



Oshkosh Scholar Volume VII, 2012



University of Wisconsin Oshkosh  
*Oshkosh Scholar*

Volume VII, 2012

Copyright © 2012  
University of Wisconsin Board of Regents

All rights reserved. No part of this journal may be reproduced in any form without the permission of University of Wisconsin Oshkosh.

University of Wisconsin Oshkosh, *Oshkosh Scholar*,  
Volume VII, December 2012.

University of Wisconsin Oshkosh  
Office of Grants and Faculty Development  
800 Algoma Blvd.  
Oshkosh, WI 54901  
(920) 424-3215  
[www.uwosh.edu/grants](http://www.uwosh.edu/grants)

If you are interested in submitting a manuscript to *Oshkosh Scholar*, please see the guidelines at [www.uwosh.edu/oshkoshscholar](http://www.uwosh.edu/oshkoshscholar)

## Preface

Welcome to the seventh volume of *Oshkosh Scholar*, the undergraduate research journal of UW Oshkosh. This summer the editorial team was thrilled to discover that students submitted 34 essays for consideration. The Selection Committee reasoned that with so many articles to consider they could use the highest standards of rigor, and ultimately decided upon 11 final essays. These numbers mark this year with the highest submission sample and the lowest acceptance rate. We are extremely proud of this volume and hope you will agree that it showcases the best of undergraduate research and writing.

The first section, “Art and the Imagination,” delves into the creative realm with essays about folklore, advertising, and music. Jackie Morrow explores both the original Cinderella tale and its modern Jewish version through the lens of feminist theory. The rise of an ad man felled by the cultural revolution of the 1960s is chronicled by Lance Spaude. Jordan King thoughtfully questions the authenticity of the popular folk group The Kingston Trio. Taken together, these three essays help us examine how our reality is filtered through artistry.

Next we turn to our own backyard with four essays in the section “Struggles for Justice in Wisconsin.” Kyle Moerchen carefully scrutinizes the long legal battle over inheritance laws to ensure widows received an equitable portion of estates. By considering the long shadow of New Deal legislation, Sarah Scott concludes that a provision of the Wagner Act that excluded agricultural workers from collective bargaining created “deplorable conditions” for migratory Hispanic laborers in the 1950s and 60s. Matt Boese brings to light the fight of Dr. Hania Ris, who crusaded to overturn Wisconsin’s legal prohibition on birth control for minors and the unmarried. Along with these historic battles for progressive change, Sara O’Connell investigates the current concern for boys lagging in educational achievement, and questions the effectiveness of single-sex education as a solution.

The last section, “Intercultural Bridges and Boundaries,” displays both cultural commonality and division. Gregory Schultz draws on archaeology and geography to demonstrate that pre-Columbian Mayans in Mesoamerica and Tainos in the Caribbean played a strikingly similar form of ballgame, raising the tantalizing notion of cultural exchange. On a different note, Tracy Wilichowski turns a dispassionate eye to the 2002 Gujarat riots in India and concludes that both historical trends and globalization contributed to communal violence. A quartet of psychology students, Peter Truell, Branden Boegh, Andre Luna, and Larissa Tranquilli, test the stereotype of Brazilian emotional expressiveness and find that Americans and Brazilians have more common ground than previously thought. Finally, Kevin Buskager takes us on a field trip to the Answers in Genesis Creation Museum in Kentucky and reveals the ideological and cultural divide between religion and science.

All the authors who submitted an essay received feedback through a blind-review process, and worked with our editors to produce numerous drafts. Please note the lengthy list of faculty reviewers who thoughtfully evaluated students’ arguments, evidence, and writing. The editorial staff, the backbone of this enterprise, spent many summer hours copy-editing multiple drafts of each paper. Without the meticulous eye of Susan Surendonk, Amy Knoll, and Arielle Smith, this publication would not reach professional standards. This journal also owes a debt of gratitude to the outgoing faculty adviser, Tracy Slagter, whose enthusiasm and high expectations helped shape *Oshkosh Scholar* for four years.

We thank all the students, faculty, and staff who contributed to this volume. Although not all essays made it into the print journal, we are proud to publish online all

the essays that went through our rigorous editing process. Please consider visiting our website at <http://www.uwosh.edu/grants/students/showcase/oshkosh-scholar/volumes> to read about the Russian officer corps during the Bolshevik Revolution, the economic value of a double major, the conservative backlash to sex education in Wisconsin, the divided reactions to the Emancipation Proclamation, and many other fascinating topics.

I hope this journal helps open a window into the diverse avenues of knowledge UW Oshkosh students pursue. The next time you drive by campus, I invite you to think of students in all the nooks and crannies of the library and study spaces wrestling with a wide array of subjects: a Jewish Cinderella, destitute Wisconsin widows, folk singers, ad men, crusading doctors, young earth creationists, struggling boys, Hispanic laborers, rioting Indians, and baseball-playing Mayans and Tainos.

**Michelle Kuhl**

Associate Professor, History Department  
Faculty Adviser, *Oshkosh Scholar*

## **Editorial Board**

Dr. Michelle Kuhl  
Faculty Adviser

Susan Surendonk  
Managing Editor

Amy Knoll  
Principal Student Editor

Arielle Smith  
Student Editor

## **Faculty Reviewers**

Merlaine Angwall  
Theatre

Dr. Michael Baltutis  
Religious Studies

Courtney Bauder  
Social Justice Minor Program

Dr. John Beam  
Mathematics

Kimberly Calvert  
Kinesiology

Dr. Laurence Carlin  
Philosophy and University Honors Program

Dr. Sheldon Cooper  
Biology and Microbiology

Karina Cutler-Lake  
Art

Dr. Don Dingleline  
English

Dr. Jodi Eichler-Levine  
Religious Studies and Women's Studies

Dr. Suzanne Fondrie  
Curriculum and Instruction

Dr. James Frey  
History

Dr. Timothy R. Gleason  
Journalism

Dr. Carmen Heider  
Communication

Dr. Margaret Hostetler  
English

Dr. Michael Jasinski  
Political Science

Dr. Marianne Johnson  
Economics

Dr. Ana Maria Kapelusz-Poppi  
History

Dr. Stephen Kercher  
History

Dr. Alfred T. Kisubi  
Human Services and Educational Leadership

Dr. James Krueger  
Political Science

Dr. Thomas G. Lammers  
Biology and Microbiology

Dr. Christie Launius  
Women's Studies

Dr. Michael Lizotte  
Office of Sustainability

Dr. Stephen Makar  
Accounting

Dr. M. Kevin McGee  
Economics

Dr. M. Elsbeth McPhee  
Environmental Studies and Biology and Microbiology

Dr. Jennifer Mihalick  
Chemistry

Dr. Anca Miron  
Psychology

Dr. Cliff R. Moll  
Finance and Business Law

Dr. Maureen Muldoon  
Geology

Dr. Gregory Olson  
Communication

Jeffrey W. Pickron  
History

Dr. Barbara Rau  
Management and Human Resources

Dr. Susan Rensing  
History and Women's Studies

Dr. Susan B. Ridgely  
Religious Studies

Dr. Ronald Rindo  
English

Dr. Kimberly Rivers  
History

Dr. Thomas J. Rowland  
History

Dr. Michael Rutz  
History

Dr. David J. Siemers  
Political Science

Dr. James R. Simmons  
Political Science

Dr. Tracy H. Slagter  
Political Science

Dr. Robert Stelzer  
Biology and Microbiology

Dr. Angela G. Subulwa  
Geography and Urban Planning

Dr. Sarinda Taengnoi  
Economics



Dr. Jerry Thomas  
Political Science

Dr. Paul Van Auken  
Sociology and Environmental Studies

## **Selection Committee**

Dr. James Krueger  
Political Science

Dr. Christie Launius  
Women's Studies

Dr. Susan B. Ridgely  
Religious Studies

Dr. Dennis Rioux  
Physics and Astronomy

## **Cover Design**

Cover logo designed by Design III student Kari Ley.  
Cover image designed by Design III student Kathryn Werner.  
Karina Cutler-Lake, M.F.A., Associate Professor.

“This design represents development. It begins with one shape, and as the shape is repeated, a beautiful pattern emerges. The end result demonstrates that every great accomplishment is a series of small triumphs.”—Kathryn Werner

## **Layout**

Julie Thyssen  
Graphics and Presentation Design

## **Production**

Brian Klinger  
Administrative Services

## **Special Thanks**

Dr. Lane Earns  
Provost and Vice Chancellor

Linda Freed  
Director, Office of Grants and Faculty Development (retired)

*Paid for by UW Oshkosh undergraduate students through the Differential Tuition Program.*

# Contents

## Art and the Imagination

### *Without the Fairy Godmother*

Jackie Morrow, author

Dr. Jodi Eichler-Levine, Religious Studies and Women's Studies, faculty adviser      page 12

### *Don't Criticize Me Buddy: The Kingston Trio and the Folk Music Revival*

Jordan King, author

Dr. Stephen Kercher, History, faculty adviser      page 21

### *Death of an Organizational Man: An Advertiser's Resistance to the FTC and the Creative Revolution in Advertising in the 1960s*

Lance Spaude, author

Dr. Stephen Kercher, History, faculty adviser      page 35

## Struggles for Justice in Wisconsin

### *Attempts to Shine the Progressive Beacon on Women's Inheritance Rights in Wisconsin*

Kyle Moerchen, author

Dr. Susan Rensing, History and Women's Studies, faculty adviser      page 52

### *Dr. Hania Ris's Contribution to Wisconsin's Contraceptive Legislation*

Matt Boese, author

Dr. Stephen Kercher, History, faculty adviser      page 67

### *Migrant Tejano Laborers in Wisconsin between 1950 and 1970: Effects of an Exclusionary New Deal*

Sarah J. Scott, author

Dr. Ana Maria Kapelusz-Poppi, History, faculty adviser      page 83

### *Single-Sex Education in Wisconsin*

Sara O'Connell, author

Dr. Stephen Szydluk, Mathematics, faculty adviser      page 101

## Intercultural Bridges and Boundaries

### *Pre-Columbian Mesoamerican and Caribbean Ballgames: An Example of Cultural Diffusion*

Gregory L. Schultz, author

Dr. Heike Alberts, Geography and Urban Planning, faculty adviser      page 116

### *Premeditated Causes of the 2002 Gujarat Pogrom: A Comprehensive Analysis of Contributing Factors that Led to the Manifestation of the Riots*

Tracy Wilichowski, author

Dr. James Frey, History, faculty adviser      page 128

***Emotional Expressivity between the United States and Brazil***

Peter Truell, Branden Boegh, Andre Luna, and Larissa Tranquilli, co-authors  
Kathleen Stetter, Psychology, faculty adviser page 145

***Young Earth Creationism: An Evolution of Myth***

Kevin Buskager, author  
Dr. Jeffrey Kaplan, Religious Studies and Anthropology, faculty adviser page 155

# **Art and the Imagination**

# Without the Fairy Godmother

**Jackie Morrow**, author

Dr. Jodi Eichler-Levine, Religious Studies and Women's Studies, faculty adviser

Jackie Morrow is a junior at UW Oshkosh. Her interest in children's literature and gender dynamics attracted her to Professor Eichler-Levine's course on gender representations in Jewish children's literature. Currently, she is studying anthropology and German. She greatly enjoyed her research in the areas of fairy tales, cultural norms, and gender roles.

Dr. Jodi Eichler-Levine is an assistant professor of religious studies and women's studies at UW Oshkosh. Her research interests include religion, children's literature, Jewish studies, and women and religion.

## *Abstract*

Once upon a paradox . . . an opening more appropriate for the tale of Cinderella considering the difficult position she is in. Time and time again, Cinderella's transformational journey from maid to princess has been adapted to an ever-changing audience. In 1812, the Brothers Grimm published a collection of fairy tales, titled *Children's Household Tales*, for a nineteenth-century German audience. The story of Aschenputtel depicts a beautiful young woman as she magically fulfills her dream of becoming a princess. Erica Silverman put a Jewish twist on this classic in her 1999 picture book titled *Raisel's Riddle*. The similar stories of Raisel and Aschenputtel reinforce ideas of womanhood through their significant roles in the home and driving desire to marry a wealthy prince. At first, both must obey a strong female character and become responsible for running households on their own. Despite their pure hearts and beautiful faces, neither Raisel nor Aschenputtel can capture the love of a prince without magical intervention. Their domestic duties create an unattractiveness that leaves them only dreaming for marriage. Ironically, they must inhabit this stained social position to fulfill one area of womanhood: the domestic queen. However, this domestic work negates any efforts to fulfill the criteria for women to be beautiful and poised enough for marriage. All that is womanly remains tied to marriage for Raisel and Aschenputtel. They become undesirable through their physical labor as women but must leave their true identities behind to earn their happily ever afters.

"Never judge a book by its cover." This simple phrase encourages children to expand their views and opinions to see past their first impressions of the world. In the same way this phrase pushes people to keep an open mind, fairy tales help teach children about social expectations for behavior and contributions to the community that are based solely on gender. At first glance the story of Cinderella only follows a young housemaid who escapes the kitchen to attend a ball, meets a prince, and leaves behind a fateful slipper. After shaking off the impressions of a fairy tale, the dust falls off of the female mold that reinforces ideas of female obedience, appearance, morals, and conformity. Despite the roughly 200-year gap in their writing careers, the Brothers Grimm and Erica Silverman both take the story of Cinderella and use it as a vessel to establish ideas of womanhood. The differing cultures of nineteenth-century Germany and the medieval Jewish community of Raisel's story help create the paradox of what Raisel and Aschenputtel experience while trying to fulfill all the varying expectations of women.

The German version of Cinderella centers around a young woman named Aschenputtel. The 1812 publication of *Children's Household Tales* allowed the Brothers Grimm to release their adaptation of Cinderella. This variation follows a young girl through the death of her mother and the inheritance of an evil stepmother and two stepsisters. All of the women, except Aschenputtel, are seen as materialistic and self-centered. Aschenputtel honors her mother by remaining a good person and receives rewards when she finally takes control of her life. Aschenputtel's mother gives her a princess-worthy gown and the social status of a woman much higher than herself. These gifts from her mother allow her to attend the ball and win the prince's favor. After the ball, the prince uses her lost silver shoe to prove Aschenputtel as the true love of his life.<sup>1</sup>

Published in 1999, Silverman puts a Jewish twist on this classic in her story *Raisel's Riddle*. Raisel experiences many hardships throughout the story after her grandfather dies in their medieval Jewish community. Before he died, her grandfather passed on his knowledge of the Torah and the importance of kindness. Raisel finds work in the house of a prominent rabbi, whose maid gives strict orders and watches her every move. The Purim play, a traditional play commemorating Queen Esther and how she saved the ancient Jews from persecution, gives Raisel the venue to conceal her true identity as a housemaid so she can finally speak freely to the rabbi's handsome and scholarly son.<sup>2</sup> With the help of an old beggar woman, Raisel takes the form of Queen Esther and tells her riddle to the prince. The rabbi's son falls in love with her beauty and brains. Raisel's riddle helps these two unlikely lovers reunite after the Purim play is over.<sup>3</sup>

By examining the relationship of characters and their social stations it becomes apparent how deceptively simple the world of literature is. Fairy tales meant for children suddenly emulate real-life contradictions. This paper examines the complicated position female characters hold as both homemakers and ambassadors of beauty. Looking at feminist readings of Cinderella, explorations of political and social stations of female characters, and research on the lives of real Jewish women help this paper explain the struggles faced by Raisel and Aschenputtel.

Representations of women's work in these two stories construct a stereotypical viewpoint of women being confined to the kitchen and home environments. Their superiors rely on housework to control the social lives of Aschenputtel and Raisel. Because Aschenputtel and Raisel become completely controlled by their superiors, they have limited access to opportunities for socializing. While studying the social lives of ancient Israelite women, Carol Meyers describes the daily tasks allotted to women as "maintenance activities."<sup>4</sup> Surprisingly, the chores delegated to women in ancient Israel are similar to the tasks undertaken by nineteenth-century German women. Meyers' research explains how these activities intend to build and "maintain" a strong home and sense of community. Aschenputtel works a tedious and repetitive schedule of early waking, hauling water, chopping wood, preparing meals, and cleaning dishes, laundry, and floors for her unappreciative stepmother and stepsisters. Her own father does not acknowledge the *schwere Arbeit*, or hard work, that Aschenputtel contributes to making the home comfortable for everyone other than herself.<sup>5</sup> Likewise, Raisel's activities revolve solely around creating a welcoming space for the rabbi's family and guests. Before she even acquires the job with the rabbi, Raisel begs, "I can cook and clean. Please, I am strong and capable. For a place to sleep and some bread, I will work very hard."<sup>6</sup> Raisel must assert that she can accomplish the most basic female jobs of cooking and cleaning before she is given a job in the rabbi's home. Upon closer analysis, being able to run a household from behind the scenes becomes overshadowed by the socially constructed barrier between the roles of supervisor and worker. Supervisory roles given to male or masculine figures reinforce ideas of female work being inseparable from the home environment.

