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Established in 2008, we are an interdisciplinary journal that aims to publish works of outstanding research that employs a historical slant in any academic field.

For more information contact:

Justin Ko (jsko13@earlham.edu)
or
Tyler Tolman (tntolman14@earlham.edu)

Faculty Advisor

Ryan Murphy

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Cover Image

Bird's eye view of the Bund in 1930. Displayed at the Shanghai Urban Planning Exhibition Center, 1930, https://commons.wikimedia.org/wiki/File:Bund_in_1930_-_Shanghai_Urban_Planning_Exhibition_Center.JPG

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Letter of Introduction

This semester's issue of the Earlham Historical Journal focuses on a variety scholarship among Earlham students, including (Bi)Sexuality, an analysis of radicality in Black Studies, the intersectionality between orientalism and feminism, witches in the Viceroyalty of Peru, and perceptions of crime and security in Shanghai's French Concession.

This issue begins with Laura Honsig's "Gendering (Bi)Sexuality." Honsig connects the Sexual Freedom League, the women's movement, lesbian cultural feminism, and gay liberation to current circumstances within the LGBT movement. Honsig reveals shifting conceptions regarding race, gender, sexuality, and how the three have been ideologically grouped and distanced between the 1970s and present day.

It continues with James Johnson's "Being and Becoming Human: Weheliye's Radical Emancipation Theory and the Flesh and Body of Black Studies", an analysis of radicality in Black Studies. Johnson draws upon Alexander Weheliye's notion of the "flesh" that reconciles Giorgio Agamben's notion of bare life and biopolitics in the context of Black Studies. In doing so, Johnson finds a shifting conception of race characterized by the detached static results produced by state solutions, revealing the field's efforts to decenter the racist forces of the state as a site of liberation.

In "Orientalism Versus Organization: The Professionalization of American and Chinese Women Artists in China, 1900-1949," Karen Breece compares American and Chinese women's experiences acquiring professional careers in the arts through an orientalist lens. During a time of rapid change and intensified foreign contact for China, both American and Chinese women artists advanced in their field. Breece asserts that, while Chinese women navigated changing perceptions of gender roles to assert their place in the professional sphere as artists, American women achieved recognition by perpetuating negative perceptions of the Orient.

In "Witches and New Christians in the Viceroyalty of Peru", Lydia Lichtiger analyzes Spanish anxiety on Jews and indigenous witches in early colonial Peru. Lichtiger finds that such anxieties were based on imagined threats that these groups posed to the Spanish colonial order. Both Jews and Andean women, by being non-

Christian, were antithetical to the Spanish logic of colonization, thus perceived by the Spanish to threaten Christianity and colonial state formation

We conclude our journal with Olivia Hunter's "Crime and Security in Shanghai's French Concession, 1919-1937." Hunter assesses how the French reconciled perceptions of crime in Shanghai's French Concession with an emphasis on national pride and military strength. Through an analysis of French and British documentation, Hunter reveals differences and discrepancies in the rhetoric regarding crime and immoral activity in Shanghai. The paper attempts to demonstrate that the French based their national pride on maintaining the physical borders of Shanghai versus cleansing the concession of internal, immoral threats.

The intent of this issue of the journal is to draw attention to a variety of historical narratives, specifically those that have been oversimplified. These papers attempt to shed light on narratives that have been excluded from adequate dialogue. This semester, the journal has received papers of exceptional quality and intellectual work. We are excited to share their work with our readers. This issue of the Earlham Historical Journal represents the hard work of searching for truth that is at the core of research amongst students at Earlham College. It is our aim to highlight the diversity of scholarship and narratives within history.

On behalf of the editorial board,

Justin Ko and Tyler Tolman
Convening Editors

Anyone interested in submitting articles for the Fall 2017 issue should contact Tyler Tolman at (tntolman14@earlham.edu).

Gendering (Bi)Sexuality

Laura Honsig

In the United States we often associate the decade of the 1960's with "free love" and radically liberated notions of gender and sexuality. Yet fascinating discussions around gender and sexuality were also happening in the early- and mid-1970's, ones that illuminate not only the evolution of movements and ideas during these decades, but also our own historical moment. This paper, which relies on primary sources, situates questions of sexual object choice, gender non-conformity, racialization, and "bisexuality" in the historical moment(s) of the 1970's. These histories also have important connections to the contemporary moment of LGBT identities. I argue that today both bisexuality and transgender, while certainly acknowledged as labels that fit with lesbian and gay in a certain sense, are treated discursively and materially differently than the latter two, so often violently. For this reason, the last section of my paper draws connections between the 1970's and the present.

The decade of the 1970's provides important perspectives for understanding how the currents of this earlier decade have contributed to the present situation of the LGBT movement. The women's movement, lesbian cultural feminism, gay liberation, and the Sexual Freedom League (SFL) are important here because of their respective ideas about sexual object choice and bisexuality, as well as accompanying assumptions about race and gender. I would like to tell a story about the SFL using a genealogical approach to history; this will reveal interesting conceptions of gender, race, and sexuality in order to identify one point in a web of historical ideas, people, communities, and movements that inform our current moment today. In this vein, my analysis suggests that these ideas constitute one piece of a historical puzzle that have brought us contemporary LGBT issues and ideas, but are not necessarily causally related. In addition, more than to elucidate truths about people in the archive, I use their voices to explore what structural forces are at play during this time period.

The research for this project involves a series of primary sources from the Sexual Freedom League's file at Indiana University's Kinsey Institute. The materials in the SFL box span the time period of 1971-1977, with the majority coming from the early part of the decade. They can roughly be generalized as 1) internal notes, memos, letters, and flyers that pertain to the work and perspectives of the organization itself, and 2) newspaper clippings, articles, pamphlets, brochures, and

publications collected from other external resources that are associated with a much broader range of issues related to gender and sexuality. Consequently, throughout my essay these sources are used to achieve three main goals: to contextualize the League in the broader context of the 1970's; to describe the nature and mission of the SFL itself; and to provide insights into the diversity of ideas surrounding gender and sexuality in general, and bisexuality specifically.

I open with a memo from the archive entitled "Comments by Women in the League," which is a document produced by the organization itself; the voices in this memo begin articulating a perspective on gender within the SFL and thus contextualize the SFL in the larger political and social moment of the 1970's. Feminism, named the "women's movement" by some, raises questions during this decade about a woman's right to be an independent being beyond certain constraints of patriarchy. These ideas are prevalent in nearly all the materials I found in the archive:

> As a married woman, the League has treated me more as an individual than so-and-so's wife.[1]

This comment shows us the influence of the feminist movement on the members of the SFL. Critiques of patriarchy and emphasis on the individuality of women were particularly meaningful for middle-class white women who were in monogamous, patriarchal marriages that prescribed restrictive gender roles on women. This woman can now better imagine herself with her own personhood, rather than an identity defined—and literally named—by her husband. The importance of individualism likewise speaks to white middle-class values; despite a break from patriarchal norms, this speaker nevertheless resists oppression by claiming her own independent identity, which is tied to a fundamental conception of the individual as central to liberal politics. This quote provides a first clue about the location of the SFL in the political and social context of the 1970's, namely one at least somewhat connected to white middle-class circles of straight married couples.

In the same vein, another woman commented in the same memo that:

[1] "Comments by Women in the League," Box 1, Series 1, Folder 4 (1974), Sexual Freedom League Collection, Kinsey Institute, Indiana University.

> SFL was a way to participate in sex with others and not put my home-life in jeopardy.[2]

This speaker's home-life is clearly significant, and points to a similar social context as that of the woman quoted above. Her home life was most likely shaped by the domesticity and gender roles of a white middle-class marriage. Indeed, economic choice to have wives stay at home while husbands worked was generally associated with the white middle-class. She seems unconcerned with a fundamental change in that part of her life, but rather, again, speaks of the possibility of more sexual freedom that certain aspects of the feminist movement offered her at the time. She resists patriarchy by accessing relatively private spaces in which a wider array of non-monogamous and not just heterosexual relationships were possible, but not a complete challenge to marriage itself or public expressions of new ideas about women's sexuality or gender. Sexual object choice, in other words, is the primary possibility for freedom from certain constraints. Sexual object choice is about who one is attracted to sexually or romantically and who one chooses to have sexual encounters with. This woman challenges patriarchal norms of gender and sexuality by choosing her own, different sexual object(s) in private spaces, and not allowing these activities to interrupt her other public or private lives.

A comparison between the two quotes raises more generally the question of public and private spheres in relation to the feminist movement of the time. Being treated as more than "so-and-so's" wife in the SFL points to a mostly private space—namely the social circles of the organization, rather than just the intimacy of the home—but does not speak of the wider public sphere within U.S. society. A greater emphasis on privacy rather than public access likewise speaks to particular white, middle-class values of individual freedoms. Important, though, is that the SFL offered the safety of spaces away from the broad public in which women could challenge patriarchy, but remain visible as the properly gendered feminine and sexually normative women they were imagined to be in the white, middle-class, monogamous circles of America. In this sense, the SFL served as a kind of in between space, certainly not public (as in displaying new found sexual freedoms to anyone and everyone), but also not just private (as in restricted to the intimate domesticity of the home). This analysis shows us that public and private, while

[2] Ibid.

analytically useful categories, in fact exist on a spectrum, and that members of the SFL developed a space in a middle ground between the extremes.

A last quote from this memo most explicitly raises the specific norms of sexuality and gender within which white, middle-class women were living at this time.

> I have learned to face and try to conquer puritan hand-ups that have been drilled into my head since birth.[3]

"Puritan hand-ups" speak to the patriarchal ideas about female sexuality and gendered expectations emphasized in many white, middle-class (Christian) spaces. Women were supposed to save sex for marriage and often came with negative connotations of shame and suppression. Sexual pleasure may or may not have had a place in marriage relationships after the priority of reproduction, and in any case, centered men's sexual satisfaction and desire. Gender roles relegated women, who were imagined to be inherently nurturing, maternal, and soft, to the space of the home. Monogamy was the unquestioned framework within which all this operated. The SFL offered opportunities to unlearn some of these values, for women to prioritize their sexual desires, to move beyond the default expectations of their husbands, and to potentially experience sexuality without this patriarchal masculine presence (sex with women). Within the SFL, these women could own their personhood and their sexuality more than they could previously.

Significantly, these particular ideas of womanhood—demure, submissive, and uninterested in sexual experimentation or their own sexual desires—are particularly tied to whiteness. Constructions of race in the U.S. relied on (and continue to rely on) this image of white women to oppose conceptions of racialized people, and especially racialized women, as generally hypersexualized, promiscuous, even perverse, and not adequately contained by such patriarchal norms.[4] The priorities demonstrated in these quotes by women in the SFL point to particularly white concerns regarding gender, sexuality, and patriarchy; even as the SFL allows women

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[3] Ibid.

[4] Briggs, Laura, *Reproducing Empire: Sex, Science and U.S. Imperialism in Puerto Rico.* (Oakland, CA: University of California Press, 2003), 177, 181-182.
Somerville, Siobhan, *Queering the Color Line: Race and the Invention of Homosexuality in American Culture.* (Durham and London: Duke University Press, 2000), 15-38.

to branch out in terms of sexual object choice, gender normativity remains largely in tact, demonstrating a strong connection between whiteness and gender conformity. The (white) suburban housewife, which many of the above named women were in a variety of forms, is in many ways the quintessential embodiment of gender normativity, in addition to traditional sexual object choice: she performs strictly gendered roles within the domestic sphere which are taken for granted – or at least not recognized as labor – in the patriarchal framework, subordinates her sexual desires and experiences to those of her husband and to the privacy of the home, and aesthetically and behaviorally performs her gender as diffidently and properly feminine. She can still do all this while choosing new and multiple sexual partners in the SFL. Not only does this formation stand particularly in contrast to the image of racialized people who are not imagined to be heternormatively gender conforming, but is also distinguished from urban and rural sexual dissidents who are more likely to be imagined as gender non-conforming in certain settings.[5] In this sense, the SFL represents the possibility for resistance to certain heterosexist ways of living that nevertheless largely leave the gender normative values of whiteness in tact.

These constructions of gender, race and sexuality point to the wider context of the social movements in the U.S., which demonstrated and perpetuated many of the same ideas. By the 1970's, identity-based movements, including feminism and gay liberation, faced increasing conservative radicalism that narrowed possibilities for activism and resistance, and forced reactionary changes in priorities. Letters from executive members of the SFL provide hints about how the social movements in particular situated themselves in relation to these shifts. For example, Anita Bryant was a popular right-wing persona who argued vigorously against "homosexual" rights. Dan Brown, a coordinating officer within the SFL, wrote a letter to the Florida Citrus Commission stating that

> Due to the recent political activities of your spokesperson, Anita Bryant, our members do not plan to buy Florida orange juice. She has set herself up as a moralist and religious crusader. She has demonstrated a basic intolerance for human rights and civil liberties…The SFL is a non-profit organization designed (1) to

[5] Ferguson, Roderick, "Sissies at the Picnic" in Hokulani Aiku, Karla Erickson, Jennifer Pierce, eds., *Feminist Waves, Feminist Generations: Life Stories from the Academy.* (Minneapolis and London: University of Minnesota Press, 2007), 188-196.
Butler, Pamela. "Sex and the Cities" in *Queer Twin Cities: GLBT Oral History Project.* (Durham and London, University of Minnesota Press, 2010), 203-233.

> promote sexual equality, (2) to increase sexual awareness in society, and (3) to end social and legal restrictions on sex between consenting persons. We are in favor of equal protection of the law for all citizens. We firmly believe in the doctrine of the separation of church and state…[6]

As Bryant attempted to convince the American public that "homosexuals" were a threat to children and society at large, progressive movements were in some ways forced to make their politics more palatable. SFL's rhetoric of basic sexual freedom within its own private sphere could certainly stand up against Bryant's assertions that same-sex activity would ruin America's youth. In the case of the women's movement, dominant strands of feminism consciously chose to focus on women's health and privacy rather than women's sexual freedom, which likewise allowed for more realistic and pragmatic goals and victories in the political climate of the time.[7] The SFL indeed provided space for increased sexual freedom, in a certain sense, and aligned with those women's voices that reflected concerns about the equally more palatable values of liberal individuality, the private sphere, and white female sexuality in relation to sexual object choice (i.e. liberation simply by choosing one or more partners of one or more genders within the relatively private space of the SFL). Focus on these matters sharpened the elitist tendencies already present in the movement, since, as discussed earlier, these were particularly racialized and class-based issues.[8]

As I have begun to demonstrate, the values and ideas found in these primary sources, as well as the political time period they represent, speak to a break between sexual object choice and gender non-conformity. Gender non-conformity is any embodiment of non-typical gender expectations; this can involve behavior, roles in relationship to other people, clothing and physical presentation, mannerisms, identification, etc. Today we often name complete gender non-conformity *trans*. Similarly, none of the 1970's voices or spaces described so far place sexual object choice and gender non-conformity in the same arena, but rather, work hard to

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[6] Letter, Dan Brown to Florida Citrus Commission, April 29 1977, Box 1, Series 1, Folder 8, Sexual Freedom League Collection, Kinsey Institute, Indiana University.
[7] Valentine, David, *Imagining Transgender: An Ethnography of a Category* (Durham, NC: Duke University Press, 2007), 56.
[8] Ibid.

separate them. By this decade, spaces for and emphasis on gender non-conformity had shifted towards space for and emphasis on sexual object choice. That is, especially in the 1950's and 60's, but even before that, resistance to hegemonic and oppressive social institutions regarding gender and sexuality in fact did emphasize and make space for gender non-conformity as a marker of dissent. In other words, there was a close link – expressed in a multiplicity of ways – between gender non-conformity and subversion of normative experiences and identities of gender, race, and sexuality. This multiplicity of ways included personal gender expression and identification, as well as gender roles and stereotypes within relationships and social spaces. I will delve into these histories a little more in a moment. By the 1970's though, especially through specific social movements of the 1960's, this link was disintegrating, and sexual object choice became the dominant marker of dissent from some patriarchal social norms that still inscribed white gender normativity. This explains why we see the above comments by women who more concerned with their access to new and different sexual practices without particularly challenging gender roles or domestic patriarchal and white expectations of women. Although we may not often imagine that the SFL shared this fundamental assumption with (lesbian) cultural feminism, gay liberation, and the women's movement, I use each of these moments to highlight the emphasis on sexual object choice that was becoming dominant by the 1970's.

The feminist movement, in addition to concerning itself with more mainstream issues like those described above, also developed communities and ideas around the category lesbian. By the 1970's, radical cultural feminism had taken up lesbian as a dominantly political category meant to resist patriarchy more than to denote erotic desire. As such, choosing women instead of men as sexual objects became, in these circles, an (or the) act of resistance to patriarchal oppression.[9] The political underpinnings of the category lesbian indeed perpetuated, by this decade, the dominance of white, middle-class, and gender normative demographics. However, this was not because a diversity of groups and subcultures did not exist; they very much did. Rather, many of these subcultures strongly embraced various kinds of gender non-conformity, like butch/femme dynamics that were more prevalent in working class and communities of color. These differences perpetuated and sharpened the racial and class-based divides within lesbian and lesbian-feminist

[9] Valentine, *Imagining Transgender*, 46.

groups.[10] Lesbians rejected non-gender normativity for explicitly white feminist reasons, doing so in a way that contributed to the mainstreaming of sexual object choice as the potential for subverting hegemonic heterosexism. This is one of many developments in the 1970's that allowed non gender-normativity and non-homonormative sexual deviance to become continually closely associated with racialized, lower class bodies more than with white, middle or upper-class bodies.

Gay liberation likewise emerged in the 1960's and into the 1970's as a movement to challenge the marginalization of homosexuality. By the 1970's, gay men dominated the movement and had established a strong culture around cruising, partying, and pleasure.[11] Access to these spaces often required a degree of economic choice generally only associated with the urban middle-class, and gay male subculture was soon indeed shaped by the fun and exotic activities and aesthetics of the city.[12] In addition to the more directly class-based essentials of this culture, the exoticization of non-white bodies informed much of the desire and sexuality associated with gay men. This furthered the increasingly exclusive racial make-up of gay liberation and gay male subculture during this time period.[13] All this of course also revolved around the sexual object choice of other men, and in combination with the class and race markers of these communities, moved away from gender non-conformity; this was even the case as these circles were in many ways breaking from the heterosexual and monogamous aspects of white middle-class culture. This is again not to say that other communities and groups did not exist, though. Gay liberation stemmed from a history in which "self-named fairies, queens, fems, homosexuals, transvestites, and latterly, transsexuals" existed often together within implicitly and explicitly subversive spaces and used this language to describe themselves.[14] Indeed, sexuality and gender non-conformity had existed at least side-by-side, if not in overlapping and inseparable ways. This is the case even, or perhaps especially, for identities that we might now understand as *trans*. The point is that a particular set of developments in the 1970's produced a movement and set of

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[10] Ibid.

Enke, Anne. *Finding the Movement: Sexuality, Contested Space, and Feminist Activism*. (Durham and London: Duke University Press, 2007.)

[11] Silverstein, Charles and Felice Picano, *The Joy of Gay Sex* (New York: William Morrow, 1977).
[12] Ibid.
[13] Ibid.
[14] Valentine, *Imagining Transgender,* 42.

communities that foregrounded sexual object choice and marginalized, or did not even register, gender non-conformity.

The important take-away from each of these strands of social and political developments in the 1970's is that, increasingly, they served to introduce and deepen the split between gender conformity and sexuality. The latter was almost solely about object(s) of desire, and thus perpetuated pre-existing conceptions of whiteness and racialization in the U.S. In the case of the women's movement, radical cultural feminism, and gay liberation, issues of sexuality were treated and lived as distinct from those of gender. Specifically, resistance to particular hegemonic ideas about sexuality had little connection to dissent from oppressive conceptions of the gender. The Sexual Freedom League arose out this context.

Indeed, the SFL was also dominantly concerned with sexual object choice because a space had now been opened for less fundamentally radical or racially aware—but still somewhat subversive—challenges to patriarchal and heteronormative structures. In other words, the SFL could situate itself within white middle-class circles and propagate liberation via (only) different sexual object choice. As such, the organization developed an interesting conception of "bisexuality" (read: sexual object choice) as that which, as written in a letter from the founder of the SFL, would "liberate the suppressed majority."[15] A newspaper article about the SFL further describes "swinging" as one of its main activities, which was the "practice of having intimate relations with a variety of partners other than one's spouse…in a short span of time."[16] The organization is labeled in the same article as a "secret middle-class organization."[17] These descriptions fall in line with those made by the women discussed earlier, as well as my analysis of the race and class-based circles the SFL's membership occupied. Swinging parties attracted heterosexual married couples and single people who were interested in expanding their sexual experiences beyond the monogamous, heterosexual bedroom.[18] This seems to be the "suppressed majority," which makes sense particularly in the context of certain patriarchal sexual expectations that women members sought to undo and the more liberatory experiences they desired.

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[15] Letter, Jefferson Clitlick to Paul Eberlie, Box 1, Series 1, Folder 3 (1971-1973), Sexual Freedom League Collection, Kinsey Institute, Indiana University.
[16] *The Reader* (San Diego), August 1, 1997, Box 1, Series 1, Folder 8, Sexual Freedom League Collection, Kinsey Institute, Indiana University.
[17] Ibid.
[18] Ibid.

Another SFL Newsletter contains statistics about how many people are bisexual and asks about interest in bisexuality and planning a bisexuality activity.[19] It seems that, within the SFL, bisexuality became both a focus and potentially a means to an end, namely loosening the grasp of heteronormativity and restrictions on sexual object choice. Indeed, in this context bisexuality seemingly had nothing to do with gender non-conformity or even gender in a broader sense (gender roles, stereotypes, etc.). Rather, this category opened the door for freer sexual object choice. According to the SFL, this was the key to moving beyond the suppression experienced by what is dominantly imagined as the average American during this period—white, monogamous, gender normative middle-class and certainly not radicalized, as we might be more likely to associate with lesbian communities, cultural feminism, and gay liberation. Through this lens, bisexuality is a relatively simple (though not insignificant) question of sexual object choice that does little to raise more fundamental critiques about the structures of gender, race, and sexuality in which the target audience of the SFL, as well as so many others, were living.

Bisexuality in the context of the 1970's and the SFL is not uncomplicated, however. Primary sources also portray much more nuanced conceptions of gender, sexuality, and the relationship between the two. I have made an argument about gender non-conformity versus sexual object choice until now for two reasons: 1) the dominance of this shift in multiple social movements and contexts during or by the 1970's and thus 2) the seeming prevalence of similar thinking in some members and leaders of the SFL. Other people (their membership unknown) thought about and experienced bisexuality differently, however. The following quotations appear in few issues of the *Bi-Monthly Newsletter*, which was found in the SFL archive but is a publication seemingly external to the organization itself:

> Although my point of view has expanded somewhat, the essence of what the article says is still intact. I would add to it now the importance of androgyny (i.e. being tender and touch, sensitive and successful, nurturing and strong) as qualities to support in both women and men, as sex positive and life affirming, whatever one's sexual self-definition. I present it here, 2 years later…[20]

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[19] Newsletter, July 6, 1973, Box 1, Series 1, Folder 3, Sexual Freedom League Collection, Kinsey Institute, Indiana University.

[20] *The Bi Monthly Newsletter* (The Bisexual Center), March/April 1977, Box 3, Series 3, Folder 19, Sexual Freedom League Collection, Kinsey Institute, Indiana University.

> Another side benefit of bisexuality is that it promotes androgyny. Sex roles will be more easily eliminated when women and men feel free to develop their own feminine and masculine sides mentally, emotionally, and physically.[21]

Bisexuality for these individuals connects fundamentally to androgyny, which itself upends the supposed division between gender and sexuality. Here, sexual object choice in fact has very much to do with gender (non-)conformity. Sex and relationships with both men and women results in new ideas, roles, and even identities regarding gender. To state the implications of these comments more sharply: sexuality and gender are not distinct categories or experiences but rather depend on and inform one another, as mental, emotional, and physical relationships and beings develop and change.

These ideas indeed have particular meanings for both men and women. A headline in a newspaper entitled "Bisexuals" explains that,

> 'For John Platania bisexuality is more important as a sign of emotional and spiritual growth than as a physical ability.' … Women's liberation has made it easier for Platania to relate to women….

> Three young women who consider bisexuality and the women's movement closely linked got together recently to talk about their experiences… 'Among some radical feminists it's embarrassing to admit that you're bisexual rather than Lesbian.'[22]

Sexuality in Platania's experience marks and allows meaningful changes and understandings in his holistic being, although not in the sense that bisexuality is imbued with some sort of inherent essence. Rather, sexual experiences with two genders opens the door for personal growth, especially in terms of gender (as he now

[21] *The Bi Monthly Newsletter* (The Bisexual Center), Jan/Feb 1977, Box 3, Series 3, Folder 19, Sexual Freedom League Collection, Kinsey Institute, Indiana University.
[22] "Bisexuals," Box 2, Series 3, Folder 1, Sexual Freedom League Collection, Kinsey Institute, Indiana University.

relates to women differently). Again, sexuality is associated with the emotional and spiritual aspects of this individual's being as well as his relationships. The women mentioned here, alternatively, speak specifically to the exclusionary nature of some radical feminists, whom I discussed earlier. Although they experience their (bi)sexuality as closely related to the women's movement, and thus implicitly connected to issues of gender, that particular feminism holds little space for them. They hint at a more nuanced experience of the relationship between gender and sexuality, although we do not know which particular aspects of the women's movement in particular they felt connected to.[23] Nevertheless, both these comments point to more complex experiences of the relationship between gender and sexuality.

Finally, an article, also external to the organization, about Kate Millet features a quote about her own relationship to bisexuality:

> Millet said she has felt criticism from both straight and gay women, because bisexuality is thought of as being a 'cop-out.' 'I've had intimate and lasting relationship with a man for years, that I'm not going to just forget about because I also have wonderful, full relationships with women,' she said. She hates the whole 'nonsense' of categorizing…[24]

This is particularly interesting given Millet's immensely influential role in the emergence of 1970's feminist critiques of patriarchy, which were radical and fundamental.[25] She, too, seems to experience gender more fluidly than, at the very least, the hardline lesbian feminists who rejected men or relationships with men

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[23] This is noteworthy given my earlier discussion of the women's movement, whose priorities evolved over time. Some aspects and moments were more and others less concerned with gender (non)conformity, gender roles, privacy, domesticity, etc., as I described. It could be, in other words, that these women's connections to the women's movement were more exclusively concerned with sexual object choice, like women's freedom to have many partners without the double standard of slut-shaming, while it could also be that issues like reproductive rights, gender roles in the home, and access to the public sphere were of consequence to them. The degree to which their mention of the women's movement reveals a concern with gender non-conformity, broadly understood, is unclear.

[24] "West's Decadence Outranks East's for Kate Millet," *The Daily Californian,* (University of California: Berkley), March 16, 1973.

[25] Kate Millet wrote *Sexual Politics*, a seminal text in the feminist movement of this period that articulated patriarchy as a systemic mode of oppression that affects nearly every level and realm of society, and whose roots are both political and cultural. Millet was widely influential and in many ways seen as a symbol of feminism in the 60's and 70's.

because of their automatic and nonnegotiable connection to the violence of patriarchy. Millet, however, seems to occupy both spaces: she undoubtedly shares these harsh critiques of patriarchy, yet also feels strongly that drawing rigid boundaries along lines of gender and sexuality is, at best, not right for her and, at worst, unproductive and detrimental to the project of undoing heterosexist white supremacist patriarchy. This dual positionality comes with tension in the context of the 1970's, in which various political movements and social communities, as I have outlined, increasingly insist on the mutual exclusivity of subversion in terms of sexual object choice and resistance to white gender conformity.

The tensions of the 1970's resolved themselves to some degree by the following decade—and onward—as the split between sexual object choice and gender non-conformity, and its implications for conceptions of race, was solidified further. (For example, this allowed, among many other factors of course, transgender to emerge as a fixed identity category and object of study in the 1990's.) Nevertheless, in the mid-1970's a multiplicity of ideas about sexual object choice versus gender non-conformity seem not to have yet completely dismissed the possibilities of their entanglement. On the one hand, cultural feminism and gay liberation of the 1970's both had histories which very much lived in the interwoven connections between sexual object choice and gender non-conformity, and centered also around multi-racial and non-white communities. Ideas about bisexuality as we saw in some of primary sources about the 1970's relied on similarly more interconnected ways of thinking and being. On the other hand, dominant cultural feminism, gay liberation, the bisexuality of the SFL, and certain aspects of the women's movement seemed increasingly to think about gender non-conformity and sexual object choice as distinct, indeed, and gender and sexuality as entirely separable.

Thinking forward to our own moment suddenly seems a little clearer. Indeed, it is only in this historical context that our contemporary mainstream category *L G B T* makes sense, as tensions within these histories of gender and sexuality remain underlying: lesbian, gay, and bisexual are indeed distinct from transgender because gender non-conformity is now understood as a different non-overlapping identity and experience from that of sexual object choice.[26] Here and now, then, when I say

[26] I would like to acknowledge that *LGBT* is not the only acronym used both within and external to communities of minority identities of sexuality, sexual orientation, gender, gender identity, and romantic identity or orientation. I am choosing to focus my discussion on this particular formulation of an acronym because I believe it is most dominantly used and because this set of letters/categories in particular elucidate the histories I am exploring here.

gender, I mean: "what is your gender identity, i.e., how do you feel internally and express yourself externally?" which is the only way gender non-conformity can be dominantly understood contemporarily. When I say *sexuality* I mean: "what is your sexual orientation, read, sexual object choice?" which is the only way that sexuality can be read dominantly today. The assumed commonality between *L*, *G*, *B*, and *T* as they are conceptualized currently is that all represent an innate identity. In other words, desire for a particular gender (sexual object choice) and internal gender identity (gender non-conformity) are both inherent, although disconnected. Nevertheless, I would like to suggest that *L*, *G*, and *B* belong with *T* in the same acronym and perceived social community precisely because the historical connections between conceptions of gender and sexuality are so strong and so interwoven.

During the 1970's a dichotomy emerged between sexual object choice and gender non-conformity, evidenced through the bisexuality of the SFL, lesbian cultural feminism, and gay liberation, as well as those focusing more on an amalgamation of the two. In particular, new ideas about gender and sexuality in the 1970's departed from particular notions of bisexuality and earlier experiences of gender and sexuality. I suggest that there are two important understandings to take away from this history of the Sexual Freedom League. These archives show us that neither of these distinct ways of understanding bisexuality in the 1970's are particularly intelligible today: although bisexuality is often associated with experimentation in a delegimitizing way in today's dominant narratives, bisexuality is nevertheless not seen as a means to an end for straight (monogamous) people in the same way as it was in the 1970's, nor is bisexuality seen as an experience of fluid and evolving ideas, experiences, and identities concerning gender. This insight elucidates a broader understanding about the category *LGBT*. This acronym and the identities and communities it represents are in fact *not* natural or given, but rather come out of specific historical, ideological, and social developments that construct gender, race, and sexuality in particular ways. In the 1970's, an interesting moment appears in which sexual object choice and gender non-conformity are driven apart, and at the same time people are holding on to conceptions of bisexuality and gender and sexuality which imagine the whole lot as fundamentally indistinguishable. I want to emphasize that the latter materials which offer more nuanced perceptions of bisexuality provide no clues about the racial identifications or perspectives of the

This is certainly not to dismiss the existence of *Q* (queer or questioning), *I* (intersex), or *A* (asexual), among other letters that are sometimes added to the acronym, nor to ignore the history of and discussions around *queer*.

speakers; I thus cannot speak to whether these particular circles of bisexuals or people experiencing bisexuality were or were not more racially aware and inclusive than the other strands of gender and sexual minorities during this time period that I have mentioned.

