puppeteer also stamps his own feet for emphasis when the play calls for the puppet to stamp. Although there are three

¹⁰ *Ibid.*, pp. 66-67.

puppeteers controlling each puppet, they must move as one. They must “work together in harmony of mind and body.” Their every motion must be coordinated, almost like a ballet, so that the movements of the puppet will seem natural.¹¹

The final element of a *bunraku* puppet is its costume. As do heads and hairstyles, the costumes reveal a great deal about the character before a word is spoken. Costumes can also reveal the type of play as well as the season in which it is set. Costumes are ornate creations modeled after Edo styles of dress. They are made from many materials, such as silk, cotton, velvet, and brocade. To create a costume, the costume designer must decide on fabric, color, and pattern; have the material woven, dyed, and embroidered; and then cut and sew the costume. Making costumes for puppets is more difficult than making clothes for humans. Special techniques must be used to make the costume hang correctly on the frame. A slit must be added in the back so that the head puppeteer can slip his hand through and operate the headgrip. Also, when creating a costume, the designer must take into account the scenery and lighting, traditional styles used for specific characters, meanings of patterns and colors, and the other puppets that will be on stage at the same time. Most important is that the costume must always reveal the character of the puppet wearing it.¹²

When the costume directors are done with a costume, they give it to the puppeteer. He carefully sews it onto the puppet. His methods of stitching it to the puppet’s cloth body create effects that say as much about the character as the costume itself. The way the puppeteer sews on the first neckband affects how the entire costume looks. It is vital that this first piece goes on properly, or the final effect will not be right and he will

have to start over. The rest of the costume goes on much easier. The bust line of a female puppet is also somewhat difficult. The way it is stitched is important to the character of the puppet. Courtesans bound their breasts, so their line must be flat. Married women would have larger, unbound breasts. Old country women might even sag. The way the bust line is stitched reveals the attractiveness, age, social position, marital status, and sensuousness of a female character. Small details such as these consume the attention of the puppeteer as he tries to get the costume to look just right.¹³

These details of the heads, wigs, bodies, and costumes of the puppets make up the material culture of *bunraku* puppets. It is evident that this culture is extremely varied and complex, and that the people who created it must have been very highly trained. The same is true of *noh* and its masks, although making a mask is obviously simpler than constructing an entire puppet. *Noh* and *bunraku* have many similarities. Like *bunraku*, *noh* was not always a prestigious art form. When it was first created, *noh* was probably little more than “a display of acrobatic and circus stunts.”¹⁴ Later, though, it developed into a very solemn discipline, with very few plays that are not tragic.

It is uncertain when plays that could be recognized as *noh* were initiated, but *Okina*, the oldest *noh* play, was definitely being performed by the twelfth century. The early influences on *noh* included the imported Chinese art of *gigaku*, which involved masks and lively dances and stunts. In spite of this influence, however, *noh* is a distinctly Japanese art. One strong indication of this is its combination of Buddhist and Shinto themes in its plays.

¹³ *Ibid.*, pp. 125-127.

¹⁴ Donald Keene, *Noh: The Classical Theatre in Japan* (Tokyo: Kodansha International, 1966), p. 9.

¹¹ Adachi, *Backstage*, pp. 34, 51.

¹² *Ibid.*, pp. 119-121.

The highest aspiration of *noh* is to achieve beauty. It strives to do this through suggestion which is considered to be deeply aesthetically pleasing. The scenery and props are merely outlines to suggest objects, while the gestures of actors are highly stylized, either simplified or developed into a dance. The masks are the ultimate tool of suggestion, eliminating not only differences in features but also any change in expression. For the Japanese, these masks evoke more emotion than the most expressive actor's face.¹⁵

Masks, then, are obviously very important to *noh*. Actors revere the masks they wear. The mask of *Okina* is treated with special reverence. Before the performance, the mask is hung in the dressing room and honored with ritual greetings. One actor, who is known as the mask bearer, brings the mask to the actor who will wear it. The latter prostrates himself in admiration before accepting it. Before putting on their masks, the actors stare at them intently to capture the essence of their characters. They also stare at their masked faces in the mirror prior to making their entrances. While on stage, a great actor will make the mask appear to be part of his body, a feat that takes years of training.

Boys of twelve or thirteen are initiated into the worlds of manhood and *noh* at the same time by putting on their first mask, usually the mask of *Okina*. They must learn to keep their movements smooth to prevent the mask from jerking. The difficulties of wearing the masks are complicated by the fact that it is impossible to see the stage through the eyeholes. The actors must look through the nostril openings if they want to see where they are on the stage. Therefore it is very difficult for boys to learn not to bump into other actors. As they get older and improve, they progress through categories of roles. In this progression,

¹⁵ Ibid., pp. 13, 17, 28-29.

there is not only an increased difficulty of interpreting the role but also an increased beauty in the mask worn. Actors must earn the right to wear the most dignified and beautiful masks through years of experience.¹⁶

The masks are made out of *hinoki*, or Japanese cypress. It is a durable wood but easy to work with. The bark side goes on the inside of the mask so that if any resin seeps to the outside, it will not ruin the face. The best available wood comes from trees cut down in the Valley of Kiso and floated down the river to Tokyo. The trees are kept there for five or six years soaking in fresh and sea water before being cut into blocks, the starting point for mask carvers. Most of the masks are about eight and a half inches long. They are too small to cover the entire face, leaving part of the jaw exposed. However, eighteenth-century audiences were seated far enough away and the lighting was sufficiently dim so that they were probably mostly unaware of the visible jowls. Thus the small masks create an effect that makes the heads of the actors look smaller from a distance. It probably began because of the Japanese idea that small heads on large bodies were attractive. Since the typical Japanese body did not conform to the aesthetic ideal, the small mask was created to make heads look smaller. The Japanese also preferred women to have high foreheads which is shown in the masks as well. The masks for young women have the eyebrows drawn very close to the hairline, as was the custom for Japanese women, who shaved their real eyebrows.

The faces of *noh* masks are carved in a method similar to *bunraku* puppet heads. The inside of the mask is hollowed out with a chisel. It is possible to assess the quality of the mask by the chisel marks left on the inside. The carver makes several holes in the masks. First, there are the eyeholes

¹⁶ Ibid., pp. 13-61.

through which the actor looks. However, these are very small and actors usually cannot see the stage through them. Ironically, actors can see better out of masks made to portray blind characters; these have long, downcast slits for the eyes. Next there are the nostril holes, through which the actor breathes and also can see where he is on the stage. There is generally a small, narrow opening for the mouth through which the actor says his lines. Finally, there are the ear holes which are the only part of the face of the mask that should ever be touched. After the mask is carved, it is given many layers of paint. Most masks are painted either white or flesh-colored with features accentuated in black. Lips are usually flesh-colored but are sometimes painted bright red for female masks. The inside of the masks is padded with cotton wrapped in soft paper so that the mask will fit tightly and securely. Ribbons are passed through the ear holes to attach the mask to the head. The color of ribbons varies according to the type of the mask. They must be tied very carefully or the actor will not be able to see. Masks also include hair, either painted on or, in the case of many old man masks, attached at the hairline, on the chin, and on the upper lip.¹⁷

There are many varieties of *noh* masks but most of them can be classified into certain types. There are masks for young and old people, men and women, the blind and the seeing, and people of this world and spirits of another world. There are also special masks to represent spirits that are divine but monstrous, such as *Shishi-guchi*, a mask used to portray the spirit of a lion. As in *bunraku*, there are a few special ones that are only used for one character. Most masks do not look like real human faces. They have narrow eyes and unrealistically big noses. Masks for young people are more likely to have pleasant expressions than

¹⁷ Ibid., pp. 62, 64; Zemmuro Toki, *Japanese Noh Plays* (Tokyo: Japan Travel Bureau, 1954), p. 39.

masks for older people. Masks for older people also have narrow jaws, while masks for the young have fuller faces. Masks for monstrous spirits generally have big eyes and large, open mouths which reveal their bared teeth. They are intended to portray a somewhat comical expression of exaggerated self-respect. All the masks seem to have a specific use because they have unchangeable facial expressions. However, good actors can fill their masks with life and make them seem to change expression. It is more important that the mask have the proper features to portray the character's gender, age, and station in life than to portray emotions.¹⁸

While it is possible to have roles in *noh* plays without masks, it is not possible to wear a mask without also wearing a wig or some other type of head covering. The wigs come in three lengths, *katsura*, *tare*, or *kashira*. *Katsura* black wigs used for female roles fall just below the ears. They are parted in the middle and pulled back. *Tare* are longer and fall to the shoulders. They can be either white or black, white being used for aged gods or warriors. *Tare* are always worn with some type of headgear, either a crown, a hat, or some other type. *Kashira* fall to the hem of the robe or even to the floor. They come in three colors: white, black, and red. White is used for old people, black for many varieties of male roles, and red for demons. All wigs are fastened to the head with a wide embroidered band. The colors in the band are determined by the role. The combination of wig band, wig, headgear, and mask are unique for each character in the plays of *noh*.¹⁹

¹⁸ Toki, *Japanese Noh Plays*, pp. 37-42; Daiji Maruola and Tatsuo Yoshikoshi, *Noh* (Osaka: Hoikusha Publishing Co., 1969), pp. 11, 19, 39, 54-55.

¹⁹ Maruola and Yoshikoshi, *Noh*, p. 65.

The masks and puppets of *noh* and *bunraku* create an extremely rich and varied collection of artifacts. No study of Japanese theater would be complete without a consideration of all the work that goes into creating these objects. Nevertheless, masks and puppets, while vital to the Japanese theaters of *noh* and *bunraku*, are by no means the only types of material culture involved. The theaters could not exist without the stage, props, and costumes for the actors and puppeteers. However, the making of the masks and puppets is sufficiently complex that it deserves its own mention and explanation. Thus, other types of theatrical material culture, however worthy, have not been discussed here. But though they have not been discussed, they have not been forgotten. The Japanese theater is a total creation, involving everything from the way the stage is painted to the way a puppet's wig is made. Any omissions or carelessness in creating any of its elements would make the theater less of a treasure.

UPTON SINCLAIR'S *BOSTON*: A REFLECTION OF HIS IDEOLOGY?

Janis Swanton

On April 15, 1920, the payroll from the Slater and Morrill Shoe Company of South Braintree, Massachusetts, was stolen, leaving two employees dead. Three weeks later, on May 5, 1920, Niccola Sacco and Bartolomeo Vanzetti were arrested. Thus began the saga of Sacco and Vanzetti, two Italian anarchists who were convicted of murder in 1921, sentenced to death, and finally executed by the state of Massachusetts in 1927. During the six years of appeals, this case garnered the attention of well-known liberals of the time. Through their strong support, they brought national and international attention to the case involving “a good shoemaker and a poor fish peddler.”¹ When Sacco and Vanzetti were executed, there were demonstrations not only in Boston and New York, but also in London, Berlin, Paris, and South Africa.

One reason this local crime generated so much interest is because several well-known writers took up Sacco and Vanzetti's cause, including Edna St. Vincent Millay, John Dos Passos, Katherine Porter, Heywood Brown, and Upton Sinclair. Many of these writers published articles, books, newspaper columns, etc., hoping to draw attention to what they perceived as a breakdown in the judicial system. They hoped their writing would generate enough public attention to bring about another trial or, in the end, win a

¹ James West Davidson and Mark Hamilton Lytle, *After the Fact: The Art of Historical Detection* (New York: McGraw-Hill, Inc., 1992), p. 230.

clemency appeal to the governor. While Upton Sinclair did write about Sacco and Vanzetti during these years, his chief contribution was made to their legacy through his book, *Boston*, which was not published until after their deaths.

Sinclair showed interest in Sacco and Vanzetti's plight as early as 1922, when he published a sympathetic article on Vanzetti. In 1923, Sinclair wrote the foreword for Vanzetti's short autobiography, *The Story of a Proletarian Life*. He also interviewed Vanzetti in prison in 1927. Vanzetti certainly made a favorable impression on Sinclair, who later stated, “... [Vanzetti] was one of the wisest and kindest persons I ever knew, and I thought him as incapable of murder as I was.”² Sinclair was a member of the Sacco and Vanzetti Defense Committee; however, he did not actually join until 1927.³ Sinclair seemed sincerely to want to keep their memory alive through his writing and also suggested an annual reenactment of the trial or possibly a play (which he would help create) to keep people from forgetting.⁴ But, in addition to these motives, perhaps Sinclair saw a way to also put forth his own beliefs using the interest generated by Sacco and Vanzetti's story. In his “Preface,” Sinclair claimed that he decided to write *Boston* at 9:30 p.m., August 22, 1927, when he was notified of Sacco's and Vanzetti's deaths. He said that “it seemed ... that the world would want to know the truth about this case...” Sinclair entitled the book, *Boston: A Documentary Novel of the Sacco and Vanzetti Case* and explained that “So far as it concerns the two individuals, [Sacco and Vanzetti] ... , this book is not fiction, but an effort at

² Quoted in William A. Bloodworth, *Upton Sinclair* (Boston: G. K. Hall & Co., 1977), p. 116.

³ Bloodworth, *Upton Sinclair*, pp. 113-115.

⁴ Leon Harris. *Upton Sinclair: American Rebel* (New York: Thomas Y. Crowell Company, 1975), p. 247.

history....” He went on to say that “I have not written a brief.... I have tried to be a historian.”⁵ But, is *Boston* really a “history,” or is it a statement of Sinclair’s own ideology?

According to one source, *Boston* was not a popular success at the time,⁶ but it did receive critical acclaim from people who had previously been critical of Sinclair’s writing. There were rumors of a Pulitzer Prize for Sinclair, but those proved false. The Pulitzer committee chairperson declared that only the “socialist tendencies” and “special pleading” kept *Boston* from receiving the award.⁷ I used both historical and literary sources in my research, and all of my sources consider *Boston* to be one of Sinclair’s best novels. Sinclair and the book are frequently mentioned in historical references to Sacco and Vanzetti. These sources usually comment favorably on Sinclair’s work, mentioning his attention to detail and attempt to be totally honest and accurate. Louis Joughin and Edmund M. Morgan go so far as to say, “*Boston* contains a thorough review of almost all the important features of the Sacco-Vanzetti case. It is accurate in detail to the degree that one would expect of a scientific study....”⁸ In his “Introduction” to the 1978 reprint of *Boston*, Howard Zinn wrote that it was a “... history ... truer than the court transcript, more real than any non-fiction account”⁹

⁵ Upton Sinclair. *Boston: A Documentary Novel of the Sacco and Vanzetti Case*, with an introduction by Howard Zinn (Cambridge, MA: Robert Bentley, Inc., 1978), pp. xxxv-xxxvii. First published in 1928 (New York: A. & C. Boni, 1928).

⁶ Bloodworth, *Upton Sinclair*, p. 118. I’m not sure this is a fair assessment since it wasn’t published until November, 1928!

⁷ Harris, *Upton Sinclair*, pp. 249, 250.

⁸ Louis Joughin and Edmund M. Morgan, *The Legacy of Sacco & Vanzetti* (Princeton: Princeton University Press, 1948), p. 448.

⁹ Howard Zinn, Introduction to *Boston*, p. xxiv.

Literary reviewers also comment favorably on Sinclair’s attempt to write a factual account. Leon Harris goes into great detail about the research Sinclair did in writing *Boston*. This included conducting extensive interviews—both in person and through correspondence—with people who had been involved in the case, asking for detailed information and, later, sending sections of the book back to them for review. Also, parts of *Boston* were originally published as a magazine serial, and when these sections came out, Sinclair asked other writers knowledgeable about Sacco and Vanzetti’s case to review his writing and send him corrections and ideas.¹⁰

While both types of sources comment favorably on Sinclair historical accuracy, the historical references completely ignore any personal message or bias in the book. Only the literary sources discuss Sinclair’s use of the book to promote his own socialist message. For example, R. N. Mookerjee says that the Sacco and Vanzetti case gave Sinclair a perfect opportunity to expose the problems and injustices of the capitalist system while gaining sympathy for socialism but that Sinclair needed to do this as soon as possible while people were still interested in the case.¹¹ When I first started my research—using only historical references—I was amazed that not one mentioned what I considered the obviously biased nature of the book.

Sinclair began expressing his own ideology through his choice of the title *Boston*. The city of Boston did not have any significance in the story of Sacco and Vanzetti, but it did for Sinclair. His novel *Oil!* had been banned in Boston in May, 1927, because of its explicit sexual and

¹⁰ Leon Harris, *Upton Sinclair*, p. 244.

¹¹ R.N. Mookerjee, *Art for Social Justice: The Major Novels of Upton Sinclair* (Metuchen, N.J.: The Scarecrow Press, Inc., 1988), p. 96.

contraceptive passages. When Sinclair was notified of this, he decided to travel to Boston and get arrested for selling a copy of the book in order to generate publicity.¹² In early August—before the execution of Sacco and Vanzetti—Sinclair told a friend, “... I want to gather material for a big novel ... I will call it by the name ‘Boston,’ and make it a by-word to the rest of the civilized world.”¹³ In his “Preface,” Sinclair explained that he had been visiting Boston for many years. In the early years, he spent time with “... the city’s old time heroes,” but that later visits “involved a change in view-point.” He goes on to say, “Those that have made the city’s glory have never been its rulers, but always a ‘saving minority’.”¹⁴ These are points Sinclair constantly repeats throughout the novel—the comparison of “old Boston,” with its free-thinkers and social conscience, versus “new Boston,” with its emphasis on money and societal position. Early in the novel, Sinclair shares his opinion of Boston society, “... what made them ‘Boston’ was the fact that never by any possibility would it cross their minds that they had anything to learn from what was not ‘Boston’.”¹⁵

Sinclair chose an interesting way to tell the story of Sacco and Vanzetti. He took the facts of the crime, trial, and appeals and wove them into a fictional framework. Sinclair created a large group of fictional characters, including the main character, Cornelia Thornwood, and developed a way for them to interact with the “real” people involved in the case. Sinclair quickly lets us know how we should feel about the various characters in the book. The Thornwoods, as a part of Boston society, are depicted to be cold, grasping, and preoccupied with

maintaining their family position in society. None of the daughters displays any grief when notified of their father’s death; their concern was whether they were going to get the family possessions they wanted.

The Italian Brini family, who take Cornelia in as a boarder and introduce her to Vanzetti, is shown as warm and generous. Even though the Brinis are poor, they are willing to share what they do have to help others, whether it is food with strikers or, later, time and money to the Sacco and Vanzetti Defense Committee. They take Cornelia into their hearts and home—nicking her “Nonna”—and care for her when she is exhausted from work. Vanzetti is portrayed as an asexual philosopher/saint while Sacco is shown as a simple, hard-working man and loving husband and father. When comparing Vanzetti to Sacco, Sinclair explains that northern and southern Italians are very different because they descended from different races. According to Sinclair, northern Italians—like Vanzetti—are capable of reflection while southern Italians—like Sacco—“... [are] excitable people, who live their lives outside, and utter extremes of emotion with many words and gestures.”¹⁶ It seems that Sinclair, while writing about the prejudice of others, was not without his own!

Sinclair frequently used his fictional character, Cornelia, to put forth his own ideas. Regarding World War I, Cornelia says, “... I have looked the world over and made up my mind that it has never been worse than right now -- with some ten or twenty million men lined up on opposite sides, using all the machinery and brains of civilization to slaughter one another.”¹⁷ Cornelia also expresses concerns over the “secret treaties” and whether President Wilson will be able to stop the Allies’ greedy intentions of taking over territories.

¹² It was during this trip that Sinclair interviewed Vanzetti.

¹³ Quoted in Harris, *Upton Sinclair*, p. 243.

¹⁴ Sinclair, *Boston*, p. xxxvi.

¹⁵ *Ibid.*, p. 14.

¹⁶ *Ibid.*, p. 309.

¹⁷ *Ibid.*, p. 121.

Originally, Sinclair supported American involvement in World War I and actually resigned from the Socialist Party over this issue. However, by 1918, his feelings had changed to disillusionment over the outcome of the war. When he applied to be readmitted to the Socialist Party, he reminded its members that he had protested against “the espionage laws, the invasion of Siberia, the secret treaties of the Allies, and Wilson’s unwillingness to demand from them a quid pro quo.”¹⁸

Cornelia is not the only character Sinclair uses to express his own ideology. Vanzetti has a discussion with Cornelia over birth control and the Catholic Church. Vanzetti tells her that in Italy priests stop women from learning about birth control by telling them they must have babies or they will go to hell. Vanzetti says that this keeps women as slaves and “baby-making animals.”¹⁹ Sinclair had long been a proponent of birth control and sex education.²⁰ In 1918, Sinclair had published *The Profits of Religion* which was part of a series attacking American institutions he felt were corrupted by capitalism. In this book, he was extremely critical of organized religion, especially the Catholic Church. One of the points made in this book was that religion has been used to subjugate women.²¹ But, while Sinclair was critical of religion, he was also an ardent believer in Jesus, who he referred to as “... the rebel carpenter, the friend of the poor and lowly, the symbol of human brotherhood.”²² In *Boston*, Vanzetti expresses similar ideas to Cornelia about “Conrrada Gesu,” who died so workers could get justice. Vanzetti describes Jesus as a good man, a worker, and a revolutionist

¹⁸ Harris, *Upton Sinclair*, pp. 157-158.

¹⁹ Sinclair, *Boston*, p. 56.

²⁰ Upton Sinclair, *The Autobiography of Upton Sinclair* (New York: Harcourt, Brace & World, Inc., 1962), p. 240.

²¹ Harris, *Upton Sinclair*, p. 169.

²² Sinclair, *Autobiography*, pp. 99, 288.

who priests wanted to kill because he made trouble.²³

Sinclair used this same technique later in the book to express an unpopular viewpoint when he creates a discussion between Cornelia and a former anarchist, Pierre Leon, during which the possibility of the guilt of Sacco and Vanzetti is raised. Cornelia is still insisting on their innocence when Pierre tells her that “sometimes anarchists are guilty.” He goes on to tell her that each anarchist is different, and the most important thing to know is what leader he follows. Cornelia admits that they follow Galleani, an admitted militant. She insists that she knows Vanzetti, who could not have committed the crime, but also admits she does not know Sacco very well. Pierre tells Cornelia she should not be shocked to find that workers sometimes commit what are considered crimes in their “struggle against their exploiters.” According to Pierre, there are only two things an anarchist would never do—betray a comrade and profit from the cause.²⁴ Later in the book, Cornelia suggests to Vanzetti that he should request a separate trial because there was more evidence against Sacco than him; Vanzetti rejects this idea.²⁵

This passage is a result of Sinclair’s attempt to be impartial in telling the story of Sacco and Vanzetti. During his research, Sinclair came to the realization that Sacco and Vanzetti might not be innocent. When he interviewed Fred Moore (the first attorney on their case), Moore told Sinclair that he thought it was a possibility that Sacco was guilty. After other interviews, Sinclair came to the conclusion that even if they were not involved, they probably knew about the hold-up. He also found out that other anarchists believed Sacco was guilty. Sinclair claimed that this was the “hardest

²³ Sinclair, *Boston*, p. 90.