The grimy shadow created by chopping wood, hauling water, and scrubbing floors moves from the stepmother to Aschenputtel and from the rabbi's maid to Raisel. The physical nature of the work delegated to Aschenputtel and Raisel serves two purposes. The reassignment of work reaffirms the social divide between these women and their superiors. Because the stepmother and the maid take on roles of authority, they separate themselves from the stained associations that Aschenputtel and Raisel take on with their workload. On the other hand, by completing physically demanding chores, Aschenputtel and Raisel contest the idea of the "damsel in distress." Ideas about the internal strength of women gain support with every bucket of water or log that is hauled because Aschenputtel and Raisel show an unwillingness to fall into the categories created by society concerning gender and ability. Aschenputtel and Raisel later actively resist the social worlds they are expected to inhabit and conform to. All of the physically demanding tasks Aschenputtel and Raisel complete make the strength of these characters come through. As women, they must accept their low position, completing exhaustive work without complaint. Even when their superiors challenge them, Aschenputtel and Raisel remain true to their hearts by remaining kind and diligent. Nevertheless, the lowly status of these heroines prevents them from escaping the dirty work that women without material wealth must complete.

Interestingly, the subjugation of Aschenputtel and Raisel does not come from a male figure, but from strong female characters. Instead of the typical male figure running the domestic show, the authors place strong, masculine female characters in positions of power. These unusual authority figures put a spin on modern ideas associated with the domestic setting. Because Harlequin romance novels have entertained readers for more than 200 years, Jeanne Dubino's research centered on finding out why many women devour romance novels so consistently. While studying gender relationships in Harlequin romance novels, Dubino explored the division of power in homes. Dubino stated, "The family remains a primary arena where men exercise their patriarchal power over women's labor."<sup>7</sup> By giving this role to masculine female characters, the reader clearly sees the strict way society follows gender roles of authority and work expectations within the home environment. Debby Koren examines this complicated relationship of patriarchal hierarchy in society, generally speaking, and in Jewish culture.<sup>8</sup> Koren quotes Maimonides 21:10 to progress the idea of expected female subordination. "Any woman who declines to perform any of the labors that she is obligated to do is compelled to do so, even with the rod."<sup>9</sup> The evil stepmother of Aschenputtel avoids any type of physical description; however, her harsh attitude and actions toward Aschenputtel do not put her in a very feminine light.

In comparison to the mostly absent stepmother, Susan Gaber provides a visual depiction of the rabbi's maid in her illustrations for *Raisel's Riddle*. Gaber draws the rabbi's maid as a large woman with a permanent scowl and an aggressive demeanor. Authoritative stances, such as having her hands on her hips or a raised hand, accompany her masculine features to strengthen the allusion to the maid's position as the dominant figure. Koren connects female subordination to men with a reference to the halakhah, or Jewish laws.<sup>10</sup> "The halakhah is (still) patriarchal, and it is not difficult to find many disturbing legalities in Jewish law" with regard to the lowly status of women and the status of slaves.<sup>11</sup> The medieval setting of these two stories only adds strength to the masculine figures that control their lives. With this in mind, the confinement of women to a domestic environment should surprise no one. Even though the "compelling" figures in these tales actually are women, the use of domestic chores as a form of control and punishment speaks to the power dynamic of the home.

The dominant female characters abuse the system of authority already in place for the home. The stepmother and maid both place themselves into positions of power in order to hand over the most difficult, demanding, and time-consuming chores to

Aschenputtel and Raisel. These masculine women hand down the process of actually completing the work while simultaneously passing on the lowered social status connected with laborious chores. Dubino examines the male-female experience with housework as it relates to the patriarchal nature of the home.<sup>12</sup> "To men, domesticity means leisure; to women, labor. Time spent on housework 'can be fruitfully used as a measure of power relations within the home.'"<sup>13</sup> In these contexts, the delegation of these tasks frees the stepmother and maid from associations of low status while also placing them in an elevated station of control. After her marriage to Aschenputtel's wealthy father, the evil stepmother's only form of work is ordering Aschenputtel around. Meyers explains that "a woman's social world was not static but would have varied according to her social class and age."<sup>14</sup> Being the daughter of a wealthy man meant nothing after her father marries her new stepmother. Aschenputtel must trade her beautiful dress for a worn out gray dress and wooden shoes.<sup>15</sup> Now, Aschenputtel outwardly shows her low status and cannot easily escape the connections to feminine spaces like the kitchen and home. The change in Aschenputtel's clothes also displays the prevailing strength of the masculine authority figure. After her wardrobe change, Aschenputtel's best traits and confidence recede to the background.

Interestingly, the rabbi's maid also avoids depiction of doing any work herself even though she is a maid. It appears that her role as a maid only involves ordering Raisel to complete the work she does not want to do. The maid takes a special interest in making sure Raisel understands the hierarchy of the home and her inferior position on the social ladder. The maid reaffirms her position as the dominant figure in the domestic arena by threatening Raisel's employment and safety throughout the story. "You might be capable, rag girl, but that doesn't mean you can push your way into my home and steal my job!"<sup>16</sup> Obviously, the home belongs to the rabbi, but Raisel does not contest the maid's assertion because of the maid's dominant behavior. Later on, the maid sees Raisel speaking to the rabbi's son and confronts her. "I saw you talking sweetly to the rabbi's son, trying to win favor in the household. From now on, keep to yourself or things will go badly for you!"<sup>17</sup> This is the only example of the maid being concerned about the intervention of the rabbi, a male and therefore more powerful figure. The threat of male intervention makes the maid feel as if she needs to reassert her power. Threatening Raisel assures that Raisel knows her place at all times and realizes the nonexistent chance of her marrying the rabbi's son. Day after day, Aschenputtel and Raisel each "held her tongue, hid her tears, and did what she was told," until the opportunity to break through social barriers of gender and status unveiled itself.<sup>18</sup>

The rising action in both of these tales centers around a major social event for Aschenputtel and Raisel's communities. These gatherings more generally take on the term of *festivals*, which carries a greater social responsibility and criteria for dress, behavior, and class distinction. Meyers defines festivals as "social events with pageantry, feasting and merry-making, with household members joining kin with other members of the wider community."<sup>19</sup> Since these festivals take place within the home, women receive the brunt of the responsibility for preparing and facilitating festivals. Furthermore, Meyers explains that the "preparing and serving of food for religious events or as part of traditional hospitality to visitors" fell to women.<sup>20</sup> Aschenputtel and Raisel each experience an increase in their workloads to prepare for the festivals. The increase in work is intended to prevent both characters from fully participating in their respective community-centered events. Aschenputtel's evil stepmother creates extra work by throwing bowls of lentils into the ashes. The stepmother sets a wager for Aschenputtel to pick all of the kernels out of the ashes in under an hour. If she can complete this useless task then Aschenputtel will be allowed to attend the ball. With the help of birds sent by her mother's spirit, Aschenputtel accomplishes this dirty deal but



is still not allowed to attend the ball. The stepmother squashes Aschenputtel's desire to be a part of her community. Aschenputtel's appearance at the ball would show the entire community that the stepmother associates and acts kindly to low-class people. The stepmother exercises control over the situation to increase her own daughters' chance of a successful marriage to the prince. As a maid, Aschenputtel carries social connotations of filth, dirt, and questionable morals that would derail the hopes of her stepmother because of their "close relation." The lentil wager conveniently left Aschenputtel with no time to properly prepare for the ball. Here, the significance of feminine beauty truly matters as an indicator of social status. Fancy dresses and dazzling jewels show the distance of a woman from the physical labor that consumes the lives of low-class women. "You cannot come, because you have no dress and cannot dance. You will embarrass us."<sup>21</sup> Meaningless work from the stepmother also alludes to the significance of Aschenputtel's transformation later in the story. When the stepmother exercises her complete control over Aschenputtel's private time and social life she confirms the power hierarchy in the home and the importance of appearing at the festival.

Not to be upstaged by the prince's ball, Silverman uses Purim as a way to incorporate Jewish tradition and to present Raisel with a social gathering worth dreaming about. The Jewish holiday of Purim involves all the aspects of festivals—"pageantry, feasting, and merry-making."<sup>22</sup> To create a welcoming home for the rabbi's family and guests, "Raisel worked harder than ever. There were costumes to make ready, a feast to prepare."<sup>23</sup> After the feast at the rabbi's home, the guests pack up and begin heading to the Purim play to show off their costumes and to enjoy each other's company. Raisel wishes to go but the maid intervenes before Raisel can leave. "In your costume of rags? Take your dinner from what is left over. Then get to work."<sup>24</sup> After her orders, the maid "pointed at the piles of plates and pots and pans waiting to be washed" and Gaber illustrates the maid pushing Raisel back into the kitchen.<sup>25</sup> Again, clothes and appearance become the first reason for denial. Then comes domestic work as a punishment for not being of a high enough status and for wanting to transcend the social expectations of behavior. Raisel presumably spends the entire evening washing dishes and cleaning the kitchen after the feast. In reality Raisel, like Aschenputtel, takes the opportunity to participate in the communal festival and actually finds a husband. To secure the hearts of their future husbands, both women conceal their true identities to appear as socially acceptable marriage partners.

These women take control of their fates by attending the festivals against the orders of their superiors. By breaking through the barriers of society, Aschenputtel and Raisel progress the concept Pauline Kollantai addresses in her essay. Women, ideally, "combine submission with some assertiveness."<sup>26</sup> Even though these women never directly confront the dominant figures in their lives, they take control of their fates by leaving the domestic space they have occupied for so long. By taking on the disguises of royal women, Raisel and Aschenputtel rebel against both their immediate superiors and the social class system on a larger scale. Neither Aschenputtel nor Raisel completes this task alone, but the drive for freedom stems from the same place. When they are denied the opportunity to participate with their community, Aschenputtel and Raisel take matters into their own hands. After her mother dies, Aschenputtel honors her by planting a tree on her grave and watering it with tears shed over the injustices she experiences with the evil stepmother. On her deathbed Aschenputtel's mother asked that her daughter remain "*fromm und gut*," or pious and good-hearted.<sup>27</sup> Because Aschenputtel remains kind, obedient, and compassionate to others, her mother's spirit sends her aid and the disguise that helps her capture the heart of her future husband. These virtues of piety not only connect Aschenputtel to her beloved mother,

they also embody characteristics of traditional views of femininity. Therefore, when Aschenputtel begs “*Bäumchen, rüttel dich und schüttel dich, wirf Gold und Silber über mich,*” or “Little tree, rustle and shake, and let gold and silver rain over me,” her mother rewards Aschenputtel for her piety and kindness.<sup>28</sup> However, the adorned gown and silver shoes Aschenputtel receives perpetuate the conceptions of class separation based on appearance and female virtues. The rewards for her piety help Aschenputtel leave the kitchen only to assume the role of a princess. After she finally fits the part of a glamorous wife, Aschenputtel catches the eye of the prince.

Similarly, Raisel asserts herself after the Purim feast when the maid orders her to clean the kitchen alone. After Raisel gives her own “meager meal” to an old beggar woman, she receives a beautiful costume of Queen Esther because of the compassion she showed the old woman.<sup>29</sup> “Because of your kind heart, I grant you three wishes.”<sup>30</sup> Raisel wishes for a Purim costume, a horse-drawn carriage, and a spotless kitchen. Again, female virtues of caring for others and preparing and serving food help the main character receive the means to conceal her identity. Hiding her identity also allows Raisel an opportunity to exchange her apron for a gown in her search for a husband. Similar to Aschenputtel, Raisel does not achieve her dream of being with the rabbi’s son until after her appearance changes to that of a princess. The dualistic nature of feminine identity makes itself known here. By being obedient homemakers these women, hypothetically, fulfill the expectations that come with being a woman and should live a full and happy life. Their desire, and eventual reality, of having a wealthy marriage and materialistic life shows the emphasis society places on female dependence on males. Neither Aschenputtel, Raisel, nor any other character in either book models a woman who stands completely on her own two feet. This dualism forces Aschenputtel and Raisel to disguise their normal looks to leave the grueling work behind them and to fulfill their social expectations for marriage.

Once their true identities are safely hidden under yards of jewel-encrusted fabric, hair styles, and princess-like personas, Aschenputtel and Raisel finally climb to the social status of the men they eventually marry. Ayala Fader helps by explaining the importance of class associations in the search for a spouse.<sup>31</sup> Fader’s research on religion, Jewish people, urban populations, and children has made her an expert in the area of family interaction. “In matchmaking, families can be qualified as fancy or not, which indicates their social class as well as their lifestyle choices, especially in displaying their wealth.”<sup>32</sup> Aschenputtel exchanges *fromm* for fancy in her pursuit of the prince. Her wishes completely transform her, so much so that her father does not recognize her. “*Sollte es Aschenputtel gewesen sein?*” or “Could that be Aschenputtel?”<sup>33</sup> The ashes of her former housemaid identity remain swept under the rug, or skirt, for the entire ball. Aschenputtel uses her short amount of time to win the heart of the prince, but also to leave behind her infamous slipper. After Aschenputtel reappears as herself, the prince can only find her by using this silver slipper. Materialistic class identifiers reunite this fateful couple and promote the idea that class orientation limits the field of potential spouses.

Similarly, Raisel’s transformation takes her from a plain, but beautiful, girl whose intelligence, kind heart, and capability in domestic work make her an ideal wife for any man, in theory. In practice, Raisel’s position as a maid for a maid and lack of material possessions make it impossible for her to capture and hold the attention of the rabbi’s son. During the first interaction between Raisel and the rabbi’s son, they accidentally bump into one another while the rabbi’s son attempts to read and walk at the same time. Raisel dropped the logs she was hauling and the prince “helped her gather the wood and carry them to the kitchen. Then he walked on, his nose back in his book.”<sup>34</sup> Thanks to the old beggar woman Raisel exchanges her raggedy dress for the appearance of

the influential and notoriously beautiful Queen Esther. Fader explains why Queen Esther holds such a substantial place in Jewish tradition during the holiday of Purim: “She has royalty running through her veins rather than royal coverings for her body. Esther’s modesty, her obedience, and simplicity are her virtues.”<sup>35</sup> As expected, Raisel immediately catches the attention of the rabbi’s son at the Purim play and comfortably chats with him.<sup>36</sup> When the rabbi’s son compliments Raisel’s newfound beauty by calling Raisel the “loveliest Queen Esther” at the play, Raisel’s modesty and embodiment of the teachings of the Talmud guide her response. “It is only a costume. As it is written, ‘Look not at the flask, but at what it contains.’”<sup>37</sup> As a reader, Raisel’s response supports the claim that Raisel, and by extension Aschenputtel, remain true to their hearts despite their changes in appearance.

Aschenputtel and Raisel embody stereotypically feminine virtues like beauty, obedience, and the ability to create a strong home. When given the opportunity to have three wishes granted, the choices of both characters reflect a desire to transcend the class associations they must ascribe to based solely on their gender. Both Aschenputtel and Raisel wish for, and receive, fancy disguises that temporarily elevate their status from housemaid to princess. By jumping the staggering gap between rag-wearing housemaid and pampered princess, these women simultaneously reject their former expectations for behavior and dress while assuming a new identity. However, the brief glimpse these two characters have into the world of the wealthy has no effect on their morals, even with the alteration of their physical appearance. Aschenputtel and Raisel experience life as a princess but still remain true to their identities as women. Immediately following their magical evenings, Aschenputtel and Raisel reassume their stations as lower-class women in the home. Raisel even wishes for a spotless kitchen with her final wish.<sup>38</sup> Remaining *fromm und gut* allows these women to effortlessly move between the extremes of feminine identity because of their self-awareness.<sup>39</sup> Both characters hold onto their inner beauty, while enhancing their outer beauty, to feel more secure in a society where masculine figures construct social criteria for successful women. These women also continue to work within the home to ascribe to another domain controlled by men. All of the work done by Raisel and Aschenputtel does little to make their own lives easier.

“Look not at the flask, but at what it contains.”<sup>40</sup> Aschenputtel and Raisel model the teachings of the Talmud throughout their lives between the covers of their fairy tales. Their worlds, at first, seem simple to readers but slowly unveil their critiques of the larger society. Aschenputtel and Raisel model that redeeming qualities lie within a person, not outside, and that initial judgments based on class, status, and gender may lead to missed opportunities. On the other hand, these women provide a peek into the world of women as homemakers and the more unpleasant parts of marriage. Dualistic female roles still ring true today. The characters of Aschenputtel and Raisel provide strong examples of women successfully managing the confusing world of women with grace and power.