I ask a series of questions about what these nuanced connections mean for our present moment, especially with regard to political organizing around LGBT issues, because LGBT politics today does not always address the particular marginalization and violence that *B* and *T* face. To be clear, my purpose here is not to delegitimize any of the categories available to us through *L,G, B,* and *T*. My own sense of security and stability in relation to my identity lies squarely within this acronym. At the same time, my interest in this project comes from my recognition that *L, G, B,* and *T* not only mean distinct things, but that they are treated wildly differently in our society. This is particularly and most obviously the case with *B* and *T*. I believe that history can provide us clearer understandings of why this is the case, and, hopefully, what to do about it. Indeed, this story about the SFL speaks both directly and indirectly to the history of bisexuality (now dominantly conceptualized through sexual object choice) and transgender (now dominantly understood as gender non-conformity).

Broadly speaking, then, what does this history that intertwines gender and sexuality so complexly mean for our identities and our acronym today? Specifically, how does this help us understand the ways in which bisexuality is often erased and maligned and the way that transgender is often marginalized and delegitimized? How does this relate to the exclusionary basis, especially in terms of race and class, of many LGBT spaces? Why has a movement and field of study emerged around transgender but not bisexual? How might we allow these insights to inform our political organizing around the struggles and violence that people experience through these identities? Given this, what new and different narratives would we like to imagine around gender and sexuality? Do we want to imagine a kind of liberation in conceptions and experiences of gender and sexuality that are not automatically separable but rather fundamentally intertwined?

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Being and Becoming Human: Weheliye's Radical Emancipation Theory and the Flesh and Body of Black Studies

James Johnson

Introduction- Blackness and Black Life

"What is the dilemma? [This essay] attempts to formulate that question; it contends that [social] forces are not definitive, although they have been, in the case of diasporic African communities, unrelenting and overwhelming . . . [The state] does not offer a "solution" . . . but rather it finds. . .certain static in a field of force."[1]-- Hortense Spillers

Racism plagues Black life today and a state solution has yet to present itself, does there exist freedom in the suffering of racism that cannot be redressed by the liberal state? Black life has endured centuries of racial slavery, colonialism, and Jim Crow, which all have marginalized people. Given the continuous disregard for Black life by racism in the Western world, there has been efforts to study and subvert such oppression.[2] A defining feature of Black Studies includes the reality of Black life described from the particular standpoint of Black people but deeply concerning the liberation of humanity writ large.[3] What could Black Studies have to offer if it pushed in an even more radical direction? The radical project of Black Studies as shown in this essay offers a shifting conception of race characterized by a detachment from

[1] Hortense Spillers, *Black White and In Color: Essays on American Literature and Culture*. (Chicago and London: University of Chicago Press, 2003) Pg. xvi

[2] Alexander Weheliye, "Introduction Black Studies and Black Life," *The Black Studies Scholar: Journal of Black Studies and Research* 2, vol. 44 (2014): 5-10. http://dx.doi.org/10.1080/00064246.2014.11413682

[3] Manning Marable, "Black Studies and the Racial Mountain," *Souls: A Critical Journal of Black Politics, Culture, and Society* 2, no. 3 (2000): 21. http://www.columbia.edu/cu/ccbh/souls/vol2no3/vol2num3art2.pdf

the static results of state solutions, which reveals the field's efforts to decenter the racist forces of the state as a site of liberation. Such a task calls for the reordering of priorities by the oppressed so as to ensure the basic needs of survival for society's most poor and vulnerable people.[4]

To get at the subject matter of Black Studies' radicality, I will draw on Black Studies scholar Alexander Weheliye's *Habeas Viscus*. Weheliye informs my notions of radicality through his analysis of "the flesh." This concept was originated by Black Feminist Scholar, Hortense Spillers, and is expanded here by Weheliye. The flesh exists at the crux of society's most egregious points of vulnerability. Their vulnerability ranges from the severity of enslavement to the equally severe but mundane denial of the basic necessities of survival. Similar to Spillers, Weheliye asserts that bearers of the flesh are recognizable and in that, the histories of brutalization that render one a member of this category appear as inscriptions that demarcate these subjects from the privileged human. Becoming flesh entails long historical and repeated processes of domination, violence and attempts by the state and other discourses more generally, to eliminate its political voice. The flesh is inseparable from this oppressive history, so it radically lands its blow on the body for generations to come. As will be addressed later, I raise the question, in what ways does Blackness speak, perhaps even without voice?

Weheliye's project begins with two objectives: to use the vantage point of Black Studies to re-conceptualize the place of race or "racializing assemblages" in the dominion of modern politics, and to rectify the shortcomings of Giorgio Agamben's bare life and biopolitics analysis. First, Weheliye argues "racializing assemblages,"[5] he conceptualizes race as a set of socio-political processes that discipline humanity into different genres of social status using western white man as the paradigm. Weheliye's

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[4] Ibid.,

[5] I understand "assemblages" as a method of academic interrogation that brings together factors that are otherwise seen as particular, as Weheliye demands, such factors are *NOT* comparable. According to Weheliye, in an assemblage, all the factors are so interconnected that they are relational only when they are interrogated together, "that is to say that the differing elements articulated in an assemblage become components only in their relational connectivity with other factors." 45. For more info on racializing assemblages, see Weheliye, Assemblages: Articulation, *Habeas Viscus,* 46-52.

conception of race is based on physical differences but infinitely transcends them, seeing that it is also based on spiritual, cultural, and psychological differences.

Race or racializing assemblages lead us to the heart of the matter by way of an interrogation that is ceaseless; what does it mean to be human? Weheliye's conception of race decolonizes a Western bourgeois notion of the human. Here, the term "human" is synonymous with Weheliye's designations of the word "Man."[6] "Man" embodies a category which denotes white, hetero-masculine, propertied men. "Man" is the full "human," and stands in relation to others categorized as "not-quite-humans," and "nonhumans." These classifications distinguish positions within the state where full humans are granted full citizenship, and those rendered not-quite-human, and non-human, experience second-class citizenship or lack thereof. Equally important is the fact that the objectification of exclusive categorical "blackness" also reinscribes the very notion of the human as synonymous with western Man. Given that Black skin has historically functioned as a non-human signifier notably during racial slavery, might the radical project of Black Studies be in service of dismantling the *exploitation* of visible human difference? If such a claim is reasonable, then Black Studies is an illustration of racialization's role in the construction of modern humanity; it occasions for the potential ruin of "Man" and advocates the radical reconstruction of what it means to be "human." As Weheliye writes, "Man will only be abolished "like a face drawn in sand at the edge of the sea" if we disarticulate the modern human (Man) from its twin: racializing assemblages."[7]

In "Unpacking Bare Life," Giorgio Agamben's work *Homo Sacer* reveals that the central figure of modern politics is *homo sacer*, which is measured against the paradigm of the human as "Man." On the contrary, he verifies that *homo sacer* can be killed without consequence to the liberal state but not as a sacrifice. Thus, he/she is not fully human since their existence simultaneously constitutes their subjection to state

[6] Following Sylvia Wynter, Weheliye capitalizes "Man" to designate modern, secular and Western version of the human that differentiates full humans from not-quite-humans and nonhumans against the paradigm of biology (whiteness) and economics (property owning, upper class). See Sylvia Wynter, "Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, After Man, Its Overrepresentation—An Argument," CR: *The New Centennial Review* 3, no.3 (2003): 257-337.

[7] Weheliye, *Habeas Viscus.* pg. 52

rule via exclusion and lack of political agency. This lack makes *homo sacer* an exception to the rule of law as a bare life only defined vis-a-vis biology.[8] Is it always the case that *homo sacer* is exclusively defined vis-à-vis biology? Might bare life also define the relationship of history and race in the creation of *homo sacer*? Weheliye contends that *homo sacer* is but another word for race, and that racism is squarely located in the political force field of bare life.

In contrast to Weheliye, Agamben exemplifies the Nuremberg Law of Nazi Germany which allowed "the Jewish and the Roma people [to] be sent to extermination camps *only after* having been fully denationalized."[9] Although the Jewish and Roma peoples were phenotypically white, they were excluded from the white Aryan race. This shift in the Jewish and Roma peoples' political status to second-class citizenship staged their legalized subjugation to the conditions of the death camps. Agamben fails recognize that race is at work here. While I grant that the Jewish and Roma peoples were racialized, I maintain that the author's bare life seemingly precedes racialization in its insistence on the biology being a qualifying factor for subjugation. For Agamben, all humans' rights are equally susceptible to suspension since even the white Jewish and Roma people were dehumanized.

In "Weheliye's Reading of Agamben," I will elaborate on Weheliye's suggestion that the techniques by which one is transformed into bare life are scripted onto the abjected so that their expulsion appears as natural and deserved. Weheliye's critique problematizes Agamben's misreading of race as based solely on visual distinctions. For Weheliye, Agamben privileges the Holocaust as the law-like convention of modern terror. Doing so elides its conceptual contiguity found in contemporary politics and erases the racism imposed against indigenous and black bodies. White people were also subjects of the camp; therefore, Agamben imagines its terror to be beyond the reach of racial hierarchies. Instead, Weheliye refocuses black and brown subjects at the forefront of his considerations of bare life. He supplies U.S.

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[8] Agamben also corroborates that bare life is the threshold of the political community, seeing that *homo sacer's* exclusion is indeed part and parcel of the rule of law.

[9] The Jewish and Roma peoples had been stripped of even that second-class citizenship to which they had been relegated after the Nuremberg Law. For more info on the Nuremberg Law see Giorgio Agamben, "Means without End. Notes on Politics" in *Theory Out of Bounds* (Vol. 2, 2000), 90-95.

plantation slavery as a locus worthy of scholarly attention alongside Agamben's regard for the camp. In doing so he provides the entry point to multiple understandings of racial hierarchies within and beyond the rule of law.

Weheliye grounds his project in Spillers' "Mama's Baby Papa's Maybe." She discusses the the sociopolitical order of the New World in its imposition of vulnerability, violence and racism against African and Indigenous peoples. In "Spillers and The Emancipatory Potential of the Flesh," I will discuss the "hieroglyphics of the flesh," that is, its ontological status having to do with its appearance as permanent. This aspect is what Spillers calls the "hieroglyphics of the flesh," which establishes Weheliye's inquiry of the flesh as an aspect of Black Studies that sets the plantation afoot in bare life. Spillers provides the mechanism through which I address the question, what becomes newly politically possible if plantation slavery replaces the conceptual role played by the concentration camp in *Homo Sacer*? First, the intimacies between different forms of terror and violence (racial slavery, colonialism, asylums, prisons, etc.) become visible and provide the basis for thinking about and working against current social orders. Second, racialized terror and violence are no longer conscripted as exceptions and viewed as being outside of democracy/modernity. Finally, racial difference, especially the central place of Blackness, becomes fundamental to thinking about how modern systems of power operate.[10] As will be shown, Spillers makes the case that Blackness is central to humanity, which helps to establish the emancipatory potential of the flesh.

I focus heavily on theory in this study because I seek to locate the history of racism within the same domain as emancipation from this violence. Instead of "solving" racism, I first seek to understand what this "ism" is and that it is not definitive, nor is it intrinsic to human nature. Also, while I myself do not seek to delineate which humans belong to the different genres, I seek to contribute to Weheliye's race theory of "the flesh," with the goal of freeing and putting into motion the racial history of *homo sacer* that lays dormant in Agamben's "bare life."I analyze Agamben, Weheliye, and Spillers in order to suggest that the emancipatory potential flesh calls for the decentering of the state. For, if freedom is tied to the very

[10] Alexander Weheliye, personal e-mail message to author, February 22, 2017.

legal structures that codify "Man," it could only blind us to the manifold occurrences of freedom otherwise.

Unpacking Bare life

Giorgio Agamben is an Italian philosopher best known for his work investigating the concepts of the legal state of exception and homo sacer. Michel Foucault's concept of biopolitics informs many of his writings. In his book, *Homo Sacer: Sovereign Power and Bare Life,* Giorgio Agamben begins with a theory of the state of exception. He writes that the "The decision [on the exception] reveals the essence of State authority most clearly."[11] The legal state of exception is active in the production of bare life, i.e., human life caught in the sovereign ban that constitutes the paradoxical threshold of the political community. The state of exception is a zone in which all the normal juridical proceedings of the law are suspended by the jurisdiction of the law. In the state of exception Agamben's figure of homo sacer emerges in the space of bare life, as the central character of modern politics, this is a figure who can be killed without calling forth the punitive consequence of the state.

In *Homo Sacer* Agamben responds to Foucault's theory of biopolitics, the zone in which human life becomes the target of the structural power of the state. He criticizes Foucault for not bringing his insights "to bear on what could well have appeared to be the exemplary place [the concentration camp] of modern biopolitics: the politics of the great totalitarian states of the twentieth century."[12] In his analysis, Agamben refers to totalitarianism insofar as Nazi Germany's biopolitical radicality and total domination as a presentation of a model of terror that is unparalleled in traditional formulations of biopolitics in the western nation state. He states that "only because politics in our age had been entirely transformed into biopolitics was it possible for politics to be constituted as totalitarian [to] a degree hitherto

[11] Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life,* trans. Daniel Heller Roazen (Stanford: Stanford University Press, 1998) p. 16

[12] Agamben, *Homo Sacer,* Pg. 124.

unknown."[13] Here, Agamben sees a radical transformation of bare life solely defined vis-a-vis biology with no political being, into politics as an object of state rule. Agamben's mediations on totalitarianism are indebted to Hannah Arendt who was a Jewish refugee living a life of exile, forced out of every country with no legal protection. She existed solely in a biological sense, forced out of the social/political world.[14] Arendt helps Agamben bring the concentration camp into the paradigmatic focus of western politics as an ultimate incarnation of bare life. The camp was an experiment of total domination, which was legitimated via the jurisdiction of the state, which has its threshold the violent, disenfranchised, subjugated form of life that is the camp. Agamben insists on the existence of a "hidden tie" between bare life and state power, fostered in the exceptional foundation of State authority. At first glance, the motives of Agamben's proposition of the zone between the legal state of exception and bare life seem impossible to recover. For my purposes of unpacking the "hidden tie" between the exception and bare life, I focus most acutely on bare life and the legal state of exception.

In the view of Agamben, the jurisdiction of the law establishes itself through the production of the political order based on the exclusion of human life. This is the state of exception where the human is stripped of legal status. The enactment of the exception achieves bare life; the law is withdrawn from the human being in a state of indefinite suspension. Bare life is the mere biological life devoid of rights and political status, while the space between mere biological life and political life is undefined by Agamben. He insists that bare life is the foundation of the state, in the opening lines of *Homo Sacer* Agamben begins by saying that "it can even be said that the production of a biopolitical body is the original activity of sovereign power."[15]

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[13] Ibid. 120

[14] Hannah Arendt "The Decline of the Nation-State and the End of the Rights of Man," In *The Origins of Totalitarianism*. (New York: Harcourt, Brace, Jovanovich, 1973), 266.

[15]Agamben, *Homo Sacer*, 6

Bare life is encompassed in the state of exception, and this form-of-life is included in the political order as the threshold of the political community.

> The exception does not subtract itself from the rule; rather, the rule, suspending itself, gives rise to the exception and [while]maintaining itself in relation to the exception, first constitutes itself as a rule.[16]

Agamben shows that the state of exception gives rise to the juridical order, it is the *rule of exception* by which human life is included solely through its exclusion. In other words, the political order and the *rule of exception* congeal into a confluent mechanism that suspends the validity of human life as a by-product of the jurisdiction of the state. Agamben writes, "What is outside [bare life] is not included simply by means of an interdiction . . . rather by means of the suspension of the juridical order's validity."[17] This means that the protections of the law are proscribed from certain humans that are deemed not worthy of legal recognition. This suspension produces the exception of bare life, "[while], maintaining itself in relation to the exception, first constitutes itself as a rule."[18] Agamben argues that it is upon this (inclusive) exclusion of bare life that the Western State itself is constituted. The notion of an inclusive exclusion is indeed paradoxical, but will be elaborated more as we delve into the figure of *homo sacer*.

For Agamben, the inclusive exclusion enacted by the rule of law is haunted by the central figure, *homo sacer*. Within the *relation of exception,* those who occupy the state of exception are not theoretically freed from the juridical order and state rule; bare life is not simply set outside of the law and made unconcerned with it.[19] The law is a force that includes the bare life, which is ironically bound to and abandoned by said law. *Homo sacer's* ban from the law concretely ties him/her to the order of state power.[20] *Homo sacer's* ban is in the *relation of exception*. Politics includes *homo sacer* only

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[16] Ibid.,18

[17] ibid.,

[18] Ibid.,

[19] Ibid., 28

[20] An example of how the "state of exception" ties *homo sacer* to the law that excluded him/her can be shown with torture. On the omnipresence of torture Angela Davis writes, "The military detention center [e.g., Guantánamo] as a site of torture and repression does not . . . displace the domestic super-maximum security prison. . . . [T]he normalization of torture, the everydayness of torture that is characteristic of the supermax may have a longer

to the extent that s/he is devoid of economic and physical power and human rights. The figure operates at a level of inclusive exclusion whereby neither human rights nor the value or sanctity of their life is worthy of recognition. In the words of Agamben, there are "two traits whose juxtaposition constitutes the specificity of homo sacer: the un-punishability of his killing and the ban on his sacrifice."[21] *Homo sacer* can be killed with impunity, qualifying the figure to exist outside of the protections of the law. Ironically, as we have seen earlier in the *relation of exception*, homo sacer is also constitutive of said law. The original political relation of Western democracy is the state of exception as a zone of indistinction, between outside and inside the law, inclusion, and exclusion. This zone of indistinction indicates the zone between life and death, as will be interrogated later by Alexander Weheliye. For Agamben, *homo sacer's* entire existence is:

> Reduced to a bare life stripped of every right by virtue of the fact that anyone can kill him without committing homicide; he can save himself only in perpetual flight or a foreign land. And yet he is in a continuous relationship with the power that banished him precisely insofar as he is at every instant exposed to an unconditional threat of death. He is pure *zoe*, but his *zoe* is as such caught in the sovereign ban and must reckon with it at every moment, finding the best way to elude or deceive it. In this sense, no life, as exiles and bandits know well, is more "political" than his.[22]

Here, *homo sacer* is exposed without condition to his potential killing by anyone. *Homo sacer* is in the *relation of exception,* the continuous relationship with state power that banished him "precisely insofar as he is at every instant exposed to an unconditional

staying power than the outlaw military prison." In Davis's writing the tortured is part and parcel of the political order, in constant relation to the military prison which governs and removes *homo sacer's* political agency via torture. For more on torture see Angela Davis, *Abolition Democracy: Beyond Empire, Prisons, and Torture* (New York: Seven Stories Press, 2005). Pg. 124

[21] Ibid., 73

[22] Ibid., 183-184

threat of death."[23] This relation constitutes something like the "originary 'political' relation," which is to say bare life insofar as it operates in an inclusive exclusion as the referent to the sovereign ban.[24] For *homo sacer*, the state of exception constitutes the sovereign ban on immolation, where s/he is also permitted to be killed without incurring the penalty of homicide and without the recognition of sacrifice. So the sovereign ban is the state of exception that is active in the production of bare life as *Zoe* (human biological life) as opposed to *bios* (full human existence), two terms that will be discussed in the next paragraph. This relation forms the core of political modernity and increasingly comes to define the scope of Western state power, particularly the 'hidden tie' between the legal state of exception and bare life which Agamben references as the total domination of the concentration camp.

Agamben then centers bare life in the state's exercise of the sovereign ban as one of many features central in legislating life and death. This proposition raises the question; what constitutes the power of the state? According to Agamben, "a state. . .makes nativity or birth that is naked human life the foundation of its own sovereignty."[25] State power is the sovereign ban, with *homo sacer* as its foundation, seeing as it exercises control over the biological body with the goal of transforming bare life (*zoe*) into a citizen (*bios*). Agamben predicates this distinction via his reconceptualization of two Greek terms used to distinguish life: *Zoe*, which is confined to the private sphere and *bios*, "a qualified form" of political life in the public realm vis-a-vis the structures of law.[26] The ban from the domain of political life reduces its referents to the zone of exception defined only with regard to biology (*Zoe*).

The domain of politics in the broadest sense is the array of complex ways in which humans organize their ordinary lives in contexts of differential power between individuals, status groups, nation states, etc. The private (*oikos*) and public (*polis*) dimensions of human social arrangements define politics. Most important to Agamben's distinction of modern democracy between zoe and bios is the polis or the politics of bare life (zoe) and activities related to centralized or localized pursuits

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[23] Ibid.,

[24] Ibid., 85

[25] Giorgio Agamben, "Means without End. Notes on Politics" in *Theory Out of Bounds* (Vol. 2, 2000), 93.

[26] Agamben, *Homo sacer*, 1

of power, status, or control (often involving various mechanisms, calculations, strategies of persuasion, coercions, intrigues, and terror.) Agamben brings bare life into the paradigmatic focus of politics, making it imperative of modern democracy to transform *Zoë* (bare life) into a citizen or *bios* (political life). The state of exception is what constitutes bare life; it marks the event in which the state of exception enters the polis via radical transformation. Agamben claims that "not only does the ban on immolation exclude every equivalence between the homo sacer and a consecrated victim, but—as Macrobius, citing Trebatius, observes—the fact that the killing was permitted implied that the violence done to *homo sacer* did not constitute sacrilege…"[27] Here we can conclude that because of a lack of citizenship, which inherently places those in the state of exception in a zone of *homo sacer*, to kill them would not be considered criminal and demarcates this subject from any other victim of violence. The state of exception is the zone of modern terror outside of democracy in totalitarian Germany.

For Agamben the phenomenon of modern terror is most visible within the context of the Nazi concentration camps, seeing that the Jewish and Roma people no longer had any claim to human rights, they were placed in a political position of rightlessness where the nation state had no regard for their lives. The zone of exception manages the life of the human, setting the conditions of justification of his death, and the conditions for the citizens' political identity to be decided by the state. While I understand that there were factors such as race that contributed to particular individuals' objectification to concentration camps, Agamben explicitly neglects the question of whether the political and social factors at work here operate with any relation to race. In his article "Beyond Human Rights," he states that:

> The succession of internment camps- concentration camps- extermination camps represents a perfectly real filiation. One of the few rules the Nazis constantly obeyed throughout the course of the 'final solution' was that Jewish and the Roma people could be sent to extermination camps only after having been fully denationalized (that is, after they had been stripped of even that

[27] ibid., 55

second-class citizenship to which they had been relegated after the Nuremberg Law.)[28]

Although the Jewish and Roma peoples were phenotypically white, they were classified as not white, as outside of the Aryan race. Here, Agamben recognizes that it was the shift in the Jewish and Roma peoples' political status from citizen to second class citizen that set the stage for the nation-state to then legally marginalize these groups and subjugate them even further to the conditions of the concentration camps which Agamben equates with death. With this proposition Agamben raises the question of whether race was at work. He fails to realize that it was.

According to Agamben, the nation state constructs every human being as a body whose goal is to transform their bare life (*zoe*) (the life of the Jewish and Roma peoples), into a proper mode of being human, i.e. bare life into citizenship (*bios*, the Aryan race). This transformation for Agamben, is a universal process that essentially constitutes the nation state. He says that "there is politics because man is the living being who, in language, separates and opposes himself to his own bare life and, at the same time, maintains himself in relation to that bare life in an inclusive exclusion."[29] Agamben's observations of politics are indicative of his understanding of politics qua bare life as being integral components of modern terror that disseminate into individual structures throughout the society. Politics has the human as its subject, while it is the structures of the exception that bring the bare biological life into the locus of politics.

For Agamben, the conceptual separation between *zoe*-- the bare biological life which humans are born into-- and bios, the political life that we enter via citizenship, has historically been blurred in totalitarian rule and still haunts the politics of modern democracy. The production of bare *homo sacerized* biological life undergoes a transformation in political modernity. *Zoe* is repositioned inside the *polis* and becomes the paradigmatic focus of the State's structural power. In the view of Agamben, this process indicates a Western politics that has indicated itself from its origins, as a biopolitics with the goal of transforming bare life.[30] According to a book review of *Homo Sacer* by Kalliopi Nikolopoulou, passing from mere biological life into political

[28] Ibid.,124

[29] Ibid., 8

[30] Ibid., 181

life means that bare life is the necessary prerequisite for human life's entrance into politics.[31] Agamben's title figure *homo sacer* is rendered a status that casts him/her both in and out of humane and divine law, with bare biological life as the law's absolute price. Agamben traces the history of Western politics as the history of the production of *homo sacer*, balancing the tone of his work with concrete instances which describe said production via the transformation of bare life into the *polis*.

Agamben's transformation of *zoe* becomes blurred because for him, the categories that separate the bios and *zoe* appear as natural and not based on socially constructed identity markers. Agamben locates the political digestion of *zoe* in a generalized, quasi-ontological "zone of indistinction," in which the categories that segregate bare life and other modes of life become null and void:

> What characterizes modern politics is . . . that, together with the process by which the exception everywhere becomes the rule, the realm of bare life--which is originally situated at the margins of the political order-- gradually begins to coincide with the political realm, and exclusion and inclusion, outside and inside, bios and zoe, right and fact, enter a zone of irreducible indistinction.[32]

Agamben imagines the field of bare life as eradicating divisions among humans that are predicated along lines of race, religion, nationality or gender because it creates an "irreducible zone of indistinction" that debases social and political markers and is normalized within the political order. This proposition raises the question, is it possible to have a zone of distinction within the realm of bare life? For Agamben, this zone of indistinction is conceptually defined by the all-inclusive order of terror found in the Nazi death camp as the ultimate incarnation of modern terror/bare life as the sine qua non-of modern politics as sovereignty. Such a space resonates in various current biopolitical institutions such as refugee camps, detainment camps,

[31] Kalliopi Nikolopoulou, "Homo Sacer: Sovereign Power and Bare Life (review)," review of Homo Sacer: Sovereign Power and Bare Life by Giorgio Agamben. SubStance, Issue 93 vol. 29 no.3 (2000): 124-131.

[32]Agamben, *Homo Sacer,* 9

and prisons.[33] While I understand that for Agamben the central aim of politics is the manufacturing of bare life, I maintain that the modulations of terror carried out in the state of exception are part and parcel of the normal juridico-political order.

I am of two minds about the zone of indistinction. On the one hand, Agamben infuses the the rule of law with state of exception, stating that: "today there is no longer any one clear figure of the sacred man . . . perhaps because we are all virtually *homines sacri*."[34] Here, he states that bare life embodies a dimension of contemporary politics, and that structurally, all human subjects are susceptible to personifying its actualization. On the contrary, if Agamben in fact believes his above mentioned claim, I am not sure how the terror/violence of the camp is conscripted as an exception that exists as the paradigmatic example of the terror of democracy/modernity. In my opinion, we are not all in fact equally subject to being reduced to bare life, such vulnerability is differentiated amongst racialized social groups and exploited by the democratic state. Thus, race must be considered in discussions of bare life. For Agamben it appears as trivial, however race is in fact crucial to his concerns of the zone of indistinction in its lack of political agency. For example, the zone of distinction is more visible in the institution of slavery that formed the very foundation of capitalist accumulation and all its associated, racialized violences, including the Nazi concentration camps. Nonetheless, Agamben's evidence for his proposition of the exception as the rule of law is the camp, which comes after slavery.

One might ask then: why does Agamben take the camp as the epitome of modern politics qua the state of exception? The camp is disseminated through political structures that suspend the law in the name of the law in order to justify homo sacer's demise. Concentration camps shared an intimate history with different forms of colonialism and genocide before being transformed into the death camps of Nazi Germany. To better understand the historical relation of Nazi death camps, I reference Alexander Weheliye in his observations of the Encyclopedia Britannica's definition of a concentration camp:

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[33] Alexander Weheliye. *Habeas Viscus: Racializing Assemblages, Biopolitics and Black Feminist Theories of the Human*. (Durham: Duke University Press, 2014) p. 33-34

[34] Agamben, *Homo Sacer*, 115

> an internment centre for political prisoners and members of national or minority groups who are confined for reasons of state security, exploitation, or punishment, usually by executive decree or military order. Persons are placed in such camps often on the basis of identification with a particular ethnic or political group rather than as individuals and without benefit either of indictment of fair trial.[35]

The German variant of the concentration camp is the product of a western colonial provenance. Agamben's placement of the camp as the locus of modern terror qua politics and the nomos (law, convention) of politics therefore becomes all the more interesting and problematic. By placing the severest version of bare life at the center of contemporary politics, Agamben proposes the camp as an exception of modern terror that is the 'hidden tie' between bare life and the legal state of exception. Such a tie fostered in the exceptional foundation of state power is what constitutes so-called democracy. I contend that overtly racist institutions of dehumanization like US slavery are taken to be particular to one group of people. However, Agamben's model of the camp seems to be relevant to all of the world because it was one of the first times that white people began to be dehumanized. If this is true then how are we to understand the ringtones of dehumanization that antecede Nazi Germany? Do they not constitute the hidden tie? It's true that the Holocaust was not the first time that dehumanization appeared in the western democratic world and it did not operate without any relation to race as Agamben claims.

At best, with Agamben's proposition the Holocaust was an exceptional paradigm of terror that exhibited the democratic state's power to be totalitarian. There exists no freedom in the suffering of bare life, *zoe* is repositioned in the *polis* via a *relation of exception* that excludes *homo sacer's* political voice. So for Agamben, western democracies infuse the normal political order with the state of exception, race is not a factor in this dehumanization, and there are only politics insofar as western democracies create the state of exception. Overall Agamben is problematic, considering that historically most of *homo sacer's* referents have been brown and black refugees, prisoners, detainees, etc. He explicitly disengages race as a fundamental

[35] Weheliye, *Habeas Viscus,* 35

category of *homo sacer*. However, I understand bare life as the by-product of a democratic mechanism that specifically racializes the human.

In the next section entitled "Weheliye's Reading of Agamben," Alexander Weheliye questions what it means to be human, and what impact does the current definition of being human have on those defined, as well as those not defined as such? His task brings me to question, how might bare life be different if Agamben used slavery as the paradigm instead of the holocaust? Weheliye's conception of race contextualizes the "flesh" and body of bare life: the body is full human existence, a social construct of the state, the *bios*, whereas the flesh is corporeal, living, able to be bruised and broken, a carrier of oppression, and freedom dreams, the *zoe*. The politics of oppression and marginalization of bodies of color is brought into its violent reality through the flesh, a coalescence of racism and state power. Weheliye grounds his theory of "the flesh" by privileging Black Feminist Scholar Hortense Spillers' "hieroglyphics of the flesh." In combination, these powerful ideologies help to re-conceptualize the place of race in the discourse of modern politics to recognize the emancipatory potential of the flesh of bare life. Is there freedom in the suffering of the flesh that can be imagined but not yet described?

Weheliye's Reading of Agamben

"My body was returned to me spread-eagled, disjointed, redone, draped in mourning on this white winter's day. The Negro is an animal, the Negro is bad, the Negro is wicked, the Negro is ugly."[36]—Frantz Fanon

If we start with Agamben's proposition that bare life rests on the distinction between the human-as-biological (*zoe*) and the human-as-political (*bios*) in Western democracy, then, what might the politics of bare life look like? Agamben suggests that the intensely political production of "bare life" in the legal state of exception, could result in an apoliticized status. He challenges the viewpoint of those who view race as a by-product of endlessly shifting networks of state power dynamics and discourses on race. Furthermore, I understand Agamben's "bare life" as the opposite of the human-as-political. It is apolitical for two reasons: first, because it makes the

[36] Frantz Fanon, *Black Skin White Masks*, (New York: Grove Press, Inc., 1967). 113

state possible by forcefully escaping its politics of citizenship and rights, and second, politics outside of the democratic state are non-existent.

In Weheliye's reading of Agamben, he aims to imagine a politics of liberation beyond the space of bare life. However, Weheliye's interest is not in the intrinsic reclamation of Agamben's bare life. Rather, he departs from it with the concept of the "flesh." Agamben argues that "bare life" exists outside western Man's World, hence it is apolitical. Implicit in his argument is a suggestion that politics exists only within the western liberal tradition. Agamben's supremacy of western democracy is visible with his lack of engagement with the question of a politics of bare life, even though he recognizes that the central feature of modern politics is the production of bare life. Here, Weheliye's project departs significantly from that of Agamben. While Agamben relies heavily on Man's World, Weheliye imagines another world, one that is built on the suffering, the laughter, the pain and the love of the marginalized, particularly black people, that frees the flesh. Although this world can be imagined, the continuously shifting dynamics of the flesh make it is difficult to explicate in concrete terms. However, Agamben does not even acknowledge the potential for such a space to emerge, my aim for this section is to recognize *that* potential.