²⁴ *Ibid.*, pp. 231-232.

²⁵ *Ibid.*, p. 300.

problem I have ever faced in my life.”²⁶ He continued with the book, but decided that if he was going to portray the “aristocrats” as they were, he had to portray the anarchists the same way.²⁷ According to Harris, this brought Sinclair some of the worse criticism he had ever received. This passage also attempted to answer the question many people asked: why Vanzetti, if he was innocent, went to his death rather than betray Sacco.

Sinclair frequently used a third-person monologue that took different forms to express his opinions. There were “prophetic warnings” such as “... the future rose up and shouted! Ten million hands were waved unseen, ten million warnings were voiced unheard! The fates ... granted no forewarning”²⁸ Monologues were used to point out social injustice, such as the story of a wealthy landowner who shot and killed an immigrant taking firewood from his estate. The landowner only served eight days in jail. When he was finally brought to trial—ironically in the same courthouse where Sacco and Vanzetti were convicted—“no evidence was produced to prove that he was either an anarchist, an infidel, or a draft dodger,” and he was acquitted on the basis of justifiable homicide.²⁹ Sinclair also used a “story within a story” monologue interjected throughout the novel for the purpose of showing the reader the injustice of the American legal system. While learning about Sacco and Vanzetti, the reader is also kept informed of the continuing saga of Jerry Walker, who was forced out of business by influential Boston bankers, including Cornelia’s son-in-law. In his “Preface,” Sinclair tells us this is a famous court case, and that he recounted the actual incidents of the case but invented the

characters.³⁰ Sinclair wanted to make the point with this case that higher courts could and would overturn decisions, something that was denied Sacco and Vanzetti.

Sinclair’s most critical monologues—sometimes bordering on tirades—were aimed at politicians. For example, Sinclair said of Calvin Coolidge, “... [he] shut the tightest and thinnest pair of lips in Massachusetts” and never took a stance on any issue. People seemed “pleased with a man who said nothing and did nothing. As a reward they made him governor.” Sinclair explained that Coolidge went on to become president, maybe because “Massachusetts leaders were able to certify that here was a man who had never once expressed an opinion in twenty years of public life.”³¹ Sinclair described Warren Harding as a man who traveled with his young mistress and stayed at cheap hotels.³² Sinclair never referred to Attorney General A. Mitchell Palmer by name, only by title, and described him as (referring to the wide-scale arrest of “reds” Palmer ordered) “... a Quaker, and under the combined banners of William Penn and Jesus Christ was instituting a campaign of wholesale terror...”³³ Sinclair later explained that the “Quaker Gentleman” had plans to move into the White House. This was a comment Sinclair would also make about Governor Fuller as a possible explanation why he refused to grant Vanzetti’s clemency request. As for Governor Fuller, Sinclair described him as “... the man with the marble smile and the agate eyes, the supersalesman of automobiles...”³⁴ Toward the end of the novel, Sinclair stopped calling him by name

²⁶ Quoted in Harris, *Upton Sinclair*, p. 246.

²⁷ Sinclair, *Autobiography*, pp. 241-242.

²⁸ Sinclair, *Boston*, p. 246.

²⁹ *Ibid.*, p. 474.

³⁰ *Ibid.*, p. xxxv.

³¹ *Ibid.*, pp. 189-191.

³² *Ibid.*, p. 302.

³³ *Ibid.*, p. 195. Sinclair referred to Palmer this way in real life, too.

³⁴ *Ibid.*, p. 246. This was a bit of snobbery on Sinclair’s part, referring to the fact that Fuller owned the largest car dealership in Massachusetts.

or title; he just referred to him as the “motorcar salesman” or “supersalesman.”

Sinclair put an enormous amount of work into *Boston*—writing 700 pages in nine months with what Howard Zinn described as “...barely controlled anger.”³⁵ He obviously had very strong feelings about Sacco and Vanzetti and claimed their execution was “...[the] most shocking crime that has been committed in American history since the assassination of Abraham Lincoln. It will poison our public life for a generation. To the workers of the whole world it is a warning to get organized and check the bloodlust of capitalism.”³⁶ Sinclair wrote to a friend, “... All we can do now is to try and make the noble lives and example of these two men count with the future.... The case has moved me deeply....”³⁷ Near the end of the book, Sinclair uses Cornelia to voice his own opinion of the trial “... from first to last there has not been one honest man who had anything to do with it on the government side”³⁸

Although I do not agree with Sinclair’s statement that he wrote a “history,” I do not want to judge him too harshly. I feel that Sinclair did try to present the facts of the *case* as honestly and accurately as possible; he made every effort to ensure that he recounted carefully dialogue and events. The problem with Sinclair writing history is simple; he was not a historian, and I do not think he wanted to be one. Upton Sinclair viewed himself as a social reformer. As such, he felt it was his duty to point out society’s problems through his writing. In his autobiography, Sinclair listed the things he thought he had accomplished in his lifetime. At the end of his list, he said that if anyone examined his heart after his death,

they would find the words “social justice” engraved there. Sinclair concluded the book by explaining what one man can do about social problems, “He can only say what he thinks and hope to be heard. He can only go on fighting for social justice....”³⁹ With the strong feelings Sinclair brought to this story, it would have been impossible for him to write an unbiased version. The story of Sacco and Vanzetti provided him with an opportunity to portray everything he thought was wrong with America, using “real life” situations that people were familiar with and could relate to. There is no way Upton Sinclair could *not* have taken advantage of the opportunity to present his own ideology in this book.

³⁹ Sinclair, *Autobiography*, pp. 329-330.

³⁵ Howard Zinn, Introduction to *Boston*, p. xix.

³⁶ Quoted in Harris, *Upton Sinclair*, p. 244.

³⁷ Letter to Gardner Jackson, quoted in Mookerjee, *Art for Social Justice*, p. 97.

³⁸ Sinclair, *Boston*, p. 692.

A COMPARISON OF
MACHIAVELLI'S *THE PRINCE*
AND *CLIZIA*

Emily Klopp

Niccolo Machiavelli (1469-1527) was an influential political figure of the Florentine republic during the time of the Renaissance. He served as a secretary and a diplomatic agent for Florence during his fourteen years in office until the leadership of the Medici family was restored to the city in 1512. Having been removed from political office, Machiavelli went into retirement, writing *The Prince* in 1513.¹ *The Prince*, which served as a political guide for Lorenzo Medici, exhibits Machiavelli's extensive knowledge of Renaissance politics and of classical history. Not only was Machiavelli a political philosopher and a historian, he also contributed to Renaissance poetry, drama, and satire. His play *Clizia* is a comedy of the Renaissance family that demonstrated his acute satirical abilities. These two Machiavellian works, *The Prince* and *Clizia*, are immensely different in that one serves as a political instruction handbook and the other serves as comedic entertainment. Yet these two works contain striking correlations to one another. Resemblances can be seen through Machiavelli's use of the concept of virtue, aspects of love and war, and the

¹ A brief historical account of Niccolo Machiavelli's life can be found in De Lamar Jensen, *Renaissance Europe: Age of Recovery and Reconciliation*, (2d ed; Lexington: D. C. Heath and Company, 1992), pp. 320-323.

management of fortune in each of these works.

As conceived by Machiavelli, the purpose of *The Prince* was to act as an instructional handbook for the "magnificent" Lorenzo Medici.² Machiavelli directly addresses Lorenzo in the Epistle Dedicatory and presents the Medici prince with the gift of the political knowledge that he had gained during his political career. In *The Prince*, Machiavelli applies his political philosophy to create a guide whose purpose is to educate a prince in the governance of his state. *The Prince* covers a broad range of topics concerning the governance of *lo stato*, the state.³ Machiavelli addresses how to retain and control hereditary and newly-acquired principates along with those that had previously been republics. He discusses the important relationship between prudence and virtue, the negative aspects of mercenary and auxiliary arms, orders and modes accompanied by fortune, and the necessary relationship between ruler and subjects. These topics are only a few of the many present in *The Prince*.

Machiavelli's *Clizia* provides an extraordinary contrast to the political intent of *The Prince*. This comedic play offers a wonderful and humorous look into the

² This Lorenzo Medici (1492-1519) is not to be confused with Lorenzo the Magnificent (1449-1492) who, along with his brother Giuliano, was a victim of the Pazzi Conspiracy in 1478. Lorenzo, the subject at hand, was the son of *il magnifico*, Piero Medici, and the grandson of Lorenzo the Magnificent. Nonetheless, Machiavelli addresses the latter Lorenzo as the "magnificent" in his Epistle Dedicatory to *The Prince*.

³ *Lo stato* translates as "the state." The state, as used by Machiavelli, refers not specifically to a territory, reign, influence, or power. It rather refers to an idea that cannot be expressed in a single word. Machiavelli's usage of *lo stato* encompasses all the concepts of authority, rule, status, etc., into one idea or concept. This concept includes the extension of the will of the prince to bring about authority and order to that over which he has influence.

Renaissance family while addressing feelings of love and desire present in the society of that time. The story revolves around an aged Renaissance businessman, Nicomacco, and his family. Nicomacco is suddenly overcome by desire for a girl, Clizia, whom he has raised in his house and has treated like his own daughter. He schemes to marry her off to a servant of the family, Pirro, who will in turn allow Nicomacco to bed his new wife. Nicomacco's own wife, Sofronia, discovers this scandalous affair and takes matters into her own hands. Sofronia, in the end, humiliates her husband, gains control over the household, restores order in the family, and returns things to the way they were before the obsession with Clizia consumed her husband. Although these two works by Machiavelli appear completely dissimilar from each other in form, comparison of their content reveals remarkable uniformities.

The usage and importance of virtue, adamantly stressed by Machiavelli in *The Prince*, can be seen clearly in the composition of *Clizia*. Although it is not focused on directly, it is contained within. Behind Machiavelli's use of the word "virtue" in *The Prince* lie three different meanings.⁴ The first meaning that Machiavelli associates with virtue concerns physical and mental greatness or excellence. It is the ability to do, or the capacity one has to act. The second meaning is associated with morality and righteousness. One cannot be virtuous if one does not possess the ability to do what is good and seek justice. The third meaning of virtue is having faith in civic religion. Civic religion

⁴ A discussion of the meaning of "virtue" as used by Machiavelli can be found in the introduction to *The Prince*, translated by Leo Paul S. de Alvarez. Alvarez provides good insight into the intentions of Machiavelli. Niccolo Machiavelli, *The Prince*, trans. Leo Paul S. de Alvarez (Prospect Heights: Waveland Press, Inc., 1989).

is one which inspires men to defend their city.

This sense of virtue can be associated with republicanism wherein citizens defend their state. The meanings of virtue, as introduced in *The Prince*, can be directly applied to characters and their actions in the play *Clizia*. The character Sofronia in *Clizia* remains the sole possessor of virtue throughout the play. Yet her virtue is confined to the domestic household, unlike a prince whose virtue is present within his state and may even go beyond its confines. Thus, Sofronia's state is her household. Sofronia's virtue is present in the management of the household during the scandalous affair entered into by her husband. She provides for the household by using the excellence of her mind when her husband stopped doing so because of his obsession with the young and beautiful Clizia. Machiavelli attributes self-reliance with virtue as the power to act which Sofronia possesses beyond a doubt. Throughout the play, she displays her ability to manipulate events to her advantage. This manipulation not only benefits her but also the household by protecting it from public scandal. In *Clizia*, Sofronia demonstrates her ability to do what is best for the household.⁵

In *The Prince*, Machiavelli gives a precise illustration of what is not virtuous but rather wicked in attaining a principate. He uses the example of Agathocles, a Sicilian of no notable fortune, who managed to become the king of Syracuse through atrocious actions. After rising through the ranks of the Syracuse militia, Agathocles seized control of the principate by tricking

⁵ Sofronia expresses her moral virtue, contrasted with Nicomacco's intentions, in Act Two, Scene Three, "I believe that one ought to do good all the time, and it's so much more welcome for it to be done on those occasions when others are doing evil." Niccolo Machiavelli, *Clizia*, trans. Daniel T. Gallagher (Prospect Heights: Waveland Press, Inc., 1996).

members of the senate into assembling and then killing them one by one in a mass execution. According to Machiavelli, the ability to do things through the use of evil is not associated with virtue.⁶

Nicomacco is also without virtue. Rather, his aim is wicked and his acts are evil. Once having become obsessed with Clizia, Nicomacco begins to neglect his business affairs; he no longer has the ability to do things. His ultimate goal of bedding Clizia is immoral. Clizia is a young girl whom Nicomacco had raised like his own daughter. To become her lover is scandalous. Love is also analogous to virtue as the ability to do, or perform. In this aspect, Nicomacco is not considered virtuous due to the fact that he is old and would not be able to please a young woman in bed.⁷ Again, his obsession is without virtue.

Another similarity between *The Prince* and *Clizia* concerns the subjects of love and war. The primary goal of both love and war, as seen in Machiavelli's works, is to conquer the desired object, whether it is a principate or a woman. In *The Prince*, Machiavelli discusses numerous attempts and achievements by aspiring princes to attain a state. As examples, Machiavelli reviews Pope Alexander VI's attempt to attain a Borgia state for his illegitimate son, Cesare, along with the usurpation by Francesco Sforza in becoming the Duke of

⁶ Machiavelli, Chapter Eight of *The Prince*: "One cannot call it virtue to kill his fellow citizens, to betray his friends, to be without faith, without pity, without religion, which modes enabled him to acquire imperium, but no glory."

⁷ The discussion of youth and love is the subject of the song at the end of Act Two in *Clizia*, "So, you old lovers, it would be best to leave this enterprise [of love] to ardent youths who, being ready for more demanding work, can pay its lord a greater honor."

Milan.⁸ In *Clizia*, the object of conquest is none other than Clizia herself.

Throughout the play, many characters make analogies from the conquest of Clizia to the circumstance of war. Nicomacco, when speaking of his wife's suspicions, declares that he will stop at nothing in order to win a victory regarding the affair.⁹ It is quite obvious that Nicomacco is relating the conquest of Clizia to an act of war, one in which he must victoriously prevail. His preoccupation with victory causes him to declare to his son, Cleandro, the strict penalties he will inflict on the family if he is not the victor, even if it means destroying his household, or "state."¹⁰ Sofronia also strikes a parallel between war and the affair with Clizia. She claims that everyone, including her husband, her son, and the servants, have "set up camp" around Clizia.¹¹ She relates everyone's desire for the young girl to a battle in which they all are preparing to partake by surrounding the object of conquest. Nicomacco proclaims a little later in the play that he must go into war well armed.¹² This statement concerns his plan to disguise his presence while in bed with Clizia so she will not recognize him. With this plan, his goal of conquering Clizia would be achieved.

A lover, in order to attain the object of conquest, may, like a prince, use allies or "troops." In *The Prince*, Machiavelli refers to three different kinds of soldiers that are used by a prince in times of war.¹³

⁸ The undertakings by Pope Alexander VI and Francesco Sforza are documented by Machiavelli in Chapter Seven of *The Prince*.

⁹ *Clizia*, Act Two, Scene One.

¹⁰ Nicomacco threatens to burn down the house, give the dowry back to Sofronia, and send her off, in Act Three, Scene One of *Clizia*. This is in response to the faltering of his leadership and lack of obedience in the traditional patriarchal household.

¹¹ *Clizia*, Act Two, Scene Three.

¹² *Clizia*, Act Four, Scene Five.

¹³ In *The Prince*, Machiavelli refers mainly to three different kinds of troops: mercenary, auxiliary, and

Mercenaries, or soldiers for hire, are dangerous due to the fact that their only loyalty to their employer, the prince, is monetary in nature. Mercenary soldiers are untrustworthy, ambitious, disunited, and possess no morale to prevent them from fleeing the battle during desperate moments. Auxiliary arms are even more dangerous than mercenary arms because they belong to a different prince. The use of auxiliary arms is a no-win situation. If the prince loses, he has no more advantage than when he began his pursuit. Yet if the prince wins using someone else's arms, he will be in debt to a united, obedient force which could cause his demise. The final possibility available to a prince is to use his own arms; that is, by arming his own subjects.¹⁴ Using one's own arms is the most dependable choice when compared to the use of mercenary or auxiliary arms.

In *Clizia*, Nicomacco has the choice of using his "own arms." He is the leader of the traditional patriarchal household which requires others to be obligated and loyal to him. Yet, as described early in the play, the traditional patriarchal aspect of this Renaissance household began to deteriorate with Nicomacco's obsession over Clizia. He was losing his state. Therefore, his family members and certain servants felt no obligation to him and actually helped scheme against him. Nicomacco did employ the help of his servant, Pirro. Yet he made a mercenary out of Pirro by promising to buy

one's own. He also refers to yet another grouping consisting of one's own troops combined with either mercenary or auxiliary troops. Mixed arms are more reliable than mercenary or auxiliary arms, but are not as reliable when compared to one's own arms. A discussion of the different types of arms may be found in Chapters Twelve and Thirteen of *The Prince*.

¹⁴ A prince may rely on his own arms if his subjects can be deemed loyal and trustworthy. He should not arm his people if they have reason to rise up against him.

him a shop and make him rich if Pirro would, in turn, marry Clizia. Pirro can be considered a "mercenary soldier," hired by Nicomacco to help him win the bed of Clizia. Pirro proves to be unfaithful to Nicomacco as can be seen during Nicomacco's humiliation.¹⁵ Sofronia, on the other hand, uses her "own arms" by virtue. She possesses the doubly authoritative figure of both mother and mistress. These require loyalty from her son as well as the servants. In the end, these "arms" are loyal and faithful to Sofronia, rather than to Nicomacco, in light of the deterioration of the traditional patriarchal family.

A third comparison in the two works of *The Prince* and *Clizia* can be seen in the management of fortune, or circumstance. In *Clizia*, Sofronia manages her fortune with mastery and skill which dramatically contrasts with Nicomacco's management of wealth. Nicomacco suggests a lottery to decide whom Clizia should wed. Candidates are Pirro, favored by Nicomacco, and Eustachio, favored by Sofronia.¹⁶ Instead of using virtue to achieve his goal regarding Clizia, Nicomacco places the matter into the hands of pure luck, or the will of God, as he claims. Sofronia, on the other hand, does not rely on the luck of the draw, but accepts a loss knowing that the affair was not yet

¹⁵ Pirro did nothing but participate in the laughter of others during the humiliation of Nicomacco, who supposedly was his leader during the whole plot. This occurred when Nicomacco found himself in bed with the servant boy Siro, rather than Clizia, on the wedding night. *Clizia*, Act Five, Scene One.

¹⁶ The lottery in *Clizia* may be found in Act Three, Scene Seven. Two bags were used in this lotto, each with two ballots in them. In one bag were the ballots with the names of Pirro and Eustachio, while the other bag contained a blank ballot and a ballot with Clizia's name on it. Thus, a double lottery. In the action of the play, a blank ballot was drawn first from the first bag and then Eustachio's name was drawn from the second, therefore deciding the marriage of Clizia to Pirro.

settled. The lottery did not stop her from getting what she wanted but served the purpose of convincing Nicomacco that he had won. It served the purpose of suppressing any suspicions Nicomacco had about his wife's intentions or schemes. With Nicomacco believing the marriage dispute had come to an end, Sofronia was able to plan and manipulate the ensuing events to her own advantage.

The Prince attributes fortune to the orders and modes of a prince.¹⁷ Order is the discernible aspect of a prince's will established within his state. This order may be applied according to the prince's fortune, or when the occasion is befitting. When the occasion is appropriate, the prince will apply an appropriate mode of introducing order. Such modes can take the form of piety, cruelty, cautiousness, etc. Sofronia demonstrates virtue in her ability to master fortune in *Clizia*, while Nicomacco does not show any such ability but rather places his entire fate in the hands of pure luck, that is, fortune. Sofronia, rather than accepting defeat at the result of the lottery, accepts this change of circumstance and utilizes it for scheming and orchestration. Upon the success of her scheme, she then introduces the mode of fear to impose her order upon Nicomacco.¹⁸ She threatens to make the scandal public unless Nicomacco agrees to leave Clizia alone and return to his old ways.

¹⁷ In Chapter Fifteen of *The Prince*, Machiavelli attributes fortune to unforeseen circumstance which a prince's orders and modes may be subject to: "The same happens with fortune, who demonstrates her power where there is no ordered virtue to resist her; and she turns her impetus where she knows embankments and defenses to hold her have not been built."

¹⁸ Cesare Borgia also used fear as a mode through the use of executions. See *The Prince*, Chapter Seven.

Machiavelli's *The Prince* and *Clizia* are two different pieces of work but they contain distinct similarities to one another. Machiavelli's genius ascribes to one of his characters, Sofronia in *Clizia*, characteristics strongly resembling his own political philosophy prescribed in *The Prince*. Sofronia displays abilities similar to those of a virtuous prince. She has the capacity to do and provide for others without relying on anyone other than herself. Sofronia also knows that one cannot work against fortune but instead uses circumstance to work to her advantage. The resemblance between love and war is also apparent, both concentrating on the sole objective of conquest. In conclusion, it must be noted that the similarities presented here are only a few of the many that exist between *The Prince* and *Clizia*.

**ANTI-SUFFRAGE DOGMA AND THE
WESTERN DILEMMA: HOW THE
ANTI-SUFFRAGE MOVEMENT
DEALT WITH WOMAN'S SUFFRAGE
IN WYOMING, UTAH, COLORADO,
AND IDAHO**

Marla Ringger

Woman suffrage entered the United States through the back door. Wyoming was still a territory when, in 1869, it gave its female citizens the right to vote. A year later, Utah Territory also extended voting rights to women citizens, and by 1896, both Colorado and Idaho had followed suit. Before suffrage activists could even get organized, they were able to claim their first victory. By the same token, anti-suffragists had their work cut out for them; by the time they realized a war was waging, they had already lost a battle.

How did woman suffrage come to the West, and what did anti-suffragists do to limit western influence on eastern states? In order to convince non-suffrage states of the moral correctness of their position, anti-suffragists had to point out the failures of the suffrage states in the West.¹ Newsletters, magazines, and other periodicals were an effective means of accomplishing this goal. Anti-suffragists also had to contend with ideological problems as they tried to defend their position. In order to fully understand what the antis were up against, we need to

¹ Billie Barnes Jensen, "In the Weird and Woolly West": Anti-Suffrage Women, Gender Issues, and Woman Suffrage in the West," *Journal of the West*, 32 (July, 1993), p. 44.

examine how suffrage for women first came to Wyoming, Utah, Colorado, and Idaho.