## Notes

1. *Mein Erstes Märchenbuch: Die Schönste Märchen der Brüder Grimm* (Würzburg: Arena-Verlag 2011), 41–52.
2. Celebrated on the 14th day of Adar, or usually March, the Jewish holiday of Purim is celebrated joyously. Purim is observed by dressing in costume, reading from the book of Esther, giving gifts, feasting, performing plays, and drinking.
3. Both *Raisel's Riddle* and Ayala Fader, later referenced, depict interpretations of Purim through plays. *Raisel's Riddle* shows how important concealment and disguise are to the holiday of Purim. Esther hid her identity as a Jewess and her royal blood in order to not stand out to the Gentile king. Unlike the other maidens that were brought to the king, Esther alone remained pious and refused to ask for any material goods. Fader uses her observations from a first grade class to fully understand how Esther's efforts to hide her identity influence women to this day. Today, a Purim play works to retell the story of Esther, the king, Queen Vashti, and Mordecai. Queen Vashti is originally married to the king but is killed after her beauty turns on her. Her materialism and Gentile ways make her grow a tail and pimples. The king calls for all the eligible women to be gathered and brought to him. Esther is taken to his palace against her will, but her uncle, Mordecai, tells her to be compliant. She does not ask for anything during her year at the palace and tries to hide her specialness. Her beauty and modesty shine through and the king chooses Esther as his new queen.
4. Carol Meyers, "In the Household and Beyond," *Studia Theologica* 63, no. 1 (2009): 19–41.
5. *Mein Erstes Märchenbuch*, 41–52.
6. Erica Silverman, *Raisel's Riddle* (Canada: Douglas & McIntyre Ltd., 1999).
7. Jeanne Dubino, "The Cinderella Complex: Romance Fiction, Patriarchy and Capitalism," *Journal of Popular Culture* 27, no. 3 (1993): 103–18.
8. Debby Koren, "Dybbuks and Jewish Women in Social History, Mysticism and Folklore," *Women in Judaism* 6, no. 1 (2009): 1–6.
9. *Ibid.*
10. The halakhah refers to Jewish laws that connect everyday acts to religion. The halakhah lays down guidelines for piety in all areas of one's life.
11. Debby Koren, "Dybbuks and Jewish Women in Social History, Mysticism and Folklore," *Women in Judaism* 6, no. 1 (2009): 1–6.
12. Dubino, "The Cinderella Complex," 103–18.
13. *Ibid.*, 106.
14. Meyers, "In the Household," 22.
15. *Mein Erstes Märchenbuch*, 41.
16. Silverman, *Raisel's Riddle*.
17. *Ibid.*
18. *Ibid.*
19. Meyers, "In the Household," 28.
20. *Ibid.*
21. *Mein Erstes Märchenbuch*, 45.
22. Meyers, "In the Household," 28.
23. Silverman, *Raisel's Riddle* (Canada: Douglas & McIntyre, 1999).
24. *Ibid.*
25. *Ibid.*
26. Pauline Kollontai, "Women as Leaders: Contemporary Perspectives on the Roles of Women in Messianic Judaism," *Women in Judaism* 6, no. 1 (2009): 112–36.
27. *Mein Erstes Märchenbuch*, 41.
28. *Ibid.*, 45.
29. Silverman, *Raisel's Riddle*.
30. *Ibid.*
31. Ayala Fader, "Reflections on Queen Esther: The Politics of Jewish Ethnography," *Contemporary Jewry* 27, no. 1 (2007): 112–36.
32. *Ibid.*, 120.
33. *Mein Erstes Märchenbuch*, 45.
34. Silverman, *Raisel's Riddle*.

35. Fader, "Reflections on Queen Esther," 121.
36. Silverman, *Raisel's Riddle*.
37. Ibid.
38. Ibid.
39. *Mein Erstes Märchenbuch*, 41.
40. Silverman, *Raisel's Riddle*.

### ***Bibliography***

Dubino, Jeanne. "The Cinderella Complex: Romance Fiction, Patriarchy and Capitalism." *Journal of Popular Culture* 27, no. 3 (1993): 103–18.

Fader, Ayala. "Reflections on Queen Esther: The Politics of Jewish Ethnography," *Contemporary Jewry* 27, no. 1 (October 2007): 112–36.

Kollontai, Pauline. "Women as Leaders: Contemporary Perspectives on the Roles of Women in Messianic Judaism." *Women in Judaism* 6, no. 1 (2009): 1–19.

Koren, Debbie. "Dybbuks and Jewish Women in Social History, Mysticism and Folklore." *Women in Judaism* 6, no. 1 (2009): 1–6.

*Mein Erstes Märchenbuch: Die Schönsten Märchen der Brüder Grimm*. Würzburg: Arena-Verlag, 2011.

Meyers, Carol. "In the Household and Beyond." *Studia Theologica* 63, no. 1 (2009): 19–41. doi: 10.1080/00393380902797118.

Silverman, Erica. *Raisel's Riddle*. Canada: Douglas & McIntyre Ltd., 1999.

# Don't Criticize Me Buddy: The Kingston Trio and the Folk Music Revival

**Jordan King**, author

Dr. Stephen Kercher, History, faculty adviser

Jordan King graduated magna cum laude from UW Oshkosh in spring 2012 with a B.A. in history. His interest in cultural history was sparked by several classes with Dr. Stephen Kercher, and is an area of potential further scholarship in his educational future.

Dr. Stephen Kercher teaches twentieth-century American history at UW Oshkosh, emphasizing postwar intellectual and cultural life. He earned a Ph.D. in history and American studies at Indiana University in 2000, and published his first book, *Revel with a Cause: Liberal Satire in Postwar America*, in 2006.

## Abstract

At the onset of the 1960s, the folk music revival helped to quench middle-class Americans' appetite for authenticity in the postwar world. Americans longed for a more genuine approach to life that embraced the authentic ways of an idealized culture in which life was composed not of artificial sterilities concocted by the mass media but the vital spirit of personal feeling. The folk music revival satisfied the contradictions of postwar life, but created further conflict within the world of folk music. The Kingston Trio embodied the contradictions of postwar living, making the group controversial to folk scholars and musicians. The group's professional and commercial nature divided the folk music community on the definition of authenticity. Scholars and folk musicians attempted to comprehend the correct place of the Kingston Trio in the folk music spectrum. The struggle to categorize the Kingston Trio reflected the conflict between postwar ideals and the yearning of Americans for authenticity. By merging the contradictions of postwar living, the Kingston Trio offered Americans an outlet for their desire for authenticity. The commercial nature of the group displaced the traditional folk style with a transformed folk music that better suited the needs of postwar America, making the Kingston Trio a crucial figure in American cultural history.

## Introduction

To many middle-class Americans living in the late 1950s and early 1960s, authenticity contrasted with the sterility of their increasingly artificial, commercialized environment. In the eyes of these Americans, society had become dominated by the influence of mass media, which imposed hollow standards of conformity and materialism upon Americans. Embracing the attitude of the rebel, some Americans searched for authenticity in the suffocating blandness of their inorganic world. The ideal of authenticity represented a more natural, autonomous opportunity for the manifestation of the suppressed spirit of American culture through a return to the simpler, immaterial desires of America's rural past. Americans retreated inward from the material confinement of conformity toward a new "emphasis on feelings," according to cultural historian Grace Elizabeth Hale, which "made authenticity into an internal rather than an external quality," as "emotionalism replaced materialism." Through the rejection of material conformity, Americans embraced the allure of



authenticity's simple spirit of genuine personal fulfillment through meaningful expression of purer internal desires.<sup>1</sup>

In folk music, young, middle-class, urban-dwelling Americans discovered an outlet for their yearnings for authenticity. The folk music revival coincided with the emergence of the heightened awareness of Americans to the contradictions of postwar life. Increases in technology, prosperity, and opportunity were counterweighted by the sterility of conformity and the Cold War threat of nuclear destruction. Hale, in her recently published book, *A Nation of Outsiders: How the White Middle Class Fell in Love with Rebellion in Postwar America*, described how Americans sought a resolution "between the desire for self-determination and autonomy and the desire for a grounded, morally and emotionally meaningful life." For Americans, "folk music filled in the gap" between these conflicting desires. Hale asserted that folk music "reconciled yearnings for self-determination and emotional and social connection." The effect of folk music's revival soothed the desire for authenticity among Americans by blending folk music tradition with familiar commercial techniques. The new brand of folk music undermined the folk music tradition, but more importantly the folk music revival transformed the style of the genre to adapt it to the need for authenticity in postwar America.<sup>2</sup>

The Kingston Trio helped to lead the transformation of folk music, supplying Americans with another new source of authenticity. The group, composed of young, middle-class musicians Dave Guard, Bob Shane, and Nick Reynolds rose to stardom in the late 1950s with a succession of hits including "Tom Dooley." Combining an overtly commercial style with a subtle embrace of folk music tradition, the Kingston Trio offered Americans the secure possibility for authenticity that they desired. The success of the Kingston Trio simultaneously overshadowed traditional folk music and opened up the folk music tradition to numerous new folk enthusiasts. Although controversial in the folk music community, the Kingston Trio transformed popular music by making a derivative folk style an important genre in American culture. The debate between folk scholars and musicians over the musical authenticity of the Kingston Trio paralleled the dialogue of Americans' struggle over personal authenticity in the postwar world. The desire of Americans near the beginning of the 1960s to search for authenticity manifested itself in the success and significance of the Kingston Trio, who not only revived folk music but reflected the transformation of the genre to accommodate a new American culture.

This paper, while culling much information from original sources in archival collections and secondary sources examining the folk music revival and postwar American culture, expands upon the work of scholars Grace Elizabeth Hale and Richard W. Johnston. My argument advances on Hale's thesis from *A Nation of Outsiders* by extolling the Kingston Trio as a reflection of Hale's ideas on the quest for authenticity in postwar America. Johnston, a graduate student at the University of Wisconsin-Milwaukee in the 1970s, offered a collection of raw materials on the Kingston Trio. Johnston's bevy of interviews, newspaper and magazine clippings, fan letters, and group documents formed the basis of my research. However, it was not until I considered Johnston's research in the light of Hale's broader argument that I was able to formulate clearly the original thesis of this paper. Extensive examination of the folk music periodical *Sing Out!* provided me with contemporary opinion on the Kingston Trio that I was able to place in the broader context of American culture's postwar transformation. My research culminated in an amalgamation of primary personal opinions implemented within the framework of retrospective analysis from cultural historians Grace Elizabeth Hale, Ronald D. Cohen, Robert Cantwell, and Benjamin Filene, in which the Kingston Trio serves as an embodiment of cultural changes in postwar America.

### ***The Folk Music Revival***

American folk music is a tradition stretching from colonial times to the present, ranging geographically and culturally from the environments of the Appalachian Mountains to the Western plains. Folk music developed as a way for rural workers to cope with hardships, either through lamentation or jovial entertainment. Similar styles of music, coming to be known as “folk music,” formed in different regions of the country, each maintaining unique characteristics that branded the music to its people. These early traditions truly were the music of the folk, or people; music that the people played for relaxation and recreation. Music became an integral part of the rural cultures, but eventually the style began to be integrated into more commercial venues.<sup>3</sup>

In the 1930s and 1940s, folk music, an elastic term encompassing styles of music influenced by blues, jazz, ragtime, country, and other forms, was initially introduced into the competitive marketplace. Folk music in this time period was produced by rural musicians who played songs that often advocated the embrace of leftist politics, while hopefully, caustically, or sorrowfully displaying the emotions of the people. Yet by the early 1950s, folk music increasingly trended toward commercialism and mainstream popularity. Bands such as the Weavers, led by Pete Seeger, scored hits with songs such as folk legend Lead Belly’s “Goodnight Irene.” The Weavers, along with folklorist Alan Lomax, broadened the scope of folk music by introducing it to a wider audience.

The new brand of folk music remained closely linked to the politically active ancestors of the early 1950s. The Weavers and other groups united the old tradition of political activism with a new tendency toward popularity on the national charts. The mixture of political radicalism and the increased attention of the public signaled somewhat severe trials for folk music in the anti-communistic America of the 1950s. The communist hunt of the House Un-American Activities Committee (HUAC) in the mid-1950s had a lasting effect on the political intentions of folk music. Artists such as Burl Ives and Josh White, both veterans of the folk music scene, began to shift their tastes toward commercialism because of the communist reputation that infected folk music. The Weavers and Pete Seeger were blacklisted and turned away from television shows and concerts. By the mid-1950s, the genre had increased in popularity but was experiencing an identity crisis, particularly in regards to its political stance.

As folk music’s popularity became threatened by anti-communist forces, a movement arose that would complete folk music’s ascension into popular consciousness. According to folk scholar Ronald D. Cohen, even as a “growing chasm” opened between “radical politics and market forces,” folk music began to spread. The Weavers and other such groups had opened up a vein in the commercial market for folk music to inject with increased popularity. The Kingston Trio fulfilled that role almost flawlessly in 1957 and 1958, jumping into a scene full of young, popular folk artists with a music that combined folk tradition with the familiarity of commercialism for an America looking for such a mixture of rebellion and conformity.<sup>4</sup>

### ***The Desire for Authenticity***

The desire of Americans for such a combination arose from the changes occurring in postwar America. Hale noted that “broad historical changes long underway” such as “migration to cities and suburbs, the rise of white-collar corporate employment, the growth of government and corporate bureaucracies, and the changing nature of family life, continued to erode middle-class whites’ sense of control over their lives and their feelings of rootedness in place and community.” These instabilities along with “the emergence of the cold war and the possibility of nuclear annihilation” threatened the prosperity and tranquility of postwar America. By the late 1950s, America had become a land of juxtapositions: the comfort and security of the booming postwar economy



against the threatening instability of the Cold War. These opposing mentalities met to produce the desire for authenticity amidst the stifling conformity of society and possibility of potential destruction.<sup>5</sup>

Advances in technology and the expansion of mass culture also pushed the drive for authenticity. In the postwar world, Hale observed, the white middle class “had easier and more varied access to people who seemed marginal, exotic, or primitive than they had possessed before this period,” opening the possibility for association with these peoples, such as rural farmers, itinerant workers, and vagrants. A new awareness of, as Hale denoted them, “outsiders” awakened in Americans the desire for authenticity and simplicity amidst the increasingly complex modern world. The allure of the untainted outsider infused Americans with a spirit of rebellion that found an outlet in college students’ embrace of a burgeoning culture built upon the yearning for genuine experience in an artificial society.<sup>6</sup>

At the center of postwar contradiction, college students led the charge toward a more simplistic, authentic life. Robert Cantwell described the swelling desire of college students to make sense of an increasingly irrational world: “Deeply ambivalent about their unstable social situation . . . young collegians found in folk music what Pete Seeger had found in it—an arena for enacting social privilege in a capitalist, democratic, and egalitarian society where privilege is everywhere perceived and nowhere openly acknowledged as a factor in personal destiny.” Books such as J.D. Salinger’s *The Catcher in the Rye* and Jack Kerouac’s *On the Road* spurred young Americans to search for something new, creative, and refreshing, while at the same time stable and rooted in the more comforting past. Amidst an evolving and confusing world, Americans, particularly college students, found the release they needed in folk music.<sup>7</sup>

Unlike the rock and roll of Elvis Presley and African American artists such as Chuck Berry, folk music appealed to Americans searching for authenticity because it demonstrated maturity, awareness, and involvement. College students, compared to their younger siblings, began to turn to folk music’s social sensibility in contrast to the glitzy pop of Tin Pan Alley and the raw, overly brash and rebellious sound and image of rock and roll. Ronald D. Cohen described the attraction of college students to folk music:

While rock and roll appealed mostly to adolescents, their parents and older siblings became increasingly attracted to folk music. Generally not danceable, folk music represented a political and/or aesthetic sensibility, a search for understanding amid the commercial clatter of electric guitars, raucous lyrics and gyrating performers; it linked past to present and commented on current social, cultural and political matters.<sup>8</sup>

Folk music proved to be both rebellious and safe for Americans in a world that demanded both risk and security. According to Hale, folk music provided “white middle-class teenagers a seemingly pure and noncommercial version of the last decade’s teenage rock rebellion.” Not only was folk music more simplistic than rock and roll, but for young Americans, “it gave them a music they could grow up into but that still signaled their opposition to their parents’ culture.” By the late 1950s, folk music began to satisfy the needs and desires of Americans struggling to connect the opposing desires of the postwar world.<sup>9</sup>

The Kingston Trio, although packaged as a commercial commodity meant for consumption by the public, united the conflicting needs of America’s youth by portraying a commercial counterfeit of more genuine folk music. Cohen wrote:

“The Kingston Trio emerged as moral gatekeepers at an optimal time. Rock and roll’s upsurge during the mid-1950s had shaken adult society’s aesthetic and moral foundations, leading to escalating recriminations, censorship, and soul searching.” The Kingston Trio satisfied the need for authenticity of American society with a new musical style that connected the stable past with the opportunistic present. The folk-tinged music of the Kingston Trio presented the American public with a new sound, one that was both entertaining and reproducible, because of its “aural, amateur, and traditional” nature.<sup>10</sup>