Weheliye's conceptualization of bare life with race at the center is critical to a question central to my reading of *Habeas Viscus*; what becomes newly politically possible if the conceptual role played by the concentration camp in Agamben's work is replaced by plantation slavery? This question is concerned with freeing and putting in motion "the history that hurts – the still-unfolding narrative of captivity, dispossession, and domination that engenders the black subject in the Americas."[37] As opposed to being confined to a particular historical period, echoes of New World slavery rest in many contemporary spaces. The objectives of *Habeas Viscus* stated in the introduction are in service of better understanding and abolishing our uneven global power structures. His move to do so begins with his conception of race or "racializing assemblages":

> Focusing on the layered interconnectedness of political violence, racialization, and the human, I contend that the concepts of bare life

[37] Weheliye, *Habeas Viscus,* 89.

> and biopolitics, which have come to dominate contemporary scholarly considerations of these questions, are in dire need of recalibration if we want to understand the workings of and abolish our extremely uneven global power structures defined by the intersections of neoliberal capitalism, racism, settler colonialism, immigration, and imperialism, which interact in the creation and maintenance of systems of domination: and dispossession, criminalization, expropriation, exploitation, and violence that are predicated upon hierarchies of racialized, gendered, sexualized, economized, and nationalized social existence.[38]

The quote highlights race as the center of bare life; it is noteworthy that Weheliye provides a list of interlocking categories of subjugation that characterize the hierarchy of social existence that is *homo sacer's* ban and "racializing assemblages."[39] Weheliye's "racializing assemblages," takes race as a set of socio-political processes that discipline humanity into different genres of social status using western, property-owning white man as the paradigm (full humans, not-quite-humans and nonhumans.)[40] However, he demands that the assemblages are not comparable, only

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[38] Weheliye thinks of all oppression to be predicated upon racialization, which has disciplined humanity into different genres of social status using western white Man as the paradigm. In this quote he provides a list of categories of subjugation, which he indebts to racialization. He also indebted his broad understanding to racialization to Sylvia Wynter, Hortense Spillers, W.E.B Du Bois, and Frantz Fanon. For more info on racialization see Frantz Fanon, *Black Skin, White Masks,* trans. Richard Philcox (1952; reprint, New York; Grove, 2008) 89-120 and Alexander Weheliye, *Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human* (Durham: Duke University Press, 2014) 1-16.

[39] I understand "assemblages" as a method of academic interrogation that brings together factors that are otherwise seen as particular. According to Weheliye, in an assemblage, all the factors are so interconnected that they are relational only when they are interrogated together, "that is to say that the differing elements articulated in an assemblage become components only in their relational connectivity with other factors." 45. For more info on racializing assemblages, see Weheliye, Assemblages: Articulation, *Habeas Viscus,* 46-52.

[40] Weheliye, *Habeas Viscus,* 22. Weheliye and Sylvia Wynter both take racialization to be essential in the discipline of genres of the human, the human is represented by western Man, and the operations of western Man are tied to physiological mechanisms in the form of a global color line. This color line is instituted by cultural laws to register human neural networks the distinguish the genres-- good/life/fully human and bad/death/not-quite human. For more on the "racializing assemblages," see Weheliye, Blackness in *Habeas Viscus*, 16-31.

relational, to compare them would only reinforce Man's hierarchy. Weheliye discusses the layered interconnected systems of domination to elaborate the "racialization"[41] of the human; the product of racialization is "racializing assemblages," which can be viewed in addition to other things, as relational discourses of race. In this context of racializing assemblages, Weheliye demands that we understand race not as a biological or cultural descriptor, but as a conglomerate of political relations that designate a changing system of unequal power structures that delimits which humans can lay claim to full human status and which cannot.

Weheliye sees "racializing assemblages" as the long historical and repeated brutalization, domination, and violence that has engendered bare life and maintains western state power structures. The relationship between Agamben and Weheliye acquires intelligibility as the assemblages of the *hidden tie* or racial history between politics and bare life, which Agamben neglects to racialize in his figure of *homo sacer*. Race is relevant to the body and flesh of bare life because Weheliye seeks to argue a corrective space of liberation beyond Agamben's bare life. He does so to secure a mode of thinking historically through plantation slavery as the racializing paradigm of bare life. Weheliye puts New World slavery at the center of bare life, emphasizing the "conceptual contiguity of the plantation and the camp in their suspension of law in the name of the law, while also showing how the camp emerged from assorted forms of colonial domination."[42] Ultimately, what is at stake here is that death is not the only aspect of *homo sacer's* legal exception; the plantation emerged as a form of racialized social death, as well as one of the original sites of capitalist accumulation.

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41 In *Habeas Viscus* Weheliye defines racialization and racial identities as: "on going sets of political relations that require, through constant perpetuation via institutions, discourses, practices, desires, infrastructures, languages, technologies, sciences, economies, dreams, and cultural artifacts, the barring of nonwhite subjects from the category of the human as it is performed in the modern west." Racialization has engendered the maintenance of hierarchal distinctions between groups of humans, Weheliye's particular emphasis is on shifting configurations of blackness. For more info on racialization see, *Introduction: Now, Habeas Viscus,* 3.

42 Alexander Weheliye, "Pornotropes"*: Journal of Visual Culture* (Sage Publications 2008) Pg. 68.

This discovery will have significant applications to Weheliye's proposition that the flesh need not look to the state for freedom, the state cannot guarantee freedom.

An important point here for Weheliye is that although the majority of people in the concentration camps were phenotypically white, they were first stripped of their whiteness by being defined as non-Aryan. Thus, Weheliye emphasizes that race was also at work in Agamben's paradigm of dehumanization that is the camp. Agamben does not make any meaningful attempt to allow for a political being to emerge in the zone of bare life nor does he theorize a politics of liberation from the wounds of state-sanctioned violence. So for Agamben, to exist in bare life is to exist at the polar opposite of Weheliye's concept of the flesh. For Weheliye, Agamben's bare life is in contrast to the historical, racialized flesh, which recognizes the history, present and future of the marginalized. These findings will have important application to my task of recognizing historically the radicality of Black Studies that de-centers the inadequate solutions of the state as a site of liberation. A case in point here is the survival and prospering of Black subjects despite racial slavery.

Weheliye has noted that slavery, colonialism, lynching, and the current US prison system are integral components of modern terror and therefore politics. I follow his notes on modern terror qua politics as they point to the conceptual contiguity of the plantation and the camp in their calculation of *homo sacer*. Such a shared calculation matters because racial slavery spans a much greater historical period than the Holocaust, and is usually not taken as great an abnormality in its historical context nor in the way it is retroactively narrativized. Therefore, Weheliye's centralization of plantation slavery reveals the modulations in which extreme brutality and terrorism coexist with other forms of coercion as part and parcel of the normal juridical-political order. Here, Man's World invents the *homo sacer* qua *homo sacer*; bare life must be measured against something, otherwise it just appears as life stripped of its biology. Though murdering slaves was punishable by law in many US states, these rules were rarely enforced, and the master could kill slaves with impunity since they were categorized as property.[43] Consequently, slavery calls upon a different form of bare life than Agamben's concentration camp, since the more widespread

[43] William Goodell, "The American Slave Code in Theory and Practice: Its Distinctive Features Shown by Its Statutes, Judicial Decisions, and Illustrative Facts." (New York: American and Foreign Anti-Slavery Society, 1853) http://www.dinsdoc.com/goodell-1–0a.htm. 178.

horizon of knowledge in this context was what Orlando Patterson has referred to as "social death, the purging of all citizenship rights from slaves save their mere life [zoe]."[44] Weheliye observes Patterson to verify that racial slavery and the Holocaust exhibit the state of exception, although they do so in different legal and political ways since slavery's purpose was not to physically annihilate, as much as to socially subdue, exploit, and erase the bios of those subject to its workings. This distinction is important because they survived, Black slaves were able to flourish *despite* the state which constantly attempted to erase their social existence rather than physical annihilation.

I understand that Weheliye aims at thinking through these two spaces' (the plantation and the camp) commonalities and disparities without comparing the two. What political possibilities become newly imaginable if the conceptual role played by the concentration camp in Agamben is replaced by plantation slavery? In imagination, setting Agamben's ideas afoot in the plantation and its remnants requires an understanding of the systems that undergird life, which also normalize the reality of racialized terror and violence as exceptions. Terror frequently appears in less extreme forms of political control, as well as the functioning of social life alongside incidents of violence and social and physical death that constitute the state of exception that is democracy.

For instance, Agamben repeatedly claims that "the tradition of the oppressed teaches us that "the state of exception" in which we live is not the exception but the rule,"[45] without including a reference to the tradition of the oppressed. Here, we recover Agamben's neglect to engage race in his theorizations of the state of exception; Agamben's negligence intensifies his exclusive focus on bare life from the purview of law and state power. He is unpersuasive in his repositioning of the *zoe* in the *polis* because he leaves intact homo sacer qua homo sacer by reinscribing the very mechanism by which modern politics invent and maintain bare life. Consequently, the *homo sacer's* social death appears as the only feature of his/her subjectivity. My

[44] Orlando Patterson, *Slavery and Social Death: A Comparative Study*. (Cambridge: Harvard University Press,1982) 39-41.

[45] Agamben, *Homo Sacer*, 6, 57

point here concerns bare life, however, it should appeal to anyone interested in overcoming oppression. After all, taking in other instantiations of bare life such as racial slavery opens up a socio-political sphere in which different modalities of life and death, power, and oppression, pain and pleasure, inclusion and exclusion, form a diametric continuum in which the flesh flourishes *despite* the violence of the body. Through racial slavery, Blackness speaks even without a political voice, by surviving despite the imposition of death.

Weheliye's thinking of the flesh as an aspect of Black Studies sets the plantation afoot in bare life in three ways. Primarily, the intimacies between different forms of terror and violence (racial slavery, colonialism, asylums, prisons, etc.) become visible and provide the basis for thinking about and working against current social orders. Second, terror and violence are no longer conscripted as exceptions and viewed as being outside of democracy/modernity. Finally, racial difference, especially the central place of Blackness, becomes fundamental to thinking about how modern systems of power operate.[46] In speaking of the bare life of the plantation three aspects of the flesh are relevant. First is the flesh's origins in the history of state-sanctioned violence, which it endures constantly. Second is the emancipatory potential of the flesh, which will be elaborated more fully throughout this body of research. Third, is the legal framework of the flesh as it conjoins with *habeas corpus* that manifests as *habeas viscus,* which insists that Black Liberation need not look toward the state as a central site of liberation.

Primarily, I understand the flesh as a product of racializing assemblages; becoming flesh entails long historical and repeated brutalization, domination, and violence. To disclose the processes of becoming flesh, Weheliye states that:

> Flesh, while representing both a temporal and conceptual antecedent to the body, is not a biological occurrence seeing that its creation requires an elaborate apparatus consisting of the calculated work of iron, whips, chains, knives, the canine patrol, the bullet and many other factors including courts of law.[47]

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[46] Alexander Weheliye, personal e-mail message to author, February 22, 2017.

[47] Weheliye, *Habeas Viscus*, 39.

Here, Weheliye provides evidence for the conceptual contiguity of the flesh & body of bare life. The flesh is the *zoe* that has been transformed by state violence as a piece of property, seeing that bare life is the state of exception that is included in the normal political order only to the extent in which it is excluded (inclusive exclusion). However, Weheliye departs from Agamben, because once groups are rendered "flesh," this racialized category is maintained trans-generationally, with the various inscriptions of that history carried on one's physical being. The calculated work of the state apparatus is the enfleshment of oppressive history, allowing racism to land its blow on the body of the world for generations to come. Weheliye cites examples that make up the spasmodic networks of the flesh as: "Latino, poor, incarcerated, indigenous, disabled, gender non-conforming subjects, but especially African descendant populations."[48] Here, the flesh recognizes the history and present of suffering, and the emancipatory potential to be taken away from the lived experiences of the marginalized.

Secondly, the above-mentioned quote describes the flesh as an "antecedent to the body." He raises the question of, "what is the body and to whom does it belong?" which leads us to an understanding of who, then, is left to bear the flesh? As Weheliye describes it, "the body is a state of legal-belonging and self-possession."[49] He provides evidence for the flesh as the product of racializing assemblages, which recognizes primarily the possession of the self. The flesh becomes conceivable in the words of Frantz Fanon: "my body was returned to me spread-eagled, disjointed, redone, draped in mourning on this white winter's day. The Negro is an animal, the Negro is bad, the Negro is wicked, the Negro is ugly."[50] Here, Fanon's observations of his own body are pivotal; his body was stolen and

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[48] Alexander Ghedi, Weheliye. (2016, September, 20.) "Alexander Weheliye." [YouTube]. Project: Report. Retrieved from https://www.youtube.com/watch?v=niUuOeN6zvQ&t=328s (0:00- 9:00).

[49] Weheliye, *Habeas Viscus,* 39-40.

[50] Fanon, *Black Skin White Masks*, 113

brutalized by the state, taking him out of the political order. During colonialism Black skin was associated as uncivilized, which was also assumed of Black people's behavioral make up. Fanon speaks of the "Negro" above as society's cultural representation of the villain and such a perception is reinforced through media amongst other things. He was forced to wear a white mask which embraced the language, and culture of the colonizer, making the Negro people dependent on the colonizer.

If Fanon believes what he has proposed, then he is indeed at the margins of the political order as a result of the oppression imposed upon his Blackness. He required to experience his being for whites but through the relation of others; herein lies his spiritual desire to find the meaning of his oppression, "to attain the source of the world."[51] Fanon was a negro object midst other objects; through this relation to the political order as well the "others" to whom he was also in relation, he describes the attention of "others" to be concerned with "liberation." [52] Indeed, he had been "burst apart" and now the fragments had been put together again by "another self."[53] Noteworthy here is that Fanon is existent both inside and outside the Western Man's world, in the *relation of exception,* an inclusive exclusion that constitutes his *homo sacer-with-emancipatory potential*, of which his Blackness was the center. Here, Fanon concretely describes the racialized enfleshment of his bare life as a non-citizen/human with political agency. If Fanon's description is reasonable, then he must be in possession of the very history of his flesh, rendering it emancipatory and transformative. Here we find a remarkable event that Agamben's theorizations of bare life fail to achieve. Fanon's powerful testimony requires that race take hold of the history as well as the present of suffering—not as mutually exclusive arenas but as interactive. The flesh carries the two (history, and the present) into a future in which they cannot be separated; they are alive simultaneously.

I understand Weheliye's distinction of body and flesh as essential: the body is a full subject by law; it belongs to the state, and the body is a citizen, which defines the category of the human and status of her/his oppression. However, the "self" can

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[51] Ibid., 109.

[52] Ibid., 109-113

[53] Ibid.,

be possessed by both the citizen and *homo sacer*; it is flesh. Notable here are the first two aspects of the flesh: it is a bare life born of political violence, and a space for freedom beyond its bare existence. Here Weheliye heeds the words of Baby Suggs in Toni Morrison's *Beloved:* "in this here place, we flesh; flesh that weeps, laughs; flesh that dances on bare feet in grass. Love it hard. Yonder they do not love your flesh. They despise it."[54] The previous quote highlights the flesh as a space of pain, hate, love and laughter, a space that can be imagined but not easily described in concrete terms because, despite the violence of the body, the flesh flourishes anyhow.

This move by Weheliye brings me to a third aspect of the flesh: the body in a state of legal belonging. This aspect is the legal framework as it applies to the flesh: *habeas viscus & habeas corpus*. The legal writ of *habeas corpus*[55] is the defining notion of legal personhood as it concerns citizenship (bios). I understand the writ as a political safeguard against the misuse of power in the modern west. The Latin phrase literally means "you shall have the body," and a writ thereof requires that all criminalized persons go before a judge so as to provide legal justification for his/ her imprisonment. Here, all citizens are entitled to due process before the law *except* for in the case of distinct breach of law established by the political order. This breach is what constitutes Agamben's legal state of exception, which engenders homo sacer's ban as the threshold of the political community. Given that the modern state bestows and rescinds humanity as an individualized legal status in the vein of property, the state insists that the suffering of *zoe* is the entry price for proper personhood (bios). For example, in human rights discourse the physical and psychical residues of political violence enable the victims to be recognized as belonging to the brotherhood of man.[56]

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[54] Weheliye quotes Toni Morrison's *Beloved* in *Habeas Viscus,* 125.

[55] Steven Gifis, *Law Dictionary,* (New York: Barron's Educational Series, Inc. 197) Pg. 93

[56] Alexander Weheliye, "After Man." *American Literary History*, vol. 20 no. 1, 2008, pp. 321-336. https://muse.jhu.edu/article/233035

Agamben neglects the fact that *habeas corpus* has been used both by and against racialized groups throughout U.S. history. One of the ways that this phenomenon acquires intelligibility is when Ponca tribal leader Standing Bear was jailed as a result of protesting the forced removal of his people from Indian Territory in 1879. *Habeas corpus* affected his release from incarceration; the judge determined that Native Americans were regarded as part of foreign governments, and may be naturalized as citizens of the United States so he was entitled to a trial. Chief Justice Taney stated that, "if an individual should leave his nation or tribe and take up his abode among the white population, [the he could be converted to whiteness or US citizenship.]"[57]

The benefits acquired through legal recognition of racialized subjects as full humans often hinges on the arrangement of personhood as property, which is also based on the comparative distinction between groups. For instance, In one of the best-known cases in U.S. History*, Dred Scott vs. Stanford*, the Supreme Court invalidated Scott's habeas corpus; since he was an escaped slave he could not be recognized as a legal person. According to Chief Justice Taney: "Dred Scott is not a citizen of the State of Missouri, as alleged in his declaration, because he is a negro of African descent; his ancestors were of pure African blood, and were brought into this country and sold as negro slaves."[58] Justice Taney's opinion contrasted the status of Black subjects with the legal position of Native Americans vis-à-vis the possibility of U.S. citizenship. In the judge's comparison I see the dangers of yielding personhood to the law and of comparing different forms of political subjugation, since the personhood of Native Americans in the law depended on attaining whiteness (citizenship) and the denial of said status to Black subjects. While I grant that the indigenous and black peoples are not one and the same, I maintain that racializing assemblages or race is incalculable, incomparable, they are only relational, a form of solidarity. This conception of race is important because such comparisons undermine Black and Indigenous histories, erase their value, and reinforce the hierarchy as well as the appeal to the state to redress its own racism.

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[57] Weheliye, *Habeas Viscus*, 77

[58] ibid., 78

Legal personhood in the West comes with a steep entry price, seeing that the convertibility of Native Americans into whiteness provided the groundwork for the U.S. government's genocidal policies against them. As a result, whiteness constitutes a project of disappearance for Native peoples rather than signifying privilege. Whiteness serves as a prerequisite for the law's transforming of the flesh to be possessed into a property-owning subject, i.e., personhood as property.[59] Here the law recognizes that it manages the body of the citizen and *homo sacer*. However, the histories of whiteness are the paradigm against which both are measured. Given that many black and brown subjects do not share a history of whiteness; it can be said that they don't possess it as such. "The body is in a state of legal-belonging and self-possession."[60] The body is a full subject by law; it belongs to the state, the body is a citizen, which defines the category of the human. The self is the flesh in relation to the body and is therefore included in the body as such, rendering it able to be possessed by the citizen and the *homo sacer*.

What *habeas corpus* demands of Black folks for legal recognition is the conformity to and acceptance of categories thoroughly marinated in the sanguine fluids of white supremacy, colonialism and thus racism. Here, we follow Weheliye as he defines white supremacy as the "the logic of social organization that produces institutionalized, militarized conceptions of hierarchized human difference."[61] Unlike bare life, the flesh is not an abject zone of exclusion that culminates in death but an alternate instantiation of humanity that does not rest on the paradigm western Man as the mirror image of human life.[62] In Justice Taney's view Blackness is a central demarcation line between full humans and the others. Accordingly, for individual black life to be considered suitably human by the law, their Blackness must be killed over and over again. Remarkable here is Weheliye's concept of race because the denial of personhood qua whiteness to Black subjects is not opposed to genocidal wages of whiteness imposed upon indigenous subjects. Instead, such denials

[59] Cheryl Harris, "Whiteness as Property," Harvard Law Review 106.8 (1993): 1707-70.

[60] Weheliye, *Habeas Viscus,* 39-40.

[61] Ibid., 2

[62] Ibid., 43

represent different properties of the same racializing assemblage that produce both Black and Native subjects as aberrations from white "Man" and thus not-quite-human. Here racialization is at work with the differentiation of Native and Black peoples, and racism comparatively maps them onto a hierarchy. Weheliye follows Ruth Wilson Gilmore's definition of racism as: "the state-sanctioned and/or extralegal production and exploitation of group-differentiated vulnerabilities to premature death."[63] This definition locates racism in a field of bare humanity, highlighting the affinities between *homo-sacerization* and racialization. *Homo sacer* is inclusively excluded from the political community. This alterity is also visually marked, rendering homo sacer's ban logical with the constraints of racial formation.

While I concede that the barring of subjects that belong to the homo sapiens community depends on the cleaving together or racialization and racism. I am unwilling to follow Agamben's conception of bare life that operates outside the context of race. It does not acknowledge the distinction between genocidal logic in the case of the Native peoples, nor the logic of subordination or discrimination as it applies to the African slave. Agamben fails to engage with the question of a politics of bare life, which obviously comes into question when considering the bare life of Standing Bear and Dred Scott. Agamben's bare life reinforces the exclusive Eurocentric, ahistorical paradigm essential to the modern politics of democracy. Weheliye's flesh radically takes racialization as central to its understanding of the present, the past and imaginative future; race albeit not as a "biological or cultural classification, but as a set of sociopolitical processes of differentiation [racialization], and hierarchization [racism] which are projected onto the putatively biological human body [bare life]."[64] The zone between the flesh and the protections of the law qua whiteness are what reinforced the hierarchy of human differences.

In the view of Weheliye, the conjoining of flesh and habeas corpus in the compound phrase *habeas viscus* brings into view a relational interconnected modality of analysis of the human born of political violence (*viscus/flesh*). The phrase simultaneously keeps sight of the ways the law adjudicates who is deserving of personhood and who is not (*habeas*). I understand *habeas viscus* to mean that 'you [the abusive central authorities of law inside the temporal world] shall have the flesh.' Weheliye offers a corrective to the discourse on bare life, biopolitics and its

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[63] Ibid., 55

[64] Ibid.,

insistence upon distancing itself from in the world realities of race, sexuality and gender. *Habeas Viscus* is a combination of the body and flesh, which signifies something other than it does in the world of Man, it does not make an appeal to the state as a site of liberation. The Latin phrase represents the figurations of humanity found in the tradition of the oppressed, which represent a series of distinct assemblages of what it means to be human in the modern world.[65] The particular assemblage under discussion above is *habeas viscus*, which is the fleshly foil of bare life in its insistence that the politicization of the biological always represents a racializing assemblage within, but most importantly beyond the law, and bare life. Weheliye writes:

> If alternate forms of life . . . can flourish only after the complete obliteration of the law, then it would follow that our existence . . . stands and falls with the extant laws in the current codification of Man. This can blind us to the sorrow songs, smooth glitches, miniscule movements, shards of hope, scraps of food, and interrupted dreams of freedom that already swarm the ether of Man's legal apparatus, which does not mean that these formations annul the brutal validity of bare life . . . or racializing assemblages but that Man's juridical machines can never exhaust the plenitude of our world.[66]

Habeas Viscus matters because the radicality of Weheliye's project looks beyond the law for liberation.[67] *Habeas Viscus* is a lesson that de-centers the state, which is a characteristic that I seek to attribute to what I have called "the radical project of Black Studies." *Habeas Viscus* insists on the importance of "minuscule movements, glimmers of hope, scraps of food, the interrupted dreams of freedom found in those

[65] Weheliye, *Habeas Viscus*, 12

[66] Ibid., 131

[67] Alexander Weheliye, personal e-mail message to author, February 22, 2017.

spaces deemed devoid of full human life."[68] In other words, the oppressed should look inward for liberation, the state cannot grant liberation because the system is broken. If Black people want freedom, we need to ensure the basic needs of survival for ourselves and other poor and vulnerable people.

I follow Weheliye's goal to construct a politics of subversion from the vantage point of Black Studies as it is the very space of utmost domination and political violence of Western democracy, that is the flesh. Furthermore, Weheliye promises to do so by bringing together the narratives of those who have been disregarded for centuries, and by imagining a 'genre of the human' that does not center itself on Eurocentric, male, white, heterosexual, and abled, understanding of the world. This is why he sees the flesh as the end of the world, and potential ruin of "Man"; 'It's the end of [Man's] world —don't you know that yet?"[69] Given that the systematic use of terror as a political tool of democracy is normalized and legalized in the united states of exception in our contemporary moment, what are the relational modes of being in the flesh? I resonate with *Habeas Viscus* because it networks different bodies, forces, velocities, intensities, interests, ideologies, and desires into racializing assemblages. Indeed, it is the space where the history and lived experiences of the marginalized are recognized, where despair and triumph are inherent in the same event and both work in tandem to radically announce the emancipatory potential of the flesh by the flesh, and not by the liberal state per se.

A good illustration of how the emancipatory potential of the flesh works across relational categories of subjugation is in "Spillers and the Emancipatory Potential of the flesh." I will discuss a fourth aspect of the flesh, its ontological status having to do with its appearance as permanent. This discussion will include a critical analysis of Spillers' "hieroglyphics of the flesh" and the ways in which her theorizations make the case that Blackness is central to humanity. As will be shown, Spillers' project "Mama's Baby Papa's Maybe*"* makes the case that plantation slavery helps to establish the "hieroglyphics of the flesh" and thus, its emancipatory potential.

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[68] Ibid., 12

[69] Ibid., 43

Spillers and the Emancipatory Potential of the Flesh

"The plantation is one of the bellies of the world, not the only one, one among many others, but it has the advantage of being able to be studied with the utmost precision . . . The place was closed, but the world derived from it remains open. This is one part, a limited part, of the lesson of the world."[70] -- Edouard Glissant

For Spillers Blackness is central to humanity, which helps Black Studies to establish the emancipatory potential of the flesh. Her "hieroglyphics of the flesh" entail a history imprinted on the body that denotes one's societal position, and at one point, to be Black was to be at the bottom of the social hierarchy. This understanding is tremendously important; it conceptualizes racial groups based on phenotype but infinitely transcends visual distinctions. The hieroglyphics allow the flesh to bear the weight of the past, present and future of marginalization as well as political agency; the differences are much more the visual, they are spiritual. The calculated work of iron, whips, chains, knives, the canine patrol, the bullet, and courts of law have engendered hieroglyphics so that racism would land its blow on the body of the world for generations to come.[71] Here Spillers refers to these calculations as inscriptions that were registered on the captive bodies of African men and women during slavery, as well as creations by the instruments of terror qua European hegemonies. Although this terror is inscribed onto one's physical being, these African subjects still find ways to speak without a voice and resist even as Agamben strips them of political agency. Agamben's point is important because Spillers argues that the plantation exploits categories of race, gender, class, and sex, which help shape our configurations of humanity in the modern world. In my opinion, hieroglyphics of the flesh find application as the foundation that justifies privileging a Black Feminist discourse on "race" because it successfully executes the escape velocity from an economy of white supremacy through an inquiry into the plantation as central to the contemporary place of race.

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[70] Edouard Glissant, *Poetics of Relation*, trans. Betsy Wing. Ann Arbor: University of Michigan Press 1997), 242.

[71] Spillers, *Black White and In Color,* 67

In her groundbreaking essay, "Mama's Baby, Papa's Maybe: An American Grammar Book," Spillers contends that her intellectual project was animated by the history of Black people. She found it absolutely necessary that Black studies "necessitate that Black women be in the conversation."[72] Spillers, therefore, intervenes in the tradition of Black studies via a feminist critique, which theorizes subjectivity from the standpoint and agency of Black women. Therefore, her project is transformative and literal in its unique name "An American Grammar Book." She develops a vocabulary (through hieroglyphics of the flesh) "that does not choose between addressing the location of Black women within the aftermath of the transatlantic slave trade, and the imaginative liberation of the future in the anterior sense of the NOW."[73]

Through the Atlantic slave trade, Spillers rethinks racial formation with her concept of "the flesh." Spillers describes the flesh as both opposed to the body and in parasitic relationship to it, with the distinction being central between liberated and captive subject positions. She states that "before the body there is 'flesh,' that zero degree of social conceptualization that does not escape concealment under the brush of discourse or reflexes of iconography…. We regard this human and social irreparability as high crimes against the flesh."[74] Here the flesh is intelligible as the a zero degree of social conceptualization marked by three factors: first, the captive body as a source of irresistible, destructive sensuality, second, the captive body reduced to a "thing" that comes into being through and for the captor, and third, as an absence from a subject position with captured sexualities that provide a visual, physical and biological expression of otherness qua Black suffering. For Spillers, the flesh is that "zero degree" that is a primary narrative of the body, which has been divided, seared, ripped apart, riveted to the slave ship's hole, or has escaped over board. On the slave ship there were two options, to escape over board and drown or be eaten by sharks, or to be subjugated to the captors. Resistance to such captivity was typically met with death, except for in the case of a successful mutiny. I understand the flesh as the space within, between and beyond bare life and death, with a potentiality for freedom and survival, while the body is captive.

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[72] Ibid.,

[73] Ibid.,

[74] Ibid.,

Spillers points to the flesh in one of the most pivotal aspects of William Goodell's study of contemporary North American slave codes, the tortures of enslavement. He narrates: "the smack of the whip is all day long in the ears of those who are on the plantation… and it is used with such dexterity and severity as not only to lacerate the skin, but to tear out small portions of the flesh at almost every stake."[75] Here, Spillers concentrates on the processes by which slaves are transformed into flesh via physical violence, "the calculated work of iron, whips, chains, knives, the canine patrol, the bullet."[76] This flesh carries the body of the African female and male to the frontiers of survival and bears in person the marks of a cultural text whose inside has been turned outside. I understand these markings as undecipherable, and in that, they render a kind of "hieroglyphics of the flesh," which are the disjunctures that evidence an ontological status of the flesh having to do with its appearance as permanent. In other words the inscriptions of that brutal history are "hidden to the cultural seeing of skin color."[77] To this end Spillers states: "we might well ask if this phenomenon of marking and branding actually transfers from one generation to another, finding its various symbolic substitutions in an efficacy of meanings that repeat the initiating moments?"[78] In other words, is the same suffering of the flesh fostered on the plantation maintained trans-generationally? Does such state-sanctioned terror appear in our contemporary moment? Does there exist freedom in the suffering of the flesh? If Spillers believes Goodell's narrative, (and she does,) then becoming flesh entails long historical and repeated processes of brutalization, domination, and violence. Furthermore, once groups are rendered flesh, this category is maintained trans-generationally, with the various inscriptions of that history carried on one's physical being, allowing them to repeat the initiating moments of bondage, but also emancipation.

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[75] William Goodell, *The American Slave Codes in Theory and Practice Shown By Its Statutes, Judicial Decisions and Illustrative Facts,* 3rd ed. (New York: American and Foreign Anti-Slavery Society. 1853), 221.