Alan Grimes, in his book, *The Puritan Ethic*, writes, "In Utah, woman suffrage constituted part of a broad effort to retain a civilization; in Wyoming, woman suffrage was a major factor in establishing one."² Wyoming's vast territory presented a problem regarding governance. It was twice the size of New York, New Jersey, and the six New England states combined. When the transcontinental railroad construction crew made its way to the Wyoming Territory in 1867, it brought all sorts of men who eventually settled there when the railroad was finished: ruffians, drunkards, gamblers, and thieves. It was a dangerous place to live, and especially, to raise a family.³

The first territorial election in Wyoming was held in September of 1869. In October, Council president William H. Bright authored a woman's suffrage bill. A proponent of woman's rights, Bright "supported woman suffrage because the ballot had just been given to the Negro, and it galled him to keep it from his wife."⁴ He worked hard to get enough votes in the Democratic-dominated legislature, assuring Democratic members that by voting in favor of the bill, all of the burden, along with the negative repercussions, rested on the Republican governor, who, they assumed, would veto it. Bright convinced the legislature that the bill would create headlines and bring favorable publicity to Wyoming. Much to the surprise and consternation of the Democrats, the governor signed the bill into law and, in

² Alan P. Grimes, *The Puritan Ethic and Woman Suffrage* (New York: Oxford University Press, 1967), p. 47.

³ *Ibid.*, pp. 48-53.

⁴ *Ibid.*, p. 56.

turn, the Republicans reaped the reward of public favor.⁵ When Wyoming became a state in 1890, its constitution included woman suffrage; thus, the woman's franchise came to Wyoming with very little assistance from suffrage groups and no hindrance from antis.⁶

When Wyoming passed the woman suffrage bill, the territory's population just topped 8000.⁷ By contrast, Utah had over 40,000 women; most of them were Mormons who advocated plural marriages. The situation seemed to be a paradox: woman's suffrage, a liberal idea, was placed within the confines of polygamy, what historian Beverly Beeton labeled "the most enslaving marital arrangement."⁸ It was assumed by most easterners that once the women of Utah had the right to vote, polygamy would be eliminated. Many even hoped it would mean the end of Mormonism.⁹

By 1870, when the Utah territorial legislature was considering a bill to enfranchise women, the spotlight was on the Mormons. Anti-Mormon campaigns were going on in the East that proposed legislation to "disenfranchise Mormons, keeping them from holding public office, depriving them of the right to homestead...and disinheriting their children."¹⁰ But when legislation was proposed in Congress that would enforce the anti-polygamy law of 1862, over five thousand Mormon women gathered in the Old Tabernacle in Salt Lake City to oppose

it. The New York *Herald* reported: "It will not be denied that the Mormon women have both brains and tongues. Some of the speeches give evidence that in general knowledge, in logic, and in rhetoric the so-called degraded ladies of Mormondom are quite equal to the woman rights women of the East."¹¹

On February 12, 1870, the Utah territorial legislature unanimously passed the woman suffrage bill. The eastern public was incredulous that the Mormon women did not use their new political power to change plural marriages. This message announced to the American public that Mormon women "were not held in bondage" but were able to think for themselves on these issues.¹² Utah was admitted as the forty-fifth state in 1896, and it included woman suffrage in its state constitution.

The battle for woman suffrage in Colorado was unique because of the extensive media coverage that a large urban area like Denver made possible. Several attempts for voting rights for women, starting in 1870, had failed, and it was not until 1877, after Colorado had reached statehood, that woman suffrage was even considered in a popular referendum.¹³ Finally, after sixteen additional years, Colorado achieved woman suffrage in 1893, thanks to the effectiveness of the woman's rights campaign. The Populist Party in Idaho also played a role; it supported woman suffrage due to the belief that women supported its free silver platform.¹⁴

In 1896, Idaho became the fourth state to enfranchise women. After Idaho became a

⁵ Elizabeth Cady Stanton, Susan B. Anthony, and Mathilda Joselyn Gage, *The History of Woman Suffrage* (New York: Susan B. Anthony, 1886), 3, pp. 729-730.

⁶ Grimes, *The Puritan Ethic*, p. 53.

⁷ *Ibid.*, p. 52.

⁸ Beverly Beeton, "Woman Suffrage in Territorial Utah," *Utah Historical Quarterly*, 18 (Spring, 1978), p. 102.

⁹ *Ibid.*, p. 103.

¹⁰ *Ibid.*, p. 110.

¹¹ *Ibid.*, p. 111.

¹² *Ibid.*, p. 114.

¹³ Billie Barnes Jensen, "Colorado Woman Suffrage Campaigns of the 1870s," *Journal of the West*, 12 (April, 1978), p. 256.

¹⁴ Alisa Klaus, review of Beverly Beeton, *Women Vote in the West: The Woman Suffrage Movement, 1869-1896*, in *The Western Historical Quarterly* (October, 1987), p. 464.

state, the Populist Party pushed for new voters. Women of the state, excited about the opportunity to further woman suffrage, successfully established a movement to have a suffrage amendment introduced in the first state legislative session. Interestingly, Idaho was the first state to have pro-suffrage platforms in all major parties. The women, aided by the National American Women Suffrage Association, were also responsible for Idaho being the first state to give them the vote by way of a state constitutional amendment.¹⁵ The amendment was voted on in the general election in November of 1896.¹⁶

The passage of woman suffrage in Wyoming, Utah, Colorado, and Idaho compelled the opposition to organize. For example, the Massachusetts Association Opposed to the Further Extension of Suffrage to Women organized in 1890 as a direct response to Wyoming and Utah granting woman suffrage.¹⁷ The passage of woman suffrage shook the core beliefs of many women in the East and forced them to take a stand.

Fear played a part in the anti-suffrage argument. Rational or not, the fear of woman suffrage was very real to a great number of people. It was the biggest motivating factor in anti-suffrage propaganda. Many believed the woman's franchise would bring chaos into their secure environment. Antis believed women activists were using suffrage as the means to a wider end of radical changes, such as

unsexing women, ending motherhood, and destroying the home.¹⁸

According to anti-suffragists, women and men had totally different spheres in which they performed their God-given responsibilities. For women, these responsibilities included caring for their families at home by teaching their children and supporting their husbands; they did not include voting. A woman's role was to "bring out the best, most civilized side of man"¹⁹ by being his calming influence when he came home from work. The mother was expected to raise her children to be model citizens. By doing this, her political influence was manifested in her husband and sons. She was able to "control the future of the nation" while remaining within her sphere.²⁰

According to antis, when a woman left her "sphere of influence," the family was left at risk.²¹ If women became involved in public voting, the results would be divorce, child neglect, and immorality, ending civilized life as it had been known.²² Antis opposed woman suffrage because they believed it would destroy the family which they considered to be the basic unit of society.²³ When a man cast a vote, he represented his entire family. If a woman had her own vote, it would lead to dissension in the family, often with dire consequences. Antis argued that the "best wife and mother and sister would make the worst legislator, judge, and police."²⁴

¹⁵ Elizabeth Cox, "'Women Will Have a Hand in Such Matters From Now On': Idaho's First Women Lawmakers," *Idaho Yesterdays*, 38 (Fall, 1994), pp. 2-3.

¹⁶ Susan B. Anthony and Ida Husted Harper, *The History of Woman Suffrage, 1883-1900* (New York: Susan B. Anthony, 1902), 4, p. 593.

¹⁷ Jeanne Howard, "Our Own Worst Enemies: Women Opposed to Woman Suffrage," *Journal of Sociology and Social Welfare*, 9 (1983), pp. 463-464.

¹⁸ Martha Ann Hagan, "The Rhetoric of the American Anti-Suffrage Movement, 1867-1920," (Ph.D. diss., Washington State University, 1993), p. 30.

¹⁹ Mara Mayor, "Fears and Fantasies of the Anti-Suffragists," *Connecticut Review*, 7 (April, 1974), p. 70.

²⁰ *Ibid.*, p. 71.

²¹ *Ibid.*, p. 71.

²² *Ibid.*, p. 72.

²³ Aileen S. Kraditor, *The Ideas of the Woman Suffrage Movement, 1890-1920* (New York: W.W. Norton, 1981), p. 24.

²⁴ *Anti-Suffragist*, June, 1910, p. 6

Dr. Lucy Bannister, presenting a paper before a congressional committee, shared what she considered to be the sentiment of most women. She warned that if women became involved in politics, they would lose their efficiency at home and become dangers to their communities. Bannister referred to the belief that if women received the vote, they would no longer care for their families because most of their time would be spent at the polls or in the political arena. In addition, women would be dangerous as voters because their vote would be based on feelings rather than rational thinking. Consequently, they would be easily influenced by “demagogues” and would be responsible for their part in passing harmful legislation.²⁵ Bannister also claimed that the thought of voting did not even enter the minds of the majority of women. She emphasized that woman suffrage would only bring about disorder, with “nothing to hope for...nothing but chaos, another bone thrown into the domestic arena over which to snarl.”²⁶

Those opposed to woman suffrage had to find a way to discount the voting experience, to show that woman suffrage had been detrimental to both the state and the women themselves.²⁷ Otherwise, their fight would be in vain, and woman suffrage would find its way east. It was to the antis’ advantage when western states passed laws that allowed gambling or when states “had trouble passing prohibition” because it made their arguments easier to defend.²⁸ Those arguing in favor of woman suffrage often promised that if women were able to vote, they would clean up areas of moral decay such as gambling and the liquor industry.

²⁵ Mayor, “Fears and Fantasies,” p. 67.

²⁶ *Ibid.*, pp. 9-10.

²⁷ Elizabeth McCracken, “The Women of America: Woman’s Suffrage in Colorado,” *Outlook*, 75 (November, 1903), p. 739.

²⁸ Jensen, “‘In the Weird and Woolly West’,” p. 49.

When this did not happen, it gave the antis more ammunition with which to fight.

Antis used a variety of arguments to explain why they opposed female suffrage which they published in their newsletters and periodicals. They found sufficient evidence to justify their positions and tended to ignore anything contradictory. Regarding Colorado, anti-suffragists argued that women had done nothing worthwhile with the vote, but had, in fact, made conditions worse. For example, when a large number of Denver women voted in 1910, the election resulted in a wet majority, giving broader license to the liquor industry. The *Anti-Suffragist* was happy to declare that because of this, “over the whole Nation, the equal suffrage movement has received a back-set.”²⁹ Colorado laws also reflected that women’s rights were neglected. The *Anti-Suffragist* reported that a man could sell his home without his wife’s consent and that she had no authority over how he spent his money.³⁰

The *Reply* used several statistics to show how Colorado schools ranked in earlier years in comparison to other states where women did not have the vote, and how they ranked in 1913. For instance, in 1913, Colorado was sixth in the daily cost per child, after having been first in 1893. In 1913, Colorado ranked twenty-fourth in the length of the school term, while in 1903, it had ranked seventh. Overall, Colorado had previously been ranked first, while in 1913, it was ranked seventh.³¹ The *Reply* did not offer any explanation for how these conclusions were reached or where it obtained the information, but the editor obviously used them to the antis’ advantage. The meaning of the article was clear: since Colorado had gained woman suffrage, education had declined. This type of

²⁹ *Anti-Suffragist*, June, 1910, p. 8.

³⁰ *Ibid.*, p. 8.

³¹ *Reply*, August, 1913, p. 77.

propaganda was often found in anti-suffrage publications.

The *Anti-Suffragist* made similar comparisons. In 1900, the publication compared child labor laws in Wyoming and Utah to laws in states that did not have woman suffrage. According to the article, Oklahoma had the best child labor laws which were modeled after states where women could not vote. Wyoming and Utah prohibited child labor in mines only, while other states—such as Nebraska, Oregon, New York, Wisconsin, and Illinois—where only men were allowed to vote, prohibited any “child labor under fourteen years of age in twelve specified employments during school hours”³² Comparisons were also made on child illiteracy. The federal census of 1900 revealed that Wyoming had one illiterate child for every 118 people. Oregon, on the other hand, had one illiterate child for every 240 people. Colorado’s rate was an overwhelming one illiterate child for every 60 people, almost four times that of Oregon.³³ The only plausible explanation for these results, according to the *antis*, was that a link existed between woman suffrage and illiteracy, and that woman suffrage was detrimental to the educational welfare of future generations.

Antis paid close attention to what Colorado women did with the vote. According to the *Anti-Suffragist*, “[The women’s] failure to benefit Colorado by their suffrage is doing more to retard woman suffrage in other States and nations than anything else.”³⁴ The *Woman’s Protest* pointed out that living conditions had not improved, even though good women with good intentions had worked hard to rectify those very problems. In so doing, they had

³² *Anti-Suffragist*, December, 1910, p. 6.

³³ *Ibid.*, p. 7

³⁴ *Anti-Suffragist*, June, 1910, p. 8.

neglected their own homes, leaving their children to be cared for by someone else.³⁵

The *Reply* also ran guest editorials from women in Colorado who had once fought for woman suffrage and later switched sides because they believed it was a detriment to women. One former suffragist who refused to cast her ballot complained that woman suffrage only hurt a woman’s character. She stated: “The sweet faced old lady is gone. I have seen the good housekeeper and contented wife neglect her home and grow envious of her husband’s political job. I have seen timid women shrinking at their first visit to the polls grow as brazen as the very women of the street, after a few years of voting.”³⁶ Furthermore, woman suffrage had not done anything to improve conditions generally in the state after nineteen years of women having the vote. The *Woman’s Protest*, in 1912, criticized Wyoming for not improving its status: “It must be admitted that after forty-three years of equal suffrage the results show no greater advance in morals and civilization than usually follows the change from pioneer life to that of a settled community.”³⁷

Negative accounts of the western experience always found their way into anti-suffrage literature. Anti-suffrage journalists tried to convince their readers that women did not want the vote, did not use it, and could not be trusted with it.³⁸ *Antis* claimed that many prominent women of the West considered the vote to be a burden instead of a blessing. Women who were able to vote, and chose not to, were often reported in anti-suffrage publications. An editorial in the *Reply* voiced the opinion that women who did not want to vote were in the vast majority. The writer urged women to let their sentiments be heard because the “men

³⁵ *Woman’s Protest*, July, 1912, pp. 4-7.

³⁶ *Reply*, December, 1913, p. 180.

³⁷ *Woman’s Protest*, May, 1912, p. 6.

³⁸ *Ibid.*, p. 49.

of America have always been renowned for their willingness to give their women whatever they wish.”³⁹

Antis contended that western women were content at home and that most of them had the vote forced upon them without ever asking for it. For most women, other interests came before voting. For instance, a “good” man running for office in Colorado was campaigning for the support of “good” women. Unfortunately for him, he found that voting was a low priority for the women he talked to; having tea or knitting socks for the new baby came first.⁴⁰ When women did cast their ballots, antis maintained, they voted only to see what they could get for it. There was the story of a Denver woman who wanted to sell her vote so that she could buy a hat. Antis argued that the ballot was not a cherished prize, but rather something to be exchanged “for a picture hat, a party coat or even money to be spent on candy, flowers, or matinee tickets.”⁴¹ An article in the *Reply* stated that it was obvious that Denver women of standing did not vote in the elections. Instead, political bosses brought ladies of ill repute to the polls, and in essence, stole their votes. The *Reply* summed it up: “If representative women are going to refuse Suffrage when it is given them, then Women Suffrage will do more harm than good, because it will only increase the number of votes which can be bought and sold for money, or influence.”⁴²

Antis believed that women did not need the vote to be represented. At one anti-suffrage meeting, a speaker argued that most women did “not regard [having the vote] as a duty and did not want it as a privilege.”⁴³ She maintained that:

³⁹ *Reply*, May, 1913, p. 2.

⁴⁰ Jensen, “ ‘In the Weird and Woolly West’ ,” p. 48.

⁴¹ *Ibid.*, p. 48.

⁴² *Reply*, July, 1913, p. 15.

⁴³ *Anti-Suffragist*, September, 1911, p. 3.

1st. It is demanded by a small minority of women....

2nd. Women are now able to appeal, for any object to any state governor...because they stand wholly outside of politics and can have no ulterior motive.

3rd. Political equality will deprive women of privileges at present accorded them....

4th. We believe that suffrage is a question not of right, but of policy and expediency.

5th. Universal male suffrage is so far from satisfactory....

6th. Women have accomplished so much in the last fifty years without the suffrage that their advancement without it is assured.

7th. The English suffragettes have proved that political struggles...may degrade even educated and clever women.

8th. Women’s acquisition of the right of suffrage is not progress.

9th. The ballot is only the ballot...and its power is greatly exaggerated....

10th. We believe women to be in no sense inferior to men, but their powers are different and are best developed in different kinds of work and usefulness.

11th. The claim that women will uplift and purify politics is not supported by facts.⁴⁴

Anti-suffragists also believed that with the vote, a woman’s character was at risk. Elizabeth McCracken came to this conclusion in 1903 after visiting Colorado to see the effects of woman suffrage first hand. She walked all over Denver and Colorado Springs and visited with a number of women. One woman confided that it was becoming increasingly harder to bestow

⁴⁴ *Ibid.*, p. 3.

Christian charity because her motives were questioned. McCracken visited the tenement district and spoke with a young mother, the recipient of charity: “Your friend is very good to you, isn’t she?” ‘Yes’, agreed the mother. ‘I don’t jest see why she is, though,’ she added, in a puzzled tone of voice; ‘she ain’t runnin’ fer no office’.”⁴⁵ McCracken blamed the ballot for lowering women’s ideals. Anti-suffragists often asked whether the good that the ballot accomplished could make up for the greater loss to the state by the “blow [the woman] has dealt her own womanhood”.⁴⁶

Anti-suffragists not only pointed to the unfavorable effects that voting had on women but they also tried to discredit western men and western democracy.⁴⁷ When woman suffrage came to the West, eastern antis viewed it as “foolish and fanatical politics” in the “crude, raw, half-formed commonwealths of the sage brush”.⁴⁸ For women having no desire to vote, the western experience proved to be an important challenge, one that had to be dealt with in such a way as to convince people that woman suffrage in the West was a failure.⁴⁹ A common eastern tactic involved the notion that the West represented an uncivilized society and that any new idea originating there was hardly worthy of consideration. Because of the tradition that men were to be the governing heads, both of the households and the nation, antis had the difficult task of trying to discredit western men without discrediting manhood in general.⁵⁰

Democracy in the West, antis argued, had a different meaning than in the East. Antis accused western men of not understanding

the true meaning of democracy because they were too influenced by “radicalism in the form of Socialist politics or Mormon religious practices.”⁵¹ Antis considered western men to be lacking in the “political sophistication” that the East possessed, and they accused them of being incapable of holding meaningful political opinions.⁵²

Antis also argued that the problems faced in the West did not relate to problems that the eastern states had because of the differences in populations. For example, the West did not have to deal with problems of ethnicity or urban concerns as did the more densely-populated East. Wyoming’s entire population was less than Maryland’s foreign population. Likewise, the population in Utah was less than Arkansas’ black population. Because western states did not have to deal with large, diverse populations, antis felt that the criteria they used for governance did not significantly apply to eastern situations.⁵³ In Wyoming, for example, the ratio of men to women in 1869 was six to one, with only one thousand women given the right to vote.⁵⁴ It was often questioned how so few could decide for so many. In other words, if the success of woman suffrage came to depend on a federal amendment, antis did not think that western states should have equal voting status with the eastern states. One anti, in 1916, asked, “Why should Wyoming, with a population of 145,000, have equality with New York, which had a population of ten million; why should Idaho, with her native born population, make a decision affecting Massachusetts, which is two thirds foreign?” Another anti questioned whether Nevada’s 20,000 women should be the spokespersons

⁴⁵ McCracken, “The Women of America,” p. 741.

⁴⁶ *Ibid.*, p. 744.

⁴⁷ *Ibid.*, p. 44.

⁴⁸ *New York Times*, May 5, 1913, reprinted in “The Uncivilized East,” *The Reply*, June, 1913, p. 32.

⁴⁹ Jensen “‘In the Weird and Wooly West’,” p. 44.

⁵⁰ *Ibid.*, p. 45.

⁵¹ *Ibid.*, p. 45.

⁵² *Ibid.*, p. 44.

⁵³ *Ibid.*, p. 45.

⁵⁴ T.A. Larson, “Wyoming’s Contribution to the Regional and National Woman Rights Movement,” *Annals of Wyoming*, 52 (Spring, 1980), p. 3.

for New York's 3,000,000.⁵⁵ Antis contended that the western woman's suffrage movement should have no real impact because it affected so few people.

In the end, for all their anti-suffrage rhetoric, anti-suffragists had to decide whether the good that they accomplished made up for their greater loss when the woman franchise came to the East. It is true they lost the war, but they were successful in delaying the outcome. Antis had a considerable impact on the way suffragists organized their movement. For instance, one of the antis' main arguments that the vote was not a "right" influenced suffragist Carrie Chapman Catt to change tactics. She came to the conclusion that woman's rights advocates should emphasize that the vote indeed was "not a right, but a privilege."⁵⁶ Furthermore, antis influenced the way the public viewed woman suffrage. Journalists and reporters certainly played a role with the many articles they wrote on behalf of the anti-suffrage movement.⁵⁷ The written word influenced many readers, and when major newspapers and magazines endorsed anti-suffrage dogma, the public was affected by it. But the attempt to convince easterners of western failures did not keep woman suffrage forever at bay. If the anti-suffragists had realized that not all change needed to be feared, perhaps they could have learned to appreciate what they tried so hard to defeat.

⁵⁵ Jensen, "In the Weird and Woolly West," p. 45.

⁵⁶ Jane Jerome Camhi, *Women Against Women: American Anti-Suffragism, 1880-1920* (Brooklyn, New York: Carlson Publishing Company, 1994), p. 192.

⁵⁷ *Ibid.*, p. 179.