Not only did the precocious sound of the Kingston Trio’s music lure fans, but their modest image secured their popularity as well. Cohen observed that, “Publicity centered as much on the trio’s physical image and domestic lifestyle as on their folksy, upbeat musical appeal.” Some of the descriptions of the Kingston Trio from the time period included: “Clean-cut, boy-next-door young men, starry-eyed and singing the old-time melodies”; “Safe and reassuring”; and “Normal, decent, intelligent, educated, clean-cut, wholesome, happily married Americans.” The group’s comforting image offered Americans both reassurance and intrigue. One reason for the Kingston Trio’s success was the group’s blatant contrast to rebellious rock and roll musicians, such as Elvis Presley. According to Cantwell, in concert, the “Trio’s music was delivered with an articulation and phrasing perceptibly polite and bookish, in musical settings wholesomely pianistic.” The group’s tempered enthusiasm and conservative style, both in music and fashion, proved to be “a refreshing alternative to the scruffy, rebellious, lewd rock and roll singers.” The Kingston Trio addressed the dualities of the postwar world by creating an image and sound that comforted Americans, offering, according to Cohen, the “perfect combination of charm, wealth, security, and modesty” for an America searching for both individual freedom and the connection of community.<sup>11</sup>

The popularity of the Kingston Trio manifested itself in the mainstream popular music market. Irwin Silber, editor of *Sing Out!*, a folk music fanzine, addressed the potential popularity of folk, declaring, “There’s a lot of money in it for someone—and there’s a lot of good music in it for all of us.” The Kingston Trio took full advantage of the commercial boom of the folk music revival. Playing an extensive schedule on college campuses and arenas throughout the nation, the Trio earned between \$8,000 and \$12,000 for each concert, as well as an additional \$300,000 per year from their records. Albums such as “The Kingston Trio At Large,” which sold 814,000 copies in 1959, made the Trio one of the nation’s most popular musical acts. Radio stations across the country became enamored with the Kingston Trio, particularly after the release of “Tom Dooley” in the summer of 1958. From June 1958, the date the group’s first LP went on sale, to the end of 1962, the Kingston Trio grossed in excess of \$25 million, with annual earnings exceeding \$1.2 million. The Kingston Trio, spearheading a burgeoning commercial folk revival, became so successful and popular that in July 1960, *Time* magazine declared: “The U.S. is smack in the middle of a folk-music boom.”<sup>12</sup>

### ***The Folk Music Debate***

The Kingston Trio became perhaps the most popular and successful band in the United States by the beginning of the 1960s. However, the folk music revival that the group ushered into mainstream consciousness had a more complex connotation for the traditional folk music establishment. The music of the Kingston Trio differed from the more authentic folk tradition of the 1930s and 1940s, represented by Woody Guthrie and Lead Belly. Although the Kingston Trio often reworked standard tunes to their own tastes, the group’s urban, commercial image and sound deeply contrasted with the raw, rural sound and image of early folk musicians. The differences between the Kingston

Trio and the folk music tradition left the group in the middle of an intensive debate led by folk scholars and musicians over authenticity in folk music.

The stark difference between the old and the new styles of folk music became a divisive issue within the folk music establishment. Many folk music purists found the brand of music played by the Kingston Trio detrimental and subversive to folk music's best interests. There were, however, folk musicians and scholars who did support the popularity folk music gained because of the Kingston Trio, despite the group's controversial rendering of folk standards. As the commercial folk music revival brewed, *Sing Out!* editor Irwin Silber urged his readers to be accepting of the new sound of folk music. "We must be tolerant of every kind of music," Silber advised, "We must broaden our musical horizons." Silber's declarations outline the framework of the rest of this paper, which will examine how each side of the folk music revival—the "old," rural, authentic purists and the "new," urban, commercial professionals—attempted to cope with the consequences of the folk music revival, focusing on each side's ability to be "tolerant" enough to "broaden their musical horizons."<sup>13</sup>

In order to comprehend the rhetoric being used to debate the connotation of "folk music," a definition, according to the contemporary terms of the debate, must be analyzed. Two definitions describe the essential nature of folk music. The first is from *Sing Out!* editor Irwin Silber, who, in his periodical's first issue, stated that folk music "has to do with the hopes and fears and lives of common people." The second definition is from musician Roy Butterfield, who said, "I really don't know what folk music is, unless it is any kind of music that catches the fun and sadness and ultimate hopes of a whole lot of people, in a form that is not too contrived or sophisticated or smooth." The music of the Kingston Trio fits both of these definitions. In a postwar America that sought a new form of authenticity, the Kingston Trio expressed the feelings of the people in simple songs. When the "old definitions of authenticity did not work . . . then one solution was to change the meaning of 'authenticity.'" The Kingston Trio did this by evolving folk music to fit the new needs of Americans. The group helped to change folk music externally by making it more commercial and professional. Yet the group and their music remained authentic because it expressed the feelings of the people in postwar America. However, the changes inspired by the Kingston Trio forced the group into the middle of a debate over the authenticity of their folk music.<sup>14</sup>

The debate over the definition of folk music and the authenticity of groups such as the Kingston Trio split the folk music establishment into several rhetorical stances. Ronald D. Cohen described the folk revival as proceeding on "two parallel, slightly divided tracks," one of which included: "local performers, promoters, scholars, and fans," who "struggled over authenticity, style, and performance"; and another group, exemplified by the Kingston Trio, who had distorted folk music with "the forces of commerce and publicity." Some commentators, such as Charles Seeger, viewed both sides in an optimistic light, arguing that the purist "looked primarily to the past of the song" while the new artists "looked toward the future of the singer." Reconciliation between the two sides proved difficult, with coexistence becoming the only solution appealing to a majority of purists and professionals. Folk music fan MacClain J. Murdock of Dry Tavern, Pennsylvania, in a letter to the editors of *Sing Out!*, best described the tenuous marriage of folk music old and new in the early 1960s, writing: "As long as people have hearts we will have Woody Guthrie, and as long as people have money to spend we will have Kingston Trios."<sup>15</sup>

The two conflicting attitudes emerging with the advent of the commercial folk revival were the traditional purists and the commercial-minded professionals. Richard

Dyer-Bennet, although favoring the purist tradition, gave an adequate distinction of the two sides in his 1962 article "Some Thoughts on the Folk Song Revival":

The true folk singer was, and is, of rural origin and experience; the new breed comes from the cities. The true folk singer learns his songs from hearing them sung by the older generation; the new urban singer learns his from books and from recordings. The true folksinger has never been a professional musician; he works at some other trade and sings simply as a part of his way of life, while many present day singers of folk songs hope to become professionals. The true folk singer knows only the songs of his home locality; the young urban minstrel knows songs from all over the country, and even from other lands.<sup>16</sup>

Although prejudiced against the new style of folk music presented by the Kingston Trio, Dyer-Bennet's description gives an accurate portrayal of how many within the folk scene viewed the disparities between the new and old folk styles.

The purists were represented by the tradition of rural, itinerant musicians such as Woody Guthrie, Lead Belly, and the African American blues singers of the Mississippi Delta. By the early 1960s, the purist folk scene had expanded to include serious enthusiasts and collectors on college campuses and in coffeehouses across the nation, particularly in New York City's Greenwich Village. Artists such as Dave Van Ronk and, most notably, Bob Dylan, emerged as new leaders of the folk tradition, guided by forefather luminary Pete Seeger. Particularly in Dylan, who broke out in 1961 playing at Gerde's Folk City in Greenwich Village, Seeger saw a young musician who respectfully honored tradition and sought to preserve and advance the true cause of folk music. In 1961, Seeger, with Dylan in mind, wrote:

I am no defender of tradition *per se*, because I think that folk traditions will change as the folks who inhabit this earth change. Nevertheless I strongly feel that the more conscientiously young musicians strive to master the finest folk traditions of the past, the better music they will make in the future. It took thousands of years to develop these traditions; let us not lightly think we can improve upon them without considerable artistry. We are but links in a long human chain—and the important thing is not to be a long link but a strong link. May we strive through our music to bring deeper understanding between all human beings, so that there may be many more links to come.<sup>17</sup>

To Seeger, Dylan appeared to be the "strong link" who would "bring deeper understanding between all human beings" with his politically conscious, rambling, talking narratives in the fashion of Woody Guthrie, Dylan's hero.

As Dylan progressed the purist tradition, the Kingston Trio continued to expand folk music's reach into popular and professional music. The distinction between professional folk entertainers and the amateur itinerants manifested itself in the juxtaposition of city and country, as well as differing stances on commercialism. Whereas the authentic folk musicians were characterized by their vagrancy, playing in backwoods juke joints, the new professionals sought to play in big-market cities to high-paying, sold-out crowds. For new artists such as the Kingston Trio, folk music was not a way of life, but a way to make a living. New folk musicians emphasized their own unique capabilities and commercial potential, while still paying homage, at least in minor ways, to their musical predecessors. Folk music was no longer a way of life, but a representation of life in postwar America. A review of a show by the Trio in 1960 proclaimed that, "Uniquely they satisfy all tastes by being, first of all, entertainers and,

at the same time, folk singers in the traditional style.” Even Kingston Trio member Nick Reynolds acknowledged the new style that the group offered amidst criticism from purists, declaring: “We never took ourselves very seriously, and we were put down a lot because we didn’t put enough feeling into the words, but often the tune was pleasing.” With the Kingston Trio, professionalism and commercialism had triumphed over the authentic lifestyle of the true folk musicians, but the music still carried emotion and entertainment.<sup>18</sup>

Making and playing folk music was a business, not a way of life for the Kingston Trio and other similar groups and artists. Dave Guard of the Kingston Trio suggested that he viewed the professional folksinger as a new type of artist, writing: “I visualize the professional folk-singer as sort of a clearinghouse, most effective when bringing fresh ideas to the fore, least effective when parroting the past or singing material he can’t believe in.” The new, professional folksinger had become the developer of a new folk tradition, at the expense of the previously authentic folk tradition. Pete Seeger, the indefatigable champion of the folk purists, tried to make sense of the type of folksinger represented by the Kingston Trio, writing, “I would call him a phony, except that I think he is just another modern paradox.” Hale elaborates on this paradox, stating, “The paradox, of course, was not only that the folk music revival revived earlier commercial music as folk music, but that the revival itself was commercialized.” The professional folksinger had altered the course of the folk music tradition, breaking the chain of authentic folk music with the long link of commercialism.<sup>19</sup>

The marriage of folk music with commercial interest had a two-fold effect on traditional folk music. In one aspect, folk music’s increasing popularity, even if represented by the new folk style of the Kingston Trio, led to a resurgence of interest in traditional folk material. Suddenly, forgotten artists were being rediscovered after nearly 30 years away from the music scene. Folk music revivalists discovered the music of Delta blues musicians such as Skip James, Son House, and Mississippi John Hurt, all of whom had recorded in the 1930s, leading to legends about the whereabouts of these mysterious figures. Eventually folk enthusiasts tracked down all three, each becoming extremely popular playing at folk music concerts across the nation after years of working as farmers in the rural South. The music of other artists, who had not received their due during their lifetime, was also rediscovered, as musicians such as Robert Johnson, Big Bill Broonzy, Lead Belly, and the incapacitated Woody Guthrie became popular with folk fans.

The second effect of the increasingly commercial orientation of folk music had a more adverse consequence on the traditional folk establishment. Although folk music had risen in popularity, Ron Radosh, writing in *Sing Out!*, described the folk music revival as “devoid to a large degree of any of the content or understanding of the folk tradition which characterizes the art form.” Folk music may have become “an excellent way for a popular artist to find the kind of material that not only will help build a more durable career, but will also aid in finding himself as a singer and a human being,” but many disagreed with the merging of folk music and commercialism. In 1959, *The Cash Box* magazine predicted that “commercializing this music will only serve to kill it quickly.” Gershon Legman, writing in *Sing Out!*, took an even harsher stance against commercialist folk groups, proclaiming, “They are all out for the money, plus a goodly bit of cheap public attention and acclaim.” However, despite the Kingston Trio’s unashamedly commercial nature, their success did not destroy the folk music tradition, but rather created a new tradition.<sup>20</sup>

Many took offense to the success of the Kingston Trio however, arguing that the group overshadowed the true style of folk music with its more pop-inflected sound. “It is about time that fans of folk song,” Ron Radosh wrote in *Sing Out!* in the spring



of 1959, “and those who hope to spread it, sing it, or perform it in the folk tradition stop patronizing prostitutes of the art who gain their status as folk artists because they use guitars and banjos.” When the Kingston Trio sang, “Hang down your head, Tom Dooley, Hang down your head and cry, Hang down your head Tom Dooley, Poor boy, you’re bound to die,” many could not connect the sentiment of the song with the relatively glamorous image and sound of the group and its pristine, upbeat songs. Journalist T.E. Rafferty in *Knave* magazine, declared that the type of music popularized by the Kingston Trio was “fake, not folk.” The music the Kingston Trio played was viewed by Andy Gollan of the *Indianapolis Star* not as true folk music, but as “folk schmaltz sugared up for general consumption,” which made “fans blissfully think of folk music as something akin to a fraternity pep rally.” Many scholars, journalists, and folk musicians found the Kingston Trio detrimental to the folk music tradition, but their observations proved to be short-sighted.<sup>21</sup>

Fans of traditional folk music were angered by the false success of the Kingston Trio as well. In a response to Legman’s article “Folksongs, Fakelore, Folkniks, and Cash,” which disparaged the exploits of groups such as the Kingston Trio, fan Barbara Pourin wrote: “I for one, sympathize wholeheartedly with his [Legman’s] contempt for fakery and destructive opportunism, as well as with his sense of outrage at the fact that the fakers should continually profit from their assaults upon genuine and unenlightened interest in folk music.”<sup>22</sup> The backlash against the Kingston Trio’s superficial, “inauthentic” folk music aided the bitter decline of the folk music tradition, leaving the band with a strange legacy amongst the folk music establishment. Yet those who criticized the group failed to see the transformative effect of the Kingston Trio, particularly within the frame of postwar America. The folk music of the Kingston Trio had evolved beyond that of the folk tradition into a new form, which had grown along with the changing needs and longings of the people. In this sense, the music of the Kingston Trio remained folk music despite its differences from folk music of the past.

Indeed, there was a good number of folk music fans who recognized and supported the transformative, if not controversial, effect the Kingston Trio had on folk music. Journalist Nat Hentoff, writing in *Playboy* magazine in 1963, analyzed the commercial folk music revival’s effect on the authentic tradition of folk artistry. Rather than disparage the new brand of folk music, Hentoff was optimistic about groups such as the Kingston Trio. He wrote:

Whether the ancient gold will indeed be transmuted into something nobler is seriously open to question, but the weight of current evidence is shifting to the side of those performers and listeners who are convinced that even though the folk—in the traditional sense—are dying, folk music can continue to live boisterously and change more unpredictably than ever before.<sup>23</sup>

The Kingston Trio was ushering in a new era for folk music, continuing its relationship to the people and the time period, but also making it more commercial and professional. As Hentoff recognized, the aesthetic of folk music was evolving, while intrinsically it remained the same: endeavoring to provide people with authenticity in their lives.

Some folk music fans noticed the positive attributes of the Kingston Trio’s revitalization of folk music more easily than many scholars and musicians. Folk music supporter Bernard Kamoroff wrote to *Sing Out!* in response to an article by folk musician and scholar Richard Dyer-Bennet, which defamed the prowess of the Kingston Trio and other commercial folk groups. Kamoroff, in an understanding and accepting tone, opined:

Mr. Dyer-Bennet . . . doesn't want the new urban following, but wishes folk music to remain in the hands only of the genuine, years-of-learning type of singer. A young urban teenager should be encouraged, not discouraged. These people may not have learned these songs from their fathers and grandfathers; but they, in learning and singing these songs, are learning about an America they never knew, about people they could never meet—they are learning things schools have been unsuccessfully trying to drum into their heads for years through text-books and teachers. . . . This is something to be encouraged in everyone, teenager and urbanite as well as farmer and world-touring collector. Maybe the true folk singer is dying out, but his songs aren't. These songs, even when conveyed by such taboo singers as the Kingston Trio, are lessons in a great American history that can be beneficial to everyone.<sup>24</sup>

Kamoroff's defense of the positive consequences of the Kingston Trio's takeover of folk music displays a pragmatic approach to an ambiguous subject. Determining the merits of various types of folk musicians proved difficult in the early 1960s, but an accepting attitude, displayed by fans such as Kamoroff, served to benefit the development of folk music as a whole, no matter the definition.