[76] Spillers, *Black White and In Color,* 67

[77] Ibid.,

[78] Ibid.,

To this end, Spillers observes Edouard Glissant who addresses the question whether the flesh transfers across generations and whether there exists freedom in suffering as such. Ultimately, if Spillers takes the plantation as an inhabitation of the flesh, as "one of the bellies of the world, not the only one, one among many others, [which] has the advantage of being able to be studied with the utmost precision," [79] then the plantation is "the place [that] was closed, [and] the world derived from it remains open. This is one part, a limited part, of the lesson of the world."[80] For Spillers, such a lesson speaks specifically to the place of race in Black Studies, which must become an object of knowledge by recognizing its own image as a mode of knowledge production. That is, rather than assuming that Black Studies represents an already delineated field of objects, we must pay attention to the ways in which it contributes to the creation of its own objects of knowledge. I agree with Spillers in my belief that Black Studies as one of many racialized minority discourses is the speculative blueprint for new forms of humanity.[81] After all, we need not look any further than the traditions of the oppressed to find solidarity amongst minority discourses.

Spillers is concerned with a specific conception of race that announces Black Liberation as an intersection of race, gender, class and sexuality. Race considered in the plantation forces the Black woman's body to become a defenseless target for rape and veneration, and the body in its material and abstract phase, is a resource for metaphor. Materially, the Black body was deemed to be the non-human against which others were measured. Abstractly, plantation slavery seemingly constitutes blackness as bare life abused and devoid of political agency, measured against the exceptional terror of Man. She heeds the words of Black Feminist Scholar Sylvia Wynter, who states that: "our struggle as Black women has to do with the deconstruction of the Human of "Man."[82] If Spillers believes Wynter, then the struggle of Black woman is in juxtaposition to whiteness and has everything to do

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[79] Edouard Glissant, *Poetics of Relation*, trans. Betsy Wing. Ann Arbor: University of Michigan Press 1997), 242.

[80] Ibid., 242.

[81] Weheliye, *Habeas Viscus*, 18

[82] Sylvia Wynter, "Beyond the Word of Man: Glissant and the New Discourse of the Antilles" (World Literature Today 63.4 1989) Pg. 637-48

with both the destruction of white supremacy qua racialization and a mobilization of the history that it refuses to acknowledge (race).

Spillers' concept of racism imagines the subject positions of Black men and women "that are unstable in their respective identities and transport us to a common historical ground, *inside* the socio-political order of New World."[83] Here, Spillers is referring to the "New world" with its human sequence written in blood, representing a scene of actual mutilation, dismemberment, and exile for its African and indigenous peoples. The diasporic plight of these peoples in such a political order marks the "theft of the body," where the body is severed from its motivations and desires of being. Here, Spillers provides evidence for the "ungendering and defacing project of African persons," where Africans were captured, stolen, and forsaken by gender difference as an outcome. This lack of gender difference is important because the female and male bodies become sites of racist political brutality and intensive labor that is not specific to gender norms.

To this point, Spillers heeds Angela Davis' imagination of the female flesh ungendered, where the African female is subject under *historic* conditions not only as the target of rape, but also specific externalized brutal torture and prostration which we imagine as the peculiar province of Black male brutality.[84] Spillers aligns with Davis inasmuch as she herself imagines a materialized scene of unprotected female flesh, which offers a praxis and theory, a text for living and dying and a method for reading both through their diverse mediations. As we see in restroom signs during legal segregation in the US south, there is a disregard of gender difference where there is only one entry way on the colored side. We might view this as discrimination, but it also represents an opportunity for imagining gender and sexuality otherwise, for embracing and dwelling in the ungendered flesh, for fully inhabiting the gift of *habeas viscus*. As a case in point, the ungendering of the Civil Rights era shows the conceptual contiguity of emancipatory potential from the plantation to Jim Crow. Throughout history and even today, racism has been defined

[83] Spillers, *Black White and In Color,* 67

[84] Angela Davis, *Women, Race and Class.* (New York: Random House Inc. 1981) Pg. 9

by dehumanization. The Civil Rights movement shows us that no matter how great resistance is, the state cannot guarantee a final solution to racism.

As stated earlier, Weheliye's thinking of the flesh was preconditioned by Spillers. However, I privilege Weheliye because his shifting configuration of race insists that the traditions of the oppressed are relational, but by no means comparable. If Spillers aligns with Weheliye's place of race, then her notion of the plantation gives exact expression to the intersectional categories race, gender, sex, and class left dormant in Agamben's bare life and awaken in Weheliye's *Habeas Viscus*. Therefore, we can conclude that the central place of Blackness in the plantation highlights the previously mentioned categories simultaneously. To do otherwise only reinscribes the very notion of the human as synonymous with Western Man. A Black Studies field that fails to put these categories of subjugation in the same conversation as Blackness cannot serve as a true harbinger of emancipation. Thus, Black Liberation and Black Studies must necessarily concern humanity writ large.

To this end, the emancipatory potential of the flesh seen in Spillers and Weheliye observes the claims of Angela Davis in her speech, "I am a Revolutionary Black Woman." Davis fundamentally displayed the importance of the assemblaged intersection of race, gender, class, and sexuality as a fundamental site of focus in the disciplinarity of Black studies as it corresponds to the production of bare life and biopolitics in the west. She states that, "the battle for women's liberation is especially critical with respect to the effort to build an effective Black Liberation Movement. For there is no question about the fact that as a group, black women constitute the most oppressed sector of society."[85] Here, Angela Davis is prophetic in her recognition not only of the economic condition and possession of the body/flesh by the institution of slavery, but also the sexual status of the Black woman as the breeder of property/slaves for the white slave master. If Davis believes her own observation, then she is aligned with Spillers' earlier observation of Wynter, which implies that: "if Black women were free, it would mean that everyone else would

[85] Angela Davis, *"*I'm A Revolutionary Black Woman,*" in Let Nobody Turn Us Around: An African American Anthology,* ed. Manning Marable and Leith Mullings, (Oxford: Rowman & Littlefield Publishers, Inc. 2009), 459.

have to be free since our freedom would instantiate the destruction of all the systems of oppression."[86]

In *Freedom is A Constant Struggle*, Davis' recognizes the need for movement building that consists of international liberation praxis that is typified on the dismantling of the ways in which race, class, gender, and sexuality shape the governing notions of what it means to be human. She is referring to Spillers' "cultural text whose inside has been turned out," a radical liberation praxis in spite of the oppressive state. Weheliye follows Davis in this radical praxis when he states that: "the flesh operates as a vestibular gash in the armor of Man, simultaneously a tool of dehumanization and a relational vestibule to alternate ways of being that do not possess the luxury of eliding phenomenology with biology."[87] Put more simply, phenomenology and biology always interact together and cannot operate exclusively of each other. Therefore, to abolish the privileged notion of Man, we must first build social movements that consistently put into living theory and practice the humanity of all peoples, especially black and brown ones. Furthermore, the flesh, when understood as a product of race, is both a space of extreme domination and a space for extreme liberation, which recognizes the lived experiences and futures of the marginalized. In my view, Black Studies has a lesson for the world and a shift in the paradigm of the field to intersectionality is a way forward against white supremacy. The discussion of race, gender, class, and sexuality vis-a-vis the human as it appears on the plantation and in more benign forms in our contemporary moment is of utmost importance. Furthermore, in comparison Spillers and Weheliye both reject gender as an isolatable category, rather they highlight a complex relationality between different forms of oppression. As we have seen, the abolition of the plantation by the liberal state has not led to black and brown bodies reaping the full benefits of full citizenship, the futile attempts by the state to redress the suffering engendered in its threshold that is bare life have been unsuccessful. To call on the rule of law as a site of liberation might only blind the oppressed to the shards of hope, desires, and love

[86] Sylvia Wynter is quoted here by Weheliye in *Habeas Viscus*, 23.

[87] Weheliye, *Habeas viscus*, 44.

that has triumphed in spite of the rule, for freedom the oppressed need to look inward.

As will be shown in the next section that is the conclusion, Agamben, Weheliye, and Spillers' work in tandem to re-conceptualize the place of race in the discourse of modern politics, Weheliye insists that Agamben preempts an imaginative thinking of politics that actually rest in the tradition of the oppressed. This imagination is formally demonstrated by Spillers and Weheliye in their elucidations of a more inclusive body of thought that is Black Studies and the study of the plantation with the lens of bare life. To this end, Black Studies is based on the manifold ways in which race, gender, class, and sexuality shape the governing conception of what it means to be human and the emancipatory potential thereof.

Conclusion- Black Matters

Blackness and Black life have become the fleshly contrast for white Western Man. Black life is continuously made to appear as historical happenstance rather than as a mattering force that fundamentally structures every part of being in this world. Historically, Black lives have always mattered, and have always been the foundation of the political economy; we see this with plantation slavery, prisons, Jim Crow, and colonialism. These bodies exist at a convergence of racism, political violence, legal exclusion and capitalist accumulation. Such forces are not definitive; they only disguise the body's political agency and resistance as non-existent but can never reduce it as such. Nonetheless, the movement for Black lives as well as their study, both gesture toward the rejection of the current state of the world. Their rejections of Man's world capture a complex space of suffering and liberation. Weheliye makes it explicit that Black Studies has been a continuous space for the imagination of new worlds in alternative to white supremacy.

Though I am only just beginning my career as a participant observer of the field, I have inherited the Black Intellectual tradition, which is the legacy of African peoples who have sought to dismantle racism through social transformation. Spillers' "hieroglyphics of the flesh" point to Black Studies as it represents the continuous struggle of many Black lives to be and become understood as full, complicated human beings. However, I center Weheliye to focus heavily on the radicality of decentering the state as a site of liberation, in doing so I seek to empower the

struggle of the oppressed. The flesh is for those who try to subvert our world and imagine a new alternative. The flesh is the subject matter of Black Studies and exists on the margins of Man's world in suspension, prison, the ghetto, exile, perpetual flight, etc. The flesh still expresses itself whether the political institution recognizes it or not. Acknowledging the flesh is to acknowledge the long history of brutalization, the vulnerability and unconquerable spirit of of the body all at once for the purpose of making emancipation anew. This historicizing allows the blackness to speak without a voice, to shriek, laugh, cry, and sing while recognizing that the state cannot be the solution.

The Flesh and Body of Black Studies are radical because they are bound. Together they provide a way of contemplating chaos and justice, desire and fear, and a mechanism for gauging the issues and blessings of freedom. As seen in Agamben's *Homo Sacer*, the palette of Man reifies the range of color not to celebrate Blackness, but to render it erased, and escaped. Excising the political from the life of the mind is a sacrifice that has cost many bodies. In spite of such atrocities, might it be so that the criteria and knowledge of Black Studies could emerge outside the Western European categories of domination? Might the tables turn to erase and escape the matters of class, sexual license, repression, and power? In this research I have chosen to take the long way of answering these questions, demonstrating that the Black Feminist discourse of Spillers, Weheliye, and Davis, all suggest that the answers to these issues must always simultaneously include race, gender, class, and sexuality. Such a conversation relates these categories of subjugation but can never be reduced to the demon of Man's hierarchal comparison. As Weheliye does, I proclaim that the struggle is one that is seemingly inexhaustible but assemblaged. If Black Studies recognizes itself in the mirror as such, the result could be a new emancipation.

In speaking of emancipation, Weheliye connects it to race through the use of three mechanisms. The first is his assertion that the plantation replaces the concentration camp as the essential site of focus in analyses of racialization, political violence, and the human. Secondly, Weheliye has provided useful insights into theorizing how the central place of Blackness helps us to conceptualize the operations of modern politics. And lastly, Weheliye works to destabilize the notion of the human, by insisting that we consider the ways in which racialized subjects embody alternative genres of the human. Weheliye's ultimate goal of *Habeas Viscus* is to conceptualize a liberation movement of the oppressed to radically decenter the

state from focus, and build the world where the subject of the dream is the dreamer. Here the dream is one where the vulnerabilities of different groups are not exploited to premature death, and *some* of the dreamers are people of color, poor and vulnerable. Might such a dream be reasonable? Does such a movement already exist? These questions are tremendously important because while it can be said that the poor people and people of color suffer the most, the entire society pays an intolerable price for permitting their anguish and death.

Given that the Black Lives Matter movement has been locked out of the category of the human for centuries, taking its form in one liberation movement or another, might the liberation project of Black Studies have at its heart the relationship of history and race in the creation of *homo sacer* and the flesh? If such a claim is reasonable, this movement joins movements around the world that no longer protest the establishment as much as they work to create alternative structures that might offer a chance at collective survival. We may never be able to discern with any certainty whether the system that created racism has the power to solve it. However, what is true is that everyone must be fought for, and the pain engendered in this tangled weave of relations is shared amongst thousands of marginalized communities who share the same plight. This research does raise the question whether there exists emancipatory potential in the suffering of the flesh which cannot be remedied by the liberal state?

This is a question that I would like to leave unanswered given that the undemocratic thing we call "democracy" is sustained by the very use exclusion and political violence as we have seen in Agamben's, Weheliye's and Spillers' works. Moving forward, we must free the flesh, which recognizes the past, present, and future political agency of the marginalized. We must also use Black Studies as a vantage point to explore how the plantation did and still does plague our society. Such emancipation occasions for the potential ruin of "Man," but also raises the questions: How might this new world look? Does it have laws? Structures? How might we go about imagining an ethics in which Blackness serves not as a template for the inhuman within the human, but as the very process of becoming human? After all, what is the substance that might be preferable to the false certainty of state solutions?

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Orientalism Versus Organization: The Professionalization of American and Chinese Women Artists in China, 1900-1949

Karen Breece

American Studies scholar Mari Yoshihara defines Orientalism as "Western ways of perceiving, understanding, and representing the 'Orient' that are founded upon the material reality of unequal power relations between the West and the East and upon the belief in the essential difference between the two."[88] At first glance, this definition has nothing to do with art, or with the women who fought to be seen as professionals in the gendered confines of American and Chinese society. Yet Orientalism highly influenced the methods that American women used to professionalize themselves as artists in a colonized world, while Chinese women faced the consequences of living in a country rapidly modernizing for the sake of not being labeled "backward" by Western societies that maintained colonies within its boundaries.

Both Chinese and American women artists' in China throughout the first half the twentieth century faced numerous obstacles in their quest to enter the artistic profession, among them intersecting normatives of gender, women's education, and newfound ideas of modernism and national pride all influenced by the various patriarchal systems in which they developed. These obstacles would all come to a head from 1900 to 1949, roughly the last years of the Qing Dynasty to the end of the Republican Period, as the Boxer Protocol allowed increased foreign involvement. In the age of a rapidly developing China, newly open to a rush of foreign influence, both native and foreign female artists in China proposed the identity of a professional, educated female artist by taking advantage of new educational and professional art opportunities for women and pursuing multiple avenues to publish and advertize their work. Despite this commonality, both American and Chinese women artists utilized different strategies to differentiate themselves in a male-dominated and patriarchal field. While Chinese women artists organized themselves into new art associations and adhered to new Chinese notions of gender to gain influence, American women artists worked within and even fostered a short-sighted Orientalism that prevented much interaction among the two groups.

By no means were "women artists" a Western invention brought to China by North American women serving as both artists and missionaries. This is in spite of

[88] Mari Yoshihara, *Embracing the East: White Women and American Orientalism* (Oxford: Oxford University Press, 2003), 1.

American missionaries' self-appointed duty of rescuing Chinese women due to "the treatment of the female sex" being considered the "darkest blot upon the civilization of China."[89] Chinese artists who were women had existed for most of imperial times, regardless of a somewhat invisible status in modern Chinese art history. Marsha Weidner argues through citing multiple women artists that by the beginning of the Qing Dynasty the concept of a scholarly woman painter was by no means a bizarre concept and had historical precedent.[90] The earliest Chinese artist who was a woman is often claimed to the Jin Dynasty calligrapher Madam Wei, who is credited with teaching the great master of calligraphy Wang His-chi.[91] Guan Daosheng, a Yuan Dynasty bamboo painter, transcended the realm of women artists and entered the canon of great bamboo painting masters; Weidner also considers Guan Daosheng the most famous woman painter in Chinese history.[92] During the Qing Dynasty, the only strict limit on Chinese women artists was the impossibility of them serving as court artists.[93] However, under Empress Dowager Cixi this policy changed, as the presence of Miao Jiahui demonstrates. Miao Jiahui was a court artist in the late years of the Qing Dynasty. She served as one of the Empress Dowager's "substitute brushes," painting works that the Empress Dowager would give as gifts to officials that repeatedly bore the artist seals of the Empress Dowager herself.[94] A native of Yunnan province, she was recommended by the Yunnan governor for her position, and was honored with an exemption from the kowtow and was paid a monthly salary in gold.[95] Outside of the Qing imperial court, some tinges of an art profession for women came about by the end of the Qing Dynasty. This is evidenced by a woman artist in 1914 who demanded payment from the Republican government for an embroidered portrait she made that was presented to the Italian queen by the Qing court.[96] Although this woman (called only "Mrs. Shen-tseng-shou") was the wife of a

[89] Chester Holcombe, "The Missionary Enterprise in China," *The Atlantic*, September 1906, http://www.theatlantic.com/magazine/archive/1906/09/the-missionary-enterprise-in-china/306000/.
[90] Marsha Weidner, "Introduction," in *Flowering in the Shadows: Women in the History of Chinese and Japanese Painting*, ed. Marsha Weidner (Honolulu: University of Hawaii Press, 1990), 19.
[91] Ibid, 14.
[92] Ibid, 19.
[93] Ibid, 18.
[94] Marsha Weidner et al., *Views from Jade Terrace: Chinese Women Artists 1300 to 1912* (Indianapolis, Indianapolis Museum of Art, 1988), 164.
[95] Ibid.
[96] "Chinese Female Artist. Peking, April 18: Commands High Price for Portraiture," South China Morning Post, April 28, 1914, accessed via ProQuest at http://search.proquest.com/docview/1499106630?accountid=10629.

wealthy Chinese public official and thus was more likely to have the ability to publicly demand payment for her art than someone without as much privilege, such a public demand for payment for an artistic work demonstrates that Chinese women artists were professionalizing themselves without the intervention of Western artists or missionaries by the end of the imperial period. Arts education for girls would aid further advancement of Chinese women into art fields as the Republican period progressed.

Both foreign missionaries and historical precedent would lead to a growth in the opportunities for education and arts education for women in China. Before the establishment of various schools for girls, families in the Chinese gentry and literati classes during the Ming and Qing dynasties commonly taught daughters painting or calligraphy through friends or family members.[97] This trend continued into the Republican Era, as many prominent women artists founding the institutions that would support women artists were taught artistic skills at home by their fathers. Two examples of this are Feng Wenfeng, the first leader of the Chinese Women's Calligraphy and Painting Society, who was first taught calligraphy by her father,[98] and Wu Qingxia, a member of the CWCPS and painter who had learned the local professional style of her birthplace in Wujin from her father.[99] These male mentor relationships mirrored student-teacher relationships where women often learned under the tutelage of a teacher who was a man, which was commonly seen in professional art schools.[100] The first girls' schools started by Chinese gentry and intellectuals started appearing in 1897, a half century after the first girls' missionary school was founded in Ningbo in 1844.[101] Arts programs were frequently given in both gentry schools and missionary schools as training for future domestic work.[102] Both this precedent and the growth in more public roles for women in the aftermath of the May Fourth Era influenced the decision of the Shanghai Fine Arts College to begin admitting female students in 1920, making it one of the first art colleges in Shanghai to do so.[103] According to Jane Zheng, the College proved effective in

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[97] Jane Zheng, "The Shanghai Fine Arts College: Art Education and Modern Women Artists in the 1920s and 1930s," *Modern Chinese Literature and Culture* 19, no. 1 (2007): 195.
[98] Julia F. Andrews and Kuiyi Shen, "Traditionalism as a Modern Stance: The Chinese Women's Calligraphy and Painting Society," *Modern Chinese Literature and Culture* 11, no. 1 (1999): 8.
[99] Ibid, 16.
[100] Lesley W. Ma, "Blossoming Beyond the Pages: Female Painterly Modernities in *Liangyou*" in *Liangyou: Kaleidoscopic Modernity and the Shanghai Global Metropolis, 1926-1945*, eds. Paul G. Pickowitz, Kuiyi Shen, and Yingjin Zhang, (Leiden, Brill: 2013), 214.
[101] Jane Zheng, "The Shanghai Fine Arts College," 196.
[102] Ibid.
[103] Ibid, 197.

training women for artistic careers because female students were held to the same requirements and professional training as men.[104] Thus, the Shanghai Fine Arts College not only accepted women into its ranks, but also trained them as equals to their colleagues who were men, something that Jane Zheng claimed was crucial in its success in educating professional women artists.[105] Such policies illustrate the role that arts education could play in launching women's careers, but these advancements do not mean that every woman in China had an opportunity to study art or other academic subjects in the educational realm.

In the early years of the twentieth century many Chinese women still faced obstacles in receiving an education, as Chow Chung-Cheng's account of her childhood experiences attest. Chow Chung-Cheng was born in Yenping (Yanping) in Fukien (Fujian) province in China in 1908,[106] later travelling and living in Europe for much of her later life. In her childhood, Chow struggled to convince her conservative parents to let her attend school. In one of her memoirs, she explained that in their eyes "I was only a daughter to marry. Such things as studies, a profession, a future – these were not for me […] I didn't even belong to my parents really, for soon I should be going to another family. That was my only future."[107] The girls' school in Tsientsin (Tianjin) that Chow eventually attended left her wanting more of an academic challenge. She recounted the obstacles that stood in her way of going to another school: "This school was a disappointment to me. I wanted to go elsewhere. But in Tsientsin there was only one other school, run by American missionaries, and this didn't appeal to me. There was the excellent Nan-Kai secondary school, but that was for boys only."[108] This account reveals that despite the gains in women's education in China, institutional education for girls was far from universal in the early twentieth century. It also depicts the barriers that many women had to overcome to attend school in China, such as their family's ideas of gender, the possible lack of educational options in their location, and the struggle to find a school that matched their religious preferences. Somewhat ironically, Chow, who would become an artist later in life, revealed the extent of arts education for women in her memoir. Not content with how women were taught art skills like

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104 Ibid, 201.
105 Ibid, 208.
106 Chow Chung-Cheng, *The Lotus Pool*, trans. Joyce Emerson (New York: Appleton-Century-Crofts, Inc., 1961), 11. The book's original title in German is *Kleine Sampan*, and what it is more frequently cited as.
107 Ibid, 133.
108 Ibid, 190.

sewing and drawing in schools that could easily be taught at home, Chow's younger self scoffs: "I don't want to learn drawing […] [a]ny girl can learn drawing."[109] Such a comment reflects the commonality of arts education in girls' schools: arts education was so common that a girl could not avoid participating in it. Yet, the teaching of skills that were associated with the domestic sphere of life demonstrates that girls were taught skills intended to prepare them for doing work in the home instead of for professions in the public sphere.

Regardless of some setbacks in the quality and extent of institutionalized girls' education in China, an overall growth in women's education allowed women artists, both American and Chinese, to find multiple avenues in which to publish and advertize their work. This was essential for how they modernized their profession and defined themselves as professional educated artists rather than amateurs doing art as a hobby. For example, Canadian missionaries who were women acted as press artists for the Canadian Mission Press headquartered in Sichuan Province,[110] and some, such as Harriet McCurdy, exhibited their works in Shanghai.[111] American artist Katharine Carl painted a commissioned portrait of the Empress Dowager for the Saint Louis Exposition,[112] and multiple American artists, some of whom are discussed later in this paper, wrote and published books detailing their experiences in China. Many American women artists actually appropriated Asian subjects and techniques in order to distinguish themselves from their male counterparts and gain celebrity in the art world.[113] For example, Bertha Lum gained acclaim when she was the only foreign woodcut artist to be featured at the Tokyo Annual Art Exhibition.[114] Despite the problems stemming from the use of cultural appropriation, women artists appropriating traditional Chinese techniques demonstrate some of the ways in which women artists sought to professionalize themselves and develop their art within the confines of artistic patriarchy.

Chinese women artists also exhibited themselves and found varied opportunities to publicize their work. Many did this through the coeducational art schools they attended, as these educational institutions served to largely shift the activities of Chinese women creatives outside of the private sphere into the public sphere. This was especially true in Shanghai, where various non-missionary

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[109] Ibid, 190.
[110] Catherine MacKenzie, "'And thereon lies a tale': Canadian Women Missionary Artists in China," *Journal of Canadian Art History / Annales d'histoire de l'art Canadien* 34, no. 2 (2013): 269.
[111] Ibid, 276.
[112] Katherine Carl, *With the Empress Dowager* (New York: The Century Co., 1905), xix.
[113] Mari Yoshihara, *Embracing the East,*49.
[114] Ibid, 58.

institutions fought to make the work of Chinese women artists public and visible. For example, some former students of the Shanghai Fine Arts College became teachers on the college's faculty, as this was considered a way of becoming a member of Shanghai professional art circles.[115] Women faculty benefitted professionally and publicly from a connection with the school, as they participated in activities with male artists and the Shanghai press reported their names along with those of male faculty for various events.[116] Many women students also held solo exhibitions upon graduation from art schools.[117] Other artists were featured in the *Liangyou* magazine, which aimed to educate its audience with up-to-date information about Chinese educational and cultural affairs.[118] However, *Liangyou* exceedingly favored the work of women artists who painted in Western styles[119] and the magazine often painted a woman's success relative to her connections to other well-known men in the art field.[120] Both of these practices questioned the professional legitimacy of a Chinese artist who was a woman. The former practice resulted in women artists who painted in traditional Chinese styles to be underrepresented in the magazine, conveying that the work of artists painting in the traditional styles was not modern enough to be professional. The latter focused not on the artist's artistic achievements but on her relationships to other men and questioned if she could truly be a professional artist independent of male mentors. In light of new notions of gendered modernity such as the concept of the "Shanghai New Woman" these practices are not surprising. In addition, women reacted to some of these publicity practices by forming artistic associations of their own to promote their own work.

Another key aspect of how Chinese women pursued various artistic avenues was how they formed artistic associations dedicated to promoting women artists. A key Shanghai organization in promoting women's art was the Chinese Women's Calligraphy and Painting Society. No Shanghai Fine Arts College graduates were members of its ranks, revealing the College's mixed success in producing active women artists. Nevertheless, the Society itself strived to cross class and educational lines to promote the economic status of professional women artists in Shanghai. The society hosted exhibitions in order to provide opportunities for women artists to

115 Jane Zheng, "The Shanghai Fine Arts College," 207.
116 Ibid.
117 Lesley W. Ma, "Blossoming Beyond the Pages," 206.
118 Ibid, 204.
119 Ibid, 206.
120 Ibid, 214.

boost their artistic reputations, as well as to create showings of artistic solidarity for women's art.[121] Perhaps surprisingly, the prices that women artists listed for their exhibited art work compares to those that contemporaneous male artists advertized for their art pieces.[122] Membership in the society not only gave women artists networking opportunities, but also allowed women artists to be associated with prominent women artists painting in the traditional style and to participate in promoting the art of traditional Chinese painting in China and around the world.[123] Lesley Ma also notes the importance of the CWCPS in being one of the first organized groups of women to argue for and defend a genre in which they had a passion for, and the women artists involved were among the first to be offered recognition as members of a "nationally registered and reputable group."[124] Being in such a well-recognized artistic organization established the members of CWCPS and their artwork as professional and worthy of attention.

Shaping these artist's experiences in Shanghai's art scene were new notions of feminine modernity. This centered on the idea of a Shanghai "New Woman" who "strived for a reputable career in the public eye, challenged gender boundaries and expectations in multiple ways."[125] Popular artists who were women in the Shanghai art scene, such as Guan Zilan and Pan Yuliang, exemplified this concept. Both were oil painters who were celebrated in the China art world.[126] Guan Zilan was influenced by European modern art movements such as Fauvism,[127] yet interestingly enough the subject in her famous painting *Portrait of Miss L* fits the archetype for a Shanghai New Woman, dressed in the latest Shanghai fashion.[128] Pan Yuliang was the most famous woman artist that attended the Shanghai Fine Arts College,[129] where many women attended to develop cross-cultural sensitivities, social and conversation skills, and knowledge of both Chinese and Western literature.[130] Both Guan and Pan studied abroad to advance their artistic skills, Pan in Paris[131] and Guan in Japan.[132] A side effect of these modern notions of gender was that the New

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121 Julia F. Andrews and Kuiyi Shen, "Traditionalism as a Modern Stance," 12.
122 Ibid, 11.
123 Lesley W. Ma, "Blossoming Beyond the Pages," 208.
124 Ibid.
125 Ibid, 220.
126 Ibid, 206.
127 Julia F. Andrews and Kuiyi Shen, *The Art of Modern China* (Berkeley: University of California Press, 2012) 70.
128 Ibid.
129 Jane Zheng, "The Shanghai Fine Arts College," 206.
130 Ibid, 210.
131 Ibid.
132 Julia F. Andrews and Kuiyi Shen, *The Art of Modern China*, 70.

Woman feminine normative prioritized women's beauty, as did the double standard in how women artists were publicized compared to men. In magazines publicizing artists such as *Liangyou*, women artists were often portrayed with their personal photograph or a self-portrait, their artwork being on the page periphery, while men's artwork were always displayed on the center of the page often accompanied by a small headshot and text biography.[133] Some women artists featured in *Liangyou* only had their photograph displayed, with none of their artwork.[134] This double standard visually emphasized men's artwork, while diminishing women's artwork and artistic merit in favor of displaying their looks. Hence, this new idea of Chinese femininity was cosmopolitan and stressed women's public roles in cultural society while at the same time relying on traditional ideas of women being defined by their beauty.

While prominent Chinese women artists utilized organizations and conformed to modern normatives of gender in order to become darlings of the Chinese art world, American women artists in China worked within the philosophy of Orientalism to gain prominence in a field dominated by men. Orientalism towards China had been rooted in Western pre-conceived notions of Chinese culture that had existed since the beginnings of the China trade and, to a greater degree, since the Boxer Rebellion. This Orientalism stemmed from an imbalanced political relationship between China and Western countries that had been demarcated in the aftermath of the Boxer Protocol in 1901, where the rules dictated to China about the regime's conduction of foreign relations "made clear that the most important business of the Qing government would henceforth be its relations with the eleven foreign powers who signed the protocol."[135] One of these foreign powers was the United States, and this new power differential between China and the US allowed American women artists opportunities they likely would not have had otherwise. The ways in which American women artists wrote about and exhibited their own work throughout the first half of the twentieth century built upon, instead of challenged, the Orientalism that came out of the Boxer Protocol by making generalizations and assumptions while dehumanizing and negating the Chinese population. This process gradually grew in intensity, as seen by how three different American women artists in three different decades understood the China they were painting. American women

133 Lesley W. Ma, "Blossoming Beyond the Pages," 213.
134 Ibid.
135 James Hevia, *English Lessons: The Pedagogy of Imperialism in Nineteenth-Century China* (Durham, NC: Duke University Press, 2003), 249.

artists were also able to use Orientalism to secure positions in the male-dominated art world of the United States, and Mari Yoshihara claims: "white women often used Orientalism not only to make their interventions in American ideas about Asia per se but also to assert, address, and/or challenge women's roles in American society."[136] Evidentially, three American artists who traveled to China all reaped professional benefits that they used to differentiate themselves from other artists while frequently being appropriative of Chinese art and techniques. In doing so, they elevated their status as women artists in the United States while at the same time advancing negative stereotypes of China.

The American artists Katherine Carl, Bertha Lum, and Marion Greenwood all demonstrate how women artists contributed to notions of Orientalist views of China based on the differences in how these artists regarded their Chinese subjects. Katherine Carl was an American portrait painter who painted multiple portraits of Empress Dowager Cixi that were later exhibited in the United States around the same time of the later portion of Miao Jiahui's career. Carl later wrote a memoir of her time in China, elaborating in-depth on her experiences with the subject of her portrait. In this memoir, Carl devotes a notable amount of time detailing why the Empress Dowager should be considered an exemplary woman by American standards. Notably, Carl makes careful record of the Empress Dowager's artistic talent, especially in regards to her calligraphy. Carl recounts that by this time (1903-1904) although the Empress Dowager was talented in painting ("for she is very artistic, and paints flowers in a charming way") and partook in embroidery, the Empress Dowager's eyes had degraded to the point of making it difficult to paint and embroider.[137] Instead, she is known for writing scrolls "with a single great character written upon it by Her Majesty's own hand. This is considered one of the most difficult feats of a Chinese writer. These characters are sometimes four feet long."[138] Karl even includes an illustration in her book of this artistic process.[139] Such emphasis on the Empress Dowager's artistic skill level humanizes her in ways that many Westerners did not at the time, and Carl continues this humanization effort while discussing members of the Chinese royal family and the other Chinese people she encounters during her time in China.