**ON THE REVIVAL OF
KIERKEGAARD: RESURRECTION
OF A HERO OR
FRANKENSTEIN'S MONSTER?**

Jeremiah K. Auble

Soren Kierkegaard once told the story of an innkeeper who bought beer for his inn at the high price of five cents per bottle and then sold them for only four cents a bottle. When asked by his peers how he could ever make any money from these prices, his explanation was that he made money by the sheer volume of his sales. When recounting this Kierkegaardian vignette, C. Stephen Evans suggests that Kierkegaard downplayed the importance of numbers and popularity when assessing success.¹ Perhaps it is with this healthy admonishment in mind that we examine the life and influential, but often misunderstood, work of Soren Kierkegaard. Since his earliest writing began in the late 1820's, and since English speakers did not discover him until the 1930's, it is quite conceivable that theories involving Kierkegaard's direct influence on our world might be overstated.² C. Stephen Evans and David Gouwens, noted experts on the life and thought of Kierkegaard, argue that the true nature of his work was the self-described role of missionary to Christendom. Through an examination of Kierkegaard's life and writings in light of the more recent scholarship of Evans and others, we will

¹ C. Stephen Evans, Seminar at Lincoln Christian College and Seminary, September 9-10, 1999.

² Francois H. LaPointe, *Soren Kierkegaard and His Critics: An International Bibliography of Criticism* (Westport, CT: Greenwood Press, 1980), pp. 3, 33.

attempt to arrive at a better understanding of his proper place in history.

Francis A. Schaeffer's *The God Who is There*, like many other works by scholars of applied philosophy and theology, accuses Soren Kierkegaard of being "the father of all modern existential thought, both secular and theological."³ This conservative evangelical theologian blames much on Kierkegaard, as seen in his book, *How Should We Then Live?*, an intellectual history that places the blame for the separation between faith and reason, correlating to hope and pessimism, on the broad philosophical shoulders of Kierkegaard.⁴ Schaeffer is not alone in this charge. In his book *Seven Men Who Rule the World from the Grave*, David Breese crowns Kierkegaard as a ruler from the grave along with Darwin, Marx, Wellhausen, Dewey, Freud, and Keynes. He boldly credits the Danish philosopher with giving philosophers existentialism and theologians neo-orthodoxy.⁵ Analysts such as William Fletcher, Mark Noll, and Alasdair MacIntyre also give Kierkegaard similar theological and philosophical credit or blame.⁶ The question one must ask is whether such a heavy burden is fair.

The youngest of seven children, Soren Aabye Kierkegaard was born in Copenhagen on May 5, 1813, to Michael Pedersen Kierkegaard. No real information is

³ Francis A. Schaeffer, *The God Who is There* (Downers Grove, IL: InterVarsity Press, 1968), p.22.

⁴ Francis A. Schaeffer, *How Should We Then Live?* (Wheaton, IL: Crossway Books, 1976), pp. 163-164.

⁵ Dave Breese, *Seven Men Who Rule the World from the Grave* (Chicago: Moody Press, 1990), p.210ff.

⁶ See William C. Fletcher, *The Moderns* (Grand Rapids, MI: Zondervan, 1962), p.86; Mark A. Noll, *Turning Points* (Grand Rapids, MI: Baker Books, 1997), p.258; Alasdair MacIntyre, "Existentialism," in *A Critical History of Philosophy*, D.J. O'Connor, ed. (London: Macmillian Co., 1964), pp. 509-529.

available about his mother.⁷ Since Soren Kierkegaard writes a great deal about his father in his journal, it is fair to say that the senior Kierkegaard had a tremendous influence on his son.⁸ The influence of Kierkegaard's father is important in that it can be argued that everything that the younger man did was either according to, or a reaction against, his father's wishes.⁹ Kierkegaard senior was a peasant from northern Denmark, working land for the local priest. The family name of Kierkegaard can be translated as "churchyard." Apparently, his toil was great, and one day he cursed God with all his might.¹⁰ According to Evans, this provided Soren's father with much guilt as he believed he had committed the unpardonable sin within the Christian religion, that of blaspheming the work of the Holy Spirit.¹¹

Despite this perceived error, a distant relative brought Michael to Copenhagen, giving him employment and an inheritance in his woolen goods business. Through shrewd investments and the death of his great uncle, Michael became one of the wealthiest merchants in the town.¹² Based on his attendance at several church services a week and the death of his first wife, Evans suggests that Kierkegaard senior dealt with much grief at this time. Supposedly bringing him more guilt and disrepute, Michael Kierkegaard very quickly married one of his servants, and the two had their first child within four months. Believing that he was cursed, Kierkegaard senior

watched five of his seven children die, followed by the death of his second wife.¹³ Already fifty-six when Soren Kierkegaard was born, the old, depressed father tried to teach him his logic and his religion. Paul Strathern indicates that from an early age every statement that Soren made was strictly scrutinized. His father also helped him with his memory and imagination by describing in detail the beautiful cities of Europe, and then having him recite every word. While some may say that this entailed abuse of the intellectual variety, there were beatings to complete the maltreatment.¹⁴

When young Kierkegaard started school, he kept his intelligence secret, as instructed, by always coming in third. As he grew, it was clear that not only did his clothes make him stick out, he had some malady that made him never quite fit in. With a slight hunchback from a spinal disease, he could only respond to the bullies with his wit and sarcasm.¹⁵ From his journal, we know that Kierkegaard was aware that his father thought that God was punishing him for his bad deeds and that the son thought he would die, too. We can see this in the title of a book published much later at age 30, *From the Papers of One Still Living*. Psychohistory aside, it is clear through this, and a comparison of his life to that of other Danish boys of his social class, that the difficulty of his childhood influenced him.¹⁶

While attending the University of Copenhagen, Soren Kierkegaard rejected his father's Christianity and lived wildly. He ran up large wine bills, went to parties, and had friends of whom his father did not approve. After eventually giving up the life of hedonism, he returned to his father's faith, sought reconciliation, and even agreed to fulfill his father's dream for

⁷ C. Stephen Evans, *Soren Kierkegaard's Christian Psychology* (Grand Rapids, MI: Zondervan, 1990), p.14.

⁸ Robert Bretall, ed., *A Kierkegaard Anthology* (New York: Random House, 1959), p.2ff.

⁹ Paul Strathern, *Kierkegaard in 90 Minutes* (Chicago: Ivan R. Dee, 1997), p.17.

¹⁰ Ibid. pp.17-18.

¹¹ Evans, Seminar, September 9, 1999.

¹² Strathern, *Kierkegaard*, p.18.

¹³ Evans, Seminar, September 9, 1999.

¹⁴ Strathern, *Kierkegaard*, pp. 19-22.

¹⁵ Ibid., pp. 22-23.

¹⁶ Evans, Seminar, September 9, 1999.

his life: becoming a minister. He became engaged to Regine Olsen, but decided it was a mistake and that he was unfit for marriage. According to Evans, the Danish word for the theological concept of original sin (*arvesynd* or *arvesynden*) is something more like inherited sin.¹⁷ Evans believes that Kierkegaard thought that the depression and womanizing problems of his father were his inherited sins, and that he would not make a good enough husband for one so deserving as she. As a matter of fact, he loved her, as shown by his many writings to her, his daily prayers, and his decision to leave her his inheritance after his death. Out of a desire to keep a clean conscience and to keep from repeating the mistakes of his father, he made the scandalous decision to break things off.¹⁸

It is at this time that Kierkegaard began to write books explaining his views on Christianity and relationships, with the ultimate purpose of explaining them to Olsen. Many of his early books are dedicated “to that individual,” but gradually his works became universal in scope. After writing for a while, his plans to become a pastor of a small church in the country still survived, but only under the premise of pastoring after retiring from writing.¹⁹

¹⁷ While many Christians disagree on the nature of and the existence of original sin, it is clear that the Denmark State Church, from which Soren Kierkegaard would be theologically descended, followed a Lutheran theology with original sin firmly in place. For further discussion of original sin, see Charles Sherlock, *The Doctrine of Humanity* (Downers Grove, IL: InterVarsity Press, 1996); John T. McNeill, ed., *Calvin: Institutes of the Christian Religion* (Philadelphia: Westminster Press, 1960), 1, Ch. 4. For another view, see Clark H. Pinnock, ed., *Grace Unlimited* (Minneapolis: Bethany Fellowship, 1975).

¹⁸ Strathern, *Kierkegaard*, p.31 Scandalous in the sense that to break off an engagement in the nineteenth-century Danish community was an uncommon occurrence, sure to be noticed by many.

¹⁹ Evans, Seminar, September 9, 1999.

It was soon thereafter that Kierkegaard had a religious experience, of which he says in his journal, “my whole nature is changed.”²⁰ It was at this time that his writings take on a stronger Christian character in their subject matter, but also become more critical in focus.²¹ His scathing rhetoric was not suspended for anyone, especially the press. He decided that his Christianity did not suggest a life of comfort and conformity with culture, and he began to attack the state church of Denmark, the Lutheran church. The state church contended that all who are born to members of the church (and therefore baptized into the Lutheran Church during infancy) are Christians.²² He contended that the state church had abolished Christianity by making each man a Christian from the point of his baptism soon after birth. Saying that all are automatically Christian, Kierkegaard thought, means that no one is really a Christian.²³ He argued that the state Lutheran church had equated Christian living with living a good life, enjoying economic prosperity, and pursuing of wealth. The concept is something akin to what is found in 12:33-34 of the Gospel of Luke in the New Testament which records Jesus as saying: “Sell your possessions and give to the poor. Provide purses for yourselves that will not wear out, a treasure in heaven that will not be exhausted, where no thief comes near and no moth destroys. For where your treasure is, there your heart will be also.”²⁴

²⁰ Bretall, *Anthology*, p.14.

²¹ This is not to say that a strong Christian character must equal more critical writing, but rather that Kierkegaard’s increased focus on Christian subjects was accompanied by increased criticism for those who fell short of his new insights.

²² John A. Gates, *Christendom Revisited* (Philadelphia: Westminster Press, 1963), pp. 13-15.

²³ *Ibid.*

²⁴ All Biblical passages taken from *The NIV Study Bible, New International Version* (Grand Rapids,

While some might dispute Kierkegaard's assessment of the church in Denmark, several historians have defended his accusations.²⁵ Regardless of any controversy, the central point of reforming the church is paramount for understanding Kierkegaard's thinking. Through a magazine that he published for a few years, *The Moment*, he contended that since man was inherently evil from the decision of Adam and Even in the Garden of Eden, Christianity should never be united with any one culture or government.²⁶ He wrote that for one to be a Christian, one should quit pretending to be one already. He said that "Contemporary Christianity makes a mockery of the New Testament." Consider his response when asked whether he wanted to take the Eucharist (communion) on his deathbed in 1855. He said yes to his friend Emil Boesen's question, but refused to take the Eucharist from a priest, saying "pastors are civil servants of the Crown—they have nothing to do with Christianity . . . I will die without it."²⁷ His refusal to take communion from a state minister, while professing his faith in the Jesus of the Bible, shows that he thought of himself as a Christian, with dissenting views from the church.²⁸ Clearly, Kierkegaard was not in favor of the role of the church in Danish society.

In discussing Kierkegaard's works, perhaps the best place to begin will be

MI: Zondervan Publishing House, 1995), unless otherwise noted.

²⁵ For further discussion, consult Bruce H. Kirmmse, "Out with it': The Modern Breakthrough, Kierkegaard and Denmark," in *The Cambridge Companion to Kierkegaard*, Alastair Hannay and Gordon D. Marino, eds. (Cambridge: Cambridge University Press, 1998), pp.15-47.

²⁶ In Kierkegaard's day, magazines were similar to what journals are in the modern era, so it would not be irregular for such a recluse to express his thoughts in *The Moment*.

²⁷ Kirmmse, "Out With It,'" p. 15.

²⁸ Evans, Seminar, September 9, 1999.

Kierkegaard's *Point of View for My Work as an Author* (1848). Published after he had already written several pseudonymous works, as well as theological work under his own name, it seems he thought it necessary to clear up any misunderstandings and explain several actions.²⁹ According to Evans, an examination of this book reveals that Kierkegaard was "from first to last a religious author who sees himself as missionary to Christendom."³⁰ This seems to be consistent with the work, since he tells how he desperately wants to reach the public with his insights about Christianity. This is followed by an explanation of his position in Christendom, saying that he is not the true Christian, but "No, I have fought in this way: I know what Christianity is; I myself acknowledge my defects as a Christian—but I do know what Christianity is."³¹ He says that in a country that does not follow Christianity, the people know that they are not Christian. In a country like Denmark, where people think that the country adheres to Christianity, it becomes extremely difficult for people to accept that maybe their country does not adhere to Christianity very closely. Kierkegaard outlines his strategy of first stripping away the illusion of automatic Christianity, then reintroducing Christianity into Christendom.³² As basic as this point may seem, it is one of the most often-ignored aspects of his works. It is clear that he sought to help people who already are Christians of a sort become real Christians.

When one thinks of the shy and reluctant man who was made fun of by passing children, and who thought too lowly of himself to be married, one can easily

²⁹ Lapointe, *Soren Kierkegaard and His Critics*, p. 7.

³⁰ Evans, Seminar, September 9, 1999.

³¹ Soren Kierkegaard, *The Point of View*, ed. and trans. by Edna H. Hong and Howard V. Hong (Princeton: Princeton University Press, 1998), pp. 10, 11, 15.

³² *Ibid.* pp. 16-20.

imagine how it might seem easier for him to express his thoughts through writing instead of speaking. Out of a desire to communicate with his “contemporaries under illusion,” as well as those who understood him better, the missionary with books devised a two-fold authorship with two kinds of books.³³ The first type of books, his religious writings, were under his own name and included some eighteen discourses on the Biblical text and his interpretations of Christianity. For the many who were disillusioned, he wrote his second type of publications under pseudonyms. Through this indirect communication, he tapped into his creative writing to tell stories that are independently interesting, but with a deeper hidden message.³⁴ Kierkegaard elaborates on his authorship of aesthetic works, saying, “the duplexity [sic], the equivocalness, is deliberate, is something the author knows about more than anyone else, is the essential dialectical qualification for the whole authorship, and therefore has a deeper basis.”³⁵ He goes on to argue that it is not, as some might think, that he began writing aesthetically, and then gradually changed into a religious writer, but rather that it was very intentional. He created characters, such as John the Silent One, from “The Watchmen of Copenhagen,”³⁶ or Johannes from the famous “Diary of a Seducer,” to write and speak for him views not his own, but rather created as a warning.³⁷ This point about Kierkegaard’s use of pseudonymous authorship is quite important since it would be the major source of misunderstanding by thinkers of the twentieth century.³⁸

Kierkegaard thought the Christian faith was not primarily a series of theoretical

questions and answers.³⁹ To him the Christian faith was an answer to such practical questions of life: “Who should I be? How should I live my life? What is life all about? Why am I here and what am I living for?” Christianity is a way of existing. Existence to Kierkegaard consisted of becoming a self living “before God.” The self involves reason, passions, and choice.⁴⁰ It is here that he has difficulty with the state church, because “is reason alone baptized? Are the passions pagan?”

Kierkegaard believed that contemporary Christians were not asking these questions, so they were therefore not truly living, but merely enjoying some comfortable life. He saw no passion, so to communicate Christianity, he tried to explain the questions of life.⁴¹ This attempt to write about life, meaning, and existence necessarily involved matters outside of faith, and it is at this point in Kierkegaard’s works that Jean Paul-Sartre, the atheistic existentialist, would later encounter Kierkegaard.⁴² Kierkegaard sought to identify what he thought to be a gap between knowledge and life, in that one could know a great deal of information, but still fail in life. He identified that gap in terms of hypocrisy, saying that Christianity consisted of so much more than knowing right propositions, seeking also right passions, right hope, right dreams, right

³³ Evans, Seminar, September 9, 1999.

³⁴ Ibid.

³⁵ Kierkegaard, *Point of View*, p.29.

³⁶ Evans, Seminar, September 9, 1999.

³⁷ Kierkegaard, *Point of View*, p.35.

³⁸ Evans, Seminar, September 9, 1999.

³⁹ David J. Gouwens, *Kierkegaard as Religious Thinker* (Cambridge: Cambridge University Press, 1996), p.42. For further discussion of the history of Christian theology and the uniqueness of Kierkegaard’s focus on theology as existence and the practical questions in life, see Earle E. Cairns, *Christianity Through the Centuries*. (Grand Rapids, MI: Zondervan, 1996), or Hugh T. Kerr, ed., *Readings in Christian Thought* (Nashville: Abingdon Press, 1990).

⁴⁰ Ibid. On reason, see p. 95; on passion, see p. 134; and on choice, see p. 197.

⁴¹ Kierkegaard, *Point of View*, p. 78.

⁴² Evans, Seminar 2, September 10, 1999.

love, and right trust.⁴³ Kierkegaard thought there were three stages or spheres of existence: aesthetic, ethical, and religious. He knew that so much of life concerned emotion; he hoped that narrative would reach more people than preaching, and therefore launched his pseudonymous novels with characters to represent some aspects of the three stages of life.⁴⁴

Ideally, the stages followed that of the child, adolescent, and adult, but he thought that grown men could still be in the first stage. He thought a majority of them were living in the aesthetic categories in which the deepest concerns in life were pain and pleasure. Through what he thought of as “deception,” the pseudonymous writing, he hoped to point out subtly the errors, adding the spiritual development through the teaching of choices and ways of living.⁴⁵ It could be argued that Kierkegaard was merely “sugarcoating” the information but perhaps he saw it as his job to help his readers develop those healing (to follow the medicine analogy) capacities.⁴⁶

The “Diary of a Seducer,” in Kierkegaard’s *Either/Or*, well illustrates the first stage. In the story, we can see two extremes of the aesthetic life, that of immediacy and reflection, represented by the characters Don Juan and Faust.⁴⁷ Don Juan is the seducer who is tragically defeated by boredom and the objective reality of his life. Faust, always looking for something new and interesting, only sees what he deems is not interesting, leading to spiritual depression. To Kierkegaard, what was wrong with this was that God created us with a responsible self. Kierkegaard teaches from the story that life is more than a

collection of moments that lack unity, but identity comes from the commitments that we make.⁴⁸

The second stage is what Kierkegaard called the ethical life. Motivated by the emptiness of the first stage of life and the fleeting nature of being an aesthetically-minded individual, Kierkegaard thought people would try to find something to live for. He thought God was calling each person to be a responsible self; to hear the voice of the ethical was to hear God’s call.⁴⁹ In *Two Ages*, Kierkegaard highlights the person who can achieve action and victory but who can also move toward self-righteousness and complacency.⁵⁰ This is true even if the person is outwardly religious because “An ethic that disregards sin is useless; an ethic that takes sin into account immediately transcends the ethical.” The problem is that the more honestly and energetically one pursues ethical living, the more hopeless the task becomes.⁵¹ Passion for the ethical life will reveal guilt as we fail to live up to known standards, and the honest person discovers the reality of human suffering.⁵²

After trying with all that they have to live ethically, but still failing, people now see the need for Kierkegaard’s religious stage. In his famous work, *Fear and Trembling*, and in several others, Kierkegaard promotes the final stage containing religious life. The religiosity of one option is that of resignation, suffering, guilt—the product of man-made rituals for penance and guilt. The righteousness in the other option is what Kierkegaard identifies as Christianity, through accepting what he calls “Christ as

⁴³ Ibid. See Evans, Seminar, September 9, 1999, and Kierkegaard, *Point of View*, p. 130.

⁴⁴ Evans, *Soren Kierkegaard’s Christian Psychology*, p. 18.

⁴⁵ Ibid., pp. 18-19.

⁴⁶ Ibid.

⁴⁷ Bretall, *Anthology*, p. 36ff.

⁴⁸ Ibid., pp. 105-107.

⁴⁹ Evans, Seminar, September 9, 1999.

⁵⁰ Robert C. Roberts, “Existence, Emotion, and Virtue: Classical Themes in Kierkegaard,” in *The Cambridge Companion to Kierkegaard*, pp. 180-182.

⁵¹ Bretall, *Anthology*, p. 257.

⁵² Ibid., p. 259ff., and Roberts, “Existence, Emotion, and Virtue,” pp. 184-185.

the Paradox.”⁵³ In short, if humans lack the truth, then only a Teacher who can transform them can give them the truth. Only God could be such a teacher. But we can respond freely and in love only to a God who has emptied himself and assumed our condition. Such a God can be both the Redeemer and Pattern for our lives, according to Kierkegaard. The important part of this explanation is the significance he gives to the paradox in explaining a difficult theological point. We will discuss this as a possible problem of relativism, or a logical contradiction, while looking for other contradictions.⁵⁴ Now that we have seen his purpose, motivation, and the stages that Kierkegaard wants to help take people through, we must try then to understand how one so clearly a self-proclaimed missionary to Christendom came to be so misunderstood and misused.

One obvious source of misinterpretation would be the simple fact that he was a theologian and philosopher, and therefore wrote about subject matter very difficult to communicate. This is fair, since his work had to be translated from over one hundred year-old versions of Danish into English and other languages, besides the fact that the Danish people knew his work to be difficult reading. While this may account for some of the difficulty, it fails to explain how he could go from Christian missionary to father of theistic and atheistic existentialism.⁵⁵ According to theological historian Dave Breese, Kierkegaard was ignored, but “he built a secret tunnel under their lives . . . that was to surface and bring his ideas to the fore long after they were gone . . . he gave the world what philosophers call Existentialism.”⁵⁶ Breese accuses Kierkegaard of intentionally trying to

confuse readers by the use of pseudonyms. Later on, Breese quotes one of the most often misquoted lines ever to be pulled out of context from Kierkegaard, “truth is subjectivity.” To finish the portrait of a straw man riding the scapegoat, he says: “The result of Kierkegaard’s emergence in the middle of the twentieth century can be described as theological and philosophical diffusion. Thinking moved from the rational to the irrational; reason gave way to feeling. Final truth slipped away, and the thinking of the world became a set of self-contradictions. Theological and Philosophic diffusion—that is existentialism.”⁵⁷

Another common reason that Kierkegaard is misinterpreted is the complete disregard of his use of pseudonyms as a literary device. If one ignores the pseudonyms, then everything credited to the persona of the pseudonyms must be taken out of the author’s originally-intended rhetorical context. Kierkegaard held up his characters not as an ideal to be encouraged, but rather to warn his fellow human beings, similar to holding up a mirror to reveal how the viewer looks in reality. His authorship takes the role of a fiction writer who assumes several different roles, voices, and poses. One who would interpret the pseudonymous work “Diary of a Seducer,” literally thinking an individual character to be an accurate portrayal of Kierkegaard’s thinking, would certainly neglect the point of Kierkegaard’s self-proclaimed methods and mission. The purpose of the pseudonyms was to allow Kierkegaard to create a rhetorical world in which he could develop and debunk ideas with questioning similar to that of the Socratic method. Also known as the Maieutic method, this approach entailed a series of questions designed to extract a specific point of view from the one being questioned. Commentators who wish to separate those ideas from such a context

⁵³ Roberts, “Existence, Emotion, and Virtue,” p. 192.

⁵⁴ Evans, Seminar, September 9, 1999.