Other folk enthusiasts realized the importance of the Kingston Trio for folk music in general during the early 1960s. In October 1959, Elektra Records founder Jac Holzman declared to folk luminary Izzy Young that "the Kingston Trio has put us on the map." The Kingston Trio made folk music popular while expanding its scope. Although in the eyes of some folk purists the commercialism of the Kingston Trio proved degrading to the folk tradition, the attention the group brought to folk music revitalized the floundering purist folk tradition. Doc Watson, a rural banjo player from North Carolina, supported the Kingston Trio, claiming that the group "pointed our noses in the right direction, even the traditional performers. They got us interested in trying to put the good stuff out there—the Kingston Trio. They got me interested in it!" The Kingston Trio, although not fulfilling the persona of the traditional folk artist, still "wet the whistle" of purist fans for the traditional folk music. Many fans, inspired by a "heel stomping ditty rendered by the Kingston Trio," sought out more authentic sources of folk music that were increasingly available on major recording labels because of the success of the Kingston Trio's brand of folk music. Stephen Fiott, in a 1962 article defending the exploits of commercial folk singers, declared that by reaching "college students, high school kids and the elderly citizens," the Kingston Trio had perhaps given new meaning to folk music. "And after all," Fiott wrote, "folk means people. People make traditions—maybe the Trio has started a new tradition."<sup>25</sup>

The Kingston Trio did develop a new folk tradition. The style of folk music that the group played and their urban lifestyle were distant from the rural authenticity of the folk music tradition. Although the Kingston Trio helped to destroy the purist folk tradition, the group also ushered in a new era for folk music, which was capitalized on by groups such as Peter, Paul and Mary, and Bob Dylan. Folk purist Pete Seeger understood the importance of the Kingston Trio. "I look upon us all as links in a chain," Seeger remembered, "I had my particular role and the Kingston Trio had its particular role." Folk singer Gene Cotton suggested that the Kingston Trio "was a bridge away from both the greaser image of rock and roll as well as the ignorant image of a hillbilly, all uncouth and degenerate." The Kingston Trio, as biographers Benjamin Blake, Jack Rubeck, and Alan Shaw declared, became "the happy catalyst that awakened America at a time of musical boredom, and that actually got thousands of young people involved in making music, as well as listening to it." Despite the criticism of other musicians

and scholars, the Kingston Trio transformed folk music by adapting its authenticity to the needs of postwar America.<sup>26</sup>

### Conclusion

In 1963, the Kingston Trio declared, “Nothing can kill folk music; it’s too basic in the American consciousness.” The group’s declaration proved right as their new style of folk music served to revitalize, and not kill, folk music. By the mid-1960s, the Kingston Trio had popularized folk music and made the initial commercial success of Bob Dylan possible. The group responded to the needs and desires of postwar America by offering the chance for both individual rebellion and reconnection with the communal past. Through their success and innovation of folk music, the Kingston Trio reflected the broader changes of American postwar culture, allowing the group to be viewed as a conduit of cultural change. The folk music of the Kingston Trio remained authentic because of its unwavering connection to the needs, desires, and lives of the folk.<sup>27</sup>

Charles Seeger, writing in *Sing Out!* in 1959, recognized the possibilities of the new folk music being developed by the Kingston Trio. Seeger, addressing the potential death of traditional folk music, prophetically wrote:

Rather, however, than say “the folk is dead” and attempt to keep folksong alive as something quaint, antique, and precious, let us say “the folk is changing—and its songs with it,” and then help what it is changing into . . . not to be ashamed of its ancestors, but to select the makings of a new, more universal idiom for the more stabilized society that we may hope is coming into being from the best materials available, whether old or new. Better than to lament the loss of ancient gold will be to try to understand its permutation into another metal which, though it might be baser, may still surprise us in the end by being nobler.<sup>28</sup>

The music of the Kingston Trio was “baser” to the traditional folk music establishment, but the group also proved “nobler” by making folk music a popular and enduring art form in American culture and commerce. The possibilities of a new folk music, although controversial, overshadowed the contradictions between folk tradition and the Kingston Trio. The authentic folk tradition was dead, but a new tradition revived folk music in America. Dave Guard, leader of the Kingston Trio, acknowledged these facts while rebuking his critics in a 1961 article in *Sing Out!* evaluating the condition of folk music. Although the Kingston Trio helped to precipitate the death of traditional folk music, Guard’s proclamation affirms the Trio’s statement that folk music remains the enduring art form of the common American, consistently expressing the authentic needs and desires of the people: “Happily, folk songs are made of such hardly individualistic stuff that they can withstand all the assaults of the ultra-commercial and the pseudo-funky as well. They only suffer when they lie dormant and unheard. Don’t criticize me, Buddy. Learn to play better than I do.”<sup>29</sup>

### Notes

1. Grace Elizabeth Hale, *A Nation of Outsiders: How the White Middle Class Fell in Love with Rebellion in Postwar America* (Oxford: Oxford University Press, 2011), 98.
2. Ibid., 3, 86, 6.
3. See Robert Cantwell, *When We Were Good, The Folk Revival* (Cambridge: Harvard University Press, 1996); Robert D. Cohen, *Rainbow Quest: The Folk Music Revival & American Society, 1940–1970* (Boston: University of Massachusetts Press, 2002); and Benjamin Filene, *Romancing the Folk: Public Memory & American Roots Music* (Chapel Hill: The University of North Carolina Press, 2000).



4. Cohen, 66.
5. Hale, 5.
6. Ibid.
7. Cantwell, 306–07.
8. Cohen, 96.
9. Hale, 87.
10. Cohen, 134; Cantwell, 316.
11. Cohen, 132; Victory Van Dyck, Letter to Capitol Records, June 2, 1959, The Kingston Trio Records, Box 1, Folder 3, University of Wisconsin–Milwaukee Manuscript Collection; Ibid; Lloyd Shearer, “Hottest Act in Show Business: The Kingston Trio,” *Parade Magazine*, December 4, 1960, 24, The Kingston Trio Records, Box 2, Folder 3, University of Wisconsin–Milwaukee Manuscript Collection; Cantwell, 317; Cohen, 133.
12. Cohen, 103, 200; Discography 1958–1969, The Kingston Trio Records, Box 1, Folder 8, University of Wisconsin–Milwaukee Manuscript Collection; Untitled Kingston Trio Memo, n.d., The Kingston Trio Records, Box 2, Folder 5, University of Wisconsin–Milwaukee Manuscript Collection; “Folk Frenzy,” *Time*, July 11, 1960, 81, The Kingston Trio Records, Box 5, University of Wisconsin–Milwaukee Manuscript Collection.
13. Irwin Silber, *Sing Out!* 7, no. 3 (Fall 1957): 35.
14. Silber, *Sing Out!* 1, no. 1 (May 1950): 2; Cohen, 59; Hale, 97.
15. Cohen, 144; Charles Seeger, “Folk Music in the Schools of a Highly Industrialized Society,” *Sing Out!* 8, no. 1 (Spring 1958): 28; MacClain J. Murdock, Letter to the Editor, *Sing Out!* 13, no. 4 (October–November 1963): 75.
16. Richard Dyer-Bennet, “Some Thoughts on the Folk Song Revival,” *Sing Out!* 12, no. 2 (April–May 1962): 17.
17. Pete Seeger, “Folk Music Today: A Symposium,” *Sing Out!* 11, no. 1 (February–March 1961): 30.
18. “Nitory Review: Coconut Grove Show Review,” *Daily Variety*, June 6, 1960, The Kingston Trio Records, Box 2, Folder 3, University of Wisconsin–Milwaukee Manuscript Collection; Nick Reynolds, Interview, September 27, 1973, The Kingston Trio Records, Box 1, Folder 18, University of Wisconsin–Milwaukee Manuscript Collection.
19. Dave Guard, “Folk Music Today: A Symposium,” *Sing Out!* 11, no. 1 (February–March 1961): 30; Filene, 203; Hale, 105.
20. Ron Radosh, “Commercialism and the Folk Song Revival,” *Sing Out!* 8, no. 4 (Spring 1959): 27; Harry Belafonte, “My Repertory Must Have Roots,” *Sing Out!* 8, no. 4 (Spring 1959): 30; Bill Gersh, “Let’s Not Kill Folk Music,” *The Cash Box* 10, no. 20, The Kingston Trio Records, Box 2, Folder 2, University of Wisconsin–Milwaukee Manuscript Collection; Gershon Legman, “Folksongs, Fakelore, Folkniks, and Cash,” *Sing Out!* 10, no. 4 (October–November 1960): 35.
21. Radosh, “Commercialism and the Folk Song Revival,” *Sing Out!* 8, no. 4 (Spring 1959): 29; Cohen, 145; Peter Wyborn, Letter to the Editor, *Sing Out!* 12, no. 4 (October–November 1962): 2; Andy Gollan, “Trio Fakes Folk but Cash Is Real,” *Indianapolis Star*, n.d. The Kingston Trio Records, Box 2, Folder 7, University of Wisconsin–Milwaukee Manuscript Collection.
22. Barbara Pourin, Letter to the Editor, *Sing Out!* 10, no. 4 (December 1960–January 1961): 53.
23. Cohen, 203.
24. Bernard Kamoroff, Letter to the Editor, *Sing Out!* 12, no. 4 (October–November 1962): 2.
25. Cohen, 42, 133; Pat Urbanus, Letter to the Editor, *Sing Out!* 13, no. 2 (April–May 1963): 69; “Folk Singing: Sibyl and Guitar,” *Time*, November 13, 1962, The Kingston Trio Records, Box 1, Folder 1, University of Wisconsin–Milwaukee Manuscript Collection; Arnold Finklin, Letter to the Editor, *Sing Out!* 13, no. 3 (June–July 1963): 71–73; George Avakian, “Folk Music Today: A Symposium,” *Sing Out!* 11, no. 1 (February–March 1961): 20; Stephen Fiott, “In Defense of Commercial Folksingers,” *Sing Out!* 12, no. 5, (December 1962–January 1963): 43–44.
26. Pete Seeger, Interview, February 13, 1976, The Kingston Trio Records, Box 1, Folder 19, University of Wisconsin–Milwaukee Manuscript Collection; Gene Cotton, Interview, June 29, 1976, The Kingston Trio Records, Box 1, Folder 13, University of Wisconsin–Milwaukee Manuscript Collection; Benjamin Blake, Jack Rubeck, and Allan Shaw, *The Kingston Trio on Record* (Naperville, IL: Kingston Korner, 1986): 14.

27. Bob Thomas, "Basic to Americans: Folk Music Here to Stay," *San Jose News*, September 24, 1963, The Kingston Trio Records, Box 2, Folder 6, University of Wisconsin–Milwaukee Manuscript Collection; Blake, Rubeck, and Shaw, 22; John Stewart, Interview, April 4, 1975, The Kingston Trio Records, Box 1, Folder 27, University of Wisconsin–Milwaukee Manuscript Collection.
28. Charles Seeger, "Folk Music in the Schools of a Highly Industrialized Society," *Sing Out!* 8, no. 1 (Spring 1958): 29.
29. Dave Guard, "Folk Music Today: A Symposium," *Sing Out!* 11, no. 1 (February–March 1961): 30.

### ***Bibliography***

- Avakian, George. "Folk Music Today: A Symposium." *Sing Out!* 11, no. 1 (February–March 1961).
- Belafonte, Harry. "My Repertory Must Have Roots." *Sing Out!* 8, no. 4 (Spring 1959).
- Blake, Benjamin, Jack Rubeck, and Allan Shaw. *The Kingston Trio on Record*. Naperville, IL: Kingston Korner, 1986.
- Cantwell, Robert. *When We Were Good, The Folk Revival*. Cambridge, MA: Harvard University Press, 1996.
- Carter, Dale. "A Bridge Too Far? Cosmopolitanism and the Anglo-American Folk Music Revival, 1945–1965." *European Journal of American Culture* 29, no. 1 (2010): 35–51.
- Cohen, Ronald D. *Rainbow Quest: The Folk Music Revival & American Society, 1940–1970*. Boston: University of Massachusetts Press, 2002.
- Dyer-Bennet, Richard. "Some Thoughts on the Folk Song Revival." *Sing Out!* 12, no. 2 (April–May 1962).
- Filene, Benjamin. *Romancing the Folk: Public Memory & American Roots Music*. Chapel Hill: The University of North Carolina Press, 2000.
- Finklin, Arnold. Letter to the Editor. *Sing Out!* 13, no. 3 (June–July 1963).
- Fiott, Stephen. "In Defense of Commercial Folksingers." *Sing Out!* 12, no. 5 (December 1962–January 1963).
- Guard, Dave. "Folk Music Today: A Symposium." *Sing Out!* 11, no. 1 (February–March 1961).
- Hale, Grace Elizabeth. *A Nation of Outsiders: How the White Middle Class Fell in Love with Rebellion in Postwar America*. Oxford: Oxford University Press, 2011.
- Legman, Gershon. "Folksongs, Fakelore, Folkniks, and Cash." *Sing Out!* 10, no. 4 (October–November 1960).
- Murdock, MacClain J. Letter to the Editor. *Sing Out!* 13, no. 4 (October–November 1963).
- Pourin, Barbara. Letter to the Editor. *Sing Out!* 10, no. 4 (December 1960–January 1961).
- Radosh, Ron. "Commercialism and the Folk Song Revival." *Sing Out!* 8, no. 4 (Spring 1959).
- Seeger, Charles. "Folk Music in the Schools of a Highly Industrialized Society." *Sing Out!* 8, no. 1 (Spring 1958).
- Seeger, Pete. "Folk Music Today: A Symposium." *Sing Out!* 11, no. 1 (February–March 1961).

Silber, Irwin. *Sing Out!* 1, no. 1 (May 1950).

———. *Sing Out!* 7, no. 3 (Fall 1957).

The Kingston Trio Records. University of Wisconsin–Milwaukee Manuscript Collection.

Urbanus, Pat. Letter to the Editor. *Sing Out!* 13, no. 2 (April–May 1963).

Wyborn, Peter. Letter to the Editor. *Sing Out!* 12, no. 4 (October–November 1962).

# Death of an Organizational Man: An Advertiser's Resistance to the FTC and the Creative Revolution in Advertising in the 1960s

**Lance Spaude**, author

Dr. Stephen Kercher, History, faculty adviser

Lance Spaude graduated from UW Oshkosh in December 2012 with a degree in marketing. His research began as a paper in a University Honors program senior seminar on the history of the 1960s. As a marketing student Lance has always had an interest in the origins of current advertising strategies and techniques. The seminar course afforded him the unique opportunity to conduct historic research on the advertising field and the events that shaped it into the industry it is today.

Dr. Stephen Kercher teaches twentieth-century American history at UW Oshkosh, emphasizing postwar intellectual and cultural life. He earned a Ph.D. in history and American studies at Indiana University in 2000, and published his first book, *Revel with a Cause: Liberal Satire in Postwar America*, in 2006.

## Abstract

Advertising has harnessed the power of television, radio, the Internet, billboards, and endless new communication mediums, becoming a tremendously profitable industry and a mainstay in American culture. During advertising's rise, the 1960s was one of the most pivotal decades. America was enveloped in a cultural revolution and the advertising industry itself was facing a creative revolution in management style and advertising norms. This advertising revolution was met with enormous resistance from the select few then in control of the advertising industry. Of this select few, one of advertising's most prominent figures, Rosser Reeves, fought furiously to preserve the advertising status quo. Although Reeves is most remembered for his contributions to advertising in the 1940s and 1950s, it is his less remarkable actions in the 1960s as a stubborn "square" holding on desperately to former glory that ultimately defines Reeves's character and place in advertising history. Reeves's prior success in advertising and his own arrogance prevented him from acknowledging the creative revolution in advertising as a legitimate and permanent change. This article explores Reeves's actions in the latter part of his career, as well as his motives driving these actions, through review and analysis of boxes of personal and business correspondences, years of advertising industry publications such as *Advertising Age* and *Printers' Ink*, and articles on advertising in major publications including the *New York Times*, the *New Yorker*, and *Time* magazine. Ultimately, Reeves's efforts were unsuccessful, as he found himself on the losing side of this creative revolution and relegated to being a bit player in an industry he once dominated.

"Lemon." This single word encapsulates the drastic transformation that overwhelmed the advertising industry in the United States during the 1960s. In an advertisement for the German carmaker Volkswagen, the Doyle Dane Bernbach (DDB) agency turned the advertising industry upside down and signaled the beginning of a period of creativity, innovation, and style with a single word. The ad displayed a black Volkswagen Beetle on a white backdrop with the word "Lemon" in bold font. Underneath this picture the advertisement stated that inspector Kurt Kroner had rejected this car because "the chrome strip on the glove compartment is blemished

and must be replaced.” The ad continued to describe the rigorous testing process each vehicle was subject to before it could be sold to consumers, finishing with the promise, “We pluck the lemons; you get the plums.” DDB’s creative ad drastically contrasted with the mainstream advertising styles of the 1950s that promoted the “superiority” of any particular product and the lavish lifestyle one could obtain from its purchase.<sup>1</sup>

Thomas Frank, chronicling the creative advertising revolution initiated by DDB in *The Conquest of Cool*, summarized the significance of the 1960s by proclaiming, “The sixties are more than merely the homeland of hip, they are a commercial template for our times, a historical prototype for the construction of cultural machines that transform alienation and despair into consent.”<sup>2</sup> Frank defined this transformation as the “creative revolution,” one that had immense significance in advertising.