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136 Mari Yoshihara, *Embracing the East*, 8.
137 Katherine Carl, *With the Empress Dowager*, 136.
138 Ibid, 135.
139 Ibid, 136. The illustration itself sits between book pages 136 and 137.

While sometimes reducing imperial family members to caricature or negative descriptions of their physical features,[140] the effort Carl extends into documenting the native Chinese she interacts with in her day-to-day life is notable compared to later women artists who coupled as writers, notably Bertha Lum. The detail that Carl exercised in describing the sophistication of the Empress Dowager and the humanness of members of the imperial family she met likely stemmed from her reasoning for writing her book in the first place: after Carl returned to the United States, various newspapers used quotes ascribed to her (statements Carl claimed she never made) in order to paint the Empress Dowager as "shrewd" and "tempestuous."[141] Carl felt obligated to write her account due to these negative claims, in many ways attempting to challenge the Orientalism and "otherness" that these claims likely aimed to promote and establish.

However, Carl's efforts to counteract Orientalism in her account fundamentally do not work because Carl only was able to gain prominence due to Orientalism in the first place. Carl's very presence in the Forbidden City came about due to the power differential that existed between China and the United States that granted Americans substantial privilege in China. Carl also benefitted from the pioneering professionalism of Chinese imperial artists who were women such as Miao Jiahui. After all, It was only shortly before Carl that women were allowed to be official imperial artists working within the Forbidden City's walls. Carl occupied a role in the Chinese imperial court exclusive to a select few Chinese, and her status as an American and personal connections allowed her to bypass obstacles that many like-minded Chinese women would have faced. Scholar James Hevia reflects this sentiment when he claims the Boxer Protocol's regulations relating to the Qing court effectively made it "an animated ethnographic display […] for the pleasure of well-connected globetrotters."[142] Carl was indeed well-connected, as her invitation to paint the Empress Dowager did not come from the imperial court but from Sarah Conger, the wife of the US Ambassador to China, who in 1903 sent a letter to Carl asking if she would be willing to paint a portrait of the Empress Dowager that could

[140] For example, Carl describes the secondary wife of the Emperor on Ibid. page 42: "She has very large, full-orbed, brown eyes, and still has a beautifully clear complexion, but her nose is flat, her mouth large and weak; the contour of her face is marred by layers of flesh, her forehead does not indicate much intelligence, and she has very little distinction in appearance."
[141] Ibid, xxi.
[142] James Hevia, *English Lessons*, 273.

be shown at the St. Louis Expedition in the United States.[143] Although Carl made efforts to counteract negative American impressions of the Empress Dowager, the Qing imperial court, and China by documenting the human aspects of the Chinese people she met and the skilled artistic abilities of the Empress Dowager, her access to the Forbidden City came about due to an American diplomat. Without the imbalanced power relationship between China and the United States stemming from the Boxer Protocol, Carl, as a foreigner, likely would not have been admitted to the Forbidden City at all. Furthermore, by displaying her final work at the St. Louis Exhibition and writing a memoir about her time in the Forbidden City, Carl provided access into the Forbidden City for the greater American public at a time when only a fraction of Chinese people had ever stepped inside the City's gates. In doing so, Carl created a way for the American public to occupy a position of privilege by seeing inside the Forbidden City's gate via her paintings and words. She rendered the complexities of the Forbidden City "an animated ethnographic display" for the American people to gaze at.

Bertha Lum, another artist who granted the American public access to China through her travel writing, would take advantage of her privileged status as a foreigner to gain prominence in the 1930s. Lum traveled to China and adopted Chinese woodcut printmaking techniques after three voyages to Japan, where she had learned and appropriated *ukiyo-e* printmaking methods into her art. Bertha Lum was unique in the fact that she was not connected to missionary work, diplomatic relations, or government work. Nevertheless, her upper class stature allowed her to eventually hire more skilled male Chinese and Japanese craftsmen to do her printmaking for her.[144] Her attitude towards these craftsmen was highly patronizing. On the one hand Lum admired the high level of skill of Chinese and Japanese printmakers, while on the other hand she maintained direct control and supervision over those she hired.[145] Mari Yoshihara claims that Lum's ability to travel and hire Chinese and Japanese to do much of the grunt work of her artwork only occurred because Lum was "a white American woman of means, which situated her in a position of power vis-à-vis Asian craftsman."[146] Lum thus used her privilege as an American traveling throughout East Asia to not only appropriate Chinese and Japanese artistic techniques, but also to exploit Japanese and Chinese craftsmen into

[143] Katherine Carl, *With the Empress Dowager*, xix.
[144] Mari Yoshihara, *Embracing the East*, 62.
[145] Ibid.
[146] Ibid.

manufacturing her artwork for her. Such a phenomenon reveals how directly Lum interacted with the consequences of Orientalism in her professional life.

Lum's published memoirs underline how she participated in fostering instead of challenging Orientalism. In *Gangplanks to the East*, Lum details her travels of Japan, China, Korea, and the Philippines. Unlike Carl's writing Lum is not making an argument for the existence of talented and sophisticated Chinese civilization embodied in the Empress Dowager. Instead, *Gangplanks to the East* resembles current day travel writing with its use of second person, travel directions, and advice. In some places the memoir meticulously describes Lum's movements as she showers illustrious language on such places as the "Garden of Peaceful Brightness," which is near what she terms "the most beautiful small pavilion I know in China."[147] By attentively focusing her description on the places she travels to and not the people of China itself, Lum provides access to the beautiful, traditional parts of China to the American reader without subjecting them to the "otherness" of the Chinese people. Additionally, Lum takes every opportunity in her memoir to relate folk tales and legends captured in her print illustrations. Tellingly, these only depict the "otherness" of East Asia by exclusively consisting of heroes from folk tales, detailed sketches of Chinese architecture, or images of the extremities of Chinese life. For example, Lum's chapter describing Hong Kong and Canton includes an illustration of river sampans where "some two hundred thousand of [two million Canton residents] are born, live, and die."[148] This quote casts Canton residents as impoverished, potentially backward, and in the end little more than a part of the scenery. Instead of humanizing the Chinese people she interacts with in Canton, Lum chooses to objectify them via a large statistic and image of their homes devoid of human life. This objectification describes the book's tone towards China at large as a land ripe for Western tourism and exploitation with no one living there except people in poverty who can quickly fade into the background.

All in all, Lum strives to anchor China in Orientalism's inherent timelessness. Lum's description of China appears highly selected and curated, as only six of the 142 pages focused on China are spent in Shanghai, which was the art capital of China in the period. By narrowing her memoir's focus onto the "otherness" of Chinese culture while ignoring the ways in which Chinese culture was innovating at the time (highlighted by such a brief description of Shanghai). Lum reduces China to what it

[147] Bertha Lum, *Gangplanks to the East* (New York: The Henkle-Yewdale House, Inc., 1936), 218-219.
[148] Ibid, 274. Illustration is on page 275.

was at the end of the Qing Dynasty, ignoring political and cultural change in favor of acknowledging the folk tales and imperial palaces that distinguish China from the West. Her use of travel writing also exhibits China for American readers while ignoring more modern aspects of Shanghai and Hong Kong. Lum views her Chinese subject as both outdated and as a part of a dying culture, and her views echo those of another American artist who painted Hong Kong shortly after World War II: Marion Greenwood.

Marion Greenwood, an artist today known mostly for her murals, spent a year in Hong Kong from the summer of 1946 to the summer of 1947.[149] Her husband at the time, Charles Fenn, had served for the Office of Strategic Services (a predecessor to the CIA) in Hong Kong during World War II, and had many acquaintances in the British colonial administration.[150] Because of these connections Greenwood lived a privileged life in Hong Kong, spending her nights at nightclubs and fifty-course dinners.[151] Notably, Greenwood mostly stayed primarily within the boundaries of the British colony, with a couple of weekend trips to Canton and Macao.[152] She nonetheless continued painting during this yearlong voyage, and the subjects she publicly exhibited in New York a year later ranged from rice lines to a Buddhist priest, an artist, and a calligrapher.[153] Greenwood's display of these paintings would be influenced by the politics surrounding all of Republican China during World War II even as they at-large depicted subjects from the European colonies Greenwood spent her time in.

Greenwood's exhibition of her paintings based on her experiences in Hong Kong, titled *Marion Greenwood: Paintings, Gouaches, Drawings: China*, opened in December 1947 and highly exaggerated the knowledge and experiences Greenwood had in war-torn Republican China. Her four-day trip to Canton became two years spent in South China (according to the exhibition's catalogue).[154] Both the artist and the press that reviewed the exhibited considered her works representatives of the state of Republican China as a whole despite almost exclusively stemming from Greenwood's experiences in Hong Kong. Hong Kong, which was a British colony until 1998, was devastated by World War II but was not a part of the Republican China that had just entered a civil war with the Chinese Communist Party at the time

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149 Catherine MacKenzie, "Place Really Does Matter: Marion Greenwood's 1947 'China' Exhibition," *RACAR: revue d'art canadienne / Canadian Art Review* 25, no. ½ (1998): 58.
150 Ibid, 60.
151 Ibid.
152 Ibid, 58.
153 Ibid, 63.
154 Ibid, 58.

of Greenwood's arrival.[155] In addition to housing the refugees of a Japanese wartime occupation, Hong Kong was now filling up with refugees fleeing the civil war happening just outside of the colony's boundaries. In her exhibition, however, all these refugees became symbols of a Republican China decimated by World War II. Historian Catharine MacKenzie argues that this symbolism may have originated from the politics regarding China at the time, primarily the question of and demand for US aid to China in the years following World War II. "When Greenwood first played loose with her geography," MacKenzie claims, "she named 'China.' That, in combination with the timing of her exhibition, seems to have unleashed a set of well-established assumptions which at the time were being massaged by some in order to secure support for Chiang Kai-shek and his American backers."[156] The repositioning of Hong Kong's refugees as impoverished, war-torn Chinese citizens desperately needing US aid, besides being geographically fallacious, ignores the plight of the Chinese citizens fleeing the Chinese Civil War and paints Chiang Kai-shek's militaristic regime as a needy American ally. By relabeling her paintings as being representative of China, Greenwood was responsible for her artwork communicating political messages that were ignorant of the war many Chinese citizens now faced, and strictly narrowed China down to a nation of impoverished people who had no agency to improve their situation.

MacKenzie also highlights the various missed opportunities that Greenwood could have taken advantage of in her art, namely the opportunity to comment on the Chinese intellectuals fleeing from the Nationalist regime who were present at the clubs she frequented. Instead her work came to support the anti-communist agenda in the United States at the time.[157] This was not only due to the publicized falsehood that claimed Greenwood's artwork depicted war-torn Republican China, but also due to Greenwood's negative perception of Chinese communists. Greenwood surmised her perception of Chinese communists in one of her letters as "mediocre artists and writers who are nice, childish & flighty like the Mexicans were, but most can't speak English."[158] Greenwood repeated this sentiment in a 1964 oral history interview with Dorothy Seckler where she explained that she knew "wonderful Chinese artists and writers," yet added "[u]nfortunately, though, I found that most of them who were

[155] Ibid.
[156] Ibid, 69.
[157] Ibid, 67.
[158] Ibid, 60.

being socially conscious were even more backward than the Mexicans from the standpoint of childish symbolism and the usual old propaganda except for the fine traditional Chinese painters."[159] With such negative perceptions of Chinese communists and artists, it is no surprise that Greenwood likely avoided interacting and conversing with the Chinese intellectuals and refugees she might have encountered.

Greenwood unfortunately does not mention who specifically she considers a "fine traditional Chinese painter" in her statements, but her perspective reveals a definite change in how American artists perceived China, especially relative to Katharine Carl's celebratory views of Empress Dowager Cixi. It also stands in stark contrast to what the Chinese art world in the 1930s considered artistic modernity. By labeling all Chinese painters who did not paint in the traditional style propagandists, Greenwood completely negates the artistic innovation and value in their work. Instead of her comments stemming from her interactions with Chinese artists and mirroring those of Katherine Carl complimenting the Empress Dowager, they harshly criticize modern Chinese artists who rejected traditional painting and in many ways strips them of their professionalism, while at the same time completely ignoring the fact that women artists in China often had to paint in the "modern" Western style to often be considered professional at all**.** Although Greenwood does not differentiate between Chinese artists who were men and Chinese artists who were women, her ignorance of the realities of the Chinese art world further illustrate the fraud of her claims of spending two years in mainland China. Marion Greenwood nevertheless drew from her experience in "China" for seven more years after her original China exhibition,[160] appropriating Hong Kong subjects in the creation of her modern art.

American women artists created their artwork within the Orientalism and cultural appropriation that had influenced not only the creation of modern art in the Western world since the beginning of the twentieth century but also the United States' foreign relationship with China. Instead of challenging this Orientalism these artists allowed it to hamper their understanding of their Chinese subjects. Orientalism also hindered their interaction with their Chinese artistic colleagues. While Carl viewed the Empress Dowager as a skilled artisan, Lum used her

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[159] Marion Greenwood, interview by Dorothy Seckler, January 31, 1964, transcript. Accessed at "Oral history interview with Marion Greenwood, 1964 Jan. 31," Archives of American Art, Smithsonian Institution, accessed December 13, 2016, http://www.aaa.si.edu/collections/interviews/oral-history-interview-marion-greenwood-11871.

[160] Ibid.

privileged position as an upper class American white woman to reduce the Chinese artisans she viewed as highly skilled to mere workshop assistants, and Greenwood blatantly negated the artistic value of Chinese art that was not in the traditional Chinese style. One wonders that if Lum or Greenwood had ever stumbled on a Chinese woman artist what she would have seen her as: an artistic colleague or as a mere skilled worker whose techniques and skills were ripe for exploitation and appropriation.

Orientalism was nonetheless an ideology shaped by the early twentieth century colonialist patriarchy that defined the power differential that existed between the East and the West in terms of gender, the East historically being associated with passive femininity and the West with virile masculinity.[161] However, as Mari Yoshihara notes, the presence of white women in Asia complicates this narrative.[162] The complication lies in the question of why white women would willfully participate in an ideology that equated the outbalanced power relationship between the West and Asia with the unequal relationship between men and women in Western society. One part of the answer lies in the fact that women, including American women artists, worked within the framework of Orientalism to lift themselves out of the traditional confines of patriarchal Western society. In order to advance in the art world, artists like Lum and Greenwood appropriated and exhibited "China" in artistic terms, giving themselves a unique artistic edge while at the same time supporting the Orientalism that granted them access and power in China (and Hong Kong) in the first place. At the same time, Chinese women artists such as Guan Zilan and Pan Yuliang subjected themselves to new Chinese notions of gender that both incorporated cosmopolitanism while building upon traditional ideas of a woman being principally defined by her beauty. Although both American and Chinese women artists succumbed to cultures dominated by men in order to advance their art, by working in their respective frameworks they established themselves as artistic professionals. Regardless of their lack of artistic interaction caused by American women's Orientalist ideas regarding Asian artistry, both American artists and Chinese artists who were women in the first half of the twentieth century shared a common goal: to be taken seriously as artists in their own societies. In light of other women's gains throughout the twentieth century in both Chinese-speaking societies and the United States, these artists pioneered the notion that women can

[161] Mari Yoshihara, *Embracing the East*, 4
[162] Ibid.

have careers and be known for their talent whether or not they failed to revolutionize the gendered systems that subjected them in the first place.

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Witches and New Christians in the Viceroyalty of Peru

Lydia Lichtiger

Colonial anxiety in the Viceroyalty of Peru, based in tensions about the moral underpinning of colonization itself, manifested in ways that were specifically Iberian. European fears of witchcraft performed by Andean and African women and New Christians[1], filtered as they were through Iberian ideologies of gender and religion, were transferred to the New World in ways that were not grounded in the reality of Spanish held Peru, but nonetheless had significant implications for the lives of New Christians and Andean women in the New World. Iberian understandings of religion and conversion affected the way that the Spanish negotiated Judaism and Andean religion in Peru. In this paper I will argue that the Spanish anxiety about Jews and indigenous witches in early colonial Peru was based in the imagined threats that these groups posed to the colonial order: in being non-Christian, both Jews and Andean women were antithetical to the logic of colonization and were imagined to threaten Christianity and colonial state formation. Despite the fact that New Christians in the New World were principally trying to assimilate into Christian, colonial society and hide their Jewishness, and that Andeans did not have a concept of the devil or witchcraft and as a result did not understand themselves to be practicing witchcraft, the Spanish colonial imaginary perceived New Christians and indigenous women as serious dangers to the foundation of the colonial state. Andean women, African women, and conversos, moreover, became entangled in the Spanish imaginary in ways that were unprecedented in the Iberian Peninsula.

Christianity, like all monotheistic religions founded in revelation, has historically had a complex and violent relationship to other religions, and even to interpretations of Christianity perceived to be heterodox.[2] The conception of heresy, though, was not necessarily a natural part of Christianity, and had no precedent in Greco-Roman religion or Judaism at the time of the creation of Christianity.[3] Christians, more than their Abrahamic counterparts, have perpetrated massive amounts of violence in their crusades, inquisitions, and colonizations.[4] This violence

[1] People of Jewish, European descent whose family had recently converted to Christianity, also called conversos.
[2] Robert Erlewine, *Monotheism and Tolerance: Recovering a Religion of Reason* (Bloomington: Indiana University Press, 2010), 10.
[3] Perez Zagorin, *How the Idea of Religious Toleration Came to the West* (Princeton, NJ: Princeton University Press, 2003), 18.
[4] Ibid, 2.

stems from the conflict inherent in the basic structure of monotheistic traditions: that revelation happens to a particular group of people and the revealed texts are simultaneously understood to be universal.[5] In response to the immense amount of violence perpetuated in the many European projects of colonization, enlightenment scholars took up the question of how God could reveal divine legislation to a particular people that was in fact intended for everyone. Mendelsohn, an 18th century German Jewish philosopher writing in a dominantly Christian space, argued that whatever is revealed to a particular people is only meant for those people, and that it is possible for every person to reason eternal truths. Divine legislation, he argued, is simply one manifestation of larger eternal truths, and is not necessary to understand eternal truths.[6] Mendelsohn further argued that the Jewish revelation, because it is primarily about particular ways to live, is far more amenable to other religions than is Christianity, because the Christian revelation is about belief.[7] Before this enlightenment ideology came about, though, the dominant understanding of Christianity was that divine legislation, revealed to Christians alone, was equivalent to eternal truths. The only way to achieve salvation, then, was not through either the divine legislation set out in Christianity or eternal truths which every person was capable of discovering through reasoning, but strictly through Christian divine legislation. The basic structure of Christianity, then, in many ways is based in the idea that Christianity is the only true religion, that it is the only true way of understanding the divine.

Claims on a true religion formed the foundation for the Spanish colonization of the Andes. Such a claim, though it was present in the Bible and was fundamental to the very structure of Christianity, ran contrary to Jesus Christ's teachings of "love, forgiveness, and a form of universal oneness."[8] Certainly the Bible's teaching to "love your enemies and pray for those who persecute you" and to "love one another; for the one who loves another has fulfilled the law" seems to go against a colonial project.[9, 10] Leela Fernandes, in her writing about a spiritualized feminism, argues that the project of colonization was not in line with the Christian Bible's emphasis on the

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[5] Robert Erlewine, *Monotheism and Tolerance: Recovering a Religion of Reason* (Bloomington: Indiana University Press, 2010), 5.
[6] Moses Mendelssohn, *Jerusalem or On Religious Power and Judaism* (Waltham, Massachusetts: Brandeis University Press, 1983), 94.
[7] Emily Filler, personal communication, February 9, 2017.
[8] Leela Fernandes, *Transforming Feminist Practice: Non-Violence, Social Justice and the Possibilities of a Spiritualized Feminism* (San Francisco: Aunt Lute Books, 2003), 103.
[9] Matthew 5:43-44
[10] Romans 13:8

fundamental universality of religion but was instead a "secular colonization of the divine", a "[harnessing of] divinity in order to gain political authority."[11] While the project of colonization certainly runs contrary to Jesus' teachings of love and nonviolence, it is very much in line with the monotheistic structure of Christianity that claims a monopoly on truth.[12]

Moreover, whether conversion to Christianity, which was the moral underpinning of colonization, was based on an understanding of religion as universal, or on the idea that only one true religion exists had never been fixed or decided in the Christian tradition.[13] From the beginning of the Christian era there have been two distinct understandings of conversion. The first understanding was based in the idea that pagan religions in Europe were basically the same as Christianity. Moreover, under this understanding every person has some intrinsic conception of God, so the Christian God "was in some ways already known to them."[14] Conversion under this understanding thus allowed for the simultaneous practice of the religion an individual was brought up with and Christianity; the two were not mutually exclusive.[15] The second understanding of conversion, though, rejected the oneness of religion, claiming that "a mere reminder of what a person already knows" was insufficient for conversion. Instead, it required a total disavowal of a person's previous religion.[16] Colonization was not seen as an evil but instead as "necessary and salutary for the preservation of religious truth and orthodoxy and all that was believed to depend on them."[17] Because what was believed to depend on the conservation of religious truth was the salvation of souls, the violence of colonization can be understood as "persecution with good conscience."[18] For this reason, even though colonization seems to run directly contrary to Jesus' teachings of love and the oneness of all people, the colonial project was based in the idea that

[11] Leela Fernandes, *Transforming Feminist Practice: Non-Violence, Social Justice and the Possibilities of a Spiritualized Feminism* (San Francisco: Aunt Lute Books, 2003), 103, 105.
[12] Perez Zagorin, *How the Idea of Religious Toleration Came to the West* (Princeton, NJ: Princeton University Press, 2003), 1.
[13] Sabine MacCormack, "'The Heart Has its Reasons': Predicaments of Missionary Christianity in Early Colonial Peru" *The Hispanic American Historical Review* 65, no. 3 (1985), 443-444.
[14] Ibid, 443.
[15] Ibid, 444.
[16] Ibid.
[17] Perez Zagorin, *How the Idea of Religious Toleration Came to the West* (Princeton, NJ: Princeton University Press, 2003), 16.
[18] Ibid.

the stakes of salvation far outweighed any violence caused by colonization in this world.[19] Certainly this second understanding is the only one that would seem to be associated with conversion. In fact the first understanding of conversion seems to be a contradiction in terms: if all religious traditions are fundamentally united, then what is the purpose of conversion from one to another? How could salvation only be a possibility for Christians?

In addition to the immense tension about conversion present in the Bible, then, there was also a historical split in understanding about the function of conversion.[20] Though the idea of conversion that manifested in colonization had been present since the beginning of Christianity, it was not the only accepted idea. Neither Christian teachings nor the institutionalization of Christianity in the succeeding 1,500 years made colonization inevitable. The "[harnessing of] divinity in order to gain political authority," the perversion of the Christian Bible and even of the tradition of the institution of Christianity, was, as a result, in many ways forced and artificial.[21]

The historical split in the tradition of Christianization between a belief in the inherent unity of religions and the uniqueness of Christianity was nonetheless carried over to the New World. The ideology of evangelization in Peru was, like that in Spain, split between colonial officials who perceived some Andean deities as being in many ways equivalent to the Christian deity, and those who thought Andean deities were fundamentally different.[22] Though in some ways this historical split informed the way in which colonization was conducted in the Viceroyalty of Peru, the second understanding of religions as fundamentally distinct, which was a necessary foundation for colonization and prevailed in the Iberian Peninsula's deliberations about colonization, also prevailed in the colony itself and affected the way in which Peruvian colonization was implemented. Importantly, though, this understanding of religion was not the only one present in the Spanish discourse in Peru. Las Casas, a Spanish friar and social reformer in the New World, for instance, believed that Pachacamac and Viracocha, the creator gods of the Andean and Incan people, respectively, were essentially the Christian God.[23, 24] This, of course, was a radical

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[19] Emily Filler, personal communication, February 7, 2017.
[20] Leela Fernandes, *Transforming Feminist Practice: Non-Violence, Social Justice and the Possibilities of a Spiritualized Feminism* (San Francisco: Aunt Lute Books, 2003), 105.
[21] Ibid, 105.
[22] Sabine MacCormack, "Gods, Demons, and Idols in the Andes," *Journal of the History of Ideas* 67, no. 4 (2006), 627, 629, 631, 637.
[23] Ibid, 637.
[24] Sabine MacCormack, "Demons, Imagination, and the Incas," *Representations* no. 33 (1991), 21.

interpretation of religion and one that undermined the entire colonial project. If Andean people already had an understanding of God, then Christianization, and consequently colonization, was superfluous. The great majority of Spanish colonizers, though, saw Christianity and Andean religion as fundamentally different. Even Las Casas moderated his assertion of the inherent unity of religions by claiming that although the Andean people had an understanding of the Christian deity, the deities who they worshiped were not God but the devil. As a result, Las Casas argued that conversion was necessary because the Andean people were stuck in a hall of mirrors in which it was impossible to distinguish devil worship from worship of the true, Christian God, and which was impossible to escape without outside assistance.[25]

There was a further split in the Spanish understanding of Andean religion. Whereas apologists of Andean people argued that devil worship, though it was inherently wrong, was common to all humans who lacked true religion, others saw devil worship as a flaw inherent and specific to Andean people.[26, 27] Las Casas and others drew on the history of the ancient Mediterranean and Rome in particular, which was thought to have had manifestations of the devil that were nearly identical to those seen in Peru. In both the ancient Mediterranean and sixteenth century Peru, the devil was thought to be present in illusions of the dead walking around with the living on earth and in idols. Apologists of Andean people thus asserted that devil worship was not unique to the Andes or to the New World but was instead a universal problem.[28,29] Because their argument was grounded in a historical context in which idolatry had led to what they considered true religion, they argued that idolatry was natural and came from the same, virtuous place as worship of the Christian God and was ultimately good.[30] Some, including Domingo de Santo Tomás, even argued that Andean idolatry would lead to true religion.[31] Santo Tomás' argument is even more radical than Las Casas' because it asserts that whether or not Andean people

[25] Sabine MacCormack, "Gods, Demons, and Idols in the Andes," *Journal of the History of Ideas* 67, no. 4 (2006), 634.
[26] Ibid, 631-4, 639.
[27] Sabine MacCormack, "Demons, Imagination, and the Incas," *Representations* no. 33 (1991),13, 20, 21.
[28] Ibid, 20.
[29] Sabine MacCormack, "Gods, Demons, and Idols in the Andes," *Journal of the History of Ideas* 67, no. 4 (2006), 631.
[30] Ibid, 632-3.
[31] Ibid, 639.

knew God in the present, they, like ancient Mediterranean peoples, would eventually come to know God, and as a result no colonial intervention was needed. The great majority of Spanish colonizers, though, ignored their pre-Christian history and instead avowed that the devil worship present in the Andes was a result of "the personal and cultural deficiencies of Andeans." [32]

In the early period of colonization there were two competing ideologies about Andean religion. The first understood the Andean and Incan creator deities to be in some ways the same as the Christian God, and that the devil worship present in the Andes was simply a co-option of the true deity by the devil, which was natural and would eventually yield to the true God, and which together pointed to the fact that colonization was not necessary or at least that the destruction of Andean religion was not necessary. The second ideology understood devil worship to be unique to peoples of the New World and colonization to be wholly necessary. These opposing understandings amplified colonial anxieties about conversion because even within the Spanish imaginary there existed a deeply and historically rooted conflict about the meaning of Christianization. Although these debates about the theological justification for colonization were present among early colonial clerics and administrators, the idea that devil worship was unique to the Andes and destruction of Andean religion was imperative, ultimately won out in Peru.[33]

Both Spanish understandings of Andean religion, though distinct in their degree of empathy for Andean people, at their heart considered Andean religion as a form of devil worship.[34] These understandings were thus united in their lack of cultural relativism. The Spanish uniformly understood Andean religion entirely in terms of their own Christian religion. Andean religion, thus lacking any internal coherence as a result of the Spanish separation of Andean religious tradition from its beliefs and history, was construed as superstition.[35,36] In the Andean devotion to huacas and their ancestors, the Spanish saw devil worship, and not the religious beliefs that made such a worship make sense.[37,38] Consequently, both the Spanish who understood Andean religion as in some way united to Christianity and ancient

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[32] Sabine MacCormack, "Demons, Imagination, and the Incas," *Representations* no. 33 (1991), 21.
[33] Irene Silverblatt, *Moon, Sun, and Witches: Gender Ideologies and Class in Inca and Colonial Peru* (Princeton, New Jersey: Princeton University Press, 1987), 170.
[34] Ibid.
[35] Sabine MacCormack, "Demons, Imagination, and the Incas," *Representations* no. 33 (1991), 17.
[36] Irene Silverblatt, *Moon, Sun, and Witches: Gender Ideologies and Class in Inca and Colonial Peru* (Princeton, New Jersey: Princeton University Press, 1987), 171.
[37] Ibid, 170.
[38] Ibid, 171.

Mediterranean religion and the Spanish who saw Andean religion as totally unlike Christianity tried to understand Andean worship in terms of demonic illusion.[39] Ultimately, the second idea that Andean religion was not a true religion because its followers worshiped the devil instead of God had to win out because this laid the foundation for Spanish colonization. It would not have been possible to create a colonial state without employing an understanding of Andean religion as fallacious. This underlying understanding of Andean religion as devil worship coupled with the colonial anxiety about anyone who seemed to be subverting Christianity ultimately led to the witch hunts and Autos de Fe in early colonial Peru.

The Spanish understanding of Andean religion as devil worship was important to the way colonists ended up understanding resistance and perceived resistance to the colonial project of evangelization.[40,41] If Andean worship was indeed devil worship, then indigenous witches were simply manifestations of Andean women's denunciation of Christianity and their practice of their traditional religion. [42, 43] Although Judaism was understood better than Andean religion by the Spanish and as a result was not uniformly reduced to devil worship, the same understanding of Christianity as the only true religion worked in the Spanish imaginary to delegitimize Judaism.[44] For both New Christians and Andean women, the practice of their ancestor's religion was at issue for Spanish colonizers who saw Judaism and Andean religion as resistance against Christianity and therefore against colonization. Although the extent of understanding of these two religions varied dramatically as a result of Spain's different history of contact with each, both were ultimately condemned for the purpose of state formation in Europe and in Peru.[45, 46, 47]

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[39] Sabine MacCormack, "Demons, Imagination, and the Incas," *Representations* no. 33 (1991), 17.
[40] Ibid.
[41] Sabine MacCormack, "Gods, Demons, and Idols in the Andes," *Journal of the History of Ideas* 67, no. 4 (2006), 646.
[42] Ibid, 624.
[43] Irene Silverblatt, *Moon, Sun, and Witches: Gender Ideologies and Class in Inca and Colonial Peru* (Princeton, New Jersey: Princeton University Press, 1987), 171.
[44] Marvin Lunenfeld, "Pedagogy of Fear: Making the Secret-Jew Visible at the Public "Autos de Fe" of the Spanish Royal Inquisition," *Shofar* 18, no. 3 (2000), 87.
[45] Ibid, 78.
[46] María Elena Martínez, "The Black Blood of New Spain: Limpieza de Sangre, Racial Violence, and Gendered Power in Early Colonial Mexico," *The William and Mary Quarterly* 61, no. 3 (2004), 480.
[47] Ann Twinam, "Purchasing Whiteness: Conversations on the Essence of Pardo-ness and Mulatto-ness at the End of Empire," in *Imperial Subjects: Race and Identity in Colonial Latin America*, eds. Andrew B. Fisher and Matthew D. O'Hara (Durham: Duke University Press, 2009), 145.