⁵⁵ See Schaeffer, *The God Who Is There*.

⁵⁶ Breese, *Seven Men*, pp. 205, 210.

⁵⁷ *Ibid.*, p. 15.

would also acutely distort our understanding of Soren Kierkegaard.

When Kierkegaard was “discovered” in the post-World War II era, the existentialism of Jean Paul-Sartre and Albert Camus was already sweeping through Europe. Consequently, there were those who downplayed his Christianity, knowing that it was important to him, but as Evans puts it, “trying to help out the poor guy.”⁵⁸ With his work becoming popular in what was increasingly the post-Christian West, few philosophers placed the religious nature of Kierkegaard’s work in proper context. Instead, those who applied his thought to theirs only used what often amounted to misinterpreted fragments of his work for their own philosophical agenda. Without a receptive audience to receive Kierkegaard, his resuscitation by such thinkers and writers such as Martin Heidegger, Albert Camus, Jean-Paul Sartre, and Francis Schaeffer, was more akin to the piecing together of a Frankenstein’s Monster.

Martin Heidegger, the influential German philosopher of the first half of the 20th century, probably deserves more credit for influencing existentialists like Sartre and Camus than does Kierkegaard.⁵⁹ In his penultimate work, *Being and Time*, Heidegger alternately critiques and appreciates Kierkegaard’s work.⁶⁰ Unfortunately, all of Heidegger’s interactions are with one of Kierkegaard’s philosophical pseudonyms, Johannes Climacus.⁶¹ Heidegger attributes the

pseudonymous character’s thoughts to Kierkegaard, and then uses them to establish one of his central points on authenticity and wholeness.⁶² While it is correct that Kierkegaard did write the narrative, removing its contents from its intended use risks the misinterpretation mentioned earlier. Heidegger scholar Stephen Mulhall recognized the controversy over the significance of Kierkegaard’s use of pseudonyms and attributed the views expressed to its pseudonymous author. Much confusion could have been avoided if others had followed Mulhall’s distinction.⁶³ Whom Heidegger agrees with was not Kierkegaard, but rather a fictional character created to speak for a view to be defeated. Albert Camus’s *The Myth of Sisyphus and Other Essays* mentions Kierkegaard several times, but still follows Heidegger’s approach. In this case, the pseudonymous character is that of the aesthetic seducer from *Either/Or*.⁶⁴ As with Heidegger, Camus’ use of this pseudonymous work, written against the life of hedonism, is taken as evidence of Kierkegaard influencing existentialism.

Perhaps most interesting to our discussion is the influence of Kierkegaard on the famous father of modern atheistic existentialism, Jean-Paul Sartre. While Kierkegaard’s and Sartre’s opposing views on the existence of God or Supreme-Being would make one doubt the existence of influence, William McBride argues the opposite in his article, “Sartre’s Debts to Kierkegaard.”⁶⁵ The primary speaker at a

⁵⁸ Evans’ seminar on September 10, 1999, contains, at the time of writing, one of the most recent presentations on the misunderstanding of Kierkegaard.

⁵⁹ Stephen Mulhall, *Heidegger and Being and Time* (London: Routledge, 1996), p.x.

⁶⁰ Martin Heidegger, *Being and Time*, trans. by J. Macquarrie and E. Robinson (Oxford: Basil Blackwell, 1962). See the “Excursus,” especially footnotes to sections 40 and 45.

⁶¹ Soren Kierkegaard, *Concluding Unscientific*

Postscript, ed. and trans. by Edna H. Hong and Howard V. Hong (Princeton: Princeton University Press, 1992).

⁶² Mulhall, *Heidegger*, p. 122.

⁶³ *Ibid.*

⁶⁴ Albert Camus, *The Myth of Sisyphus and Other Essays*, trans. by Justin O’Brien (New York: Alfred A. Knopf, 1975). See “Don Juanism,” pp. 69-76.

⁶⁵ William McBride, “Sartre’s Debts to Kierkegaard,” in Martin J. Matuszyk and Merold Westphal, eds.,

Kierkegaard colloquium in 1964, Sartre gave an academic paper, “L’Universel singulier,” appreciating Kierkegaard’s contributions.⁶⁶ Sartre credited Kierkegaard with the placement of the subjective individual as the seat of transcendence in the world. Our discussion of the use of subjective and subjectivity above should cast some doubt on this usage. Sartre also made a similar mistake concerning Kierkegaard’s use of paradox which will be discussed later.⁶⁷ Borrowing from the views of Don Juan the seducer (not Kierkegaard directly), Sartre also thanks Kierkegaard for focusing his thought on the power of seduction within human relationships, as discussed in his *Being and Nothingness*.⁶⁸ Finally, Sartre gave a line-by-line annotation of Kierkegaard’s pseudonymous work, *The Concept of Anxiety*. McBride rightfully contends that instead of interacting with Kierkegaard’s conclusions on life, Sartre identifies with the aesthetic level that Kierkegaard suggested was the first and least desired level of development.⁶⁹

While many existentialists misinterpreted Kierkegaard, and mostly accepted him, many in Christianity misinterpreted Kierkegaard and rejected him. The influence of Francis Schaeffer’s misreading delivered a large blow to fair understanding of Kierkegaard by millions of modern Christians. His *How Should We Then Live?* textbook and video series are used at churches and religious schools and colleges all over the country. Schaeffer’s reading is partly understandable because during the prime period of influence of existentialism on Western civilization, the 1960’s, he established his L’abri Institute in France.

Many of the students Schaeffer worked with were disciples of Sartre or Camus, and Schaeffer accepted the interpretation of those two existentialists, therefore pinning the “Leap of Faith” label on Kierkegaard’s work.

According to Evans, the Danish word we translate as paradox (*paradoksal*) is mistranslated and should instead be translated as unique or special.⁷⁰ It is fair to say that if one thought, as Kierkegaard did, that Christ was the incarnation of God, then that person might be fairly justified in calling it unique. This is what Kierkegaard meant by saying “Christ is paradox.”⁷¹ This same problem can be seen in Robert Solomon’s *From Rationalism to Existentialism*. Solomon argues that Kierkegaard attacks the common conception of reason through discussion of paradox.⁷² If paradox is taken as meaning “impossible,” then Soren Kierkegaard is attacking reason. If paradox is taken as meaning “unique,” then his attack amazingly changes to an admonishment to live a life of devotion. There is a clear distinction between these two possible conclusions.

To avoid the well-known confusion involving Kierkegaard’s supposed diffusion of truth, one must carefully read the text. Of all misquotations involving Kierkegaard, “truth is subjectivity” is perhaps the most infamous and egregious. Robert Solomon, a well-respected existentialism scholar, also mistakes this passage in his work, *Existentialism*.⁷³ One should first notice that Kierkegaard did not specifically say that truth is subjective; rather, one of his pseudonymous authors stated it thusly. Kierkegaard used the pseudonym for a

Kierkegaard in Post / Modernity (Bloomington: Indiana University Press, 1995), pp. 18-42.

⁶⁶ Ibid., p. 18.

⁶⁷ Ibid., p. 23.

⁶⁸ Jean-Paul Sartre, *Being and Nothingness* (New York: Washington Square Press, 1956).

⁶⁹ McBride, “Sartre’s Debts to Kierkegaard,” p. 33.

⁷⁰ Evans, Seminar 2, September 10, 1999.

⁷¹ Ibid.

⁷² Robert Solomon, *From Rationalism to Existentialism* (New York: Harper and Row Publishers, 1972), p. 76.

⁷³ Robert C. Solomon, *Existentialism* (New York: Random House, 1974), pp. 17-18.

particular rhetorical purpose. This alone could discredit this interpretation, but in this case, there is also a poor interpretation of the pseudonymous author. This is a gross misunderstanding, because Johannes Climacus (the pseudonymous author) explains mere lines later that the subjectivity referred to means inwardness, passion, or heart. Just after this quotation, Climacus says it is our inwardness, our heart that shapes our lives and influences our decisions. The truth referred to is not in the sense of propositional truth, but in the sense of rightness. He is saying that the right subjectivity (heart) makes life true.⁷⁴

Consider the words of Kierkegaard himself in *Point of View*. It is clear from his mission that his intention was not to be the father of existentialism. In a proposed second printing of *Either/Or*, a popular pseudonymous work published in Copenhagen in February of 1843, Kierkegaard contemplated adding this postscript: "I hereby retract this book. It was a necessary deception in order, if possible, to deceive men into the religious, which has continually been my task all along. Maieutically it certainly has had its influence. Yet I do not need to retract it, for I have never claimed to be its author."⁷⁵ Perhaps we should apply this approach to many of Kierkegaard's works. Obviously, one could write volumes of commentaries arguing and explaining the meaning in Kierkegaard's work in its historical context. Unfortunately, that kind of scholarship has not been applied to Kierkegaard until recently. When we look back at reformers such as Martin Luther or John Calvin, regardless of our own particular religious

convictions, we often give them some respect. Kierkegaard's work shows that he deserves the respect of a reformer, but to an extent, the damage is already done, and his place in history already established. We have seen an examination of Kierkegaard's life, works, and the misunderstandings about him. Hopefully, through better scholarship in the future, Kierkegaard can be seen as a resurrected hero instead of a resuscitated monster.

⁷⁴ Evans, Seminar 2, September 10, 1999.

⁷⁵ Quoted in the foreward by John Updike, Soren Kierkegaard, *The Seducer's Diary*, ed. and trans. by Edna H. Hong and Howard V. Hong (Princeton: Princeton University Press, 1997).

**WATERGATE: A COMPARATIVE
STUDY OF *THE WASHINGTON POST*
COVERAGE WITH *THE HALDEMAN
DIARIES***

Tina Stewart Brakebill

The story of the Watergate scandal is a long and complex one. It began, in the public's view, on June 17, 1972, when five men were arrested at the national Democratic Party headquarters and ended on August 9, 1974, with President Gerald Ford's statement that "our long national nightmare is over."¹ In reality, the impact of the events that fall into the general category of Watergate encompassed far more time than two years, beginning with Nixon's election to the Presidency in 1968 and continuing even until today. The fallout included a president's resignation, numerous jail terms, and a lingering distrust and cynicism towards government by the public. For the purpose of this paper, I examined a small part of the story by focusing on specific events that took place during the last week of April, 1973.

The public was confronted with a national onslaught of coverage about Watergate beginning in late March of 1973 when Watergate Hotel break-in defendant James McCord sent a letter to Judge Sirica that claimed he had been pressured by his superiors to maintain his silence and plead

guilty.² But before that time, *The Washington Post* had led the way with a series of stories written by Carl Bernstein and Bob Woodward, beginning in June of 1972. Historians believe that without the aggressive reporting of the media, particularly *The Washington Post*, which won a Pulitzer Prize in 1973 for its coverage, the story might never have gotten past White House "stonewalling."³ I examined *The Washington Post* coverage for the period of late April, 1973, that culminated in the resignation of several White House insiders, including Chief of Staff H.R. Haldeman. I compared this coverage with the diary that Haldeman kept. His daily entries began with Nixon's inauguration in 1969 and ended on April 30, 1973, which was Haldeman's official resignation day. The accounts of the last days of his tenure as President Nixon's Chief of Staff, which were reported in *The Washington Post*, were factually very close to Haldeman's own account as recorded in his diary. What stands out as a significant difference was the tone of the two accounts. *The Washington Post* coverage was sensationalistic and conveyed a feeling of a White House in a state of chaos and warfare. Haldeman's version, until the very end, conveyed an attitude in which Watergate was an irritating, time-consuming problem, but still just another problem to solve.

Before I discuss the accounts themselves, I want to address two other concerns: first, potential problems with the evidence itself and, secondly, the atmosphere that may have helped mold the different versions of events. History is the shaping and reconstruction of raw material into a narrative that conveys as objective an account as possible of an event

¹ Mercer Cross and Elder Witt, eds., *Watergate: Chronology of a Crisis* (Washington, D.C.: *Congressional Quarterly*, 1975), p. xv.

² Stanley I. Kutler, *The Wars of Watergate: The Last Crisis of Richard Nixon* (New York: Alfred A. Knopf, 1990), p. 260.

³ Cross and Witt, eds., *Watergate*, p. xx.

from a certain perspective. It is important to remember that contemporary accounts of events may have been written from a very limited perspective. News stories were produced as events unfolded. At the time, few writers could see the entire picture. Their focus was necessarily narrow. Did this preoccupation with who?—what?—when?—where? force the writer to fall into the trap of believing that “the facts speak for themselves?” Newspapers also frequently make use of unnamed sources, identified only as “reliable” or “close to the source.” Historian Max Lerner interviewed Bob Woodward and Carl Bernstein about their Watergate coverage and concluded that, although he was willing to grant that they had used proper investigative procedures and methods of corroborating information, the problem remained that a source’s potential self-interest could not be judged by the reader without knowing who the source was.⁴ It is impossible to evaluate these unnamed sources’ potential bias or possible agendas. A major problem that has occurred with Watergate literature is the sheer volume of undocumented information. Writers tend to build on this information that was perceived to be true because it was heard so often.⁵ In view of all the potential problems, does this make newspapers’ versions of events unusable by historians? This information is not unusable if properly evaluated.

When evaluating the use of newspapers as sources, it is necessary to keep all of the potential problems in mind and try to use the information accordingly. It is also possible to identify bias by assessing the reputation of the newspaper and the staff writers who produced the story. Newspapers often have

⁴ Max Lerner, “Writing ‘Hot History,’” *Saturday Review*, 29 May, 1976, p. 16.

⁵ Ruth P. Morgan, “Nixon, Watergate, and the Study of Presidency,” *Presidential Studies Quarterly*, 26 (Winter, 1996), p. 231.

political biases. *Washington Post* publisher Ben Bradlee verified in an interview in July of 1992 that his paper was anti-White House by the time Nixon took office and continued in that attitude through Nixon’s administration.⁶ But *The Washington Post* also received a Pulitzer Prize for its coverage of the Watergate scandal. The Pulitzer Prize did not negate the admitted bias of the paper, but at least that information should perhaps give the historian more confidence in the investigative and writing skills of the newspaper’s reporters and editors.

The other primary source I examined was the diary recorded by Haldeman during his tenure as Chief of Staff. Diaries can be valuable sources for historians, but they also present potential problems. Even if the diary keeper entered information daily, the events were still recorded from memory. It is impossible to record conversations verbatim. The telling of the story becomes part of the history itself, and the historian needs to remember that diary entries are reconstructions of how the recorder viewed events, not necessarily “the way it was.” Other participants may have viewed things differently. A public figure like Haldeman was also aware of historians’ potential use of his diary in the future.⁷ It was possible that because of that knowledge he tried to put himself in the best possible light. Also, in the specific case of the Haldeman diary, we have the added factor of censorship by the National Security Council to insure that no classified information was published. Haldeman assured his readers in the foreword of the published diary that in the case of Watergate nothing had been

⁶ Ibid.

⁷ Jo Haldeman, “Prefatory Note,” in H.R. Haldeman’s *The Haldeman Diaries: Inside the Nixon White House* (New York: Putnam’s, 1994), p. xi.

removed.⁸ But unfortunately there is no way to verify this assertion. John Ehrlichman has noted that the Haldeman diary was as important for what it omitted as it was for the great detail it provided.⁹ All of these potential problems do not take away from the value of diaries as important sources of information. They must be used with the potential problems factored in and placed in a larger context to aid in the interpretation.

It is also important to examine the atmosphere surrounding Watergate. The most often-mentioned cause for Watergate was Nixon who made Watergate possible by the tone he set for the administration.¹⁰ The most valued qualifications for working at the White House were “loyalty and subordination.”¹¹ Though Nixon had set up a tightly run system to attend to details—so that he could concentrate on the big picture—he could not let go of details. The staff was, unquestionably, controlled by Nixon’s wishes expressed through Haldeman, who made a common mistake of powerful Chief of Staffs by reinforcing the President’s weaknesses. When Watergate occurred, the staff followed Nixon’s desire to cover up. Nixon’s penchant for isolation and staff loyalty ultimately lead to a system that allowed for all the White House “horrors.”¹² Nixon’s aides participated in a “sub- culture” in the White House that encouraged Nixon’s “darker side” which led to covert activities and the Watergate scandal that ruined his presidency.¹³ There

was an atmosphere of suspicion and hostility. Enemies, particularly the press, were seen everywhere trying to take Nixon down, so they must be brought down first, even if the means were suspect. The ends justified whatever means used.¹⁴

Haldeman’s strong approach to his job may have led him to mistakes which harmed the presidency by alienating Congress, other administration members, and the media.¹⁵ There are some who believe that the animosity between the media and Nixon caused his ultimate downfall. As soon as fault was found, Nixon received no benefit of the doubt. Martin Kalb was of the opinion that Watergate was a “battle between a president and a newspaper.” And McGovern advisor Frank Mankiewicz believed that the Watergate story would never have concluded the way it did, if Judge Sirica, *The Washington Post*, and the burglary had not all occurred in the same city—Washington, D.C.¹⁶ This tone of mutual distrust between an isolated Nixon White House and the media, combined with the explosive mood of the country fueled by a controversial war, was the atmosphere in which Watergate was born.

Nixon and his staff had always manipulated their way out of potential trouble, so manipulation was their natural reaction to Watergate.¹⁷ The White House basic strategy went through a number of phases: outright denial; pledges of cooperation while actually attempting to stifle the investigation; shifting blame and attacking the press; claiming that they were only doing what past administrations had done; claiming national security, executive privilege, and separation of powers shielded their actions; and extensive legal maneuvering. During April of 1973, Nixon

⁸ H.R. Haldeman, “Foreword,” in *Haldeman Diaries*, p. 15.

⁹ Morgan, “Study of the Presidency,” p. 232.

¹⁰ *Ibid.*, p. 225.

¹¹ Kutler, *Wars of Watergate*, p. 213.

¹² James P. Pfiffner, “The President’s Chief of Staff: Lessons Learned,” *Presidential Studies Quarterly*, 23 (Winter, 1993), pp. 84-85, 92.

¹³ Joan Hoff, “Researchers Nightmare: Studying the Nixon Presidency,” *Presidential Studies Quarterly*, 26 (Winter 1996), p. 34.

¹⁴ Cross and Witt, eds., *Watergate*, p. xvii.

¹⁵ Pfiffner, “President’s Chief of Staff,” p. 98.

¹⁶ Morgan, “Study of the Presidency,” pp. 219-220.

¹⁷ Hoff, “Researcher’s Nightmare,” p. 33.

pledged cooperation by his staff and claimed there had been no attempts to cover up any participation or knowledge regarding Watergate.¹⁸ In fact, however, the White House had evoked executive and lawyer-client privileges in March of 1973 to try and stop John Dean from having to testify before Congress. Also in February of 1973, there had been discussions on strategy to discredit the Senate Select Committee after it was created. At the time of Nixon's pledge, Haldeman, Ehrlichman, and Nixon were working on a scenario for John Mitchell to take sole responsibility for Watergate.¹⁹

The Washington Post's coverage of Watergate was quite extensive, but for the purposes of this comparison I chose to concentrate on the last week of April, 1973. The week's coverage began with the bombshell that acting FBI Director L. Patrick Gray had been accused of destroying fabricated documents which were to be used for political sabotage on the orders of John Ehrlichman.²⁰ April ended with the announcement of the resignation of three top Nixon advisors and the firing of John Dean. *The Washington Post* declared this dramatic news to be "the most devastating impact that the Watergate scandal has yet made on the administration."²¹

Haldeman's diary entries for April 27 conveyed an attitude of business as usual. He ran a morning staff meeting where he attempted to deal with non-Watergate matters, without success. Nixon, Ehrlichman, and Haldeman discussed whether to accept Gray's resignation and who should be nominated in his place. They also explored the option of the resignation of

Haldeman and Ehrlichman, deciding for the moment that if they left now, their resignations gave credence to the assertion that John Dean was the one who had come forward. But, still later on the 27th, Nixon told Haldeman that he felt that they should take voluntary leave. This move would convey that they had taken "the high road" to protect the presidency from continued attacks. Nixon would then take care of Dean. Haldeman noted in his diary that he felt that Nixon had decided that if resignation was too prejudicial towards himself and Ehrlichman—too bad.²² *The Washington Post* gave the Gray story top billing as Haldeman worried about how to fill Gray's position. Beginning in March of 1973, Haldeman began to display irritation that Watergate was taking up so much time. At the beginning of many entries, he noted that most of the day was spent on Watergate. His attitude in these many entries seemed to range from sarcasm, as on April 12, where he noted about his meeting with Nixon—Watergate "as usual," to one of resignation, when on April 16 he simply noted "another all-Watergate day, as they generally tend to be now."²³ This irritation did not keep him from attempting to do his job, as he understood it, which was to isolate and protect the administration. It could be debated that he owed his first loyalty to the country, not the presidency, but that was not how he interpreted his position.

The other big story reported by *The Washington Post* on the 27th concerned John Dean's disclosures to federal prosecutors that he had met with the President on March 20 and discussed everyone coming forward to "save the Presidency." With this action in mind, Dean met with federal prosecutors on April 6 and apparently told all he knew about the

¹⁸ Cross and Witt, eds., *Watergate*, pp. xviii-xx.

¹⁹ Kutler, *Wars of Watergate*, pp. 202, 257, 268.

²⁰ Bob Woodward and Carl Bernstein, "Gray Destroyed Hunt's Kennedy Dossier," *Washington Post*, April 27, 1973, p. A1.

²¹ Laurence Stern and Haynes Johnson, "3 Top Nixon Aides, Kleindienst Out," *Washington Post*, May 1, 1973, p. A1.

²² Haldeman, *The Haldeman Diaries*, pp. 666-668.