The advertising industry in the 1960s underwent fundamental changes in styles and practices that allowed many new advertisers to gain immense prestige and accreditation. However, this was not the case for all advertisers of the era, including industry leader Rosser Reeves. In the 1950s advertising giant Rosser Reeves grew to immense power and influence not only in the advertising industry but also as a cultural figure. He benefited both financially and in social recognition from the organizational structures and scientific practices of advertising that dominated the late 1940s and 1950s. Reeves was one of the most powerful admen during a period when advertisers reached unprecedented social statuses that haven’t been seen since. Reeves, whose exploits were the focus of numerous articles in major publications including *Time* and the *New Yorker*, and who himself was the author of a *New York Times* bestselling annual on effective advertising, was a titan in an advertising industry that was enjoying historic notoriety and influence.

Although Reeves is well known for his contributions to advertising and the tremendous stature he held in the 1950s, little is said about Reeves’s latter years in advertising. In a 1969 *New Yorker* article recapping Reeves’s recently concluded advertising career, no mention was made of his actions in the 1960s or the circumstances that ultimately led to his demise in the industry. In order to truly understand Reeves’s character and his place in advertising history it is essential to examine the conditions that precipitated his erosion of power and prestige. In defiance of changing times, Reeves challenged and criticized the emergence of creativity in advertising. Reeves defended and promoted the status quo hard-sell advertising styles both verbally and in print, and in his boldest attempt to prevent the new creativity from overtaking advertising he pitted himself against the Federal Trade Commission in court. As the decade unfolded Reeves swiftly regressed from a powerful leader at the top of his profession to a man trapped by his own hubris in two insurmountable battles: one with the Federal Trade Commission and one with the creative revolution overtaking the advertising industry.

### ***Reeves and Advertising Expansion of the 1950s***

The emergence of the “creative revolution” in advertising during the 1960s had its genesis in the criticism and increased regulation that targeted the advertising industry in the 1950s and early 1960s. During the 1950s the advertising industry in America underwent enormous growth in size, strength, and influence. The public was bombarded with advertisements through radio, magazines, newspapers, and the fastest growing and most popular form of media, television. By the end of 1959, consumer ad spending surpassed \$10 billion annually, a 53 percent increase in just eight years.<sup>3</sup>

The advertising industry started to attract new skilled personnel, generating an influx of talented copywriters and art directors and increasing the size and power of these agencies. By the end of the decade advertising had become an extremely

profitable business, prompting Stephen Fox in *Mirror Makers* to classify advertising in the 1950s as the second boom, the first being the emergence of commercial advertising in the early 1920s. Advertising's second boom placed advertisers in the public eye for the first time in history.<sup>4</sup>

Rosser Reeves rode this boom by implementing a scientific, or factual, approach to advertising through the creation of the "Unique Selling Proposition" or "USP." Reeves's USP involved offering to the consumer a product's specific benefit that had not already been claimed by a competitor. This benefit did not have to be unique to the specific product, but, according to Reeves's vision, the product must be the first to make the claim that would influence customer purchases. Reeves designed a Colgate toothpaste campaign using this theory with the claim that Colgate "Stops Halitosis!" This claim was not unique to Colgate toothpaste because all toothpastes clean breath, but it was a perfect application of the USP approach because Colgate was the first to make the claim.<sup>5</sup>

Reeves believed that consumers' minds were already full and the only way for them to retain new information was to displace existing information in their minds through penetration. Reeves advocated sheer repetition as the most effective way to penetrate consumers' already crowded minds. In his first book, *Reality in Advertising*, Reeves claimed that advertising is "the art of getting a unique selling proposition into the heads of the most people at the lowest possible costs."<sup>6</sup>

Reeves's first opportunity to position himself as a prominent figure in the advertising industry came in the 1952 GOP presidential campaign. Reeves created the Republican presidential campaign television ads for Dwight D. Eisenhower that featured the slogan "I Like Ike." The ad's repetitive nature was quintessential Rosser Reeves style, following the reasoning that the best way to influence the public is to penetrate their minds with relentless repetition. The televised campaign, although completely uninformative and slightly annoying, helped Eisenhower gain office over Democratic candidate Adlai Stevenson. The success of the campaign earned Reeves great credibility and influence in the advertising industry.<sup>7</sup>

A firm believer in statistical information, Reeves prescribed that research was the only true method of measuring an advertisement's success. In *Reality in Advertising*, Reeves claimed that the research he led at Ted Bates and Company provided insight into 180,000 minds, generating hard evidence of what advertising flourishes and what advertising flounders. Filled with percentages and scientific research figures, hard-sell advocacy, and warnings of the dangers of imagination in advertising, *Reality in Advertising* provided a venue for Reeves to express his opinions on advertising in an attempt to influence his peers to embrace the Reeves approach to advertising.<sup>8</sup>

Reeves, starting as a copywriter at Ted Bates & Company, facilitated the growth of a rather small agency with \$16 million in annual billings in 1945 to one of the top agencies in the industry with annual billings of \$130 million by the end of 1960. As the architect behind many ads and decisions at Ted Bates & Company, Reeves developed a process that quickly became the industry norm in television advertising in the 1950s. In the early years of commercial television advertising, most agencies obtained network airtime as they did with radio, sponsoring entire programs that then ran sponsors' commercials during the program breaks. Unlike these agencies, Reeves created 30- to 60-second commercials for clients that could be inserted into any broadcast program. This new concept attracted clients to Ted Bates & Company through its ability to cut costs and increase effectiveness of its commercials. In August 1955 Reeves was elected chairman of the board, granting him substantial control over the agency. While operating as chairman, Reeves continued to lead numerous profitable campaigns for Fortune 500 companies including Colgate, Procter & Gamble, and the



Brown & Williamson Tobacco Corporation. Although Reeves dominated advertising in the 1950s, by the end of the decade critiques of his style, and the industry as a whole, became more relentless and uncompromising.<sup>9</sup>

### ***Creative Resistance to Hard-Sell Advertising Emerges***

While the advertising industry in the United States grew at unprecedented rates during the 1950s, so did criticism directed against it. Skepticism toward corporations and advertising became a polarizing issue in America after author and critic William Whyte published *The Organization Man* in 1956. Whyte's bestselling book described corporate America as an environment of collectivism where the best way to get ahead was to simply "fit in." Whyte gave the American public an inside look into the modern business environment, a place that oppressed individuals and their creative ideas in favor of the status quo of conformity. Whyte even observed that suburbs produced "inconspicuous consumption," the perfect environment for advertisers to exploit.<sup>10</sup>

If William Whyte opened the door for criticism on the advertising industry, journalist Vance Packard blew the door off its hinges a year later with *The Hidden Persuaders*. In his book, Packard revealed the way in which advertisers had continually manipulated Americans through subliminal methods of "motivational research." Packard argued that the advertising industry had exploited the vulnerable public into purchasing unnecessary products through psychological manipulation. So strongly did Packard believe that admen had become master manipulators, that he classified them as "depth men." This label was derived from admen's abilities to control a consumer's subconscious. Although intellectuals like Packard and Whyte influenced public beliefs, they were not the only basis for the burgeoning distrust of advertising.<sup>11</sup>

Advertising growth in the 1950s was directly related to the growth of the television industry. Television provided advertisers with a new medium to reach consumers, allowing their message to be seen as well as heard. However, the connection between advertising and television caused the reputation of the advertising industry to come into question. In April 1957, *Time* magazine released an article claiming that many popular television quiz shows of the time were fixed. The article accused producers of "controlling the outcomes as closely as they dare." Quiz shows soon fell under intense investigation leading to their demise in what was called the "Quiz Shows Scandal." This scandal had a direct negative effect on the public's trust of advertisers because many agencies sponsored these shows.<sup>12</sup>

In a speech to the National Association of Broadcasters, newly appointed chairman of the Federal Communications Commission (FCC), Newton N. Minow, labeled television a "vast wasteland." Minow did not spare advertisers in his denunciations, referring to the endless amount of commercials on television as "screaming, cajoling, and offending." Advertisers not only received unfavorable publicity for the quality of their commercials, but also for their direct association with many abysmal television shows. As television programming became subject to increased inquiry into its reliability and quality, advertisements on television likewise began to see a rise in examination through the Federal Trade Commission (FTC) and the FCC.<sup>13</sup>

Not only was the advertising industry defending itself from liberal intellectual critics and the negative perceptions of the American public, it was also subject to criticism by those in the industry itself. David Ogilvy, founder and chairman of the board at the Ogilvy, Benson & Mather agency, as well as the brother-in-law of hard-sell practitioner Rosser Reeves, openly disagreed with many prominent industry practices of the time. Ogilvy, like many others both in and out of the advertising industry, judged hard-sell advertising as misleading, monotonous, and condescending toward consumers. Only a year after Reeves released his hard-sell manifesto, *Reality in*

*Advertising*, Ogilvy released *Confessions of an Advertising Man*, advocating a soft-sell approach that built brand loyalty as a more effective form of advertising. Through this book Ogilvy launched his opinions on effective advertising into the literature market. In *Confessions*, Ogilvy proclaimed that the advertising industry “needs a massive transfusion of talent” and that this talent “is most likely to be found among non-conformists.”<sup>14</sup>

Although Ogilvy conveyed dissatisfaction with the hard-sell philosophy and conformity of the industry, his disapproval was minor in comparison to some of the industry’s most influential and powerful members. Advertising tycoon James Webb Young, co-founder of the influential Young & Rubicam agency, demanded better public criticism of the industry in a publication of *Advertising Age*. This came as a shock to the industry because the Young & Rubicam agency was widely considered conservative in its practices. Mr. Young even advocated the creation of a career critic of the industry, writing: “What I am looking for is a publisher or editor with insight and courage to enter this new field of criticism—and for the competent critic to aid him. . . . Let me say clearly that advertising needs, is entitled to and can profit from criticism of the most public kind.” Young’s call for better criticism revealed that the advertising industry was facing enormous pressure to reform from within, as well as from outside, the industry. In a speech to the American Association of Advertising Agencies (AAAA), advertising veteran Fairfax M. Cone of the Foote, Cone & Blending agency, confessed that there is no excuse for the industry’s poor advertising, unexpectedly stating that complaints leveled at television advertising “have been well deserved.”<sup>15</sup>

The figure who most accurately represented the industry’s internal fight for reform was William Bernbach, president of the aforementioned DDB advertising agency. Bernbach considered advertising to be the art of persuasion, one that could not be reduced to a formula, as Reeves argued. Bernbach made his discontent for advertising’s scientific formula approach public, stating in a *New York Times* article:

That is why I am absolutely appalled by the suggestion—indeed the policy—of some agencies that once the selling proposition has been determined, the job is done, that anyone can take it from there and complete the ad. It’s exactly at this point we need creativity. It’s exactly at this point that we need, not word and picture mechanics, but imaginative, original craftsmen who can take that selling proposition, through the magic of their artistry, get people to see it, get people to remember it.<sup>16</sup>

### ***Creative Revolution in Advertising Finds Unlikely Ally in FTC***

Accountability for advertisers and organizational men had been avoided for years, but as demand for reform within the industry combined with intellectual attacks on deceptive advertising practices and public skepticism, the prospect of increased government regulation seemed inevitable. The burden of government regulation on advertising fell upon the FTC. This governing body was granted power to regulate broadcasting for two decades prior to its intervention into advertising in the late 1950s; however, it did not exercise these powers because advertising was widely considered a factual practice of conveying product attributes. As the American economy grew in the 1950s, competition between similar products increased. The Reeves USP method increasingly resulted in exaggerated and sometimes deceptive product claims. In response, the FTC began to enforce its authority to reign in an advertising industry functioning in complete autonomy.<sup>17</sup>



In the early 1950s, the FTC suffered from the bureaucratic lethargy and rigidity that enveloped many government activities during the decade. However, as the decade progressed the FTC steadily increased monitoring of advertisements on radio and television under Chairman John W. Gwynne in the late 1950s. In a surprising move Gwynne forced members of the FTC to monitor advertising during off-duty hours in an attempt to catch questionable advertisements. The most significant escalation of regulation on advertising occurred when President Eisenhower appointed Republican lawyer Earl W. Kintner as successor to Gwynne as chairman of the FTC in May 1959. The newly appointed FTC chairman hastily released the Kintner Statement, a warning to advertisers and broadcasters of the imminent increase in federal regulation. Kintner wrote of the obligation for greater regulation on advertising, declaring it “imperative if the public interest is to be protected.” Kintner gave notice that the FTC would “strike hard and fast” on those advertisers who violated the law and even warned, “any advertising of doubtful integrity will be investigated.” The Kintner Statement outlined the actions to increase regulation, including the monitoring of all networks at all times and the doubling of TV and radio monitoring staff “for as long into the future as necessary.”<sup>18</sup>

Supporting Kintner’s demand for greater regulation, Attorney General William P. Rogers’s 1960 report on deceptive practices to the president of the United States implored the president to grant the FTC greater authority and injunction powers. The report contended that this power would be to “take action with respect to false and misleading advertising.” Continuing its attack on deceptive advertising it insisted that unless the FTC was granted greater injunction power, “an unscrupulous advertiser may continue deceiving the public with impunity and with profit.” This report concluded that many members of the government viewed intense regulation on advertising as absolutely necessary to protect the public. In less than six months, a government that was notorious for prolonged processes and filibustering granted the greater FTC the injunction power advised by the attorney general. By the end of 1960, it became clear that the unrestricted era of the advertising organizational man was in jeopardy.<sup>19</sup>

Author Philip Gold declared this rise in regulation “the age of nonsensical regulation.” While Gold was correct in his summarization that many of the FTC’s newly granted powers were overbearing and unwarranted, he did not acknowledge that up until this regulation advertisers had the freedom to knowingly make false claims. These false claims caused the public immense harm with deceptive product promotions, including “teeth whitening” cigarettes.<sup>20</sup>

The FTC used the words “unfair” and “deceptive” as all-encompassing weapons in its campaign against unscrupulous advertising. Uneasiness in advertising began to overwhelm the industry as advertisers awaited the impending FTC investigations. A journalist for the *New York Times*, Carl Spielvogel, described the industry as “a man sitting on the edge of his bed,” even suggesting that it “is spending more time looking and listening than sleeping.” The Gallagher Report, a confidential letter circulated to select advertising and publishing executives in 1960, chronicled the problems the advertising industry was facing, revealing: “The crease is gone from the gray flannel suit. Tough times for advertising agencies. Fear. Panic. Indignation. Mostly just worry. But plenty to worry about.”<sup>21</sup>

Countless industry periodical articles and newspaper editorials wrote of forthcoming advertising uncertainty, displaying the advertising industry’s obsessive paranoia over potential FTC regulation. Every agency, aside from the creatively based DDB agency, was apprehensive of launching new campaigns in fear that it would be subject to FTC investigations. In response to the Kintner Statement, the Ted Bates agency began to prepare for the inevitable FTC inquiries. In a memorandum to

members of the agency, all employees were told not to respond to any outside questions about Ted Bates's processes or advertisements.

Many advertisers nervously awaited FTC regulation, while other members of the ad industry took proactive steps to curb regulation. Taking advice from FTC Chairman Kintner, the industry began to strengthen in-house regulation. The AAAA began by issuing a public statement clarifying its code for false and deceptive television ads in January 1960. The statement listed the guidelines for avoidance of deceptive advertising, but provided no consequences for breaking these guidelines, stating, "These situations cannot be governed by rules." Even though AAAA resisted establishing punishments for deceptive practices to its own members, it did attempt to enhance its image. The organization hired a New York-based public relations firm as counsel in cleaning up advertising's deplorable public image.<sup>22</sup>

In 1960 the Association of National Advertisers (ANA) joined the AAAA in policing the advertising industry. The two groups encompassed nearly all the nation's leading agencies, and together they formed a watchdog unit to monitor and process "objectionable" advertising. They established expulsion penalties for agencies they deemed to be engaging in deceptive practices. To aid in this self-regulation effort a third industry group, the Advertising Federation of America (AFA), released a "Truth Book" to be used as a self-regulatory test for questionable ads.<sup>23</sup>

Despite the fact that these undertakings of self-regulation were urged by FTC Chairman Kintner, who in a conversation with ANA Chairman Donald Frost "expressed . . . enthusiastic support of this kind of voluntary effort," the FTC's distrust of the advertising industry continued unabated. In a dispute with the advertising industry over its dependability, FTC examiner Leon Gross questioned: "I wonder how chastened the Madison Ave. crowd is. They are able and effective, and they have acquired a lot of power. Not only power in the commercial world, but in the political world too." The head of the FTC, Kintner, was no more sympathetic toward advertisers. Although he admitted being optimistic about recent improvement in the industry, his disapproval for the industry was still unmistakable. Kintner even told FTC examiner Gross that he wondered if advertisers who showed cooperation with the commission were allowed "to go home free," and whether or not "we'll [the FTC] be right back where we started."<sup>24</sup>

With the advertising industry unsuccessful in its attempts to persuade the commission from taking action, the FTC began to drop the hammer on deceptive and unscrupulous advertisements. The nail that was about to be struck beneath this hammer was hard-sell advertising. The FTC made no effort to conceal its agenda on what ads it would prosecute. The regulating body provided agencies with a "guide" to making scientific guarantees in ads, a staple of hard-sell advertising. The FTC wasted no time in taking action, releasing four simultaneous complaints on television ads in 1960.