Both the witch hunts and the Autos de Fe in Peru had obvious roots in the witch hunts and Autos de Fe in the Iberian Peninsula, but these practices of public, mass religious persecution were not simply carried across the ocean in a "'compact and stable block'" but were altered by the new colonial context of Peru. [48,49] Autos de Fe, like witch hunts, were public rituals of penance for Jews condemned of being infidels, and were followed by capital punishment, most often burning at the stake.[50] The underlying purpose of the witch hunts and Autos de Fe in Peru and in Spain was to cement the authenticity of Old Christians during a time of increasing significance of Christianity to Spanishness and to support state formation. Of course the meaning of Old Christians differed in Spain and Peru. In Spain, Old Christians meant Christians of Spanish descent and excluded people of Jewish and Muslim descent. In Peru, the term signified Christians of Spanish or indigenous descent and excluded people of Jewish, Muslim, and African descent.[51, 52] Autos de Fe and witch hunts at their roots reflected Spanish anxieties about the tenuousness of Church and Spanish authority and the perceived empowerment of marginalized groups in Peru and in Spain. This anxiety was particularly robust in Peru because social mobility was far more fluid in Spain's colonies than in mainland Spain. As a result New Christians and to some extent Andeans were able to attain positions of aristocracy which would have been impossible in the Iberian Peninsula.[53] Moreover, both Autos de Fe and witch hunts functioned as public demonstrations with the explicit purpose of inciting fear in the marginalized groups they targeted to induce their compliance with Christianity and with the unity of the Christian colonial state.[54]

The European witch hunts of the fifteenth through the eighteenth centuries,

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48 Gustavo Verdesio, "Colonialism Now and Then: Colonial Latin American Studies in the Light of the Predicament of Latin Americanism," in *Colonialism Past and Present: Reading and Writing about Colonial Latin America,* eds. Alvaro and Félix Bolaños and Gustavo Verdesio (Albany: State University of New York Press, 2002), 1.

49 Sabine MacCormack, "Gods, Demons, and Idols in the Andes," *Journal of the History of Ideas* 67, no. 4 (2006), 624.

50 Robin Vose, "Introduction to inquisition auto de fe records," *Hesburgh Libraries of Notre Dame, Department of Rare Books and Special Collections.* (South Bend, IN: University of Notre Dame, 2010), http://www.library.nd.edu/rarebooks/digital_projects/inquisition/collections/RBSC-INQ:COLLECTION/essays/RBSC-INQ:ESSAY_Autosdefe.

51 María Elena Martínez, "The Black Blood of New Spain: Limpieza de Sangre, Racial Violence, and Gendered Power in Early Colonial Mexico," *The William and Mary Quarterly* 61, no. 3 (2004), 480, 485, 489-491, 515.

52 Marvin Lunenfeld, "Pedagogy of Fear: Making the Secret-Jew Visible at the Public "Autos de Fe" of the Spanish Royal Inquisition," *Shofar* 18, no. 3 (2000), 78.

53 Irene Silverblatt, "New Christians and New World Fears in Seventeenth-Century Peru," *Comparative Studies in Society and History* 42, no. 3 (2000), 538.

54 Marvin Lunenfeld, "Pedagogy of Fear: Making the Secret-Jew Visible at the Public "Autos de Fe" of the Spanish Royal Inquisition," *Shofar* 18, no. 3 (2000), 80, 86.

which were characterized by mass trials between 1570 and 1630 (as opposed to the individual and less frequent trials of the larger four-hundred year period) were very much informed by Europe's history.[55] During the sixty-year witch craze in Europe, a disproportionately female demographic was accused of witchcraft, and these women were overwhelmingly convicted and sentenced to death.[56] European witch-hunts, which accused primarily women of being agents of the devil, are generally considered a backlash both to women's increasing independence from men and motherhood and to the Church's fading authority.[57] Following the profound demographic changes caused by the Black Death between 1347 and 1397, which killed between 30% and 50% of Europe's population, the European population remained fairly stagnant.[58] This stagnation was not the result of poor conditions for population growth but was instead a consequence of women's increasing independence.[59] Because such a significant portion of the European population was killed in just 50 years, women inherited large amounts of money and land that would have normally gone to their brothers. These inheritances allowed European women freedom to not marry or to marry later in life, and to have fewer children.[60] The use of contraception, abortion, and infanticide, thus, increased dramatically, and was at the root of the population stagnation.[61] Consequently, witch hunts explicitly targeted women and midwives in an attempt to incite fear in women who were using birth control and going against the gender order and to eliminate knowledge of birth control.[62] The period of the most intense witch-hunts, moreover, was concurrent with the Church's waning power in the post-Reformation era, and it took advantage of Europe's most marginalized population (poor, old women) to reclaim its authority.[63] Finally, this period marked the first time that the Church possessed the technology and the capacity to Christianize the European masses, which were thought to have been

[55] Dale Hoak, "The Great European Witch-Hunts: A Historical Perspective," *American Journal of Sociology* 88, no. 6 (1983), 1271.
[56] Philip Smith, "A Quantitative Evaluation of Demographic, Gender and Social Transformation Theories of the Rise of European Witch Hunting 1300-1500," *Historical Social Research* 17, no. 4 (1992), 111.
[57] Ibid, 101-102.
[58] Ibid, 101.
[59] Ibid.
[60] Ibid.
[61] Ibid.
[62] Ibid,102.
[63] Dale Hoak, "The Great European Witch-Hunts: A Historical Perspective," *American Journal of Sociology* 88, no. 6 (1983),1273.

practicing pre-Christian sorcery.[64] The European witch craze of the mid-sixteenth through the mid-seventeenth centuries was a fear-based reaction both to the new independence of women and to old, pre-Christian manifestations of spirituality in Europe. The fear that the idea of witches brought about for Christian Europe, thus, was simultaneously based in an understanding of Christianity as the only true religion, one that was so distinct from the pagan religions of Europe's peasantry that mass forced conversion was required, and in new fears that were being engendered by a loss of Church control and by women's empowerment.[65] Though the witch craze in Europe arose from specifically European circumstances and fears, the European understanding of the devil working in religious and cultural traditions not well understood by the Church was at the heart of the witch hunts and Autos de Fe in Peru at the same time.

It is not a coincidence that the consolidation of Castile and Aragon in the late fifteenth century was soon followed by the Spanish Inquisitions in the late fifteenth and early sixteenth centuries.[66] The "increasing obsession with safeguarding the boundaries of the Christian community" following close to 900 years of convivencia was very much tied to state formation.[67] Though during the period of convivencia on the Iberian Peninsula Christianity was not central to Spanishness, when the crowns of Castile and Aragon sought to unite their domains Christianity became essential to Spanishness.[68] This equation of the state with religious identity was only possible through the rejection of the historical Christian tradition that understood the inherent unity of religions. Consequently, Castile and Aragon placed increasing importance on the understanding of Christianity as exceptional, as the only true religion. Without such a rejection of the idea of all religions as, at their base, united, state formation would not have been possible either in the Iberian Peninsula or in Spain's colonies in the New World. As a result of the holding up of the second understanding of conversion and the rejection of the first understanding, Jews and Muslims could be, and were, constructed as societal dangers because they threatened the foundation of Catholicism in Spain through their turning of New Christians away

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64 Ibid.
65 Leela Fernandes, *Transforming Feminist Practice: Non-Violence, Social Justice and the Possibilities of a Spiritualized Feminism* (San Francisco: Aunt Lute Books, 2003), 105.
66 Marvin Lunenfeld, "Pedagogy of Fear: Making the Secret-Jew Visible at the Public "Autos de Fe" of the Spanish Royal Inquisition," *Shofar* 18, no. 3 (2000), 78.
67 María Elena Martínez, "The Black Blood of New Spain: Limpieza de Sangre, Racial Violence, and Gendered Power in Early Colonial Mexico," *The William and Mary Quarterly* 61, no. 3 (2004), 480.
68 Ibid, 506.

from Christianity.[69] Mistrust was not reserved for Jews but was also placed on the hundreds of New Christians who remained in the peninsula after they were forcibly converted to Christianity. Both conversos and Jews were thought to not believe in Christianity and to actively mock it.[70] Jews, for instance, were thought to believe that holy Christian icons were forms of Christian idolatry, to covet Christian blood, to practice ritual murder of Christians, and to use their place in finance to eliminate Christian wealth, among many other beliefs.[71] Disloyal to the Church and the state and avaricious, Jews were made into an other and literally expelled from the peninsula in order to cement the unity of Castile and Aragon.[72, 73]

Spain's witch hunts and Inquisition sought to bolster the authority of the Church and the state through the public condemnation of marginalized groups (namely women and Jews) who were, or were perceived to be, accruing their own empowerment and threatening the power of the state. Both Jews (and their converso counterparts) and witches were thought to be practicing a false form of religion: Jews and conversos in their Judaism and witches in their Andean and Incan religions.[74] The early Viceroyalty of Peru saw similar manifestations of the Iberian Peninsula's fear of witches in its witch hunts and its fear of New Christians in its Autos de Fe, which worked in much the same way that the Spanish Inquisitions worked in the peninsula to rid, either by migration, conversion, or mass burnings at the stake, non-Christians, and specifically Jews, from the state.[75]

In Peru, though, witch hunts and Autos de Fe became entangled in a way they never had in the Old World. In Spain and throughout Europe, there was no connection between the European women accused of witchcraft and Jews and conversos. In Peru, though, indigenous and African women were the primary targets of witchcraft accusations. In the anxiety-laden imaginary of the Peruvian colonial

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[69] Irene Silverblatt, "New Christians and New World Fears in Seventeenth-Century Peru," *Comparative Studies in Society and History* 42, no. 3 (2000), 525.
[70] Ibid, 527.
[71] Ibid.
[72] Marvin Lunenfeld, "Pedagogy of Fear: Making the Secret-Jew Visible at the Public "Autos de Fe" of the Spanish Royal Inquisition," *Shofar* 18, no. 3 (2000), 78-79.
[73] María Elena Martínez, "The Black Blood of New Spain: Limpieza de Sangre, Racial Violence, and Gendered Power in Early Colonial Mexico," *The William and Mary Quarterly* 61, no. 3 (2004), 480.
[74] Dale Hoak, "The Great European Witch-Hunts: A Historical Perspective," *American Journal of Sociology* 88, no. 6 (1983), 1273.
[75] Irene Silverblatt, "New Christians and New World Fears in Seventeenth-Century Peru," *Comparative Studies in Society and History* 42, no. 3 (2000), 524.

government, which had a far larger population of potential and real religious deviants and in which state formation was far more tenuous, witches and New Christians became an organized force.[76] In the early 1600s, there was a popular theory that Jews and Andeans shared a common ancestry, which was bolstered by the common idea that Jews and indigenous people were "'similar in every respect… in physique and temperament and in other characteristics, such as their customs, rites, ceremonies, superstitions, and idolatries.'" [77, 78] One of these similarities was the shared Jewish and indigenous ability to magically control wealth, which was drawn from stereotypes of Jews in Europe as controlling much of the financial world and from the Spanish perception that Andean people were intentionally hiding and disappearing the Incan Empire's great mineral wealth from the Spanish.[79] In the Spanish colonial imaginary, mercantile centers became a site where, because of New Christian's alleged magical ability to communicate in a shared, secret language with African and Andean peoples, Jewish heresy would turn indigenous and African people, and particularly women, away from Christianity and potentially away from their allegiance to the colonial state. [80] The connection the Spanish invented between indigenous people, Africans, and New Christians is particularly remarkable because of the essentialness that these groups represented for the colonial state: the Viceroyalty of Peru depended on the slave labor of Africans, the mita and tributary of Andean people, and the global trade that was in many ways facilitated by Jews.[81] Perhaps, then, the connection the Spanish created between New Christians, Andean people, and Africans was not wholly random but instead came out of the interconnectedness that these three groups represented for the functioning of the colonial system.

In Peru the Spanish further connected New Christians and indigenous and African people by employing the same language of religious heterodoxy and pacts with the devil to describe indigenous and African witches that had historically been used against Jews in the Iberian Peninsula.[82] Jewish religious rituals were even

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[76] Ibid, 533.
[77] María Elena Martínez, "The Black Blood of New Spain: Limpieza de Sangre, Racial Violence, and Gendered Power in Early Colonial Mexico," *The William and Mary Quarterly* 61, no. 3 (2004), 484.
[78] Irene Silverblatt, "New Christians and New World Fears in Seventeenth-Century Peru," *Comparative Studies in Society and History* 42, no. 3 (2000), 532-533.
[79] Ibid, 533.
[80] Ibid, 532.
[81] Ibid, 537.
[82] María Elena Martínez, "The Black Blood of New Spain: Limpieza de Sangre, Racial Violence, and Gendered Power in Early Colonial Mexico," *The William and Mary Quarterly* 61, no. 3 (2004), 512.

implicated in religious customs of Andeans and Africans.[83] In some ways, then, Judaism and Andean and African religions became equated with each other (through the belief that Andeans literally descended from Jews) and with devil worship. The false equivalence that the Spanish made of any non-Christian religion as devil worship, whether it was a religion the Spanish had long, historical contact with like Judaism, or a religion the Spanish were encountering for the first time, points to the ways the Spanish tried to make sense of Andean and African religions in terms of any religion they were familiar with. Moreover, the Spanish conflation of Judaism and Andean religion reveals how similar the Autos de Fe and witch hunts in the Andes were in the Spanish imaginary.

Unlike New Christians in Peru, who for the most part tried to hide their Jewishness in order to blend in with Spanish society and gain social mobility, there is significant evidence that indigenous women, though they did not believe in witchcraft and did not have any conception of the devil, utilized the "ideology of rebellion" that the Spanish provided them.[84, 85] The Spanish understanding of gender divested Andean women of their traditional roles as presiders over their own religious and political institutions that were complementary to those of men.[86] Moreover, though the Spanish, like the Inca, used a system of tribute and mita to extract labor and wealth from the Andean people, the Spanish and Incan systems were profoundly different. The purpose of the Incan system was to sustain the empire by providing for those who could not at a given time provide for themselves, whereas the purpose of the Spanish system was to produce wealth that would be exported outside of Peru to the European market in order to accrue wealth for Spain.[87] As a result, Andean women were not only stripped of their roles in organizing their own political and religious institutions, but were economically exploited in ways that were unprecedented under the Spanish system of tribute. Moreover, the equality they had enjoyed with their male counterparts was expunged as the Spanish colonial state and ideology enforced a subordination of indigenous

[83] Irene Silverblatt, "New Christians and New World Fears in Seventeenth-Century Peru," *Comparative Studies in Society and History* 42, no. 3 (2000), 535.
[84] Ibid, 538.
[85] Irene Silverblatt, *Moon, Sun, and Witches: Gender Ideologies and Class in Inca and Colonial Peru* (Princeton, New Jersey: Princeton University Press, 1987), xxxi.
[86] Ibid, 36.
[87] Ibid, 125-126.

people to the Spanish and a subordination of women to men.[88] Consequently, and because of the power that the Spanish vested in Andean women as a result of their own European fears of powerful women, Andean witches used the Spanish ideology of witchcraft to reclaim their culture, religion, and their female autonomy.[89]

By the very definition of witchcraft that the Spanish created in the Andes, the practice by Andean women of their religion and the maintenance of their culture was construed as witchcraft. As a result these forms of resistance to Spanish colonialism took on towering meanings.[90] Both the Andean women who stayed in the reducciones and those that fled to the puna to create radical communities that rejected Christianity, colonization, and patriarchy in absolute terms were construed by the Spanish colonial state as witches simply because of their maintenance of their culture and religion.[91] In fact, a Spanish priest who publicly whipped three Andean witches claimed that he punished these women not "'so much because of the fact that they believed in superstitions and other abominations, but rather because they encouraged the whole village to mutiny and riots through their reputation as witches.'"[92] Andean witches, thus, were able to take advantage of Spanish fears, which were not rooted in Andean reality and instead stemmed from a deep misunderstanding of Andean culture-- the idea of the devil and even the concept of good and evil were specifically European, Christian ideologies-- to resist Spanish colonization.

In the Andes, Spanish fears about indigenous witches and Jews, which were clearly rooted in European ideologies, were united by what at their base was a fear of non-Christian religion. Although the Spanish colonial government feared that New Christians would magically consort with newly Christian indigenous and African peoples to turn these groups away from Christianity, in reality New Christians in Peru were striving to blend into the Christian world to gain mobility that was unavailable to them in the Iberian Peninsula and were largely uninterested in consorting with indigenous or African peoples. Women in the Andes equally did not themselves believe in the ideology of witchcraft, and certainly did not think that they were practicing witchcraft, but they were, in practicing their own religion and preserving their own culture, doing exactly what the Spanish feared by subverting Christianity and by extension the colonial state. In some ways, then, while New

[88] Ibid, 129.
[89] Ibid, 187.
[90] Ibid, 195.
[91] Ibid, 197.
[92] Ibid, 196.

Christians in early colonial Peru were tightly clinging onto Christianity, many Andean women were holding onto their own culture and religion.[93] In opposite ways, each were responding to colonization in ways that would most benefit them. For New Christians this meant blending fully into Spanish, Christian culture. For Andean women, because they were being oppressed as women and as Andean people, the only way to maintain any of their own power under such a system was to reject it, which meant upholding their own traditions and religion.

Although the Spanish colonial state saw New Christians and Andean women as consorting together against Christianity and the state, in fact they had set up the very conditions for the opposite to happen. Not only was the Spanish fear of New Christians for the most part unnecessary because of the power New Christians could attain by blending into Christianity, but their fear of indigenous witches actually had the effect of conferring power to Andean women that they would not otherwise have had. Moreover, though Spanish fears about any religion other than Christianity clearly manifested in the New World in ways that were in many ways identical to those manifested on the Iberian Peninsula, and which as a result distorted the ways in which the Spanish understood its marginalized constituencies, the colonial circumstances of the Andes undoubtedly permutated the ways in which these fears played out. In the Iberian Peninsula witches (who were exclusively European and almost always women) and Jews were both understood as religious deviants because of their practice of heretical forms of Christianity (i.e. worshiping the devil in lieu of the Christian god) and of their practice of Judaism. Punishments for heretics (witches) and infidels (Jews), though they were labeled differently, were ultimately the same.[94] Public, mass executions of witches and Jews, through witch hunts and Autos de Fe, also had the same purpose: to root witch craft and Judaism out of the Iberian Peninsula through state force. The importance that the Spanish colonial government placed on rooting out Andean religion, and the fact that it deemed observance of non-Christian religions as meriting capital punishment and mass expulsion from the state, clearly points to the degree of anxiety inherent in the colonial state.[95, 96]

The ways in which the Spanish state fused their deepest Iberian anxieties

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[93] Ibid.

[94] Irene Silverblatt, "New Christians and New World Fears in Seventeenth-Century Peru," *Comparative Studies in Society and History* 42, no. 3 (2000), 532.

[95] Ibid, 525.

[96] Irene Silverblatt, *Moon, Sun, and Witches: Gender Ideologies and Class in Inca and Colonial Peru* (Princeton, New Jersey: Princeton University Press, 1987), 171.

with their colonial Peruvian anxieties, moreover, is tremendously telling of the meaning of these anxieties. In the Iberian Peninsula the Spanish clearly saw some similarity between the heretical practice of witchcraft and the infidelic practice of Judaism, evidenced by their nearly identical punishments.[97] Witchcraft and Judaism were equally understood to be antithetical to Christianity and to the Spanish state. In the Viceroyalty of Peru, though, the likeness of witchcraft, understood to be practiced by Andean and African women, and Judaism, became deeply entangled in ways they never had in Spain. Andean people were widely believed to be descended from European Jews, and consequently Jews and Andean witches were thought to share religious customs and a magical language that was unintelligible to the Spanish.[98] Unlike in the Iberian Peninsula, in Peru witches and Jews did not just worship the devil, but they also shared a common culture. In the Spanish imaginary, because of the increased tenuousness of state formation in Peru and the shrunken proportion of Old Christians compared to that in the Iberian Peninsula, witches and Jews became a united force.

The immense amount of tension in the Viceroyalty of Peru was not only a consequence of the precariousness of state formation in Peru, but was also a result of tension in the very foundation of colonization. Colonial state formation in the Andes was predicated on the idea of the inherent disunity of religions, that Christianity was the only true religion.[99] This idea, though, was not clearly laid out either in the Bible or in the succeeding 1,500 years of Christian history. In the internal structure of Christianity, in the Bible, and in the 1,500 year long institutionalization of Christianity, there were competing ideas about the function of divine legislation, like that written down in the Bible, and eternal truths. This tension about whether to interpret the specifically Christian divine legislation as applying to everyone even though it was only revealed to Christians, versus understanding all religions, whether Christianity, Paganism, Judaism, African, or Andean religions, as fundamentally united, clearly underlied the tensions about conversion and state formation in Peru.[100] The tensions in the Spanish colonial government in Peru, though, because it was so deeply out of touch with the reality of the Andes, worked simultaneously to oppress non-Christians and newly converted Christians and to

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[97] Ibid.

[98] Irene Silverblatt, "New Christians and New World Fears in Seventeenth-Century Peru," *Comparative Studies in Society and History* 42, no. 3 (2000), 532

[99] Robert Erlewine, *Monotheism and Tolerance: Recovering a Religion of Reason* (Bloomington: Indiana University Press, 2010), 10.

[100] Moses Mendelssohn, *Jerusalem or On Religious Power and Judaism* (Waltham, Massachusetts: Brandeis University Press, 1983), 94.

create a space for resistance.

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Crime and Security in Shanghai's French Concession, 1919-1937

Olivia Hunter

When Charles de Montigny arrived in Shanghai in 1847 and made his home in the "shed" that was to become the French Consulate, he was accompanied only by his family and a Polish translator.[101] He at once became the defender of Catholic missionaries and their flocks throughout China. Whenever he heard of Catholics in trouble, he would rush off, sometimes putting his life in danger, to protect them.[102] When explaining his seemingly reckless activities to the French Minister, he stressed that religious zeal did not guide his actions: "'Allow me to repeat, Minister, all the missionaries here are instruments of the future preponderance and success of France…It is not religious sentiment that prompts me to speak and act in their favor…but the interests of my country.'"[103] Montigny, who established the French Concession and served as its first Consul-General, is credited with impacting the policies and character of the Concession for decades after his administration ended.

Indeed, the French authorities in Shanghai continued to be more concerned with having a foot in the colonial game than promoting any specific religiously-based morality.[104] The French sought to protect their expatriates, whether they were missionaries or entrepreneurs, as well as promote the secular "civilizing mission" that had more to do with liberty than with morality.[105] The authorities focused on maintaining the security of their borders and spreading republican values, and were less concerned with preventing traditional vices like gambling and prostitution. This guiding ideology may be why the French territory in Shanghai was known as an area mired in crime—and why the authorities did nothing to change this perception. The French identity in Shanghai was rooted in ideas of French military grandeur and this basis of national prestige, along with the republican civilizing mission, was not necessarily at odds with activities traditionally considered immoral.

Shanghai during the Republican period was a city of both glamour and vice.[106] It was at once the most modern metropolis in China, and the one most

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[101] Marie-Claire Bergère, *Shanghai: China's Gateway to Modernity*, (Stanford: Stanford University Press, 2002), 12-13.

[102] Bergère, 13.

[103] Ibid., 13.

[104] Alice L. Conklin, *A Mission to Civilize: The Republican Idea of Empire in France and West Africa* (Stanford: Stanford University Press, 1997), 1.

[105] Conklin, 2.

[106] The Republican period in China refers to when the Nationalist government was in power, i.e. 1912-1949.

overrun by gangsters and official corruption. Shanghai was seen as a place for exploits in gambling, drugs, and sex for both foreigners and Chinese. Indeed, a 1937 collection of stories written by American G.E. Miller about the city and its surroundings was entitled *Shanghai: A Paradise of Adventurers*.[107] There is no doubt that this reputation for lawlessness was, for some immigrants, as much a draw as the business opportunities. For Chinese migrants the lure of the foreign was part of the adventure; Shanghai had significant populations of Americans, British, French, and Russians. In many ways Shanghai lived up to its reputation, both in terms of cosmopolitanism and vice.[108]

Since the late 1840s Shanghai had been divided into three municipalities: the International Settlement, the French Concession, and the Chinese city. The French Concession was bordered on the south by the moat around the old Chinese city, on the north by the Yangjingbang canal, and to the west by the Huangpo River. The Opium Wars fought between the Chinese and British paved the way for the French to establish colonial territories in Shanghai as well as in Tianjin, Hankou, and on Shamian Island. The Sino-French war, fought between 1884 and 1885, solidified the presence of French influence in China and its peripheral states. The French in Shanghai enjoyed both relative political independence from the central French government and extraterritoriality in China. This endowed the consul-general, the Concession's head administrator, who changed every few years, with enormous influence over the Concession's governance.

The French Concession was the epitome of all that Shanghai represented in the Republican period. Not only did the population of the area include many different foreign nationalities and boast glamorous clubs, the Concession was well-known as the city's hub of organized crime. It at once attracted American and British businessmen with its picturesque streets, and former Chinese warlords looking for protection in the region's extraterritoriality, a mélange that created a volatile mix of respectability and immorality. Also noted by British residents of Shanghai was the Concession's activities and events honoring its soldiers and military. Indeed, the

[107] Doug Slaymaker, "Shanghai Three Ways: The 1930s view from Tokyo, Paris, and Shanghai," in *Foreigners and Foreign Institutions in Republican China*, ed. Anne-Marie Brady and Douglas Brown (New York: Routledge 2013), 131.

[108] Yeh Wen-Hsin, *Shanghai Splendor: Economic Sentiments and the Making of Modern China, 1843-1949* (Berkeley: University of California Press, 2007).

identity of the Concession seemed closely tied to both its status as an entertainment center and to the historic greatness of the French military.[109]

Frenchtown's association with crime is paradoxical considering the high number of paramilitary police employed by the settlement, and leads one to wonder why the administrators tolerated gambling, prostitution, and opium smoking.[110] In this paper, I will examine the high level of crime that existed in the French Concession despite the consul-general's apparent ability to control the population with his paramilitary police force. Non-French foreigners in Shanghai saw the French Concession authorities at once as both preoccupied with security and rife with corruption, and unlike the French, perceived the prevalence of sin as a threat to the Concession's existence, and therefore to French cultural superiority and their international prestige. Despite, or perhaps because of, the colonialist agenda, which stressed military security and the spread of republican values, authorities allowed crime to run rampant. I argue that the French administrators and police force based their national pride on maintaining the physical borders of the Concession and protecting the area from outside threats rather than internal threats. This view is based on the idea that French administrators had the ability to control crime in their territory, a stance that emphasizes the power of the colonizers.

At the heart of this argument is the tension between the French "civilizing mission," the authorities' tolerance of crime, and the aggressive force upon which French rule rested.[111] The French mission to civilize, once dominated by Catholic missionaries, became a contested ground starting in 1870. The proponents of French republicanism struggled with the Catholics, both in France and abroad in the colonies, for control over French culture. This struggle over cultural values continued throughout the nineteenth century and into the early twentieth, when the republicans eclipsed their religious rivals. For the republicans, the Church, and everything associated with it, represented the old world and outdated morals that they wanted to erase. Rather than religious morality, politicians hoped to instill rationality, liberalism, egalitarianism, and individuality into their subjects at home and

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[109] "Non-French Residents and the Gambling Situation," *The China Weekly Review (1923-1950)*, May 30, 1931, 449, http://search.proquest.com/docview/1319904848?accountid=10629.

[110] By referring to the police officers as paramilitary I mean they took on the responsibilities of police officers and the military. They were required to both police internal crime and protect the Concession's borders. Brian G. Martin, "'The Pact with the Devil': The Relationship between the Green Gang and the French Concession Authorities, 1925-1935," in *Shanghai Sojourners*, ed. Frederic Wakemen, Jr., and Wen-hsin Yeh (Berkley: Regents of the University of California 1992), 272.

[111] Conklin, 2.

overseas.[112] These values are not necessarily at odds with traditional vices such as gambling and drug use in the same way they are with Christian values. The republican civilizing mission could conceivably exist with activities traditionally deemed immoral without contradiction. Indeed, in the French Concession, vice and republican ideals existed simultaneously. By the 20th century, the French influence in Shanghai was primarily a secular one, and one seemingly unconcerned with, and perhaps even opposed to, Catholic standards of morality.

At the same time, the maintenance of the French territory in Shanghai was very clearly tied to military superiority. A contradiction inherent in the civilizing mission from the beginning was its simultaneous emphasis on equality and the expansionist goal to spread its "universal" principles through military force.[113] Thus the French *mission civilatrice* was in all cases predicated on French military superiority. The military was the backbone of French universal republicanism and French grandeur. This preoccupation with military superiority was especially pronounced after World War I, when French politicians and military officials were feeling emasculated and embarrassed by their performance in the Great War.[114] This concern could have been exported to the Concession in Shanghai, many of whose residents and administrators were participants in World War I. They not only wanted to protect the Concession from real threats, such as the possibility of a Nationalist takeover, but also to promote an image of France as militarily competent and masculine.[115] Along with more concrete motivations, there was also a cultural impetus behind military preparedness in the Concession.

The French Colonial Project

This multifaceted nature of motives within the Shanghai territory is paralleled by the French colonial project's various ambitions behind expansion. Alice Conklin, Sarah Fishman, and Robert Zaretsky address the political and economic motivations

[112] J.P. Daughton, *An Empire Divided* (New York, Oxford University Press, 2006), 8; Alice L. Conklin, Sarah Fishman, and Robert Zarestky, *France and Its Empire Since 1870* (New York: Oxford University Press, 2011), 2.

[113] Conklin, Fishman, Zarestky, 15.

[114] Carolyn J. Dean, *The Frail Social Body: Pornography, Homosexuality, and other Fantasies in Interwar France*. (Berkeley: University of California Press, 2000), 6.

[115] Bergère, 165.

for colonialism in their text *France and its Empire Since 1870*. They acknowledge a debate that still rages among historians on whether Jules Ferry's economic justification for colonial expansion was founded in reality. Some historians argue that the colonies in fact enriched the metropole economically by providing much-needed raw materials, and serving as a market for French-made goods. Other scholars of greater France contend that economic profit was merely an excuse. They examine the way colonies were actually an economic drain on metropolitan France.[116] The investment of money, men, and materials did not result in equal returns, and thus colonies were unprofitable for the French government. In response to this argument, historians who favor economic motivations stress that actual economic benefits mattered less than perceived economic profit. Conklin, Fishman, and Zaretsky themselves contend that both economics and politics played a role in the renewed emphasis on colonial expansion and maintenance of colonies after World War I.[117] They maintain that at this time colonies were in fact profitable for France—their role as a protected market was working, as 40 percent of French exports found buyers in the colonies.[118] The empire likewise benefitted France diplomatically by representing France's power in the European competition for global influence.

Diplomatic and economic profit are both ways historians have read the motivations behind French imperialism, yet the argument for cultural incentives is another piece of the puzzle. Conklin, Fishman, and Zaretsky take into account ideological and cultural reasons for the renewed attention paid to the colonies in the early 20th century. They underscore the French politicians' sincere belief in the civilizing mission and their duty to bring progress to backward peoples.[119] French colonialism was at once a result of economic, political, and ideological motivations, all of which worked together to impel the French to expand their empire.

One historian who focuses on cultural aspects of French expansion is Robert Aldrich, who argues that a prevailing goal in late nineteenth century imperialism was to spread French cultural influence, with the intention of making "colonies little overseas Frances and perhaps, in the fullness of time, to turn Africans, Asians and islanders into French men and women of a different color."[120] This objective, rooted in the idea of French cultural superiority, demonstrates that colonizers intended to

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[116] Conklin, Fishman, and Zaretsky, 68.

[117] Ibid., 167.

[118] Ibid., 167.

[119] Ibid., 168.

[120] Robert Aldrich, *Greater France: A History of French Overseas Expansion* (New York: St. Martin's Press, 1996), 110.

spread French ways of living and thinking. Aldrich also mentions the political motivations behind colonialism. He maintains that France saw its colonies as a way to gain power and prestige on the continent. Colonialists viewed expansion as a method to attain leverage against Germany and "recoup their losses in Europe."[121] Implicit in this motivation is the nationalist outlook associated with Realpolitik. Moreover, according to Aldrich, despite the specific circumstances behind each case of expansion, French colonialism was always backed by military force. "Force…" he writes, "represented the only assurance of French conquest and continued control."[122] Yet, military might was not only a necessity for imperialism, it was also part of French culture. Aldrich argues that in the early twentieth-century, French citizens "still thought of military campaigns as heroic" and "military officers as noble…"[123] Thus Aldrich characterizes French colonialism as an expression of French national pride laced with and dependent on lingering militarism.