²³ *Ibid.*, pp. 591, 594, 595, 615, 618, 623, 625, 629, 631, 632, 634, 641, 642, 661.

bugging and subsequent White House cover up. The paper reported that sources indicated that Haldeman and Ehrlichman then changed their minds about coming forward and that led to the “current state of confusion and warfare between individuals inside the White House.” The story went on to say that after Dean’s meeting with the President on the 20th, he went to Camp David to write a report and returned to Washington with the expectation that everyone would come forward, clear the President, and accept the consequences. But after he returned, Dean came to the conclusion that Nixon had been persuaded that he was to be sacrificed, and every effort made to save Haldeman and Ehrlichman. Another source claimed that Dean had wanted to come forward in March but that he was taking orders from Haldeman and Ehrlichman. He eventually decided that honesty and following orders could not be reconciled and “broke ranks.”²⁴

The White House was not caught by surprise when this story broke. On April 14, Jeb Magruder had met with Ehrlichman and confirmed that he would implicate John Dean and John Mitchell in his testimony.²⁵ Haldeman’s diary noted that after Nixon, Ehrlichman, and he went over the story, they thought this should put an end to their problems.²⁶ Meanwhile Attorney General Kleindienst learned of Dean’s meeting with prosecutors and on the 15th reported to Nixon all that was said.²⁷ Thus, on the 15th, the White House was already aware of Dean’s actions. In fact, Nixon met with Dean on the 15th and the 16th, where they discussed his testimony and the March 20 meeting. According to Dean, he also

recommended that Haldeman and Ehrlichman should resign after Nixon asked his advice on the subject. Nixon also asked him to sign a resignation letter. Dean agreed to take the letter and rewrite it so that it made no mention of Watergate as his reason for resigning. In this same conversation, Nixon claimed he had already obtained letters of resignation from Haldeman and Ehrlichman and was holding them.²⁸ On April 17, Haldeman noted in his diary that Dean was a traitor and that he thought Nixon should be “shocked and furious,” not “surprised and disappointed,” words Nixon had used in a meeting that day concerning Dean. The next ten days were spent discussing different strategies for dealing with the growing Watergate problems: possible immunity for Dean and other aides; possible restructuring of the administration, if resignations became necessary; the media and how to handle them; whether to review the tapes of conversations with Dean; and how to handle the Dean problem in general. The immunity idea was dismissed quickly by Nixon and the prosecutors.

“No comment” became the official stance of the White House on Watergate. Haldeman reviewed the tapes and his notes from the week of March 20 through the 28th and clarified some points for Nixon on how to interpret the conversation if needed. The possible solution to the “Dean problem” was to destroy him. They felt that Dean might try to blackmail Nixon, and if he did they would be able to use “the full weight of the law” against him and discredit him. Haldeman also noted that to keep Dean from becoming a total enemy, he needed to be treated as well as possible under the circumstances. By late evening of the 27th, the resignation decision was still up in the

²⁴ Carl Bernstein and Bob Woodward, “Dean Seen Asking Full Bug Disclosure,” *Washington Post*, April 27, 1973, p. A1.

²⁵ Kutler, *Wars of Watergate*, p. 297.

²⁶ Haldeman, *Diaries*, p. 636.

²⁷ Kutler, *Wars of Watergate*, pp. 300-301.

²⁸ John W. Dean III, *Blind Ambition: The White House Years* (New York: Simon and Schuster, 1976), pp. 260-267.

air with Nixon “going around and around,” according to Haldeman, with various aides giving him daily advice to ask for resignations, but Nixon remaining hesitant to lose his closest aides.²⁹ The last week of April was spent trying to come up with solutions to problems which insiders still thought fixable. Such actions were contrary to published opinions that the White House was in chaos.

On April 28, *The Washington Post* confirmed what the White House had already decided that Patrick Gray would resign and that William Ruckelshaus would replace him. Former Republican National Chairman Bob Dole called for the resignation of Haldeman and Ehrlichman, reportedly stating: “If they have any dedication and loyalty to the President, they can show it by resigning.” It was also reported that convicted Watergate conspirators had been linked with another political burglary. There was little new information reported, but the front page headline article still concluded that the “extraordinary air of crisis surrounding the Watergate case threatens to paralyze the highest levels of American government.”³⁰

By early Saturday the 28th, according to Haldeman’s diary, Nixon had contacted him and indicated that he had made a decision. Nixon wanted Haldeman and Ehrlichman to take a leave of absence and asked them to join him at Camp David to go over the specifics. Haldeman agreed to come to Camp David the next day to discuss their next actions. Later on Saturday, Press Secretary Ron Ziegler tried to convince Haldeman to resign because Ziegler felt that Haldeman had been set up as a “super target” by the press. Media pressure would

²⁹ Haldeman, *Diaries*, pp. 642-646, 648-649, 653-662, 668.

³⁰ Haynes Johnson, “Gray Resigns, Ruckelshaus heads FBI,” *The Washington Post*, April 28, 1973, p. A1.

not relent until Haldeman was forced to resign, so it was better to do it now. But Haldeman’s attorney reminded him that though public opinion does not convict, a presidential acceptance of resignation does. Haldeman then learned that *The Washington Post* was printing a story the next day in which Dean implicated Haldeman and Ehrlichman as those to whom he had reported on a regular basis during the cover up. Haldeman and Ehrlichman discussed this development but still felt that a leave was the best course to take. Haldeman also noted that Ehrlichman commented to him that perhaps this story would finally convince Nixon to fire Dean.³¹

The story that broke the next day in *The Washington Post* reported that Dean was prepared to swear under oath that Haldeman and Ehrlichman supervised the cover-up and that he had reported to them on a regular basis. It went on to say that the White House was aware of Dean’s plans and had attempted to devise a strategy to deal with the charges. A source also claimed that the White House was in a state of confusion because of the Dean disclosures and that Nixon had isolated himself at Camp David and was speaking only to his closet aides concerning the decisions to be made. Several officials also reported that high level White House business was “paralyzed” by the growing scandal. *The Washington Post* dedicated at least eight major stories on various facets of Watergate on April 29.³²

Haldeman noted in his diary that after he saw the extent of the news coverage, he told his wife that he predicted that Nixon would change his mind and ask for their resignations. Haldeman also told her that he was “interested to see what happens.” Nixon did contact him soon and requested

³¹ Haldeman, *Diaries*, pp. 668-670.

³² Carl Bernstein and Bob Woodward, “Dean Cites Haldeman, Ehrlichman,” *The Washington Post*, April 29, 1973, p. A1.

that he come to Camp David so that they could discuss what was “right for the Presidency.” Nixon met alone with Haldeman and told him that this was the toughest decision that he had ever made, but he needed Haldeman and Ehrlichman to resign. Even so, he wanted Haldeman to stay and handle the transition. Haldeman informed the President that he disagreed with the decision, but that he would abide by it and do whatever he could to insure that the transition went smoothly. On April 30, Haldeman’s last official day as Chief of Staff, he spent the day discussing and planning with the staff how to carry on until a new system was in place. In a meeting with the senior staff, he also emphasized that they should not fall into an internal struggle for positions.³³ Until the very end, he was determined to try to maintain a business-as-usual atmosphere at the White House, one that was contrary to *The Washington Post’s* assertion of internal conflict and warfare.

The Washington Post coverage of the resignations emphasized that Haldeman and Ehrlichman had not wanted to resign, as demonstrated by the headline—“Aides’ Final Pleas Rejected by Nixon.” The paper reported that the men had requested a meeting to plead for their jobs but that Nixon had been forced to make the decision by “events that had spun beyond his control.” It was reported that there was relief among the staff and presidential supporters but several also wondered whether it was too little and too late considering the “doubt and shattered confidence” that has moved to the White House.³⁴ Again the paper had emphasized the interpretation of a government out of control.

³³ Haldeman, *Diaries*, pp. 671-675.

³⁴ Bob Woodward and Carl Bernstein, “Aides’ Final Pleas Rejected by Nixon,” *The Washington Post*, May 1, 1973, p. A1.

This paper has been a brief examination of two very different perspectives on the same basic events. Can the apparent differences between the two versions be reconciled? *The Washington Post* staff was obviously trying to sell newspapers which would account for some of the sensationalistic tone. The paper won a Pulitzer Prize for its coverage and other historical accounts have vindicated its basic accuracy. Thus, it would seem that *The Washington Post’s* account of Watergate simply cannot be discounted merely as sensationalism. Was Haldeman’s account of the same events posturing for potential historians? Nonetheless, he does not shy away from discussing things in his diary that do not necessarily show him in the best light. For example, on March 24, 1973, he wrote, “The real problem on this is what’s been done after the event, not the Watergate event itself. That, we don’t really have any problem with, but we do have a problem on why it’s been covered up.”³⁵ Given this apparent acknowledgement of wrongdoing, it does not appear that Haldeman allowed history’s judgment to influence him. It appears from the tone of the diary that he believed that it was his duty to maintain order and deal with problems as they arose, no matter what the subject matter. He had made an accurate assessment of the real problem. In January of 1974, he was found guilty of conspiring to obstruct justice for his part in the cover up, along with John Mitchell and John Ehrlichman.³⁶

The two accounts of Watergate examined in this paper, though somewhat at odds with each other concerning their tone, agreed on most basic facts. This paradox often occurs when studying history because every participant brings his or her own context to the story. But sometimes even basic facts cannot be reconciled, even after the “whole”

³⁵ Haldeman, *Diaries*, p. 600.

³⁶ Cross and Witt, eds., *Watergate*, p. xxiv.

story is known. Twenty years later, in 1993, when H.R. Haldeman died, the divergent tones concerning basic Watergate facts were still obvious in publications. *The Washington Post's* coverage of his death emphasized that he had been part of the Watergate scandal from the beginning and that he was forced to resign and eventually served eighteen months in prison. It also quoted Haldeman's own book, *The Ends of Power*, in which he apparently took all the blame for the atmosphere that helped cause Watergate because "the job must be done."³⁷ Another publication stated although that H.R. Haldeman was "caricatured by the media," he had actually been one of the "good guys" in Nixon's administration who was never given the "benefit of a single doubt."³⁸ Historian Stephen Ambrose noted that the obituaries in most newspapers, including *The Washington Post*, focused mainly on Watergate and were "hostile if not actually snide." Ambrose went on to point out that Haldeman was much more than merely a figure in Watergate.³⁹ It was obvious that even twenty years later historians and news authorities were still debating the interpretation of the basic facts.

I stated at the beginning of this paper that although the basic reporting of facts was the same in the two accounts examined, their tone was significantly different. This is the problem faced by historians every day—how do you reconcile divergent accounts into the "truth," or is that even possible? In this case, the reader must take into account all the facts and background and judge for himself or herself which, or if, one of the accounts is more "truthful" than the other.

³⁹ Stephen Ambrose, "Afterword," in *Haldeman Diaries*, p. 681.

³⁷J. Y. Smith, "H. R. Haldeman Dies," *The Washington Post*, November 13, 1993, p. A12.

³⁸ John O'Sullivan, "From the Editor," *National Review*, December 13, 1993, p. 18.

**THE JURY IS IN: TELEVISION
DRAMA AND ITS PORTRAYAL OF
THE AMERICAN LEGAL SYSTEM**

Dan McGurk

In a 1974 article in *TV Guide* called "Witness for the Prosecution," Walter H. Lewis, a Los Angeles Deputy District Attorney, put forward his theory that television drama was brainwashing the pool of potential jurors for real criminal trials. As an example, he cited his own unsuccessful rape prosecution, in which a juror later told him that she had voted for acquittal because the defendant had not confessed to the crime on the witness stand. This was unlike the hundreds of television episodes she had seen in which "the real criminal always confessed his guilt in court." Lewis bemoaned the fact that, after nearly a generation's worth of television's influence, this attitude had become all too prevalent in the legal system. In his view, "there is a new active ingredient in the criminal justice mix, one that we were never taught in law school: the influence of popular fiction." He specifically mentioned TV programs such as *Perry Mason*, *The Defenders*, *The Bold Ones*, and *Owen Marshall* as being responsible for two basic misconceptions regarding real criminal trials: that the defendant always stands unjustly accused and that the prosecuting attorney is at best a misguided soul and at worst a villain who is always trying to convict an innocent person. He had two fervent hopes for the future of television's legal dramas: that such programs would stop

showing defendants as automatically innocent and would detail some of the maneuvering that defense lawyers do to win acquittals. He also hoped that there would appear "at least one quality TV series portraying criminal trials from the D.A.'s and victim's point of view." In his view, such a show would help counterbalance the negative stereotype of the prosecuting attorney and show him as "the People's lawyer attempting to achieve justice, not as the bad guy grimly out to convict innocent people."¹

Now, twenty-five years later, Lewis and those who shared his despair at the depiction of the legal profession on television would find much in which to rejoice. Television dramas such as *L.A. Law* and *The Practice* have successfully shown the darker and more realistic side of the legal profession: clients who are not always innocent, lawyers who use tricks and manipulation rather than the truth to win cases, and trials that often provide more gray areas and unanswered questions than they establish any sense of right or wrong. Another popular program, *Law and Order*, shows criminal trials almost entirely from the prosecution's point of view. *Law and Order* hardly provides a glamorous view of the prosecutor's role, however; the attorneys in this program are shown to bend and manipulate the law as much as any defense attorneys ever have.

It is clear that the legal drama has evolved considerably in the half-century that television has filled American living rooms, and there is no indication that this evolution is complete. At a 1992 conference on "The Lawyer and Popular Culture," the image of the legal profession on television was a dominant theme of discussion. Horace

¹ Walter H. Lewis, "Witness for the Prosecution: A District Attorney Testifies that TV is Brainwashing Juries," *TV Guide*, 22 (November 30, 1974), p. 5.

Newcomb, a noted scholar in communications, commented on the way in which television is often more suited than other media for developing legal drama:²

Note how well the legal formulas fit with televisual demands. Significant issues are brought into enclosed spaces, interiors. There they are debated by skillful professionals with the requirement that multiple perspectives be presented, rebutted, adjudicated, juried. But always these issues are brought down from the abstract to the personal, to the emotional levels that can touch individual audience members as well as individual inhabitants of the stories being told. Over time, lawyers can be seen in different roles, the law working in different ways, the issues altered by the rules of television as well as by the social reality from which they are drawn.

Like most other television genres, the legal drama has changed with the mood of the times, sometimes becoming more daring and unconventional and sometimes retreating to safer ground. Among these genres, the legal drama has a unique position. It has not, like the situation comedy, remained at the forefront of television programming. Nor has it followed the lead of the western, which dominated television drama in the late 1950s, leveled off in the 1960s, and disappeared completely by the mid-1970s, with only brief and unsuccessful attempts to revive it since then. It has not even had the longevity of police and detective dramas

² Horace Newcomb, "The Lawyer in the History of American Television—An Overview," in *The Lawyer and Popular Culture: Proceedings of a Conference*, David L. Gunn, ed. (Austin: University of Texas Press, 1993), p. 41.

which, in various forms and numbers, have stayed on the air for most of television's history. Rather, the legal drama has maintained a small but fairly consistent presence on television schedules, sometimes disappearing for short periods but always returning, often in an altered form that reflected new public sentiment or national events. The gallant Perry Mason has given way to the cynical attorneys of *L.A. Law*, who in turn have given way to the world-weary prosecutors of *Law and Order* and the doubting and often self-loathing defense lawyers of *The Practice*.

Throughout this evolution, legal programs have been both praised and condemned by members of the legal profession, sometimes at the same time. Yet audiences have remained intensely loyal to their favorite television lawyers. As is true with any genre, some legal shows have failed and have since been forgotten. Yet many of those that succeeded remain beloved classics among viewers. These shows have also had a tremendous influence on the profession itself. Within a year after the debut of *L.A. Law* in 1986, applications to American law schools rose dramatically and the program's popularity was cited as a probable reason. After the 1994 death of actor Raymond Burr, whose portrayal of Perry Mason had made him the permanent embodiment of the character, a deep sense of loss was actually seen to permeate the legal community. Many prominent attorneys gave testimonials crediting Burr (and Mason) as their inspiration for entering the profession. American Bar Association President William Ide III publicly eulogized Burr with the statement that "We regard his passing as if we lost one of our own."³

The testimonials and accolades for Burr's portrayal are both understandable and ironic.

³ Michael M. Epstein, "The Evolving Lawyer Image on Television," *Television Quarterly*, 27 (1994), pp. 18-26.

The character of Perry Mason is without doubt the best known in television legal drama and is unlikely to be supplanted by any current or past television lawyer. Yet the program *Perry Mason* is probably the most unrealistic portrayal of legal practice ever presented on television. Many programs of the 1980s and 1990s would, consciously or unconsciously, skewer the image of the profession that this show put forward. While *Perry Mason* has many appealing qualities, it is difficult to watch it today without seeing a certain amount of what Norman Rosenberg calls “camp”: humor which was not an intended part of the show when it was first produced.⁴ Yet the show was the first memorable “lawyer” program, ran on prime time for nine years, has been enormously successful in reruns, and was revived in a series of highly-rated television movies in the 1980s and 1990s. For these reasons, it is a worthy place to start an analysis of television legal drama.

Perry Mason is best remembered for its original television incarnation which began on CBS television in 1957. The character had actually been created nearly twenty-five years earlier, however, when an attorney named Erle Stanley Gardner decided to turn from legal practice to writing. He published his first Perry Mason novel, *The Case of the Velvet Claws*, in 1933, and would write nearly 100 more before his death in the early 1970s. These books, including paperback editions, have sometimes sold over a million copies each; Gardner’s books have long ranked among the best-selling crime and suspense novels.⁵

⁴ Norman Rosenberg, “Perry Mason,” in *Prime Time Law: Fictional Television as Legal Narrative*, Robert M. Jarvis and Paul R. Joseph, eds., (Durham, NC: Carolina Academic Press, 1998), pp. 115-116.

⁵ Patricia Kane, “Perry Mason: Modern Culture Hero,” in *Heroes of Popular Culture*, Ray B. Browne, Marshall Fishwick, and Michael T. Marsden, eds., (Bowling Green, OH: Bowling Green University Popular Press, 1972), pp. 125-126.

A significant aspect of Gardner’s books, especially the earliest ones, is that they tend to emphasize Mason more as a detective than as a lawyer. The character was shown as being far tougher and more hard-boiled than Burr’s later portrayal. He was also shown as a lawyer who was willing to cut corners or engage in shady legal tactics in order to exonerate his client. This type of characterization led to serious creative differences in the first attempts to bring Perry Mason to the screen. Shortly after the character’s debut in print, Gardner signed a contract with Warner Brothers for a series of Perry Mason films. The first of these films, *The Case of the Howling Dog*, was released in 1934. It was marred both by its tendency to have its actions stray from Mason’s home turf, the courtroom, as well as by an unsuccessful attempt to copy the lighter, screwball comedy style of William Powell and Myrna Loy in *The Thin Man*. Three actors would portray Mason in six films but Gardner was displeased by the characterization in all of them and, by 1940, he and Warner Brothers had broken their contract.⁶

When television producers became interested in the Perry Mason stories in the 1950s, Gardner made sure he kept creative control of the production before selling the rights. He handpicked Burr to play Mason and, with a team of assistants, developed a formula for transferring the character from novels to television. In Gardner’s eyes, Mason needed to be “the equivalent of the knight on a white charger riding to the rescue of damsels in distress” but at the same time should not be seen as invincible or superhuman.⁷ In creating this characterization, Gardner and his writers and producers needed to walk a fine line while combating two of the most prominent images of the law in the popular culture of

⁶ Rosenberg, “Perry Mason,” pp. 118-120.

⁷ Ibid, pp. 121-122.

the 1940s and 1950s: the western gunfighter and the “hard-boiled” detective. Both of these figures had become heroes in film and pulp fiction in the 1930s and 1940s and the western was the dominant form of television drama at the time the *Perry Mason* program was being prepared for its debut. Both of these genres presented protagonists who solved disputes with their fists or their guns with little consideration toward any established legal authority.⁸ Their interactions with lawyers or judges were fleeting at best and there was no regard for the “due process” of the lawbreakers they tracked down. Figures such as Sam Spade, Mike Hammer, and the heroes of TV westerns such as *Gunsmoke*, *Wyatt Earp*, and *The Rifleman* always knew that their adversaries were guilty (as the audience generally did as well) and thus deserving of whatever punishment was meted out to them.

For Perry Mason to be depicted with any sense of realism, he could not be portrayed in this manner. As a lawyer, he would be sworn to uphold the law and could not take it into his own hands. While in the courtroom, he would be the adversary of the “People” as represented by the district attorney and the police lieutenant, yet he would not go outside the law to thwart them. He would faithfully execute his role as an advocate to defend his client to the fullest extent the law allowed but his method of legal practice would not depend on technicalities to free those arrested for crimes. He would never try to have evidence suppressed because of an invalid search warrant or a coerced confession. Rather, he would sift through the existing evidence and find ways not only to prove his client innocent but to identify the real perpetrator as well.

The producers and writers of *Perry Mason* took this characterization and used it

to develop stories according to a formula that seldom varied from episode to episode. There is little point in detailing any individual stories, since most of the plots are practically interchangeable. Each show begins with a problem or conflict between a group of characters. Mason is sometimes shown early in an episode as the attorney handling legal matters for one of the characters. Within a short time, one member of the group is dead, with evidence of murder pointing toward Mason’s client. After a short investigation, the suspect is arrested by Lieutenant Arthur Tragg and turned over to District Attorney Hamilton Burger for prosecution. An important point is that neither Tragg nor Burger is portrayed as being malicious in the arrest or prosecution. They are shown as being dedicated to the cause of justice and sincere in their belief that the suspect is guilty.

From the start, the viewers know that the suspect is innocent because he has Mason as his lawyer. Mason is then seen to carefully examine the available evidence and interrogate other possible suspects. With the help of his secretary, Della Street, and his investigator, Paul Drake, he pieces together the true story of the crime. Although Mason is sometimes aware that his client is not being completely truthful with him, he never seems to display any doubt that the client is innocent and fights zealously to find the real killer. Each episode ends with a dramatic courtroom scene in which Mason, having determined the identity of the real killer, calls the guilty party to the stand as a witness and manages to elicit a confession. At this point, the prosecutor, with no bitterness, realizes his mistake and calls for a dismissal. Another significant point is evident here. Mason’s clients are not simply found “not guilty” for lack of evidence. They are found innocent beyond any doubt and the true story of the crime is made public in open court. Presumably, those

⁸ Ibid, pp. 117-118.

wrongly accused will suffer no permanent damage to their reputations as they attempt to resume their lives.

Perry Mason ran for nine years on CBS television, ending its original run in 1966 and continuing to be successful in reruns for years after that. Even in the 1980s, cable's TBS Superstation had much success running the program as part of its weekday morning fare. It is obvious that Burr's portrayal had much to do with this success. A 1974 revival of the show, which featured Monte Markham as a younger and more athletic Mason, did not last a season. Yet Burr successfully revived the role in a series of NBC television movies beginning in 1985 and continuing until his death in 1994.

Despite this success, it is easy to see now how unrealistic a portrait of legal practice *Perry Mason* presented week after week. A lawyer whose clients are always innocent, a legal system that constantly arrests and prosecutes the wrong individual, and trials which always end with a breakdown and confession from the guilty party have never been part of the real legal world and have generally ceased to be part of the fictional one. Television, film, and print fiction have all shown the darker and more cynical side of lawyers and legal maneuvering. At the same time, high profile trials such as those of O.J. Simpson and the Menendez brothers have demonstrated that true guilt or innocence often figures little if at all in the dispensation of justice.