### ***FTC and Reeves Battle Over Advertising Future***

The agency hardest hit by this action was the hub for the hard-sell advertising, the Ted Bates & Company agency. With Rosser Reeves as the head of the agency, it came as no surprise that the first accusations were against the man who wrote an entire book advocating the hard-sell in advertising. The Bates agency was hit with two separate complaints. The first was directed at a Colgate-Palmolive shaving cream ad that boasted its shaving cream was so effective it could shave a sandpaper beard. The second targeted a Blue Bonnet margarine ad that claimed to have "Flavor Gems" that made their product superior to other margarines and butters.<sup>25</sup>

Although many agencies and admen resisted the FTC's new regulations and investigations, none proved as vehement in opposition as the Ted Bates agency. From

this agency one man stood at the forefront of this opposition, Rosser Reeves. He was no amateur when it came to dealing with public controversy and FTC investigations. In prior investigations Reeves strongly resisted FTC authority. Ultimately this resistance failed and Reeves was forced to remove claims of “liver” in Carter’s Little Liver Pills, along with Colgate Dental Cream claims of the product’s “protective shield.” A highly publicized incident occurred with Reeves’s reaction to FTC complaints regarding the a Life Cigarettes advertisement and the FTC’s charge of “false statements, representations and pictorial presentations with respect to the filters in their cigarettes.” Reeves and Ted Bates & Company confronted the FTC complaints by replying, “The Ted Bates & Company agency will welcome the opportunity to support claims made for Life Cigarettes or any other brand entrusted to it.”<sup>26</sup>

In blatant disregard for FTC sanctioning, Reeves ran an advertising campaign for Life Cigarettes immediately after the complaint had been issued. In personal correspondence to Ted Bates, Reeves declared: “Regardless of Mr. Kintner, I am breaking this full-page ad in 546 big newspapers on Monday morning!” Bates responded, “I’m with you,” then mordantly scripted, “I love prison food!”<sup>27</sup>

Reeves had frequently voiced his opinion about government regulation in public. In 1959 he used the industry publication *Advertising Age* to announce his objections to regulations aimed at “Bad Taste” advertising: “Watch out for such regulation! Or we may be drifting into a ‘body politic,’ which can tell us how we should dress, what we should eat, what we should read.” Reeves’s belief that FTC regulation should be employed only when absolutely necessary was primarily derived from his conservative political views. Along with consulting on several Republican campaigns, Reeves once circulated to the heads of the Ted Bates agency the book *Conscience of a Conservative*, authored by ultra-conservative senator and presidential candidate Barry Goldwater. In Reeves’s attached letters, he encouraged the recipients to read the book, imploring, “It will clarify a lot of your thinking as to what our administration should do on everything from the problem of the labor unions, to the United Nations to Soviet Russia and Red China.”<sup>28</sup>

### ***Reeves Takes Stance against FTC and Critics of Hard-Sell Advertising***

In addition to condemning critics outside of the industry, Reeves countered those who maintained that creativity was a compelling tactic in advertising. In *Reality of Advertising*, Reeves presented his thoughts on creativity when he proclaimed, “the most dangerous word of all in advertising—*originality*.” Not to single out creativity in advertising, motivational research was considered to be “The Freudian Hoax” according to Reeves. Ever eager to provide his views to those with the power to influence the public, Reeves frequently contacted newspapers and magazine editors, journalists, and legislators to lobby for advertising’s reputation.<sup>29</sup>

Throughout the 1960s Reeves stood as the quintessential defender of the 1950s hard-sell advertising style. Reeves possessed an immense knowledge and experience in advertising, a stubborn attitude toward government, a disdain for liberal intellectuals, an unwavering belief in the hard-sell advertising philosophy, and the inclination to prove that advertising was not the despicable industry many had contended. Already in a position of authority in the industry, Reeves acted as chairman of the board for the AAAA, an active member of the Committee of the Board on Advertising Relations, and a board of directors member of American Federation of America, the Washington, D.C.-based trade association. As a member of these groups, Reeves worked toward preserving the current advertising industry. Solidifying his place as guardian of the advertising industry, he undertook his most significant stand against the changing tides with the FTC’s allegations on Colgate-Palmolive’s deceptive advertisements.<sup>30</sup>

However, Reeves's ego blinded him from recognizing that he was entering a campaign against a government agency fueled by insurmountable cultural forces.

Kintner and the FTC publicly released its investigation into Colgate-Palmolive and the Ted Bates agency for the deceptive "sandpaper beard" shaving cream commercial on January 15, 1960. Ten days later, Reeves responded with a full-page advertisement attacking the FTC. Reeves placed the ad in seven major newspapers across the country at the cost of \$23,574. The header of the ad read, in 84-point bold type, "In the Interest of All the Great Companies Who Serve the American Public We Wish to Ask Mr. Earl W. Kintner These Questions." In typical Reeves hard-sell fashion, with no hidden message or soft-sell, the ad criticized Kintner for excessive regulation. Although it was addressed to Mr. Kintner, the real targets were everyone who had leveled criticisms at Reeves and the industry he helped build. Reeves utilized this opportunity to make a stand for the hard-sell advertisers who had been cast in the role of deceitful and manipulative "hucksters." In a clearly argumentative tone, Reeves's "Mr. Kintner" advertisement stated, "We published this advertisement because we are puzzled. Our clients are puzzled. Our attorneys are puzzled. We think businessmen everywhere are puzzled."<sup>31</sup>

The retaliation advertisement positioned the advertisers as faultless victims of an unjust attack. Striving to convey the integrity of advertising, Reeves's "Mr. Kintner" ad claimed that deceptiveness in ads only stems from an attempt to create real images. Protecting their interests, the Ted Bates agency announced in the "Mr. Kintner" ad that the Colgate-Palmolive sandpaper shave really works, if it "soaks." What the agency conveniently omitted was the fact that this soak must occur for 80 minutes, not just briefly as the commercial depicts. Reeves and his agency decided to leave the definition of "soak" up to the "creative" person's imagination. Playing to the appeal of the overgoverned, wrongfully accused, victimized America, Bates asserted that the shaving cream campaign was only withdrawn due to the unwarranted accusations of the FTC. The Ted Bates agency contended, "Ultimately, the courts will decide this, for it will be fought out in the courts." The argument for wrongful accusation culminated with one question: "What are your Rules?"<sup>32</sup>

The reactions to Reeves's advertisement, both positive and negative, were nearly as strong as the ad itself. Many advertisers believed a statement of this manner against the FTC should have been made by the AAAA or the AFA, not a sole agency. Advertisers from all around the country wrote Reeves with lavish praise for his response to the FTC. Adman Dave Grayson of Benton & Bowles wrote, "I just had to add my message of verbal applause." The head of the advertising department for *Reader's Digest* supported Reeves, declaring the ad, "a most thoughtful and well written piece of copy which not only defends your position, but that of our entire industry." *Advertising Age* provided its support for Reeves's ad in the editorial section, reporting, "Bates has struck a blow for sensible regulation, and done a public relations service for the advertising business."<sup>33</sup>

For every compliment Reeves received for his ad denouncing the FTC, there were more than 10 complaints. Reeves and the Ted Bates agency received a stream of complaints for the "Mr. Kintner" ad for months. These complaints came from professors, publishers, business owners, the general public, and even other advertisers. One of the most notable complaints came from Paul Goodman, a Harvard professor and author of the organizational critique *Growing up Absurd*. In the objection, Goodman informed Reeves that he had "performed a single disservice to the cause of honest advertising." Goodman, like many other intellectuals, supported the FTC, writing, "The federal authorities have been forced to start doing their jobs." Ending his reprimand of Reeves with a single question, Goodman challenged, "How much have you exploited the former [individual freedom] at the expense of the public good?"<sup>34</sup>

Along with wide public objection, other agencies on Madison Avenue claimed that Reeves's ad was "a phony." One agency described it as a "deplorable exhibition of advertising sophistry at its worst." *New York Times* journalist Robert Alden revealed the mood in many advertising agencies at the time, reporting "The Bates agency had made a bad tactical error, that Washington was now really stirred up and a crackdown could be expected." *Time* magazine described the "Mr. Kintner" ad as "[Rosser Reeves] taking a swing at the judge while the case was still in court."<sup>35</sup>

Kintner absorbed Reeves's jab with the composure of a seasoned boxer. Not providing Reeves any satisfaction of public reaction, Kintner voiced no counter to Reeves's discrediting ad, but rather provided reporters with the countless letters of support he received. Despite Kintner's self-control, the *New York Times* reported, "In Washington yesterday, it seemed that a storm might be brewing."<sup>36</sup>

This storm came in the form of litigation against both Ted Bates & Company and Colgate-Palmolive. The Bates agency, shortly following the FTC's filings, removed the campaign for Colgate-Palmolive shaving cream. However, the short life span of the Palmolive campaign was in no means indicative of the forthcoming legal dispute. The Bates agency countered the FTC claims of deceptive advertising by claiming that the FTC cleared the shaving cream campaign before it was published. Additionally, the agency's legal argument for the sandpaper commercial declared, "a fair and true illustration of the otherwise proven fact that Palmolive Rapid Shaving Cream has excellent wetting properties in actual shaving purposes." In contrast, the FTC maintained the sandpaper shave misrepresented the product, ultimately deceiving the customers in purchase decisions. From the exterior it appeared that this court case was about the use of "mock-ups" in advertising. While the case documents hold that to be true, the real theme of these proceedings was a hard-sell advertiser's last effort to maintain a position of prominence in a changing advertising industry.<sup>37</sup>

As this dispute continued, FTC examiner William Pack withdrew the FTC's claims of deceptive advertising, declaring the ad a "harmless exaggeration." The examiner's decision was a brief reprieve for advertisers as the FTC board immediately appealed the examiner's decision. The FTC board overturned Pack's conclusion stating that the ad was deceptive due to the "mock-ups" used. The FTC's reversal of the examiner's findings was subject to review in the Federal Court of Appeals. After the FTC decision was upheld in the Federal Court of Appeals, the Bates agency challenged the court's decision. The Bates agency's challenge propelled the case to its pinnacle, the United States Supreme Court. In 1965, the justices of the Supreme Court upheld the decision of the lower court stating, "an advertiser could not show a false demonstration to prove a claim about a product, even if the claim is true." Revealing that the decision pertained specifically to advertisers of the hard-sell credo, the justices enforced, "It [the decision] concerns only those used for tests, experiments or demonstrations represented as proof of an advertising claim." While providing the final resolution to the dispute that commenced more than five years prior, the Supreme Court decision was essentially moot. By the time this protracted legal battle had ended, the FTC had a new, stricter chairman in Paul Rand Dixon, and the advertising industry itself had transformed drastically.<sup>38</sup>

### ***Reeves's Swift Fall from Advertising Prominence***

By the conclusion of the Colgate-Palmolive proceedings in 1965, advertisers were no longer the men in gray-flannel suits, but rather hip and creative artists with the empowerment of personal expression. The Supreme Court's decision on restrictions of deceptive practices merely underlined what had by then become trade practice. Once the man who stood most prominently for the industry at the onset of the confrontation



with the FTC, Reeves's presence in advertising was now minuscule. Advertising progressed from styles of the hard-sell and scientific research that dominated the industry in the 1950s to more imaginative and unrestricted expression in the 1960s. No longer was an adman's job solely to sell a product, but rather to provide customers with advertisements that were humorous, likeable, and even, as Thomas Frank emphasized, "hip." As a man who was unwilling to compromise his beliefs, Reeves began to realize that his stature in advertising had waned. In fact, the entire Ted Bates agency lost position in the industry, falling behind the agencies that embraced creativity. By late 1961, Reeves had succumbed to the pressures of the industry and gave up his highly scrutinized administrative position of CEO to become a copywriter.<sup>39</sup>

As the 1960s progressed Reeves became increasingly out of place due to his resistance to the changing times. "Temporary trends do not change principles," Reeves declared in a letter to a Ted Bates employee. It was these principles that rendered Reeves an outcast in the advertising industry he previously dominated. Insight into Reeves's standing in the Ted Bates agency through numerous internal office memos revealed that Reeves's stubborn, and at times arrogant, attitude toward the creative changes in advertising rendered him an outcast at the agency he helped build. Reeves was soon discharged from the largest agency accounts and was demoted to a consulting position with little influence. As creativity took over the industry, Reeves no longer openly voiced his opinions about advertising. Reeves rejected requests to speak publicly, even to clients, responding to one solicitor, "I have been turning down clients on speech requests at the rate of about one a week." Reeves's discontent for advertising in the 1960s was so significant that he later described the era as a madhouse, proclaiming, "Lunatics began to take over the asylum."<sup>40</sup>

Although Reeves was already on his way out of the industry, the Supreme Court defeat provided a final push for his retirement. In a stroke of irony, the campaign that signified the end of the hard-sell adman, Palmolive shaving cream, was also Reeves's first with the agency, "I wrote the first copy for that wonderful man named Ted, it was for Palmolive Shave Cream, and I believe it was the first campaign ever written for a client by the agency."<sup>41</sup>

In a move that *Advertising Age* declared "a signal of changing ideas about creativity," Reeves announced his retirement from advertising in February 1966. After 36 years "in the trenches and under fire," at the young age of 55 Reeves left an industry that had already surpassed him. The retirement came as a surprise to most in the Bates agency and advertising community, but the changing environments both in and outside of the agency were too much for Reeves to overcome. Despite Reeves's claims that his retirement decision was a "personal decision" and not in any way connected to office politics, there was suspicion attributed to his departure. "We're not changing; we're just current," Ted Bates president Foster rationalized in a statement to the advertising community on charges that Reeves's retirement from the Ted Bates & Company agency was premature.<sup>42</sup>

Advertising writer Kevin Goldman contends that Reeves was forced into retirement when he was voted out by the Bates board in 1965. Twenty-five years after co-founding the agency, Reeves was forced out of the house he helped build due to an uphill battle against the creative advertising revolution. Before Reeves left the agency he made sure that the board compensated him for his forced departure. Reeves's financial arrangements included the agency paying \$350,000 for Reeves's stocks in the Bates agency, \$40,000 in a severance package, and \$520,000 in an unspecified escrow account. The escrow account has been attributed as a payment plan to keep Reeves from preventing the Bates agency's transition into a creative shop.<sup>43</sup>

Retirement proved to be unexciting and monotonous for Reeves, and he soon returned to the New York business scene. Forming the Tiderock Corporation, Reeves

claimed that the new business had no ties to advertising and was “fundamentally a problem solving business.” Thirteen months later Reeves invested in Daniel Starch and Staff, an advertising research firm. With this investment Reeves was appointed once again to chairman of the board in an advertising firm. Reeves’s attempt to reenter the advertising industry proved to be too exasperating for a semi-retired adman. Both endeavors failed shortly after Reeves’s involvement.<sup>44</sup>

By the time Reeves finally stepped away from advertising the trade had become dominated with new agencies full of youthful, imaginative talent. No longer did advertisers sell to consumers through deceitful persuasion or sheer repetitive force. This new creative revolution, led by the original “creativeman” William Bernbach, generated likeable ads designed to relate with consumers, rather than exploit them. As the 1960s continued, humor, rebellion, hip styles, psychedelic images, and even Reeves’s most despised form of advertising, sexuality, had all become the norm in advertising.

Recounting the 1960s, Thomas Frank asserts, “advertising would abandon its self-imposed restrictions and leap headlong into rebellion.” In the 1960s advertising did rebel against the squares and advertising styles of the 1950s; however, Frank’s assertion of a headlong leap into abandonment fails to recognize that early in the 1960s many advertisers remained staunch supporters of Reeves and the struggle against this rebellion of creativity and individuality. Ultimately, the gray-flannel-suited organizational men yielded to the rebellion of the hip longhaired creative generation. The combination of pressures outside of the industry, including FTC sanctioning and intellectuals’ criticisms, as well as resistance within advertising against the organizational hard-sell agencies, proved to be too much for even the strongest Madison Avenue “suits” to withstand. Most remembered for his contributions to advertising in the 1950s, Reeves’s most defining moment came in his confrontation with the tides of change in the early 1960s. A proud, determined man, Rosser Reeves fought to preserve an industry he believed was shifting in the wrong direction. In a twist of fate, this 1950s organizational man actually acted in a manner consistent with 1960s rebellious rise: fighting against authority for something he truly believed in.<sup>45</sup>

## Notes

1. POWERwriting.com, “Volkswagen Lemon Ad,” <http://www.powerwriting.com/vw-lemon-ad.html>.
2. Thomas Frank, *The Conquest of Cool: Business Culture, Counterculture, and the Rise of Hip Consumerism* (Chicago: The University of Chicago Press, 1997), 235.
3. “Ad Men React: Many Words, No Words,” *Businessweek*, October 10, 1959, 56.
4. Carl Spievogel, “Advertising: Salaries Are Rising,” *New York Times*, August 8, 1958, 24.
5. Rosser Reeves, *Reality in Advertising* (New York: Knopf, 1961), 47–48.
6. *Ibid.*, 121.
7. Philip Gold, *Advertising, Politics, and American Culture: From Salesmanship to Therapy* (New York: Paragon House, 1987), 143; Citizens for Eisenhower, 1952, “Ike for President,” Dwight D. Eisenhower Presidential Library, *The Living Room Candidate: Presidential Campaign Commercials 1952–2008*.
8. Reeves, *Reality in Advertising*, 9.
9. Stephen Fox, *The Mirror Makers: A History of American Advertising and Its Creators* (New York: William Marrow, 1984), 188; Thomas Whiteside, “Animals of Television: The Man from the Iron City,” *New Yorker*, September 27, 1969, 47; “Ted Bates & Co. Elects New Chairman of Board,” *New York Times*, August 17, 1955, 43.
10. William H. Whyte, *The Organization Man* (New York: Simon and Schuster, 1956), 51, 312.
11. Vance Packard, *The Hidden Persuaders* (New York: D. McKay, 1950), 7, 24.
12. Sidney Lohman, “News in the Field of Television,” *New York Times*, May 7, 1950, 121; “The \$60 Million Question,” *Time*, April 22, 1957, 78.