France's cultural motivation for imperialism is highlighted further by Tony Chafer and Amanda Sakur. According to Chafer and Sakur, despite the lack of consistent, state-determined colonial ideology, colonialists and other sources of popular propaganda embedded colonialism in ideas of French nationalism and national identity. In the introduction to their edited volume, *Promoting the Colonial Idea*, Chafer and Sakur argue that French national identity was unified through ideas of the glory of French empire. Their collection of papers demonstrates that "knowledge of the empire was used explicitly to foster a sense of belonging to France and a pride in its achievements."[124] Moreover, French national identity in the late nineteenth-century and early twentieth-century went through a profound change and became based on "militarism and heroic sacrifice" and equality of all citizens before the law, rather than on the uniting force of the Catholic Church.[125] Their argument solidifies the connection between imperialism, nationalism, and militarism about which Aldrich writes.

Chafer and Sakur essentially agree with Aldrich's characterization of French colonialism, and I will use their arguments to show that this culture of nationalism and militarism affected the way the French Concession was administered. The

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[121] Aldrich, 97.

[122] Ibid., 88.

[123] Ibid., 92.

[124] Tony Chafer and Amanda Sakur, eds, *Promoting the Colonial Idea: Propaganda and Visions of Empire in France* (Gordonsville, VA, USA: Palgrave Macmillan, 2001), 6.

[125] Chafer and Sakur, 5; Dean, 4.

mission of France in China was to maintain its Concession to spread French culture, and the French were equipped to use force to protect their holdings. Because French national identity in the Concession was so tied up in militarism, the colonial authorities in the Concession focused more on external than internal threats. This outward focus allowed crime to proliferate within the Concession's borders. The collective identity of the French expatriates in the Concession was bound up in France's historic military feats, which also played a part in the creation of the colonial empire, and was less based on the upholding of morality within their territory.

Crime and its Role in Frenchtown

When the French Concession is mentioned in studies on the history of Shanghai, the author invariably describes the high level of crime which characterized this section of town.[126] Two explanations for why the French authorities tolerated illegal activities dominate the discussion. The first is the argument that the French Concession would not be able to sustain itself economically unless it allowed for gambling and other crimes in exchange for a sizeable payoff from the Chinese gangsters that ran many of the illegal establishments. The second is that close association with Chinese gang members gave French administrators more control over the Chinese population, and thus the authorities allowed crime to flourish in service of political stability. These types of arguments are at the heart of the scholarly discussion of French colonialism, which identifies economic and political profit as two major motivations for imperialism. Of course, the French civilizing mission was also influential in the Concession, though it seemed to make the authorities more concerned with creating a place of at least nominal equality among races than with enforcing laws relating to opium and gambling. The French universal principles, laid out in the *Declaration of the Rights of Man,* emphasized the equality and freedom of all men, and it appears that the French in the Concession were in some ways truly working to achieve these ends.[127]

Another possibility is that the French cared so little about the Chinese residents of their Concession that they did not enforce laws that could have prevented many Chinese from becoming addicted to opium or losing all of their

[126] For example, Michael Miller, *Shanghai on the Metro: Spies, Intrigue, and the French between the Wars* (Berkeley: University of California Press, 1994), 241-244; Bergère, 117; Frederic E. Wakeman, *Policing Shanghai, 1927-1937* (Berkeley: University of California Press, 1995), 14.

[127] Dean, 4.

money to gambling.[128] It could also be that, as Ann Stoler argues, colonies provided Europeans areas that were situated safely away from the metropole to serve as outlets for their deviant behaviors.[129] Yet another possibility is that morals in the Concession could have been mirroring those in the metropole. The French colonialists may have simply exported their twentieth century conceptions of vice, which were different from those of the nineteenth century and which could have been different from British ideas of what constituted immoral behavior. In the case of sexual behaviors considered deviant, such as prostitution or homosexuality, the moral objections to these practices waned after World War I. Though still marginalized, deviant sexual behaviors were looked down upon because they were seen as detrimental to bodily health, not because they were immoral.[130] The disassociation of morality with acts previously considered delinquent may have had something to do with the French administrators' lack of concern with activities the Anglo-Americans deemed immoral. These two groups could have been operating from different ethical systems that stemmed from their home country's culture. In any case, while the French police were lax on internal laws, the borders to the concession were heavily guarded.

I hope to insert a cultural understanding of why crime proliferated in the French Concession that works alongside the arguments for political and economic motivations for allowing crime, rather than propose an alternative. I argue that the cultural emphasis on the military in the French Concession impacted how the colonial outpost was run. This may not have been the case in France's other colonies, but it highlights how certain aspects of French culture could be exported to and amplified in France's overseas territories.[131] In some cases religion was emphasized, in others it was French racial superiority, but in the Concession the authorities and media encouraged identity to form around French military

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[128] This is suggested by M.K. Han in M. K. Han, "French Colonial Policy in China as Reflected in the Shanghai French Concession," *The China Weekly Review* (Shanghai, China), Jan 23, 1932, http://search.proquest.com/docview/1324893839?accountid=10629.

[129] Ann Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule* (Berkeley: University of California Press, 2002).

[130] Alain Corbin, *Woman for Hire: Prostitution and Sexuality in France after 1850* (Cambridge: Harvard University Press, 1990), 331-334; Dean, 4.

[131] Kevin J Callahan and Sarah A Curtis, Introduction of *Views from the Margins*: *Creating Identities in Modern France* (Lincoln, University of Nebraska Press, 2009) 1-4.

achievements.[132] Within my argument, the Shanghai Concession fits well into the story of imperialism based on national pride and republican universalism, and shows that the culture backing colonialism had concrete influences on the administration of the Concession. This outlook takes for granted that the French exerted control over their colonial holdings and did not enter into existing political systems, but instead created their own.

Power Dynamics Within the Concession

The issue of control is one that is up for debate in the Shanghai arena; historians Marie-Claire Bergère and Brian Martin both emphasize the power of the Chinese in shaping the foreign concessions. Though it is true that Shanghai was different from most colonial cities in that the colonized were given more rights and influenced the development of the city, the French Concession's extraterritoriality still gave the French administrators complete political control. This gave rise to resentment and anti-colonial sentiment among many Chinese. Even when the Nationalist government seemed to cooperate with the Western imperialists, the presence of colonial outposts on their soil was a humiliation and a threat to their power. Because policing crime and determining what was considered crime concerns controlling bodies and defining social values, the crime issue can serve as a microcosm for exploring the tensions in Shanghai and looking at who was really in control.

In *Shanghai: China's Gateway to Modernity*, Bergère maintains that the existence of dancing halls and opium dens in the French Concession was a result of both the authorities' close relationship with the Shanghai Green Gang, as well as an economic necessity. Allying with the powerful criminal organization allowed the French to

[132] Racism was, of course, a fact of all colonial missions but was especially present in French colonies in Africa. For more on this see Owen White, "Miscegenation and the Popular Imagination," *Promoting the Colonial Idea: Propaganda and Visions of Empire in France*, ed. Tony Chafer and Amanda Sakur (Gordonsville, VA, USA: Palgrave Macmillan, 2001): 133-142; Alice Conklin, "Faire Naître v. Faire du Noir: Race Regeneration in France and French West Africa, 1895– 1940," *Promoting the Colonial Idea: Propaganda and Visions of Empire in France*, ed. Tony Chafer and Amanda Sakur (Gordonsville, VA, USA: Palgrave Macmillan, 2001): 143-155; Emmanulle Sibeud, "'Negrophilia', 'Negrology' or 'Africanism'? Colonial Ethnography and Racism in France around 1900," *Promoting the Colonial Idea: Propaganda and Visions of Empire in France*, ed. Tony Chafer and Amanda Sakur (Gordonsville, VA, USA: Palgrave Macmillan, 2001): 156-167. For more on a colony that remained heavily influenced by Catholicism in the twentieth century see Jeremy Rich, "Marcel Lefebvre in Gabon: Revival, Missionaries, and the Colonial Roots of Catholic Traditionalism," *Views from the Margins*: *Creating Identities in Modern France*, ed. Kevin J Callahan and Sarah A Curtis (Lincoln, University of Nebraska Press, 2009): 53-83.

maintain control over the trade unions and also served to keep Nationalist troops out of the Concession.[133] Equally important to the continuance of the Concession was a steady income. Bergère writes that "given that its revenues from taxation were more modest than those of the international settlement, since it was less densely populated and less active, it was obliged to increase its resources by taxing opium dens, gaming houses, and brothels, which were "consequently in its interest to encourage or at least to tolerate."[134] Moreover, in 1927 when the Consul-General Paul Emile Naggiar apparently made a deal with the Green Gang to provide more police protection to the Gang-owned opium dens and gambling houses in exchange for the Gang's help in controlling the Chinese population, these two concerns were joined.[135] Frenchtown administrators could profit off of the immoral establishments while ensuring domination over their colony. Bergère characterizes this relationship as one where the Chinese were actually in control. Throughout her book she reinserts Chinese agency into the story of colonialism in Shanghai. This view complicates the version told by historians of French colonialism, where the colonizers were the dominant players.

Brian G. Martin, in his article "Du Yuesheng, the French Concession, and Social Networks in Shanghai," likewise contextualizes the French Concession within the established Chinese governance, highlighting the Chinese influence over the foreign administrations. In explaining the level of crime in the Concession, Martin acknowledges the monetary benefits the administrators received by letting immoral activities thrive, but focuses more on the political perks of being associated with and bending to the will of members of the Chinese Green Gang. According to Martin, this group of criminals influenced "the lives of nearly everyone in the city: marginalized beggars, industrial workers, office clerks, and captains of commerce and industry."[136] Some known Green Gang members were even hired as members of the police force. Because of the Gang's entrenched power the Concession authorities benefited from being on good terms with its leaders. Gang members could help the Concession administrators quell Chinese revolts and strikes, and generally control the Chinese population within the French borders. By tolerating the Gang and its

[133] Berègre, 192. The Green Gang was a powerful, criminal Chinese Gang.

[134] Ibid., 117.

[135] Ibid., 194.

[136] Brian G. Martin, "Du Yuesheng, the French Concession, and Social Networks in Shanghai," in *At the Crossroads of Empires: Middlemen, Social Networks, and State-Building in Republican Shanghai*, ed. Nara Dillon and Jean C. Oi, (Standford: Standford University Press, 2008): 65.

activities, the authorities maintained in turn some power over the gangsters, who had a vested interest in supporting the Concession.[137] Thus tolerance of crime in the French-administered area came down to the maintenance of political power.

Martin goes further to argue that Du Yuesheng, the leader of the Green Gang, actually functioned more like a Chinese politician.[138] Warlordism was the prevailing political structure in China before this period and can be argued to have lasted throughout World War II. Du's role in Shanghai resembled that of how a warlord would operate—he even had connections with the Nationalist government.[139] Seen in this context, the French participated in the Chinese political system. Like Berègre, Martin reminds the reader that it is easy to imagine that extraterritoriality and the unequal treaties signed after the Opium wars made French dealings in China separate from the Chinese political system. In reality, he argues, despite their extraterritoriality, and the indignation of the Chinese residents at the crime around them, the French actually participated in politics on Chinese terms.

While there was certainly more space for Chinese agency in Shanghai than in other French Colonial outposts, within their Concession the French were in control. Even their allowances to the Chinese can be seen as part of their colonial strategy. Either way, it is important to interrogate the French mindset and motivation as they interacted with (or perhaps acted within) the Chinese system. Looking at how the culture informed French imperialism can help explain why French administrators in Shanghai were willing to have a close relationship with a Chinese gang and why they allowed crime to spread even while their neighbors on all sides were criticizing this decision. It would be unfair to say that the crime in the French Concession was solely a result of the tradition of Chinese warlordism, though this idea was believed by Westerners at the time.[140] In actuality, the prevalence of establishments deemed morally reprehensible by Shanghainese and Shanghailanders in the French section of town resulted from many factors. There were economic and control-oriented motivations for allowing the crime to flourish, but there is also an unexamined cultural basis at the heart of this issue. I hope to expound upon how the French expatriates' preoccupation with military prowess played a role in the perceived and actual moral leniency of the French Concession.

Despite the Concession's importance in completing the story of French colonialism, Frenchtown is surprisingly understudied. Indeed, French historians are

[137] Martin, "Du Yuesheng," 69.
[138] Ibid., 75.
[139] Ibid., 66.
[140] Wakeman, 8.

even said to "ignore" the subject.[141] This oversight of the topic of the Concession may be due to the lack of sources available from its French residents, though new traces are being discovered even now. For example, the *Journal de Shanghai*, a newspaper published from 1928 to 1940 out of the French Concession, is currently unknown to many scholars. Not only is there no mention or use of this paper in any work I have read, one scholar even asserts that the only newspaper that emerged from Frenchtown was *L'Echo de Chine*, which was under the direction of the *Missions Etrangeres* in Paris and whose extreme views supposedly embarrassed the civilians and authorities of the French Concession.[142] Indeed, working with only one paper from a religious organization would not lend to a full picture of life in the Concession. Furthermore, the English-language newspapers mention Frenchtown surprisingly seldom, given how intertwined the International Settlement and the Concession were.[143] Yet these pieces on the French-controlled area still give insight into both the events taking place in the Concession and how the Chinese, English, and American residents of Shanghai saw the Concession and its French administrators. *Le Journal de Shanghai* adds to these outside observations, giving a fuller picture of life in the Concession. Thus, I will examine the French Concession both in terms of how the French perceived it, as well as through the lens of its foreign and Chinese neighbors. First, I will establish the extent of crime or 'immoral' activities that were said to be taking place in the Concession. I will then describe the reactions the Concession's neighbors had to Frenchtown's loose laws. In the following section, I look at displays of French nationalism within the Concession and their relationship to the military and the area's supposed lawlessness. Finally, I speculate that the Concession authorities' identities, based on maintenance of French military superiority, translated into a focus on the physical security of the Concession that led French administrators to, intentionally or unintentionally, overlook internal crime.

Perception of Crime in the Concession

[141] Nicholas R. Clifford, *Spoilt Children of Empire: Westerners in Shanghai and the Chinese Revolution of the 1920s* (Hanover: Middlebury College Press 1991), 24.

[142] Clifford, 67.

[143] Ibid., 24.

In the Republican Period, the French Concession was widely touted as one of the most desirable places to live in all of Shanghai.[144] This section of town apparently "retained the charm of a French city" even in 1935, after several skyscrapers had been erected.[145] A writer for *The China Press* attributed Frenchtown's charm to "its gardens, its quiet streets," which provided a break from the busy excitement of the business-oriented International Settlement.[146] Indeed, the Concession attracted Americans, British, and wealthy Chinese to its streets, and eventually the percentage of non-French residents grew greater than that of the French citizens residing there. In 1930 there were 434,885 Chinese and 12,335 foreigners residing in the Concession.[147] Chinese residents included well-known intellectuals such as Mao Dun. [148]

The French-controlled area also attracted many residents considered less upstanding than the businessmen who migrated from the International Settlement. Russian refugees fled to the Concession looking for protection from the Bolsheviks, and the French police sheltered Korean refugees fleeing colonial rule within the borders of the settlement.[149] Likewise, Chinese political dissidents as well as common criminals sought refuge in the Concession's extraterritoriality. At the time, some blamed the French authorities' willingness to accept refugees for the area's high rate of crime. In his 1937 work, *The Shanghai Problem*, William Johnstone pinpointed the Russian refugees as the perpetrators of much of the city's crime. According to Johnstone, Russians, who made up the majority of the Concession's refugee population, were "criminals or would become criminals in an effort to maintain themselves."[150] He reported that police records from both the International Settlement and the French Concession show that a "large percentage of reported crimes involve members of this nationality."[151] Because most of these alleged Russian refugee-criminals lived in the Concession, the burden of punishment rested in the hands of the French police. Johnstone characterized the Concession as Shanghai's

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144 "Non-French Residents and the Gambling Situation."

145 A.M. Le Pauld, "History of French Concession Reads Like Thrilling Novel," *The China Press (1925-1938),* Jul 14, 1935. http://search.proquest.com/docview/1371747609?accountid=10629.

146 "History of French Concession Reads Like Thrilling Novel." *The China Press* was an American publication.

147 Wakeman, 9.

148 Slaymaker, 132; Clifford, 64. Mao Dun（矛盾）was a novelist and left-wing critic of the Nationalist government.

149 Willian Crane Johnstone, *The Shanghai Problem* (Stanford: Stanford University Press 1901), 104.

150 Johnstone, 109.

151 Ibid., 109.

hotbed of crime, which he attributed to inept policing and political corruption on the part of the Concession's authorities:

> It is generally admitted by most careful observers in Shanghai that illegal activities of all sorts are carried on in the Concession without much interference by the police, and allegations of graft and corruption have been made far more often against the French administration than against that of the International Settlement.[152]

Indeed, although Shanghai in general was known as a city that had more relaxed morals than the rest of the country, to those in Shanghai, the French Concession was considered the source of this reputation. Chinese residents condemned the area's lack of moral sensibility from a neo-Confucian perspective, while non-French Westerners in Shanghai found that the activities in the French Concession offended their Judeo-Christian values. Johnstone ventures that this tendency toward corruption may have been due to the extreme power given the French Consul-General. The lawfulness of the Concession, he claimed, depended solely on the "honesty and ability" of this man.[153]

The Consul-General did in fact govern the Concession with virtually no interference; power was controlled almost exclusively by whoever held this post. This individual had full control over the Concession's police forces, and could veto any resolution put forward by the Concession's *Conseil Municipal*, which in practice was merely an "advisory committee."[154] The Consul was likewise unbeholden to the authority of the metropole, a state of affairs which dates back to the first Consul-General, Charles de Montigny. Montigny established the Concession's relative independence from the French government in 1847 by emphasizing the need for quick action in Shanghai and drawbacks of waiting for government consent when making an urgent decision.[155] This freedom from oversight continued throughout the existence of the Concession, giving successive Consuls free reign. In this way, the Shanghai territory differed from other French colonial outposts, which were more closely watched by the state. Corruption also marked the rule of each Consul-General. Historian Brian Martin contends that the level of crime and corruption in

[152] Ibid., 110.
[153] Ibid., 110.
[154] Clifford, 24.
[155] Bergère, 14.

the French-controlled area was so constant over time and between Consul-Generals that it must have been institutionalized, rather than based on the desires of corrupt individuals.[156] Martin argues that organized crime flourished in Frenchtown due to the cooperative relationship between the gangsters and officials and draws attention to a number of gangsters involved in selling narcotics who were hired by Concession authorities as detectives.[157] Martin stresses the saturation of crime in this settlement, arguing that not only was crime allowed by French authorities, they even employed criminals. Thus, both then and now the French Concession is seen as a place rife with immoral activities.

Shanghainese and Nationalist Reactions against Crime

How, then, did this level of criminal activity in the French Concession affect the Chinese perception of France and the Concession in particular? This period is argued to have been formative in modern China's development. William Kirby claims that foreign relations were a substantial part of China's transformation at this time. Indeed, he argues that "nothing mattered more" in the Republican Period than China's relationship with and reaction to foreign ideas, institutions, and people.[158] For Kirby, the significant changes were the "birth of modern state capitalism" and the growth of the Chinese bourgeoisie, both of which developed due to foreign investment.[159] This narrative empowers the foreigners, endowing them with the ability to change all of China with their influence.

Along with political and economic influences, contact with foreigners also had an impact on Chinese culture. The foreign-controlled areas in Shanghai provided many opportunities for Chinese to experience western ways of living. This not only meant cosmopolitanism, consumerism, and glamour, but also vice. In the eyes of Shanghainese, Western capitalism was epitomized by the crime they saw as permeating the foreign concessions. Doug Slaymaker writes that "the edge of lawlessness and depravity based on illegalities and black markets so integral to the wild nature of Shanghai, was understood [by the Chinese] to be a legacy of the

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[156] Martin, "The Pact with the Devil," 266.

[157] Ibid., 271.

[158] William C. Kirby, "The Internationalization of China: Foreign Relations At Home and Abroad in the Republican Era," *The China Quarterly*, no. 150 (1997): 433.

[159] Kirby, 434.

Western residents."[160] Foreign settlements represented crime for the Chinese residents of Shanghai. William Johnstone and some modern historians, however, have seen the Chinese relationship to foreign-administered areas, particularly the French Concession, as one characterized by protection. Johnstone contends that "The French Concession, then, has significance for present Sino-foreign relations chiefly because it is a foreign-controlled area offering to foreigners and Chinese alike a place of refuge and security."[161] Historian Nicholas Clifford similarly sees the French Concession as having provided security and stability to the Chinese residents.[162] Both of these interpretations may be true, and both make sense within my argument. The French Concession was at the same time crime-ridden and secure because of the focus on battling external rather than internal threats. It would be perceived by the Chinese residents as a place riddled with vice, and simultaneously as a shelter from persecution or attack by the Chinese government.

Though the outpost of the French Concession may have been a safe haven for Chinese dissident intellectuals and warlords, the Nationalists and everyday residents of Shanghai may have been more focused on the Concession's lack of compliance than with Chinese moral sensibility. The Nationalist government had a stake in reducing crime in Shanghai to live up to the "revolutionary ideal" on which it was based, and in the name of neo-Confucian values.[163] Chiang Kai-shek saw crime as a potential threat, since he believed loose morals led to political radicalism.[164] However, though Chiang was nominally against social evils such as opium, he tolerated Du Yuesheng's "opium empire," and even taxed profits from the opium trade.[165] Chinese ratepayers in the Concession wrote a letter to the French authorities arguing that gambling would lead to the ruin of men and their families, and eventually the ruin of society as a whole, a concern which was particularly worrisome in the Confucian value system.[166] Further, certain members of the Chinese press were

[160] Slaymaker, 132.

[161] Johnstone, 113.

[162] Clifford, xi.

[163] Bergère, 215.

[164] Ibid., 215.

[165] R. Bin Wong, "Opium and Modern Chinese State-Making," *Opium Regimes: China, Britain, and Japan 1839-1952* ed. Timothy Brook and Bob Tadashi Wakabayashi (Berkeley: University of California Press, 2000), 206.

[166] Eugenia Lean, *Public Passions: The Trial of Shi Jianqiao and the Rise of Popular Sympathy in Republican China* (Berkeley: University of California Press, 2007), 61. "Despatch no. 1248 dated 19th October 1928 from Sir Miles Lampson at the British Legation in

also concerned by the alleged rise of crime. In one newspaper published in Shanghai, a writer deplores the selling of pornography on the streets of Frenchtown as contrary to Confucian morals.[167] In an issue published in 1931, he urges the French authorities to crack down on this practice. One year later it seems some Chinese living in Shanghai had not witnessed the moral improvement and police involvement for which they were hoping. An article written by a Shanghai resident that criticized the Concession's tolerance of crime and warning of the possible consequences appeared in the *China Weekly Press* in 1932. Not only did the author insist that Concession authorities were willingly turning a blind eye to illegal activities, he claimed that tolerance of these crimes encouraged the growth of vice. According to Han, French administrators were "promoting such social evils and assisting in foisting these demoralizing vices upon the Chinese."[168] Indeed, to him the Concession had become "the dirtiest spot in the Orient."[169] Han supposed that corruption was the reason behind the French authorities' tolerance of crime. He explained that "the French psychology seems to be that so long as the authorities can raise enough money to run the municipality, they have little interest in the sources from which it is derived."[170] In his final paragraph he insists that there can be no improvement as long as extraterritoriality exists, implicitly threatening French control of the Concession.

Though both of these articles are critical of the moral leniency in the French-controlled area, it is difficult to know if this was the general opinion among Chinese residents in Shanghai. The views expressed in the second article by M.K. Han in particular should not be assumed to be representative of Chinese in Shanghai. Han's article was handpicked by employees of *The China Weekly Review*, an American publication that had printed several articles condemning the French authorities the year before. Indeed, Han's piece even had an editor's note that made sure the reader knew Han was Chinese, and highlighted and expanded upon a few of his major points. The paper's selection of this article reflects a broader trend in how non-French foreigners viewed the Concession's relationship to crime.

Peking to Lord Cushenden at the Foreign Office in London," *Shanghai Political & Economic Reports, 1842-1943: British Government Records from the International City*, Vol. 16 (1928-1930), ed. Robert L. Jarman. (Slough: Archive Editions Ltd., 2008), 184.

[167] Chinese newspaper.

[168] M. K. Han, "French Colonial Policy in China as Reflected in the Shanghai French Concession," in G.E. Miller, *Shanghai: A Paradise of Adventurers* (New York: Orsay Publishing House 1937) 261.

[169] Han, 261.

[170] Ibid., 262.

To the Anglo-Americans living in both the French area and the International Settlement, the French Concession's tolerance of crime was even more worrying. They saw the level of crime in Frenchtown as a threat to both French influence and security in China, and to their own place in Shanghai. *The China Weekly Review* published two articles in 1931 lamenting the moral degradation of the French Concession, and warning against possible consequences. The first article begins by tying the illegal activities common in Frenchtown to France's international reputation. "The French are internationally known as a frugal people," the writer begins, "but those responsible for the administration of the local French Concession seem to be extending their acquisitive instincts to an unusual extent in the gradual conversion of the French-administered area into an Oriental 'Monte Carlo.'"[171] The Anglo-Americans may have noticed a trend for French territories to become centers of crime, and gambling in particular— an inclination which may have become more worrying the closer it got to their spheres of influence.

The author continues to use the specter of French international prestige to condemn the new proliferation of gambling houses in the Concession. Not only have all gambling institutions that were kicked out of the International Settlement and Chinese-administered areas moved to Frenchtown, the Concession was also open to "all other kinds of vices."[172] This openness has given the French part of town a reputation that is known even outside of Shanghai. The writer spoke with one man who had heard of the Concession as a gambling center as far away as Tokyo, and who was invited to four different gambling establishments located in the French-controlled area on his first night in the city. The writer of the article was unsure if the French authorities were aware of the "ugly rumors" which were circulating about the gambling centers, and their link with corruption. He was sure, however, that the authorities knew about the illegal acts within their borders, because they "maintain absolute control of their Concession."[173] That the French authorities remain complacent despite both knowledge of the crime and ability to stop it confounds this reporter. Indeed, he speculates that "one would think the French would have some regard for their national prestige in this part of the world and would not permit their Concession, once regarded as the most desirable residence

[171] "French National Policy and the Local Concession," *The China Weekly Review (1923-1950),* May 23, 1931. http://search.proquest.com/docview/1319905390?accountid=10629.

[172] "French National Policy and the Local Concession."

[173] Ibid.

section, to degenerate into a 'safe' place for the location of gambling joints."[174] The author saw French national prestige as rooted in morality, and on this basis notices a tension in the French colonial project in China. Instead of achieving their goal of portraying French grandeur, the administration in Shanghai was evincing French moral decay. Yet the French were establishing their national pride on a different basis. Instead of predicating their superiority on upholding Christian morals, they displayed French grandeur through military spectacles and references to French military capability.

A second article in 1931 similarly focuses on the prevalence of gambling establishments, and highlights the consequences for both the residents of the Concession and the municipal authorities. According to the author, four gambling houses had recently been opened in the residential part of town, which drew the concern of homeowners in the area. The primary concern seems to be home value prices being affected by the new additions to the neighborhoods. The author contends that opening these establishments "means a general slump in real estate values because no law-abiding citizen cares to reside in close proximity to a gambling resort that is likely to be raided or which at any time might be the scene of serious disorder of a violent character."[175] Yet the author goes on to extrapolate on the negative effects that allowing these establishments will have on the French Concession. He warns that "the inevitable result of the turning of the French Concession into an Oriental 'Monte-Carlo' will be to hasten the passing of Frenchtown to Chinese control."[176] In the author's opinion, the very existence of the French Concession is threatened when it allows crime to proliferate.

There are multiple possibilities for what would have motivated journalists in the International Settlement to criticize the French authorities so harshly. Perhaps they were sincerely worried about the fate of their neighboring settlement. Maybe, as suggested by the second article, Anglo-Americans were concerned about the falling real estate prices, and the living conditions of the many Americans and British who resided in the French-administered area. Another possibility is that journalists feared that if the French Concession attracted the attention and the criticism of the Chinese Nationalist government, which was growing in strength, all concessions and foreign settlements would be vulnerable to being forcibly ousted.[177] A fourth likelihood is one that the French authorities suspected: that the International Settlement was

[174] Ibid.
[175] "Non-French Residents and the Gambling Situation."
[176] Ibid.
[177] Ibid.

eager to look for reasons to take over control of the Concession.[178] In any case, the demise of the French Concession came not from the prevalence of crime, nor their Anglo-American neighbors or the Nationalist government, but from the Japanese invasion in World War Two.[179]

Crime in the Concession as Reported by its French Residents

Modern historians as well as Chinese and foreign residents of Republican Shanghai perceived the French Concession as rife with crime and immoral activities. It is difficult to know now how well-founded this idea was. Most of the information on which historians have based their arguments comes from British, American, or Chinese sources, making all of it somewhat suspect, as these groups may have had an interest in portraying the Concession in a bad light. Historian Frederic Wakeman, for example, uses the aforementioned article by M.K. Han to argue that the French Concession "had the largest opium dens, the fanciest casinos, the biggest brothels, and the most brazen prostitutes."[180] Han's article may certainly have been an accurate reflection of the Chinese opinion and of the reality in Frenchtown, but it also may have been published by the *China Weekly Review* as a result of the nationalistic competition that was at the heart of colonialism. An article highlighting the French outpost's moral failings while portraying the International Settlement in a relatively positive light could have been a product of rivalry between colonial powers. Han's goal in writing the piece could also have been an effort to pit the two foreign powers against each other—a tactic long used in Chinese diplomacy to control 'barbarians.'[181] With all of the possible motivations for deeming the French Concession a mire of immorality, it is hard to determine from these sources if the crime rate was indeed shockingly high. Historians using this source and others published by American newspapers may be misled if they embrace without question the opinions of the American journalists.

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[178] Martin, "The Pact with the Devil," 273.

[179] Christine Cornet, "The Bumpy End of the French Concession and French Influence in Shanghai, 1937-1946," in *In the Shadow of the Rising Sun: Shanghai under Japanese Occupation*, ed. Christian Henriot and Wen-hsin Yeh (Cambridge: Cambridge University Press 2004), 257.

[180] Wakeman, 14.

[181] Bergère, 31.

An equally unreliable, but as of yet unexamined source, are the crime reports published in the daily newspaper *Le Journal de Shanghai*. In June 1931, the crime log recorded a total of 330 arrests; omitting arrests associated with gambling and with opium smoking, the total is 156, 136 of which were Chinese offenders.[182] The other 20 arrests were most likely Russians, judging by the surnames listed in the column. Theft was the most common non-vice related crime, accounting for 97 of that month's arrests, with Chinese making up 90% of those arrested. The second most common warrant for arrest was aggression; 21 Chinese residents were taken in for this crime. By far the most arrests were for vice-related crimes. Seven gambling houses were busted in the month of June, and 98 gamblers were taken to the station. Fifteen opium dens were closed by the police, with 76 smokers being picked up from the establishments raided in that month. Judging from this log, it seems that there was quite a bit of crime and that the Concession police were vigilant in their pursuit of wrongdoers. However, it is certainly a possibility that many crimes went unpunished and were therefore not reported in the paper. One form of delinquency that is noticeably absent is prostitution. Prostitution was legal but regulated, and both licensed and unlicensed brothels set up shop in the Concession. According to Wakeman, in 1930, 1 in 3 women in the French section of town were prostitutes.[183] It could be that police were arresting prostitutes and their clients but it was not published in the *Journal*, or it could be as Wakeman suggested— that French policemen did nothing as unlicensed prostitutes walked shamelessly by.[184] In either case, that this (sometimes) crime is not mentioned raises suspicion about other immoral activities that may have gone unreported or unpunished.