In 1961, during the height of the popularity of the *Perry Mason* program, another legal drama premiered on CBS television that showed a far different side of the legal profession. *The Defenders* was a program built around the work of the characters Lawrence and Kenneth Preston, a father-and-son legal team portrayed by E.G. Marshall and Robert Reed. Like Mason, each week they took on the defense of a client or group of clients charged with a

heinous crime, frequently murder. Also like Mason, both the Prestons were seen as being beyond reproach in their private lives. There the similarities ended, however.

The main difference between *Perry Mason* and *The Defenders* tended to be the way they dealt with larger ethical and moral issues beyond the immediate crime at hand. For Mason, such issues were virtually non-existent. Once Mason cleared his client of a crime, he was never seen to dwell on the circumstances that may have motivated the real killer. He never dealt with the contentious relationship between labor and management that might lead a union worker to murder his supervisor or the social forces that would drive a battered wife to kill her abusive husband. Civil rights issues, which were tearing the nation apart during the entire run of *Perry Mason*, never played any significant role in Mason's cases.

For the Prestons, however, these issues constituted the bulk of their work. In most cases, their legal work did not involve establishing absolute innocence: their client was frequently known to be guilty of the physical act with which he or she was charged. Rather, they explored the question of whether the client was actually legally or morally wrong in performing this act. Examples from the first season included the case of a man killing the youth who attacked his five-year-old daughter and a pregnant teenager having an illegal abortion. The issues examined in *The Defenders* went far beyond the specific cases to explore the legal and moral aspects of abortion, mercy killing, self-defense, and revenge.⁹

The creative force behind *The Defenders* was Reginald Rose, a respected television dramatist who was the show's creator and executive producer. Rose had previously won acclaim for his original television drama, *Twelve Angry Men*, which later

⁹ Edith Efron, "The Defenders: Good vs. Evil," *TV Guide*, 10 (March 17, 1962), pp. 7-8.

became a now-classic film starring Henry Fonda and, among others, future *Defenders* star E.G. Marshall. *The Defenders* had originated in a two-part program that Rose had written for the CBS *Studio One* anthology series in 1957. Called *The Defender*, this program had featured Ralph Bellamy and William Shatner in the father and son lawyer roles. Positive critical reaction to this program led CBS television to ask Rose to develop it into a series.

From the start, Rose saw *The Defenders* as an opportunity to develop a program that was more adult in its treatment of the law and its societal implications than previous efforts had been. In his own descriptions of the series, he emphasized that law was “the subject of our programs; not crime, not mystery, not the courtroom for its own sake.” He had no interest in producing a “who-done-it” which was resolved each week in a “courtroom battle of wits.” Rose praised the producers of *Perry Mason* for doing what they intended to do quite well but emphasized that he did not intend his program to be about law but rather to be an “entertaining mystery program with the same elements to be found in any western or detective series.”¹⁰

Rose saw the essence of his program as representing legal issues through the often-differing viewpoints of its two main characters. Lawrence Preston was an experienced criminal lawyer with 25 years of involvement with the legal process. His exposure to various facets of human nature during this time had given him the insight to know that the pursuit of truth and idealism, while a noble goal, could also result in tragedy when coupled with a rigid inability or unwillingness to compromise. Kenneth Preston, on the other hand, was a young, idealistic attorney, a recent law school graduate “who [did] not understand, or want

to admit, that there can be such a thing as compromise, in law or in life.” While the force of these personalities was an important element of the series, it was not what the series was ultimately about. Rather, the program was about the way these views of the law were used to frame courtroom discussion of the issues involved. In all episodes of *The Defenders*, these two contradictory natures were bound together in a common goal: the zealous defense of a client.¹¹

The show often exposed the ambiguities that exist between the law as codified in statutes and the moral laws that govern society’s needs. In a 1962 *TV Guide* article, Ernest Kinoy, one of the show’s writers, expressed the idea that the show “fundamentally reflects Justice Holmes’ concept that the law is a historical phenomenon that lags behind social needs.” Another writer, Peter Stone, stated a slightly different take on this idea: “The show’s basic assumption is that there is a pure absolute morality—the Judaeo-Christian morality—which is true, regardless of the public’s view of morality at any time. The series says that public morality may be wrong.”¹²

An example of this type of moral conflict occurs in the 1962 show, “The Benefactor,” which is generally considered among the most controversial episodes of the series. It begins with the arrest of a Dr. Montgomery (Robert Simon), who has performed over 1500 illegal abortions, most of them on rape victims and unwed teenagers. His trial and his defense by the Prestons soon cease to deal primarily with his own guilt or innocence. It becomes clear that Montgomery is acting as a crusader for legalized abortion and the Prestons’ witnesses include a sociologist who testifies about the reasons why abortion may

¹⁰ Reginald Rose, “Law, Drama, and Criticism,” *Television Quarterly*, 26 (Fall, 1964), p. 23.

¹¹ *Ibid.*, pp. 22-23.

¹² Efron, “The Defenders,” pp. 8-9.

sometimes be necessary. Montgomery himself testifies that he does not perform abortions for any financial gain and even declines to charge needy patients at all. In a moment of high drama, he reveals to the court that his zealous crusade for legalized abortion actually stems from his daughter's tragic death in a botched abortion.¹³

The Prestons lose this case and Montgomery is found guilty but the jury urges leniency in sentencing. Montgomery helps this process by revealing his plans to move to Africa or the Far East to provide medical assistance to people there. As in most episodes of *The Defenders*, the verdict is not the most important aspect of the drama. Even when the Prestons lose a case, they are seen to have triumphed in a larger sense by opening debate on an important issue and presumably enlightening viewers regarding the merits of their own position. "The Benefactor" is clearly an endorsement of abortion rights yet it provides enough ambiguity so as not to be seen as trying to offer the definitive word on the issue. Montgomery's testimony that he often turned away women who wanted abortions for what he considered purely selfish reasons is one way the story shows that the issue is not always a clear-cut case of right or wrong. Despite this, the program's three regular sponsors refused to buy ad time on this episode, claiming that endorsement of such a controversial issue was against their corporate policy.¹⁴

Some of the most significant comments on the main themes of *The Defenders* came in a 1964 issue of *Television Quarterly* that presented a debate on the merits and failings of television legal drama. This debate consisted of two articles; one by noted

¹³ David Ray Papke, "The Defenders," in *Prime Time Law*, p. 10; Val Adams, "TV Sponsors Quit Disputed Drama," *New York Times*, April 9, 1962, p. 58.

¹⁴ Papke, "The Defenders," p. 10; Adams, "TV Sponsors Quit Disputed Drama," p. 58.

attorney and lecturer Edward Bennett Williams decrying the misrepresentations of the legal profession on television and the other by Reginald Rose. Williams was fairly restrained in his criticism of legal drama, but emphasized the fact that such programs, "hampered by the dramatic demands of television's chromatic precision, too often reach for the quick and easy denouement." The demands of television do not allow a display of the precise and careful development of facts, which usually make a real trial a dull and plodding process. Such a process allows for little if any of the "showmanship" which television demands its fictional lawyers display. Williams specifically cited the image of Perry Mason as the "white knight" and the "courtroom magician" as the antithesis of real life attorneys. He did have some praise for *The Defenders* for bringing real issues and substance into its episodes and even occasionally allowing its lawyers to lose a case. In general, however, he believed that television legal drama provided a completely misleading impression to its viewers by reducing the construction of a typical legal case to a "puff of oratory."¹⁵

In a rebuttal to these arguments, Rose acknowledged the accuracy of many of Bennett's criticisms but accused him of ignoring the concept of television's dramatic form and the role it plays in educating viewers. Rose described Lawrence and Kenneth Preston as defending clients in dramatic terms and therefore naturally distorting the process of law as it is practiced in a courtroom. For him, drama distorts real situations because it is designed to do so, its purpose being to "distill what is meaningful out of human interaction." Television drama can and should be judged

¹⁵ Edward Bennett Williams, "The High Cost of Television's Courtroom," *Television Quarterly*, 26 (Fall, 1964), pp. 12, 16.

on how well or how badly it does this but not simply on the fact that it does it. Rose refuted the idea that the law can only be understood through a revelation of every technical and legalistic detail of its operations and procedures.¹⁶

If what results is a fuller understanding of the meaning of law and justice among multitudes of human beings, then the charge of “unrealistic” is pointless. We have not distorted the meaning of the law. We have not demeaned the law. We have merely compressed and foreshortened its operations because we are also bound to respect the law of dramatic form.

While Rose’s comments about his series are no doubt rather self-serving, there is no question that *The Defenders* was the most significant legal drama of the 1960s and one of the few television programs of that time to grapple with such controversial issues as abortion and euthanasia. It went off the air in 1965, a year before *Perry Mason* did. Although it is still fondly remembered today by lawyers and other viewers for its bold exploration of legal issues, it has never enjoyed the ongoing popularity that *Perry Mason* has. In fact, it has barely been repeated at all since its original run. Interest in the program was revived briefly in 1997 when Showtime produced two new *Defenders* movies. These films brought back Marshall in his role as Lawrence Preston and cast Beau Bridges as his younger son, replacing Reed (who died in 1992). Plans to turn these films into an ongoing series ended with Marshall’s death in 1998 and *The Defenders* seems to be headed for obscurity once again.

Throughout the late 1960s and 1970s, the television networks continued to produce

and broadcast legal dramas with varying degrees of success, but none had the impact or the longevity that *Perry Mason* and *The Defenders* had. From 1967 to 1969, ABC aired a program called *Judd, for the Defense*, which featured Carl Betz as Clinton Judd, a Texas lawyer who was seemingly willing to travel anywhere in the United States to provide a defense to any client who could afford his services. The character of Judd was clearly patterned after real-life attorney F. Lee Bailey and the series, like *The Defenders*, touched on issues relevant to the times, including draft evasion and civil-rights murders. Another moderately successful ABC program was *Owen Marshall, Counselor at Law*, which ran from 1971 to 1974 and featured Arthur Hill as an older defense lawyer practicing in a small town in California. While both of these programs are remembered today by devoted fan groups, neither broke any new ground in television drama.

It would not be until the late 1980s that something of a “Renaissance” occurred for television legal drama. In the fall of 1986, two programs debuted on the NBC network that would serve as primary representations of the genre well into the 1990s. The first was *Matlock*, a mystery-oriented program which featured Andy Griffith as an Atlanta attorney who took on the seemingly-doomed defenses of murder defendants and eventually proved them completely innocent of the crimes with which they were charged. The similarities of *Matlock* to *Perry Mason* were obvious from the start: a client who is always innocent, a prosecution case in which *Matlock* is always able to turn up holes, and a courtroom confrontation in which *Matlock* elicits a confession from one of the witnesses, thus clearing his own client. The differences between the two were more in characterization than in story structure. While little if anything had ever been known about *Mason*’s personal life and

¹⁶ Rose, “Law, Drama, and Criticism,” pp. 25-26.

background, Ben Matlock was seen as having a well-developed life outside the law office. He was known to have attended Harvard, had been married (and was presumably a widower), and had at least two daughters, each of whom served as his law partner at various times during the run of the series. Mason's home and social life had never been shown to any degree but Matlock's friends, neighbors, and relatives were often seen as part of his life and sometimes became involved in his cases.

Matlock never achieved more than moderately successful ratings and was dismissed by most critics as lightweight mystery, but it showed an amazing durability and longevity. After six years on NBC, it was canceled in 1992 but brought back by ABC as a midseason replacement in January of 1993 and continued to produce original episodes until 1995. In 1997, the character of Ben Matlock even turned up as a guest star on the CBS medical mystery drama *Diagnosis Murder* that starred Dick Van Dyke. Ironically, it was reruns of *Matlock* that replaced those of *Perry Mason* on TBS in the early 1990s. Certainly, *Matlock* contributed few if any original elements to the television legal drama but its success and longevity cannot be ignored.

A far more groundbreaking legal drama was *L.A. Law*, which premiered a few weeks after *Matlock*, on October 3, 1986. This program was created by Steven Bochco, who had previously won acclaim for creating and producing *Hill Street Blues*. From its basic structure to its characterizations to the execution of its stories, this program took the conventions established by earlier legal programs and shook them to the core. To begin with, *L.A. Law* was very much an ensemble show. Rather than showing the cases of a single lawyer or pair of lawyers, it showcased a large cast of attorneys working out of the high-powered firm of McKenzie, Brackman,

Chaney, and Kuzak. The interrelationships between these characters was as much a part of the scripts as any of the cases they handled. The firm took on legal cases of every kind, both criminal and civil, with several cases usually intertwining during a single episode. Many of the cases were presented in story "arcs" that played out over several episodes or sometimes much of a television season. There were few firm resolutions to the stories, and many of the cases left the lawyers with more questions than answers about their role in the legal process.

Perhaps the most significant way that *L.A. Law* forever changed television's portrayal of the legal profession was in its complete rejection of the untarnished and noble rescuer of the wrongly accused. In a 1987 review of the program's first-season success, *Newsweek* specifically commented on the way in which the show had almost gleefully trampled on past television incarnations of attorneys:¹⁷

Whether their name was Mason, Marshall or Judd ("for the Defense"), the medium's star attorneys were invariably portrayed as white knights serving a noble calling. *L.A. Law* doesn't just kick some dirt on that image. It comprises the most unflinching indictment of a prestigious profession ever handed down by a commercial network...a devastating portrait of what makes the legal world go round: deceit, avarice, domination, manipulation, backstabbing, loophole leaping, and just about every form of lust, including bestiality. *L.A. Law* is to *Perry Mason* what *Vampire Lesbians of Sodom* is to *Our Town*.

¹⁷ Harry F. Watters, "L.A. Law—Review," *Newsweek*, 110 (November 16, 1987), p. 85.

Newsweek also pointed out that *L.A. Law* managed to successfully violate another sacred canon of television which had previously applied not only to legal dramas but to entertainment programs in general: it featured characters who were often barely likable and at times detestable. These included Arnie Becker (Corbin Bernsen), a womanizing divorce attorney; Stuart Markowitz (Michael Tucker), a “nebishy-looking” tax lawyer; Victor Sifuentes, an uptight Hispanic who was well aware that he had been hired at the firm to fill a racial quota; Michael Kuzak (Harry Hamlin), a driven and self-absorbed trial attorney; Grace Van Owen (Susan Dey), an assistant D.A. who often opposed the firm’s lawyers in court but later resigned her position to join the firm; Ann Kelsey (Jill Eikenberry), a tough-minded female attorney; Leland McKenzie (Richard Dysart), the esteemed senior partner and father figure to the firm; and Douglas Brackman, Jr. (Alan Rachins), the vain and pompous partner who was constantly struggling to fill the shoes of his late father. The cast changed considerably through the years as characters came and went (one directory of prime time television shows lists 28 regular cast members over the program’s eight-year run).¹⁸

L.A. Law also became television’s most daring program up to that time in pushing the envelope regarding sexual matters. Not only was its language frequently filled with double entendres but it also presented seduction and sexual conquest almost as part of the law firm’s daily routine. Arnie Becker was shown as having no hesitation about having sexual relations with clients, the wives of clients, or anyone else who crossed his path. Kuzak and Van Owen were seen as having a live-in relationship, even

¹⁸ *Ibid.*, pp. 85-86; Tim Brooks and Earle Marsh, eds., *The Complete Directory to Prime Time Network and Cable TV Shows, 1946—Present*, 6th ed. (New York: Ballantine Books, 1995), pp. 569-570.

while their positions as defense attorney and prosecutor often demanded that they face each other in court. And Ann Kelsey and Stuart Markowitz developed a sexual relationship after Markowitz picked up a mysterious sexual technique known as the “Venus Butterfly” from one of his clients and used it to great effect (off camera) with Kelsey. Although this technique was a complete invention of *L.A. Law*’s writers, it became a symbol of the show’s popularity when hundreds of viewers wrote in requesting the secret, some claiming that the future of their marriage depended on it.¹⁹

Alongside these personal situations, *L.A. Law* did manage to present a great deal of legal drama. To fulfill its goal of engaging a lay audience week after week, the program had to forsake a display of the painstaking research and monotonous tasks that make up the daily grind of most law firms. Instead it concentrated on major issues from newspaper headlines, cases which law professor Stephen Gillers has pointed out “large firm associates would die to have just one of, amidst the monotony of anti-trust depositions and research into the finer points of federal court venue.” Over the years, these cases have touched on or dealt directly with issues such as termination of life support, products liability, date rape, insider trading, homosexuality, capital punishment, and suits against companies manufacturing toxic chemicals.²⁰

The ways that the lawyers at McKenzie, Brackman address these issues provide far more conflict and ethical dilemmas than Perry Mason, or even Lawrence and Kenneth Preston, ever faced. In an episode involving “right to die” issues, for instance,

¹⁹ Watters, “*L.A. Law—Review*,” pp. 86-87; Brooks and Marsh, eds., *The Complete Directory to Prime Time*, pp. 569-570.

²⁰ Stephen Gillers, “Taking *L.A. Law* More Seriously,” *The Yale Law Journal*, 98 (1989), p. 1608.

the firm is hired by a hospital to resist a petition which would force the hospital to withhold food and water from a comatose young woman. The woman has displayed no cognitive function for two years with no hope of recovery and her parents have requested the right to end her life. They have been financially ruined by the woman's expensive care and are fervent in their belief that their daughter would not want to continue living this way. Although many at the law firm share the belief that the parents are right, McKenzie reminds them that they have an obligation to their client, the hospital, and Victor Sifuentes reluctantly persuades the judge in the case to deny the petition. As he is leaving the courtroom, Sifuentes is accosted by the woman's father, who shouts that while the lawyer will simply move on to a new case, he and his wife will forever have to live with the results of this one. It is clear from the anguished expression on Sifuentes' face that he has his own doubts about the outcome: he has fulfilled his ethical obligations as a lawyer but wonders if he has not broken some higher moral law.²¹

In another case, Anne Kelsey defends a corporate client that is being sued by a former resident of a trailer park over the poisoning of a well near the park. This woman gave birth to a child who was completely deaf and blind in one eye, presumably as a result of drinking contaminated water during her pregnancy; she claims that Kelsey's client is responsible for the contamination. When the woman's lawyer uncovers a secret internal memo that definitively establishes this causation, he uses it to obtain a two million dollar settlement from the corporation in exchange for a sealed record and a secrecy agreement. While negotiating this settlement fulfills Kelsey's obligations to her client, it leaves her with several ethical and moral dilemmas.

²¹ Ibid., p. 1610.

She asks the woman's lawyer if he is concerned about other residents of the trailer park who may still be drinking the contaminated water. His response is that his only responsibility is to his client and he is thus willing to accept a sealed record in exchange for a large settlement. She is even further dismayed to learn that her own corporate client refuses to make any effort to clean up the contamination, claiming that it would be cheaper to simply settle individual claims as they arise. Since her knowledge of the entire matter is privileged, she is torn as to how to protect others from the contamination. In the end, she actually blackmails the CEO of her corporate client into providing a cleanup by threatening to resign from the law firm and go public with her knowledge, a move that is ethically questionable in its own right.²²

In presenting these and other stories, *L.A. Law* often had to boil down complex legal intricacies to create an hour of drama that could lure viewers to their television sets week after week. To do this, it skipped over much of the painstaking research that lawyers at most large law firms (or any law firms) undertake and concentrated instead on dramatic courtroom presentations. At the same time, the ethical and moral questions raised in these cases needed a degree of dramatic closure while still displaying the gray areas involved. As in *Perry Mason*, most episodes depend on dramatic courtroom arguments for their drama. Unlike *Mason*, however, these lawyers can find no absolute "truth" that will exonerate their clients (or even themselves) from moral ambiguities and ethical dilemmas. As Gillers states:²³

The creative challenge to *L.A. Law* is how to have a result for cases raising hard issues without pretending to

²² Ibid., pp. 1615-1616.

²³ Ibid., pp. 1610, 1612.

have the solution to the dilemmas they pose. The world of popular entertainment and the world of law each requires a result. A story must have an ending of sorts; a court proceeding must have a judgment. Yet due regard for the ambiguity and complexity of issues like these makes it imperative that the show not pretend to have solved them in less than an hour.

In producing their shows, the people behind *L.A. Law* have generally treated legal ideas with respect, and even if they do not fret over their many shades of gray (the road to certain death), they at least acknowledge and try to convey something of the ideas' ambiguity, import, and difficulty.

Gillers' defense of *L.A. Law*'s dramatic license echoes many of the arguments that Reginald Rose used nearly 30 years earlier to defuse criticisms of *The Defenders*. Yet more than *The Defenders*, *Perry Mason*, or any other previous incarnation of the legal drama, *L.A. Law* has drawn highly-divided reactions within the legal community. In the case of *Perry Mason*, Gillers points out that the program's total divorce from the reality of legal practice made it "singularly less informative about law and lawyers' work...it was misleading, a joke, beneath serious criticism, and it got none."²⁴ *The Defenders* may have been debated somewhat more frequently, but its generally positive depiction of the legal profession probably saved it from scathing criticism. *L.A. Law*, however, seemed to strike a dangerous middle ground. It presented an image which was close enough to real legal work to be accepted by many practicing

lawyers, yet far enough away from this reality to be condemned by others.