Two years before, in 1929, the *Journal* was less consistent in its coverage of arrests within the Concession. Though there was a frequently recurring column on the epidemic of armed robbery, few other arrests were mentioned. The robberies totaled 71 for the month of July, 51 of which were armed.[185] Opium, which was a common warrant for arrest in June 1931, is only mentioned once. Though there was only one gambling establishment closed down, 210 gamers were arrested in that single bust.[186] It is uncertain whether the crimes reported are an accurate

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[182] *Le Journal de Shanghai* (Shanghai, China), June 2-June 30, 1931. The number of arrests for the whole month in the Concession is roughly equal to the number of arrests reported for the International Settlement in one week. *Le Journal de Shanghai* (Shanghai, China), June 7, 1931. All dates accessed on http://gallica.bnf.fr/ark:/12148/cb327989155/date

[183] Wakeman, 109-115.

[184] Ibid., 14.

[185] *Le Journal de Shanghai* (Shanghai, China), July 2- July 31 1929.

[186] *Le Journal de Shanghai* (Shanghai, China), July 23, 1929.

representation of the types and numbers of crime that existed in the Concession since the reporting seems so spotty. Information about the arrests that occurred in the International Settlement, however, is consistent and clear. A weekly report shows that an average of 271 offenders were picked up in the Settlement.[187] There are several possibilities for why the amount of arrests published in the *Journal* increased so substantially between 1929 and 1931; the amount of crime in the Concession could have increased, the police may have begun arresting more people, or the reporting could have become more consistent. I believe it may have been a mixture of the last two likelihoods. Perhaps after the continued Anglo-American criticisms the French wanted to curb the complaints by reporting their arrests more consistently in an attempt to prove their vigilance, or perhaps the authorities and police were in fact arresting more offenders to satisfy their British and American residents.

Looking at activities that were not considered illegal can give us a better sense of how prevalent vice was in the Concession. Greyhound racing is one case where the French Concession authorities were lenient compared to those in the International Settlement. Even after the British criminalized greyhound racing in their territory it continued to be practiced legally in Frenchtown. In 1928 the Chinese Ratepayers Association began a crusade against legal greyhound races in the foreign concessions. They protested the races in the International Settlement and the fact that another racecourse was opening in the French Concession, arguing that this type of gambling preyed on poor Chinese.[188] The Chinese delegate of the Shanghai General Chamber of Commerce even wrote a letter to Lord Cushendun objecting to the greyhound races.[189] Judging from the exchange of letters between the Settlement administrators and the British Foreign Ministry, the British authorities in Shanghai took these complaints seriously. They feared that the Chinese would use the gambling as a basis for abolishing extraterritoriality, and that they as colonizers were

[187] *Le Journal de Shanghai* (Shanghai, China), July 21, 14, 7, 2. 1929.

[188] Despatch no. 1248 dated 19th October 1928 from Sir Miles Lampson at the British Legation in Peking to Lord Cushenden at the Foreign Office in London," *Shanghai Political & Economic Reports*, 184; "Telegram no. 957 dated 4th September 1928 from Mr. Newton at the British Legation in Peking to the Foreign Office in London," *Shanghai Political & Economic Reports*, 150.

[189] "Despatch no. 1248 dated 19th October 1928 from Sir Miles Lampson at the British Legation in Peking to Lord Cushenden at the Foreign Office in London," *Shanghai Political & Economic Reports*, 181.

failing in their moral responsibility to provide an example for civilized living.[190] "Ultraconservative" newspapers like *North China Daily News* echoed this sentiment, and had a significant influence on the authorities' decisions.[191] Administrators were also aware of the turn against greyhound racing at home in England, and were wary about being connected to a "discredited undertaking."[192] Though some administrators had no qualms about adopting a system where the municipality benefited monetarily from the races, in May 1929 gambling on dogs in the International Settlement was restricted, and eventually banned, as part of the general campaign against gambling.[193] Still, racing in the Settlement was being discussed in newspapers even in 1931.[194] By that time the owners of race track Luna Park had begun attempting to make money in other ways. In June 1931 they advertised fairground games, boutiques, and a beauty contest to be held at the track.[195] Thus, the British, though they were initially a source of 'vice' in Shanghai, curtailed gambling in the Settlement due to Chinese indignation and the pressure of their moral burden as colonizers.

During the 1928 crusade against gambling and greyhound racing in the foreign concessions, the French were opening a new race course in the Concession that was to be heralded as the best race course in the world.[196] The Canidrome opened in the fall of 1928, and wasted no time in beginning its front-page advertisements in the *Journal de Shanghai,* which would last at least until 1936.[197] This type of legal gambling contributed to the idea that the French territory was a mire of vice. Not only were the French police inept at persecuting illegal gambling, according

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[190] "Telegram no. 1126 dated 13th October 1928 from Sir Miles Lampson at the British Legation in Peking to the Foreign Office in London," *Shanghai Political and Economic Reports*, 168; "Despatch no. 1248 dated 19th October 1928 from Sir Miles Lampson at the British Legation in Peking to Lord Cushenden at the Foreign Office in London," *Shanghai Political & Economic Reports*, 182.

[191] Bergère, 95; "Despatch no. 1248 dated 19th October 1928 from Sir Miles Lampson at the British Legation in Peking to Lord Cushenden at the Foreign Office in London," *Shanghai Political & Economic Reports*, 172.

[192] "Ibid., 179.

[193] "Despatch no. 1248 dated 19th October 1928 from Sir Miles Lampson at the British Legation in Peking to Lord Cushenden at the Foreign Office in London," *Shanghai Political & Economic Reports*, 178; "Despatch no. 300 dated 14th October 1929 from the British consulate-general at Shanghai to the British Legation at Peking enclosing the Shanghai Intelligence Report for the six months ending 30th September 1929," *Shanghai Political & Economic Reports*, 509.

[194] H. Arnhold, "The greyhound racing issue" *The North - China Herald and Supreme Court & Consular Gazette (1870-1941)*, 1931, Jan 27, http://search.proquest.com/docview/1418946859?accountid=10629.

[195] *Le Journal de Shanghai* (Shanghai, China), June 19, 1931.

[196] "Canidrome Opening Meeting A Great Success; 12,000 See Daylight Greyhound Racing," *The China Press (1925-1938),* Nov 19, 1928, http://search.proquest.com/docview/1321529516?accountid=10629.

[197] *Le Journal de Shanghai* (Shanghai, China), July 3, 1935; Sept 14, 1928. See Figure 1.

to the Anglo-Americans, the French administration openly condoned and profited from an activity that was deemed morally reprehensible by the British and Chinese alike. Looking at legal vice in the Concession exposes the rift between British and French conceptions of morality and their duty as civilizers. Tolerance of legal vice perpetuated the perception of the French Concession as a morally lenient territory, furthering its association with and partially explaining the tolerance of illegal activities.

That the French did not outlaw greyhound races despite the Chinese and British public opinion shows a difference in British and French colonial theory and goals and their ideas on morality. The French less concerned with moralizing compared to their British counterparts. As Marie-Claire Bergère writes, "the values of the French Concession were not those of Anglo-American civilization," and that if one judges the Concession "by the criteria of British pragmatism, liberalism, and morality, the management of the French concession may indeed seem somewhat unsatisfactory."[198] The French were operating from a value system based on the Jacobin tradition of universalism, and this guiding ideology meant they strived to treat Chinese people as "French men and women of a different color" rather than as if they were a lesser race.[199] In an article on the 1931 French Colonial Exhibition published in the *Journal de Shanghai*, Marshal Lyautey is quoted as saying that "the point of colonial penetration is not to oust nor to assimilate the colonized, but to 'associate' them by equipping them for modernity."[200] The author also includes a quotation from the Minister of Colonies, M. Paul Reynard, who, in a speech he gave at the opening of the Exhibition, insisted that the French colonizers "don't speak in the name of a race, arrogant and cruel standards, impassable moat, but in the name of a humane and sweet civilization, of which the character is to be universal."[201] The French civilizing mission was intended to bring liberty, equality, and rationality to subjects of the French empire.

Indeed, the French in Shanghai were at least more generous to the Chinese residents of their section than their Anglo-American neighbors. In 1914 they allowed two Chinese members to sit on the board of the Municipal Council—twelve years before the International Settlement invited Chinese to be part of their government.

198 Bergère, 117-118.
199 Aldrich, 110.
200 *Le Journal de Shanghai* (Shanghai, China), May 31, 1931.
201 *Le Journal de Shanghai* (Shanghai, China), May 31, 1931.

While in 1928 the British would still not allow Chinese visitors into their parks, in the nineteenth century the French Concession began distributing free water to all of its residents and had planted trees along the public roads.[202] They sought to make the Concession a comfortable and beautiful home to both Europeans and (some) Chinese. Even establishments like the Canidrome can be seen as a place which equalized Chinese and Europeans. Though it may have targeted poor Chinese as spectators, greyhound racing could also be a source of profit for wealthy Chinese who had dogs in the races just like the wealthy Europeans. In the photos below which were published in the *Journal de Shanghai*, a Chinese woman standing with her dog is pictured next to two European men with their dogs.[203] These images present their subjects on equal terms and suggest that the racecourse was not simply a grounds for exploitation of Chinese people. As much as it was a gambling institution, the Canidrome was a cultural center which brought Shanghainese and Shanghailanders together.[204] In some ways the French were living up to their ideals of universal equality.

Despite these grand claims and ambitions, attempts at equality occurred under a French-imposed system, which necessarily privileged French values and was at its core racist. Their rule was not based on morality, but on an idea of universal modernism that was just as presumptuous as British moralism. An example of the assumption of French superiority lurking behind a claim to egalitarianism is the Concession's Mixed Court. The Mixed Court was composed of both Chinese and Europeans of different origin and dealt with crimes ranging from opium smuggling to car accidents. A photo of the members of the court was published in the *Journal de Shanghai* in 1931.[205] Though there were many Chinese members, they are almost all behind the Europeans in the photo, clearly showing which members were seen as most important. Further, it is important to remember that before European colonialism, the court system was not employed in the Chinese legal system, where conflicts were usually resolved by appealing to a magistrate who presided over hundreds of thousands of people.[206] Moreover, the Chinese legal system traditionally

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[202] Bergère, 119-120.

[203] *Le Journal de Shanghai* (Shanghai, China), June 7, 1931. See Figure 2.

[204] Lenore, Hietkamp, *Laszlo Hudec and The Park Hotel in Shanghai* (Shawnigan Lake: Diamond River Books, 2012), 50.

[205] *Le Journal de Shanghai* (Shanghai, China), June 21, 1931. See Figure 3.

[206] Klaus Muhlhahn, *Criminal Justice in China: A History* (Cambridge: Harvard University Press, 2009), 35.

drew more from human sentiment than from objective rule of law.[207] Thus, both Chinese criminals and members of the Mixed Court were absorbed into a legal system that was decidedly European. Shanghai is seen by some as a colonial city in which the colonized people had an unusually large amount of influence and agency.[208] Though I agree with this idea, and it is supported by the fact that Chinese residents participated in governing the Concession, it does not negate the arrogance that existed in all colonialism, and which was present in Frenchtown. The French were concerned primarily with spreading their influence throughout the world, and their imposition on the Chinese was greater than the power they gave to residents of the Concession. By the 1920s the existence of the Concession in Shanghai perturbed and embarrassed the Nationalist Government, one of whose major goals was to achieve complete sovereignty over China.

French National Pride and Military Prestige

The French Concession was an expression of French nationalism in the sense that it was established in order to promote the prestige of the French nation throughout East Asia. Rather than being based on economic benefits, French presence in China was a way to spread French cultural influence. Historian Alex Hughes argues that at the outset of French colonialism in the region French officials and politicians promoted Franco-Chinese cultural ties in order to "privilege France's special role in China."[209] French politicians even saw their holding in Shanghai as the most important French outpost for spreading their cultural influence in East Asia. Historians argue that the symbolic importance of the Concession in Shanghai "went beyond its actual size and role."[210]

At the time of the Concession's existence, French writers championed the mission to inculcate French ideals in Shanghai. In a section in the 1925 *Revue de l'histoire des colonies françaises*, Joannes Tramond writes "C'est bien de l'histoire coloniale, de l'histoire de l'expansion française, car cette concession de Shang-Hai est

[207] Lean, 93. This rule by sentiment was being questioned and the Chinese legal system reformed in the twentieth century. Social control through institutions and rule of law was gaining traction. Muhlhahn, 87.

[208] Bergère.

[209] Alex Hughes, *France/China: Intercultural Imaginings* (London: Legenda, 2007), 3.

[210] Cornet, 260.

essentiellement une terre française, un centre actif d'influence et de rayonnement français."[211] Here Tramond places the French Concession's importance on its ability to spread French culture. Later, he emphasizes the colonizer's prestige as pacifiers and civilizers. [212] In the 1929 edition of *Revue de l'histoire des colonies françaises*, the author of an article in the annual report stressed how successfully the French had transported their way of life to East Asia. In describing Shanghai he writes "Il est en Extrême-Asie une cité comme les plus grandes d'Europe."[213] Moreover, not only is the administration of the Concession French, conscription is French, but also, life is French.[214] In their mission to spread French culture throughout the world, the French felt they had succeeded, at least in their Shanghai holding. This idea of the importance of the Concession in promoting French national prestige made threats to the French-administered area of Shanghai all the more worrying for Concession administrators and officials in the metropole alike. Back in France, it contributed to the reluctance to abandon the Concession in 1947, even when it should have been clear that the age of European colonialism in China was over. Because of its symbolic significance, "retroceding the French Concession in Shanghai constituted a political, diplomatic, and personal stake" for politicians in France.[215] In Shanghai, the French Concession's role as a symbol of French power caused authorities to focus heavily on the Concession's security.

Further, it is clear that national pride in the Concession and the broader French undertaking in China was tied to military feats. In his 1899 *Histoire de la concession française de Changhai*, Albert Auguste Fauvel paints the Consul-General Servan de Bezaure's expansion of the French Concession through force as a "projet patriotique."[216] French historians and commentators of the time refer back to periods of military might even earlier than this as a justification of their place in Shanghai and as a platform for pride in the Concession's history. Indeed, the French touted their performance in defending Shanghai from the Taiping Rebellion in 1860. For the French, according to a reviewer of Charles Maybon's 1929 *Histoire de la concession*

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[211] Joannes Tramond, "Contre les Tai-pings en 1862," *Revue de l'histoire des colonies françaises/Société des l'histoire des colonies française*, ed. H Champion and E. Larose (Paris: Société française d'histoire d'outre-mer 1925), 480. It's a matter of colonial history, this history of French expansion, because this Shanghai concession is essentially a French land, an active center of French influence and grandeur.

[212] Tramond, 480.

[213] Review of "Histoire de la concession française de Changhai," *Revue de l'histoire des colonies françaises/Société des l'histoire des colonies française*, ed. H Champion and E. Larose (Paris: Société française d'histoire d'outre-mer 1929), 423-424. There is in East Asia a city like the greatest cities of Europe.

[214] Review of "Histoire de la concession française de Changhai," 424.

[215] Cornet, 264.

[216] A.A. Fauvel, *Histoire de la concession française de Changhai* (1899), 7. Patriotic project.

française de Changhai, while the British were ready to accept the Taiping rebels as the new Chinese power, "pour les Français au contraire, les Tai-Pings n'étaient guère que des bandits sans avenir."[217] In Maybon's account, unlike the Americans and British, the French stepped forward to battle the rebels and thus saved their Shanghai territory. Moreover, the French authorities created an idol out of Admiral Protet, whose death during an attack on Nanyao in 1862 became a symbol of French prestige and its civilizing mission.[218] Even in 1925, French authors writing about the Concession mentioned Protet and his military accomplishments, maintaining the military aspect of the Concession's identity.

French power in the metropole was both maintained and inscribed through the military. James Sheehan argues that, especially before World War II, the European state and war were inseparable.[219] Heads of European countries often adorned themselves in military uniforms, and parades to welcome important guests were of a military nature. In France in particular, "military institutions…represented the state."[220] This military-based national identity was expressed through streets in Paris being named after battles, the prevalence of victory monuments, and numerous tombs memorializing national heroes who lost their lives defending the country.[221] "War," Sheehan contends, "was deeply inscribed on the genetic code of the European state."[222]

It is not surprising, then, that this understanding of national identity was replicated in France's overseas settlements. In fact, similar ways of honoring the connection between the military and the French national were seen in the French Concession. For instance, a statue of Admiral Protet stood in front of the Municipal Hall.[223] After World War I, a ceremony was held to unveil tablets honoring the French residents of Shanghai who lost their lives during the war. According to a report in *The North China Herald* on November 13th, 1920, the ceremony was well-

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[217] Review of "Histoire de la concession française de Changhai," 424. In contrast, for the French the Tai-pings were nothing more than bandits with no future.

[218] Tramond, 480.

[219] James Sheehan, *Where Have All the Soldiers Gone?: The Transformation of Modern Europe*, (New York: Mariner Books, Houghton Mifflin Harcourt, 2008), 4.

[220] Sheehan, 4.

[221] Ibid., 6.

[222] Sheehan, 7.

[223] "Statue of Admiral Protet," *Virtual Shanghai*, http://www.virtualshanghai.net/photos/albums?ID=1927.

attended.[224] Mirroring the trend in Paris, streets in the French territory were named after the city's former French residents who were killed in WWI, or those who were otherwise involved in the war.[225] In the March 16th 1929 edition of the *Journal de Shanghai*, one article mourns the parting of the armored cruiser Jules Michelet. The almost broken-hearted account details the warship's last day in Shanghai and remembers all of the good the Michelet had done for the nation in World War I and for French colonialism.[226] This article displays the deep connection between militarism, nationalism, and colonialism, which may have been especially present for an expatriate in Shanghai. Further, some French municipal authorities were invested in French nationalism in the metropole, albeit in a roundabout way. In 1926 the Secretary of the French Municipality of Shanghai and the President of the French Chamber of Commerce of Shanghai both gave money to the Alliance Nationale pour l'accroissement de la population française, an organization dedicated to increasing the population of France.[227] Natalité, as it is termed in French, was a strategy to increase the power of France relative to other European countries by producing more children who could later become French soldiers.[228] The French-administered territory in Shanghai was thus devoted to a French nationalism that was particularly military and defense-oriented. There were reminders of this national identity physically present in the Concession's public spaces, there were ceremonies celebrating military heroes, and several officials in the municipal government supported a movement that was intended to strengthen the French nation through growing its military capacity.

Moreover, Frenchtown was a highly militarized environment. Not only was there a police force and a military corps, there was also a volunteer corps that had been formed in 1862 by the foreign residents for the protection of the Concession. Originally, the Chinese government was supposed to provide troops to defend the region, but the French authorities eventually took protection of the Concession under their jurisdiction. As A.M. Le Pauld wrote in 1935 in a review of a history of

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[224] "The French Ceremony," *The North - China Herald and Supreme Court & Consular Gazette (1870-1941),* Nov 13, 1920. http://search.proquest.com/docview/1371079043?accountid=10629.

[225] Tess Johnston; Dongqiang Er, *Frenchtown Shanghai: Western Architecture in Shanghai's Old French Concession* (Old China Hand Press, 2000), 24.

[226] Georges Moresthe, "Le « Michelet » nous quitte," *Le Journal de Shanghai* (Shanghai, China), March 16, 1929.

[227] *Revue de l'Alliance nationale pour l'accroissement de la population française* (Alliance nationale pour l'accroissement de la population française 1926), 223.

[228] Jacques Bertillon, *La dépopulation de la France : ses conséquences, ses causes, mesures à prendre pour la combattre* (1911).

the French-controlled area, "it was necessary from the very first years of the concession for foreigners to organize for their own defense, as they had to contend with numerous enemies."[229] As can be expected from the numerous policing associations, many residents of the Concession were involved in its defense. The main employers in the territory were the municipality and the police force.[230] Keeping in mind that the French police force did not only consist of French expatriates—it included great numbers of Chinese, Vietnamese, and Russians—in 1927, of the 248 Europeans employed by the administration, 105 were police officers.[231] This is certainly a large percentage of the municipal employees. Moreover, most of these policemen were former soldiers.[232] Often, the chief of police was a former military captain, as in the case of E. Fiori, who had extensive experience in the French Protectorate in colonial Morocco.[233]

These are important details in examining why the French authorities would allow so much crime to flourish within their borders. One must keep in mind that police officers and soldiers do not have the same purpose in society and go through very different training procedures. Police are meant to control crime within a state, while soldiers are trained to protect the state from external threats. Perhaps because the police force was outfitted with former soldiers, their focus was less on petty crime practiced in the Concession and more on ensuring the settlement's existence in a world which was threatening to overrun it. The attention given to the protection of the French Concession from outside forces was further encouraged by the general atmosphere of nationalism based on military conquest. The basis of French prestige in China was, for the French, based on the preservation of the physical territory.

Indeed, defenses in the French-controlled area were high. In André Malraux's *La Condition Humaine*, his description of the entrance to the Concession paints the picture of an imposing wall of military defense: "At the end of the street the machine-gun cars, almost as gray as the puddles, the bright beaks of bayonets carried by silent shadows: the post, the boundary of the French Concession; the taxi went no farther."[234] Malraux introduces the reader to the French Concession by detailing its defensive nature. In a photograph taken in 1930, only a section of the

[229] "History of French Concession Reads Like a Thrilling Novel."
[230] Cornet, 261.
[231] Clifford, 24.
[232] Cornet, 266; Martin, "The Pact with the Devil," 272.
[233] Martin, "The Pact with the Devil," 272.
[234] André Malraux, *La condition humaine* (New York : Random House, 1961), 16.

French defenses are visible, but one can still get a sense of the well-guarded boundaries.[235]

In fact, the French officials had many reasons, whether real or imagined, to be on guard. Several issues made security a factor for the French Concession. The first of these was the fact that the French were not a majority within the Concession.[236] Maintaining their influence was difficult when the population of French citizens was so low. It also concerned French authorities that, because the Règlements of 1868 and the constitutional base of the Concession were established through "force majeure," the Règlements "could be invalidated by force."[237] To maintain the existence of a French-controlled area in Shanghai, the authorities had to be constantly prepared to fight for their 'right' to extraterritoriality. Some historians claim that this obsession with security was also due to the relative weakness of the French forces.[238] Perhaps this was the case, but in 1927 the French Consul-General assured residents of the Concession that their military forces were adequate. After a slight security breach where "armed Cantonese" were discovered in a café, Consul General M. Naggiar guaranteed residents that "the forces sent by the French government were… sufficient to meet any emergency that might arise."[239] Naggiar also stated that

> …as many rumours were being circulated in order to weaken the morale of the foreign population it was necessary for all residents to be careful not to take them seriously. Security of life and property inside the Concession would be maintained by the French authorities, responsible to their government, by taking all necessary measures.[240]

Whether or not the French were prepared militarily to protect the Concession, it was certainly the most pressing issue on their mind. With the constant need to defend their borders, it is no wonder the authorities were less concerned with internal crime.

Frenchtown authorities believed that their jurisdiction was threatened by takeover from both the International Settlement, and the Chinese Nationalist

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[235] "A locked Iron gate in the French Concession," *Virtual Shanghai*, http://www.virtualshanghai.net/Photos/Images?ID=92. See Figure 4.

[236] Cornet, 260.

[237] Martin, "The Pact with the Devil," 273; Johnstone.

[238] Ibid., 272.

[239] "Defence of French Concession," *The North - China Herald and Supreme Court & Consular Gazette (1870-1941),* Apr 02, 1927. http://search.proquest.com/docview/1420012553?accountid=10629.

[240] "Defence of French Concession."

government.[241] Though it is difficult to tell whether the Concession actually faced danger from the Anglo-Americans and other non-French foreigners who administered the International Settlement, they certainly believed their neighbors had bad intentions. Albert Auguste Fauvel mentions this concern as far back as 1899. In his *Histoire de la concession française de Changhai*, he notes the " jalousie des résidents anglais et américains à l'endroit des Français de Chang-hai."[242] Not only does Fauvel accuse the authorities of the International Settlement of coveting French Concession land, he further suggests that they would take over Frenchtown if given the opportunity. The French, however, "toujours refusé de se laisser absorber par leurs riches et puissants voisins."[243] Thirty years later in 1929, their neighbor's power was still a concern for French residents of Shanghai. The 1929 *Revue de l'histoire des colonies françaises* wrote that the possible fusion of the French Concession with the International Settlement, which had been suggested since 1875, would mean "un véritable suicide de notre influence en Chine."[244] Indeed, French preoccupation with the survival of the Concession and French influence inhibited the development of wider sense of community membership across municipal borders.[245] As noted earlier, many in the International Settlement were unabashedly judgmental of the way the Concession was being run, but it is hard to determine if, like French concerns of the time suggested, Frenchtown's Anglo-American neighbors wanted the territory for themselves.[246] This fear, and by extension the fear of tarnishing the colonial and military basis of French national pride, nonetheless could have played a role in distracting authorities from or minimizing the importance of the existence of illegal activities in the French area.

A more clear and present danger was that which the Chinese government posed. Unlike with most foreign settlements, the French Concession could not be intimidated by economic boycotts because it was not a center of business. As boycotts were the Chinese government's usual way of controlling foreign areas, influencing French authorities in Shanghai was a difficult task. This state of affairs was at once beneficial to French officials, who were less affected by the "war of

[241] Cornet, 261.

[242] Fauvel, 8. The jealousy the British and American residents have of the French area in Shanghai.

[243] Ibid., 8. Always refused to let themselves be absorbed by their rich and powerful neighbors.

[244] Review of "Histoire de la concession française de Changhai," 426. A veritable suicide of our influence in China.

[245] Bergère, 96.

[246] Martin, "The Pact with the Devil," 273. Martin seems to suggest that this was an imagined fear.

attrition" waged by the Nationalist government against the foreign concessions, but also made the threat of forceful intervention by the Chinese more real.[247] At the start of the official French presence in Shanghai, numerous attacks on the French-controlled area were carried out by Chinese "bandits and rebels who overran the country."[248] This threat was still present to the residents of the Concession in February 1927, when Chinese gunboats off the coast of the area fired shells into Frenchtown. According to a journalist for *The China Press*, the French military response to the incident proved their "discipline and readiness for emergency," and describes the forces as being "more than confident of their ability to take care of anything which may arise."[249] Though the 'attack' ended quickly, had no known motive, and only killed one person, French residents demanded more defenses for the Concession. Indeed, they were even prepared to support a "joint scheme of defense" with the International Settlement in order to protect themselves from the Chinese.[250] Tension continued to rise throughout 1927, with several incidences of British troops firing on Chinese protesters fomenting Chinese aggression toward foreigners.[251] It makes sense that the French would feel the imminent threat of a Chinese take over—the Chinese population in the Concession was greater than all other nationalities combined, and the anti-foreign feelings were growing along with Chinese nationalism. Even the communists who found refuge in the foreign-controlled areas used this freedom to promote anti-foreign ideas. With the growing power of the Chinese Nationalist government, the need to protect the Concession from outside forces and preserve French national prestige in China must have seemed paramount.

French ideas of their nation's prestige as well as their experience of threats to their holdings in China caused officials to focus on military power rather than moral uprightness. Though both residents of the International Settlement and the Chinese native city pinpointed moral leniency as a possible contributor to the degradation of France's international reputation and a probable threat to the Concession's existence, French authorities did not share this view. Rather, because they placed their national pride on military ability and their history of conquest, the crime existing within their

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[247] Bergère, 168.

[248] "History of French Concession Reads Like Thrilling Novel."

[249] "Shells Drop into French Concession and into Nantao from Chinese Craft; Motives for Firing Remain Obscure," *The China Press (1925-1938),* Feb 23, 1927. http://search.proquest.com/docview/1321499489?accountid=10629.

[250] "French Concession Residents Demand More Defenses," *The China Press (1925-1938),* Mar 27, 1927. http://search.proquest.com/docview/1321213352?accountid=10629.

[251] Bergère, 187-192.

borders did not, to the French, seem to signal a decline in their standing. Perhaps the activities denoted as crime by Anglo-American and Chinese observers were not even considered crimes according to French standards. Moreover, while French residents did experience forceful threats to the Concession, they were never explicitly tied to anti-crime motivations. The response of the French authorities to real or imagined aggression from their neighbors, whatever the motivation of the aggression, was to focus even more on security. Their military's preparedness was at once a practical defense of their territory in China and a symbol of the power of the French state. As long as the authorities felt secure in the ability of their police force to protect them from outside threats, the internal tolerance of vice posed no problem. For the French in Shanghai, nationalism existed alongside moral leniency without contradictions.

Figure 1.

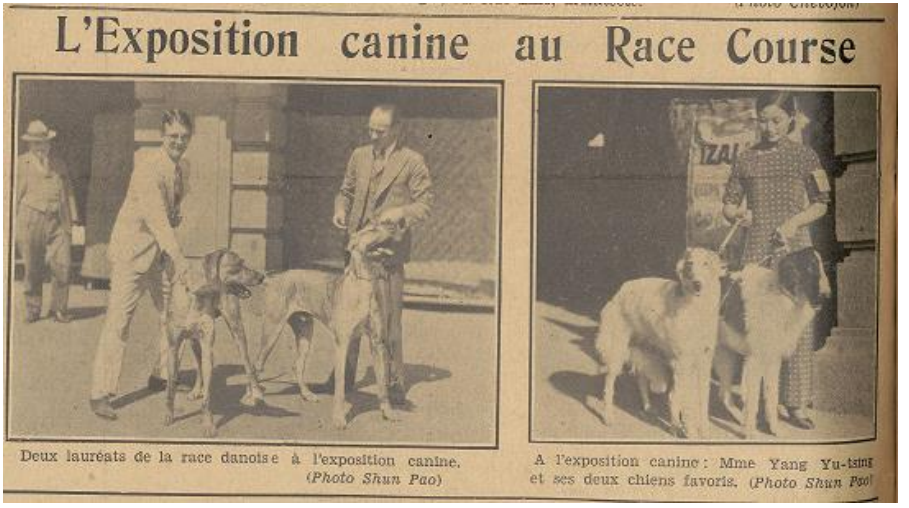
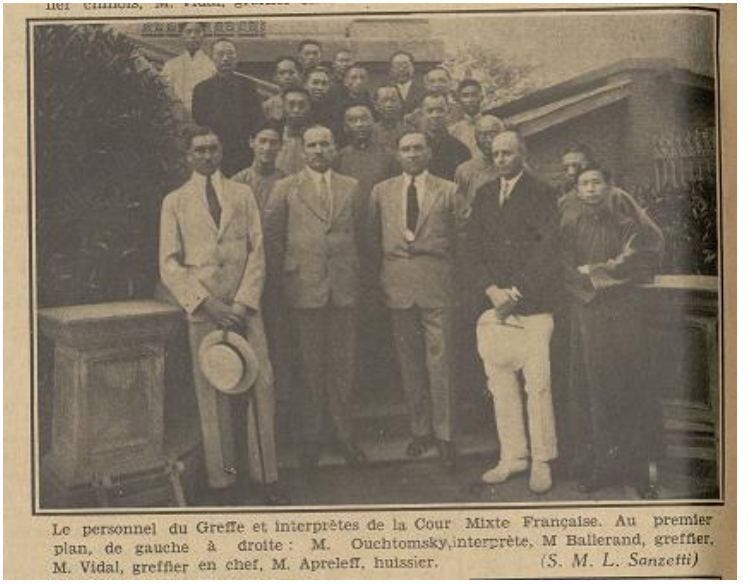


Figure 2.



Le personnel du Greffe et interprètes de la Cour Mixte Française. Au premier plan, de gauche à droite : M. Ouchtomsky, interprète, M Ballerand, greffier, M. Vidal, greffier en chef, M. Apreleff, huissier. *(S. M. L. Sanzetti)*

Figure 3.

Ouvrages de défenses aux limites de la Concession

Figure 4.

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