Certainly much of the criticism regarding *L.A. Law* came from story lines involving the character of Arnie Becker. Many real-life lawyers, especially divorce lawyers, found both his professional and personal antics to be insulting to their profession. In a 1989 article in *TV Guide*, Lois Brenner, a prominent New York divorce attorney, summarized just a few of Becker's ethical and moral lapses on the program and expressed concern for what this image was doing to her already beleaguered profession. When representing a woman in a case against her philandering husband, Becker hires a private investigator (without her knowledge) to videotape her husband in the act. After seeing this evidence, the woman tries to shoot her husband in Becker's office. For a client who is a screenwriter, Becker helps to negotiate the rights to one of her films and agrees to take a percentage of its profits as a fee for his work in her divorce which violates an ethical prohibition against matrimonial lawyers taking contingency fees. While representing an exercise trainer who is divorcing his TV-star wife, Becker actually visits the wife in her home (without telling his client or the opposing counsel), negotiates a cash settlement with her, and then expresses his gratitude with a tryst on her couch. Brenner points out that most of these actions would result in reprimands from the bar association at best and probably disbarment. In place of doing "pro bono work for the entire female sex," she and those in her profession would like to see Becker do more of the things that divorce lawyers actually spend their time on: going to court to obtain support for mothers who have no money for rent or food; tracking down marital assets to keep uprooted spouses from being driven into poverty; and trying to keep embittered couples from using

²⁴ Ibid., p. 1622.

their children as weapons against each other in divorce proceedings.²⁵

A 1990 *TV Guide* article followed up on this premise by asking several prominent attorneys, including Alan Dershowitz, Marvin Mitchelson, and F. Lee Bailey, for their opinions regarding what was right and wrong regarding *L.A. Law*'s portrayal of their profession. Many of them cited Arnie Becker's antics as being highly unrealistic but also expanded on other areas in which the show was not true to life. Most praised the show for its portrayal of the manipulation and backstabbing that occurs within any large firm but indicated that the type of cases most of the lawyers handle is not indicative of real legal work. Dershowitz noted that the scripts tend to de-emphasize typical legal cases for cases that fit the characters, all of whom are "full of passion, sex, and greed." Most of these cases "a law firm just couldn't afford to take. For *L.A. Law* to be really great TV, they would have to take the problems of acquisitions and mergers that law firms are dealing with today and make those interesting." Gerry Spence, a Wyoming attorney famous for his suit against the Kerr-McGee plutonium-processing plant (depicted in the movie *Silkwood*) expressed a wish that the program would devote less time to showcasing rich clients and more to showing the reality that "in this country, justice is simply a myth." He did not see *L.A. Law* or any other program telling the story of "the working people who can't get justice because it's being sold—and they have no money to buy it." Beyond this, Spence also saw *L.A. Law*'s major flaw as showing its lawyers as being both young and competent when "in law, you can't be both." In his view, "to be a good trial lawyer takes years and years, maybe 20 of ugly hard

²⁵ Doris Brenner, "Attention, Arnie Becker," *TV Guide*, 37 (June 17-23, 1989), pp. 10-11.

work, before you're competent to stand for an hour before a jury."²⁶

Whatever its flaws, *L.A. Law* was watched by 14 million viewers every Thursday night during its prime and critics and fans alike agreed that these included a good number of lawyers, judges, law professors, and law students. Many watched it because they had come to the conclusion, often reluctantly, that they could not afford to ignore it. By the early 1990s, the show was considered to be the prime force of its time in shaping public attitudes about attorneys and the legal system. In 1990, Neil T. Shayne, a practicing lawyer and columnist for the *New York Law Journal* requested a six-week adjournment in a case he was presenting because a jury on *L.A. Law* had recently been shown awarding a \$4 million judgment to a character who resembled the person Shayne's client was suing. He was actually quoted as saying "Any lawyer who doesn't watch *L.A. Law* the night before he's going to trial is a fool."²⁷

Other legal analysts defended *L.A. Law* on the grounds that it served as a unique teaching tool for law students and new attorneys. Many prominent law professors readily admitted that they discussed the show among themselves and with students, sometimes as part of class exercises. While *L.A. Law* and other legal drama may be far from the real world of practicing lawyers, law books and classrooms can sometimes be more remote. To some extent, *L.A. Law* was seen as bridging this gap by exposing students to issues such as client confidentiality and the emotional and moral traumas that arise from defending clients

²⁶ Joanna Elm, "America's Top Attorneys Tell: What We'd Like To See on *L.A. Law*," *TV Guide*, 38 (March 10-16, 1990), pp. 4-8.

²⁷ David Margolick, "Ignorance of *L.A. Law* is No Excuse for Lawyers," *New York Times*, May 6, 1990, Section 2, p. 29.

who are obviously guilty. Peter L. Davis of Touro Law School said, "we're dealing with a generation of students who grew up in front of a TV set...there's no question that *L.A. Law* meets a need that legal academia has failed to fill."²⁸

Whatever its flaws or virtues, *L.A. Law* came to an end when it aired its last episode on May 19, 1994. It had much to be proud of, having won four Emmys and great critical acclaim over the years, but many felt that its end had come a season or two too late. Television critic Ken Parish Perkins wrote that the departure of several key cast members during the middle of the run, as well as the loss of several of the original writers and producers to other projects, had left a void the program was unable to fill in its last few years. Court cases and office politics had gone flat, stories had become predictable, and the program, while it had always made sex one of its major themes, had become too "centered outside the courtroom, with most of the drama extended to bedrooms."²⁹ Other commentators echoed this assessment to varying degrees but none questioned the monumental significance the show had throughout its run. *L.A. Law* affected public opinion of the legal process, and possibly the process itself, as no program had before or since.

During the height of *L.A. Law*'s popularity, another program debuted which would also have a significant impact on the course of legal drama. This program was *Law and Order*, which debuted on NBC on September 13, 1990. *Law and Order* was not the instant popular success that *L.A. Law* was, and while it has built great critical acclaim in its nine (to date) years on the air, it has never been credited with the effect on the legal profession that *L.A. Law* had. Nevertheless, it provides a fascinating view

of the legal process with darker and more disturbing overtones than *L.A. Law* ever approached

Law and Order is unique among legal dramas in several ways. To begin with, it shows the process of law through the eyes of prosecutors rather than defense attorneys. It is also more than just a law show; the program is actually a hybrid between the legal drama and another popular genre, the police and detective show. Most episodes are divided into two segments. The first half-hour shows a crime (usually a murder) which is investigated by two Manhattan detectives, under the supervision of their precinct lieutenant. These detectives track down leads and interrogate witnesses and suspects until they are able to identify a perpetrator and make an arrest. The second segment deals with the way two assistant prosecutors and the District Attorney go about seeking a conviction of this offender. This frequently involves navigating a complex legal maze that leads the prosecutors down murky roads in their ultimate pursuit of justice. Although it is only the second half of the program that deals with specifically with the application of the law, legal matters do enter into the routines of the detectives; trials are sometimes seen to hinge on whether these detectives improperly obtained evidence or coerced a confession out of a suspect.

Although this formula seems fairly straightforward and predictable, it has resulted in nearly 200 episodes of complex and engrossing drama and a program that continues to draw high ratings and critical acclaim. Throughout its run, it has also proven that, unlike most long-running programs, it needs no star power or personality to sustain its success. Cast changes have been an almost yearly event on the program; the six major roles have been portrayed by a total of fourteen actors over the years. Only one cast member now

²⁸ Ibid.

²⁹ Ken Parish Perkins, "L.A. Long," *Chicago Tribune*, May 18, 1994, Section 5, p. 3.

remains from the show's first season and none is left from the pilot episode. This constant turnover is helped by the fact that the show deliberately de-emphasizes character development in favor of complex storytelling. Although all the characters have well-defined personalities, details of their private lives are revealed only occasionally and then only in small, gradual tidbits. Critic Aaron Barnhart has described the real "star" of *Law and Order* as being the criminal justice system where "process is king and woe to those who think they have some control over its mysterious ways."³⁰ The true legal drama in *Law and Order* comes from the way in which the prosecutors attempt to overcome the limitations of this system to seek justice. To do this, they often bend the written law to conform to what they see as a higher moral one and frequently disagree strongly among themselves regarding the ethics of doing so.

Law and Order was created by its executive producer Dick Wolf, a former writer for series such as *Hill Street Blues* and *Miami Vice*. The concept was not entirely original, however; a similar theme had been used in an ABC series called *Arrest and Trial* in 1963-64. This program had been broken into two 45-minute segments, one depicting the investigation of a crime and an arrest and the second showing the trial. Wolf claimed to have been completely unaware of this program when the similarity was pointed out to him but after viewing a few episodes of it, he realized it was significantly different from what he wanted to do. This program was actually closer to Perry Mason than it was to *Law and Order* in the sense that the second half of the program concentrated on the defense side of the trial rather than the prosecution and usually ended up demonstrating that the wrong person had

³⁰ Dawn Keetley, "Law and Order," in *Prime Time Law*, p. 33.

been arrested.³¹ While Wolf saw the detectives and prosecutors in his program as being human and fallible, he envisioned a more hard-bitten and realistic view of the police and legal systems (and the relationship between them) than had ever been presented before.³²

It turned out to be a really original idea because, up until that point, there had never been a legal show featuring prosecutors. I believed the heroes weren't the defense attorneys who were getting these scumbags off. The heroes were the prosecutors, working for a tenth of the money and putting them away. It seemed like a very natural meld.

In the first season of *Law and Order*, Wolf embodied this vision of the "order" through the characters of Executive Assistant District Attorney Ben Stone (Michael Moriarty), a conservative, straight-laced prosecutor who generally tried to remain within legal and moral constraints while searching for ways to convict felons and Assistant District Attorney Paul Robinette (Richard Brooks), a black attorney who was also fairly conservative. The two were frequently seen in conference with District Attorney Adam Schiff (Steven Hill), who was seldom seen involved in day-to-day legal proceedings but served as a sounding board for legal strategies and often brought the misguided efforts of his prosecutors to a halt with gruff and acerbic comments. Through the years, only Hill's character has remained in the cast. The ADA role has turned over more times than any other on the show. In 1993, Robinette

³¹ Brooks and Marsh, eds., *The Complete Directory to Prime Time*, p. 58; Kevin Courier and Susan Green, *Law and Order: The Unofficial Companion* (Los Angeles: Renaissance Books, 1998), pp. 17-18.

³² Courier and Green, *Law and Order*, p. 18.

was replaced by Claire Kincaid (Jill Hennessy), a young and relatively naïve lawyer who tended to remain subservient to other lawyers in the office. In 1996, Kincaid was replaced by Jamie Ross (Carey Lowell), a divorced mother and former defense attorney who presented a more worldly and experienced image. Her experience on the defense side of the legal process gave Ross a greater prosecutorial zeal and a harder edge when dealing with the other prosecutors in the office. Since 1998, this role has been filled by the character of Abby Carmichael (Angie Harmon), an even tougher and harder-driven prosecutor.

The most significant change, however, was to come with the departure of Ben Stone in 1994 and his replacement by Jack McCoy (Sam Waterston). Like Stone, McCoy is portrayed as a workaholic prosecutor who is dedicated to putting away felons he believes pose a danger to society. Unlike Stone, he is willing to bend or manipulate the law to whatever degree he feels necessary to achieve his own vision of justice. At times he has come close to suborning perjury and blackmailing suspects to turn on their cohorts. Michael Chernuchin, a writer and co-executive producer on *Law and Order*, described the difference in this manner: “Stone was this moral being and Jack wants to win and put the bad guys away. Stone was the Boy Scout and Jack is Palladin with his guns strapped.”³³ While Moriarty had been effective in showing the law’s limitations and ambiguities in a quiet, understated manner, McCoy would become equally effective in displaying the same elements through a much more explosive personality.

The cast changes in the D.A.’s staff (as well as those among the detectives) was an instrumental element in keeping the show fresh. Wolf’s goal was to give the characters differing viewpoints on the same

case and to leave many of the issues they addressed unresolved, thus reminding viewers that the law (or at least its application) is never truly black or white. In one interview, Wolf was quoted as saying: “The perfect *Law and Order* episode will be when all six characters are on six sides of a single issue—and they’re all right.”³⁴ The constant cast changes have helped to create an even more varied mix of viewpoints, while still keeping the show’s premise and aims intact.

In this examination of legal complexities, there is virtually no “hot button” issue of the 1990s that has not been developed into a *Law and Order* episode. Date rape, the bombing of abortion clinics, gay bashing, artificial insemination, and racial and feminist issues of every type have all become elements for the program’s scripts. Many of the stories have been thinly-veiled recountings of major headline news, including the Tawana Brawley kidnapping, the Rodney King beating, the Jon Benet Ramsey murder case, and the dragging death of a black man in Jasper, Texas. This use of real life incidents has become so extensive that advertisements for *Law and Order* have begun to use the phrase “ripped from the headlines” as a promotional tool.

An episode from 1994 called “Sanctuary” is one of the show’s best examples of using a current issue to explore the law’s limitations and double standards. It begins with the hit-and-run death of an adolescent boy in Harlem by a Jewish driver. The police investigation reveals that the driver was not at fault and he is charged merely with leaving the scene of an accident. This outrages the black community and leads to a riot in which an Italian man is killed after being mistaken for a Jew. Stone’s efforts to prosecute the murderer are hindered by the efforts of the Reverend Ott (a character modeled on the Reverend Al Sharpton) to

³³ Ibid, pp. 225-226.

³⁴ Keetley, “Law and Order,” p. 33.

provide sanctuary to the killer and later by the zealous efforts of defense attorney Shambala Green. The exchanges between Stone and his associates, Kincaid and Schiff, provide telling insight into the way that racial issues affect the application of the law. Stone's later conversations with Green on the case allow both to state their strongly held positions while acknowledging that the legal system is beyond the control of either of them.³⁵

Green: He killed a man. That's a crime. Maybe it's even a sin. But he was provoked.

Stone: Do you really believe that? That he was provoked by a couple hundred hooligans.

Green: By a couple hundred years of hate. Between you and me, Ben, as a black woman I am ashamed of what happened on that street.

Stone: Are you? You have a hell of a way of showing it.

Green: You don't get it do you? I don't want that to happen again.

Stone: You don't get it. By infantilising your own people you are guaranteeing it will happen again.

Green: After all these years... You really had me fooled. I had no idea that your suited liberalism only came out of the closet when it was fashionable.

Stone: I'm responsible for my actions. Not my television set and not the color of my skin. And if it makes

³⁵ "Sanctuary," on *Law and Order*, NBC Television Broadcast, April 13, 1994.

you feel good to call me a racist, fine. But if you're really looking for who's responsible for racism these days, take a good look in the mirror.

A 1995 episode, "Rage," deals with similar themes but with McCoy having replaced Stone on the prosecution team, it takes on different overtones. This program features a young black Wall Street broker who is accused of murdering his boss and mentor and then staging the scene to make it look like suicide. His attorney, a noted civil rights lawyer named Jerome Bryant, then uses the defense of "black rage" as mitigation for the crime: the killer was insane at the time, having been pushed into a psychotic episode by a racist society. McCoy and Kincaid reject this defense outright, claiming that the defendant, Bud Greer, is a thief and a murderer who killed because he realized his boss was about to uncover a trading scam he was running. The dialogue again features poignant commentary on the state of race relations in America but McCoy's more outspoken diatribes help to give the episode a harder edge. He is intent that Greer be forced to take responsibility for his actions, regardless of what actions he was forced into by society. This type of discussion between District Attorney Adam Schiff and the other lawyers typically provides some of the most revealing drama in many episodes:³⁶

McCoy: Notwithstanding Jerome Bryant's proclamations from the mount, the entire judicial system is not racist.

Schiff: Mike Tyson, Michael Jackson, O.J. Simpson. This won't be the first time that the state has been

³⁶ "Rage," on *Law and Order*, NBC Television Broadcast, February 1, 1995.

accused of trying to bring down a high-profile black man.

Kincaid: In this case, it's all nonsense.

Schiff: Yes, if trials were about facts.

McCoy: This is about convicting one man of homicide.

Schiff: Don't you wish. I've got news for you. If enough people think it's about racism, it's about racism.

McCoy: I'm not dealing with the universal problems of society, Adam. Just one Class A felony.

Episodes deal with numerous other contemporary societal problems and often use the prosecutors' backgrounds and beliefs as a means to explore the complexities of these issues. In "Deadbeat" (1996), Jamie Ross, a single mother, is seen to sympathize with a woman suspected of killing her ex-husband over his refusal to pay alimony. In "Thrill" (1997), McCoy and Ross tape-record a jailhouse conversation in which a young boy admits to his uncle his involvement in a brutal double murder. When the uncle turns out to be a priest, the Catholic Church files an injunction against using the conversation on the grounds that it would violate the sanctity of the confessional. McCoy, a lapsed Catholic, is surprised to find himself questioning whether or not he wants to use the tape under these circumstances. In many episodes throughout the years, friends and acquaintances of Adam Schiff have come under suspicion for corruption and other crimes and Schiff has struggled with his conscience before using his prosecutorial powers against them. In the 1994-95

season, the character of Clare Kincaid is seen to emerge from the shadows of the other characters as she argues forcefully against the application of the death penalty which had recently become legal in New York State.

This type of legal and moral complexity continues to fill the episodes of *Law and Order* and the show has remained a critical favorite and popular success. NBC recently signed an agreement to keep the program on the air through 2002, a renewal virtually unprecedented for a program already on the air for nine years. Ironically, the show will be able to keep itself fresh and original as long as there are headlines of crime and murder from which to draw stories. At the same time, each cast change has supplied a character with a new perspective on the law and a moral and ethical sounding board for the other prosecutors. *Law and Order* will no doubt go on reflecting the great power the law wields over individuals and society and the way in which prosecutors struggle to use this power effectively but fairly.

Law and Order has been the most significant legal drama of the 1990s but other programs have also embraced the genre, either directly or indirectly. *Picket Fences* was a highly acclaimed CBS drama from 1992 to 1996 which featured the small town of Rome, Wisconsin, as a microcosm of America's social ills. Nearly every episode dealt with a hot-button issue making its way into Rome's courtroom, with debate there mirroring national debate and division on the issue. Although it was a well-done drama, the show's courtroom antics were too exaggerated to be considered any real reflection of the legal system.

Murder One was a highly anticipated ABC program from *L.A. Law* creator Stephen Boccho that debuted in 1995. This show featured the efforts of a high-profile law firm to defend a young television star against charges of raping and murdering a

fifteen-year old girl. It was clearly inspired by the O.J. Simpson case but it did offer the unique concept of unraveling its story over the course of an entire season. This allowed viewers to see the legal process in more detail than had ever before been presented on television drama: the arrest, the arraignment, the jury selection, and detailed interrogations of witnesses. Low ratings in the first season made the producers decide that a season-long case could not hold the attention of viewers and three separate stories were presented during the second season. The program still floundered, however, and was canceled at the end of 1997.

The most promising new example of a program in the legal genre appears to be ABC's *The Practice*, which debuted in early 1997 as a mid-season replacement and has been gradually building an audience since then. The show is produced by David E. Kelley, a lawyer and former writer and producer of *L.A. Law*, who also created *Picket Fences* and the CBS medical drama *Chicago Hope*. In some ways *The Practice* could be considered a poor man's version of *L.A. Law*. For a setting, the show replaces the glamor of Los Angeles with the more down-to-earth Boston and the cushy suites of McKenzie, Brackman give way to the shoddy offices of Donnell, Young and Frutt. In this firm, a *TV Guide* review points out, "everybody gets their own coffee and nobody uses mousse." The firm is headed by Bobby Donnell (Dylan McDermott), a bright and ambitious thirty-something attorney. The firm takes on legal work ranging from corporate matters to divorce proceedings but most of the episodes tend to revolve around criminal defense.³⁷

The similarities to *L.A. Law* are obvious but *The Practice* contains a smaller cast and

concentrates on fewer concurrent story lines. Sexual themes are also far more underplayed. Bobby Donnell is known to be sleeping with his associate Lindsay Dole (Kelli Williams) and also had a previous relationship with Assistant District Attorney Helen Gamble (Laura Flynn Boyle) but little of this is shown onscreen. The other attorneys occasionally have relationships with clients, other lawyers, and even judges and the language involved is sometimes rather coarse but these lawyers seem more respectful (or at least more aware) of ethical boundaries.

Perhaps the most significant difference between *L.A. Law* and *The Practice* is the way in which the latter program displays the great conflicts of conscience that the characters experience regarding the work they do, especially in the area of criminal defense. While they zealously defend murderers, rapists, drug dealers, and other felons, their anguish afterward is often seen in gripping terms. In one episode, defense attorney Eugene Young (Steve Harris) completely snaps while defending a man on charges that he sodomized and murdered two young boys and begins viciously punching his client in the middle of court proceedings. In another episode, he ponders how he can explain to his eleven-year-old son that he has just allowed a killer to walk free on a technicality. While *L.A. Law* and other programs sometimes touched on this area, *The Practice* exploits it like no program has before.

One of the most searing indictments of the legal profession, and the moral dilemmas of criminal defense work, was expressed on the fall 1998 premier of *The Practice*. Office manager Rebecca Washington (Lisa Gay Hamilton) has just announced to the rest of the office that she has been studying law in night school and has just passed the bar exam. While the other lawyers express their happiness for her, the only one who

³⁷ Lisa Scottoline, "The Practice: The Best Show You're Not Watching," *TV Guide*, 46 (January 17-24, 1997), pp. 19-20.

does not congratulate her is Eleanor Frutt (Camryn Manheim) who has been preoccupied with serious ethical lapses she made in a recent case. When Rebecca presses her on her lack of response, Eleanor issues this soliloquy:³⁸

Congratulations, Rebecca. You're a member of the club. You just earned the privilege to distort and manipulate the most noble of all judicial systems. The privilege of delivering opening statements promising evidence and witnesses you don't really have. And you're going to get to warn all your clients against telling the truth so you'll be able to put them on the stand to commit their perjury without exposing yourself in the process. You'll get to beat up on a bunch of rape victims at probable cause hearings, scaring them off from testifying at trial. And you'll get to buy lots of little presents for all the clerks so they might schedule all your trials on Fridays when judges are in a great mood just before they hit the road to Cape Cod. Best of all, you're going to have the joy of securing the freedom of all your guilty clients and you'll never have to see them again until they murder or rape the next person, but that usually takes about two to three weeks. So congratulations...you're a lawyer.

It is clear that television legal drama has come a long way from *Perry Mason* when a character can deliver a speech such as this. It should be noted that, by the end of the episode, Eleanor Frutt had overcome this attitude and begun zealously defending clients once again. Nevertheless, her speech

³⁸ *The Practice*, ABC Television Broadcast, September 27, 1998.

is a perfect example of the blatant honesty that *The Practice* tries to mix with its legal drama. In some ways, it is a reminder that, whatever negative perceptions the public has regarding the legal profession, members of this profession may sometimes think even less of themselves.

After a slow start in the ratings, *The Practice* has gained a respectable following in a Sunday night time slot and it appears likely to stay on the air for the foreseeable future. It serves as television's best current commentary on the legal profession but it is unlikely to be the last. The inherent drama and mystery of the law itself has fueled the creative juices of television dramatists for over 40 years. As long as viewers are directly or indirectly affected by the complexities of the legal arena, they will no doubt remain interested in seeing it portrayed on their television sets, regardless of what distortions it may undergo in the process. In a 1964 episode of *The Defenders* called "Blacklist," attorney Lawrence Preston made this speech regarding the uncertainties and ambiguities of the law:³⁹

Not every story in life ends satisfactorily. Neither does the law. Sometimes everything ends up in the air. No rescue. No climax. Not even a good rousing disaster.... There are injustices in the world, and they're not always solved by some brilliant point at a dramatic moment. Things don't always work out the way you want them to.

Almost since its beginning, television has been striving toward a realistic depiction of this version of the legal world. Its work is far from over but the great strides made since the days of *Perry Mason* seem obvious. The imperfections of our system of

³⁹ Papke, "The Defenders," p. 13.

justice have become more and more apparent over this time, even as the imperfections of television drama have struggled to present them accurately. These two forces will no doubt continue entertaining and informing us for at least another forty years.