13. Newton N. Minow, "Television and the Public Interest" (address to the National Association of Broadcasters, Washington, D.C., May 9, 1961).
14. David Ogilvy, *Confessions of an Advertising Man* (New York: Athenaeum, 1963), 20.
15. The Gallagher Report, June 1960, RR, Box 7, Folder 6; "Ad Field Needs Better Public Criticism: Young," *Advertising Age*, April 18, 1960, 1, 181; "'No Excuse for Us' on Poor Taste Ads: Cone," *Advertising Age*, April 25, 1960, 1, 10.
16. Robert Alden, "Advertising: A Formula or a Delicate Art?," *New York Times*, May 7, 1961, F14.
17. Ibid.
18. "F.T.C. to Expand Ad Listening," *New York Times*, December 3, 1958, 75; "F.T.C. MEMBER NAMED: Kintner, Counsel, to Succeed Gwynne, the Chairman," *New York Times*, May 8, 1959, 36; "Text of Kintner Statement," *New York Times*, November 2, 1959, 61.
19. "Text of Attorney General's Report on 'Deceptive Practices' in Broadcasting Industry," *New York Times*, January 1, 1960, 10-13; "FTC Rule Shift to Broaden Its Use of Injunction," *Advertising Age*, June 6, 1960, 1, 96.
20. Gold, *Advertising, Politics, and American Culture*, 163; Whiteside, "Animals of Television," 48.
21. Carl Spielvogel, "Advertising: When Will Other Shoe Drop?," *New York Times*, November 9, 1959, F12; The Gallagher Report, June 1960, RR, Box 7, Folder 6.
22. "4A's TV Guide Defines False, Offensive Ads," *Advertising Age*, January 25, 1960, 1, 104; Don Morris, "Four A's Hires PR Counsel to Aid in Bettering Ad Image, Gamble Reveals," *Advertising Age*, October 24, 1960, 1, 92.
23. "ANA Joins 4A's Ad Watchdog Unit as Co-Sponsor," *Advertising Age*, October 3, 1960, 1; "Expulsion Is Penalty in New ANA-4A's Setup," *Advertising Age*, October 10, 1960, 3; "AFA Unveils 'Truth Book' Gauge for Ads," *Advertising Age*, June 13, 1960, 1, 58-59.
24. "Expulsion Is Penalty in New ANA-4A's Setup," *Advertising Age*, October 10, 1960, 84; "FTC Examiner Doubts Good Faith of Admen," *Advertising Age*, June 30, 1960, 1, 95.
25. "Guarantees in Ads Scrutinized by FTC," *Advertising Age*, May 30, 1960, 1, 95; "New FTC Complaints Hit 4 TV Users, Agencies," *Advertising Age*, January 18, 1960, 1.
26. Fox, 192; Federal Trade Commission Complaint on Life Cigarettes to Ted Bates & Co., December 11, 1959, RR, Box 25, Folder 3; Ted Bates & Co. Public Statement Regarding Reported Federal Trade Commission Complaint in Connection with Life Cigarette Advertising, December 1959, RR, Box 25, Folder 3.
27. Rosser Reeves to Ted Bates, January 21, 1960, RR, Box 7, Folder 4.
28. "An Advertising Agency Speaks Out!," December 21, 1959, RR, Box 25, Folder 3; Reeves to Ted Bates & Co. Board of Directors, June 23, 1960, RR, Box 7, Folder 6.
29. Reeves, *Reality in Advertising*, 72, 114.
30. Rosser Reeves administrative letters and documents, n.d., RR, Box 7, Folder 5.
31. Ted Bates & Co. advertisement final proof for newspaper publication: Ad No. TB-1420, January 22, 1960, RR, Box 25, Folder 3.
32. Ibid.
33. Dave Grayson to Rosser Reeves, January 25, 1960, RR, Box 25, Folder 4; J. Dukes Wooters Jr. to Ted Bates & Co., January 25, 1960, RR, Box 25, Folder 4; "Bates Strikes a Blow for Admen," *Advertising Age*, February 3, 1960, 12.
34. Paul Goodman to Rosser Reeves, January 25, 1960, RR, Box 25, Folder 4.
35. "Bate's Bait," *Time*, February 8, 1960, 83; Robert Alden, "Advertising: Ruppert Is Shifting Emphasis," *New York Times*, January 27, 1960, 41.
36. Robert Alden, "Advertising: A Retort and the Reaction," *New York Times*, January 26, 1960, 41.
37. "Colgate Renews Charge FTC Had Cleared 'Sandpaper' Ads," *Advertising Age*, February 22, 1960, 82.
38. "Colgate Is Upheld on TV Commercial," *New York Times*, May 29, 1961, 17; Anthony Lewis, "F.T.C. Ruling Bars Deceptive TV Ads," *New York Times*, January 4, 1962, 22; "Court Forbids Sham in Claims of TV Ads," *New York Times*, April 6, 1965, 1, 20.
39. Fox, *The Mirror Makers*, 265.



40. Rosser Reeves to Julian V. Pace, May 16, 1966, RR, Box 11, Folder 6; Rosser Reeves to Herbert Drake, January 25, 1966, RR, Box 11, Folder 5; *Advertising Age*, January 19, 1970, 42.
41. A. McG. Foster to Ted Bates & Co. employees, February 10, 1966, RR, Box 11, Folder 5.
42. "Reeves Departs 'Front Line' Post after 26 Years at Ted Bates Agency," *Advertising Age*, February 14, 1966, 3, 40; W.C. "Rosser Reeves Leaves Ted Bates," *New York Times*, February 9, 1966, 59.
43. A McG. Foster to Ted Bates Board of Directors, "RE: Financial Arrangements with Reeves," March 2, 1966, RR, Box 11, Folder 5.
44. Philip H. Dougherty, "Advertising: Some Return and Others Go," *New York Times*, October 7, 1968, 74; Philip H. Dougherty, "Advertising: Rosser Reeves Is Back Again," *New York Times*, August 4, 1967, F44.
45. Frank, *Conquest of Cool*, 49–50.

## ***Bibliography***

- "4A's TV Guide Defines False, Offensive Ads." *Advertising Age*, January 25, 1960, 1, 104.
- A. McG. Foster to Ted Bates Board of Directors. "RE: Financial Arrangements with Reeves," March 2, 1966, RR, Box 11, Folder 5.
- A. McG. Foster to Ted Bates & Co. employees, February 10, 1966, RR, Box 11, Folder 5.
- "Ad Field Needs Better Public Criticism: Young." *Advertising Age*, April 18, 1960, 1, 181.
- "Ad Men React: Many Words, No Words." *Businessweek*, October 10, 1959, 56.
- "AFA Unveils 'Truth Book' Gauge for Ads." *Advertising Age*, June 13, 1960, 1, 58–59.
- Alden, Robert. "Advertising: A Formula or a Delicate Art?" *New York Times*, May 7, 1961, F14.
- . "Advertising: A Retort and the Reaction." *New York Times*, January 26, 1960, 41.
- . "Advertising: Ruppert Is Shifting Emphasis." *New York Times*, January 27, 1960, 41.
- "An Advertising Agency Speaks Out!" December 21, 1959, RR, Box 25, Folder 3.
- "ANA Joins 4A's Ad Watchdog Unit as Co-Sponsor." *Advertising Age*, October 3, 1960, 1.
- "Bates's Bait." *Time*, February 8, 1960, 83.
- "Bates Strikes a Blow for Admen." *Advertising Age*, February 3, 1960, 12.
- Citizens for Eisenhower, 1952. "Ike for President." Dwight D. Eisenhower Presidential Library. *The Living Room Candidate: Presidential Campaign Commercials 1952–2008*. [www.livingroomcandidate.org/commercials/1952/ike-for-president](http://www.livingroomcandidate.org/commercials/1952/ike-for-president).
- "Colgate Is Upheld on TV Commercial." *New York Times*, May 29, 1961, 17.
- "Colgate Renews Charge FTC Had Cleared 'Sandpaper' Ads." *Advertising Age*, February 22, 1960, 82.
- "Communication Act of 1934." U.S. Department of Justice. *Justice Information Sharing*. Accessed May 2, 2012. <http://www.it.ojp.gov/default.aspx>.
- "Court Forbids Sham in Claims of TV Ads." *New York Times*, April 6, 1965, 1, 20.
- Dave Grayson to Rosser Reeves, January 25, 1960, RR, Box 25, Folder 4.

- Dougherty, Philip H. "Advertising: Rosser Reeves Is Back Again." *New York Times*, August 4, 1967, F44.
- . "Advertising: Some Return and Others Go." *New York Times*, October 7, 1968, 74.
- "Expulsion Is Penalty in New ANA-4A's Setup." *Advertising Age*, October 10, 1960, 3, 84.
- Federal Trade Commission Complaint on Life Cigarettes to Ted Bates & Co., December 11, 1959, RR, Box 25, Folder 3.
- Fox, Stephen. *The Mirror Makers: A History of American Advertising and Its Creators*. New York: William Morrow, 1984.
- Frank, Thomas. *The Conquest of Cool: Business Culture, Counterculture, and the Rise of Hip Consumerism*. Chicago: University of Chicago Press, 1997.
- "FTC Asks 50% Budget Boost for Ad Policing." *Advertising Age*, October 10, 1960, 1, 140.
- "FTC Examiner Doubts Good Faith of Admen." *Advertising Age*, June 30, 1960, 1, 95.
- "FTC MEMBER NAMED: Kintner, Counsel, to Succeed Gwynne, the Chairman." *New York Times*, May 8, 1959, 36.
- "FTC Rule Shift to Broaden Its Use of Injunction." *Advertising Age*, June 6, 1960, 1, 96.
- "FTC to Expand Ad Listening." *New York Times*, December 3, 1958, 75.
- "FTC to Spend Budget Boost for Probers: Kintner." *Advertising Age*, April 14, 1960, 4.
- Gold, Philip. *Advertising, Politics, and American Culture: From Salesmanship to Therapy*. New York: Paragon House, 1987.
- "Guarantees in Ads Scrutinized by FTC." *Advertising Age*, May 30, 1960, 1, 95.
- J. Dukes Wooters Jr. to Ted Bates & Co., January 25, 1960, RR, Box 25, Folder 4.
- Lewis, Anthony. "F.T.C. Ruling Bars Deceptive TV Ads." *New York Times*, January 4, 1962, 22.
- Lohman, Sidney. "News in the Field of Television." *New York Times*, May 7, 1950, 121.
- Minow, Newton N. "Television and the Public Interest." Address to the National Association of Broadcasters, Washington, D.C., May 9, 1961.
- Morris, Don. "Four A's Hires PR Counsel to Aid in Bettering Ad Image, Gamble Reveals." *Advertising Age*, October 24, 1960, 1, 92.
- "New FTC Complaints Hit 4 TV Users, Agencies." *Advertising Age*, January 18, 1960, 1.
- "'No Excuse for Us' on Poor Taste Ads: Cone." *Advertising Age*, April 25, 1960, 1, 10.
- Ogilvy, David. *Confessions of an Advertising Man*. New York: Athenaeum, 1963.
- Packard, Vance. *The Hidden Persuaders*. New York: D. McKay, 1950.
- Paul Goodman to Rosser Reeves, January 25, 1960, RR, Box 25, Folder 4.
- "Reeves Departs 'Front Line' Post after 26 Years at Ted Bates Agency." *Advertising Age*, February 14, 1966, 3, 40.

Reeves, Rosser. *Reality in Advertising*. New York: Knopf, 1961.

Rosser Reeves administrative letters and documents, n.d., RR, Box 7, Folder 5.

Rosser Reeves to Herbert Drake, January 25, 1966, RR, Box 11, Folder 5.

Rosser Reeves to Julian V. Pace, May 16, 1966, RR, Box 11, Folder 6.

Rosser Reeves to Ted Bates, January 21, 1960, RR, Box 7, Folder 4.

Spievogel, Carl. "Advertising: Salaries Are Rising." *New York Times*, August 8, 1958, 24.

———. "Advertising: When Will Other Shoe Drop?" *New York Times*, November 8, 1959, F12.

Ted Bates & Co. advertisement final proof for newspaper publication: Ad No. TB-1420, January 22, 1960, RR, Box 25, Folder 3.

"Ted Bates & Co. Elects New Chairman of Board." *New York Times*, August 17, 1955, 43.

Ted Bates & Co. Public Statement Regarding Reported Federal Trade Commission Complaint in Connection with Life Cigarette Advertising, December 1959, RR, Box 25, Folder 3.

"Text of Attorney General's Report on 'Deceptive Practices' in Broadcasting Industry." *New York Times*, January 1, 1960, 10–13.

"Text of Kintner Statement." *New York Times*, November 2, 1959, 61.

"The \$60 Million Question." *Time*, April 22, 1957, 78.

The Gallagher Report, June 1960, RR, Box 7, Folder 6.

W.C. "Rosser Reeves Leaves Ted Bates." *New York Times*, February 9, 1966, 59.

Whiteside, Thomas. "Animals of Television: The Man from the Iron City." *New Yorker*, September 27, 1969, 47–48.

Whyte, William H. *The Organization Man*. New York: Simon and Schuster, 1956.

# **Struggles for Justice in Wisconsin**

# Attempts to Shine the Progressive Beacon on Women's Inheritance Rights in Wisconsin

**Kyle Moerchen**, author

Dr. Susan Rensing, History and Women's Studies, faculty adviser

Kyle Moerchen, while working in the archives processing a probate collection, noticed inequalities between how men's and women's estates were distributed. He explored this observation in his senior seminar. Kyle took his senior seminar as a junior and was inducted in Phi Alpha Theta in spring 2012. He plans to go to graduate school to pursue a Ph.D. in history.

Dr. Susan Rensing joined the faculty in 2009 with a joint position in history and women's studies. She earned her bachelor's degree from the University of Wisconsin–Madison and her Ph.D. in the History of Science, Technology, and Medicine from the University of Minnesota. Her current research explores how the science of eugenics was used to re-conceptualize romantic love, reproduction, and marriage in early twentieth-century America.

## *Abstract*

During the first wave feminist movement, women in Wisconsin gained many rights, making them more equal to men. However, one area in which they did not become more equal with men was inheritance rights. When husbands and wives died without a will, their estates were distributed according to the state's dower and curtesy laws. These laws allowed a husband to inherit more of his wife's estate than she could of his. Although by 1921 women in Wisconsin gained the right to vote and the state was the first to pass an Equal Rights Law, inheritance laws remained unchanged despite the campaigning of a few who saw dower and curtesy laws as an injustice.

## *Methodology*

While I was processing a probate collection at my work-study job in the UW Oshkosh Archives and Area Research Center, I noticed gender inequalities in inheritance laws. My research started by looking up Wisconsin inheritance statutes during the Progressive Era, which was the same time period as the collection I was processing. As I learned more about the history of dower laws, I found a newspaper article about an unsuccessful attempt by State Senator Theodore Benfey to repeal them. Further digging in the newspaper databases revealed a few other failed attempts. The first step was to locate the bills themselves.

This was a challenge because bills that do not pass in the Wisconsin legislature are only referred to by bill numbers in the legislature's journals. Thankfully, I was able to find an index to the legislature's bills at the Wisconsin Historical Society. Then, I began to research the larger social context of the Wisconsin women's rights movement. I read Theodora Youman's articles and her correspondence to understand why the Benfey Bill failed to gain support from Wisconsin feminists.

I also looked into the Wisconsin Federation of Women's Clubs minutes and scrapbooks to see if women were talking about these bills at their annual convention. I could not find any evidence that they had talked about the Benfey Bills; they were focused on the campaigns for suffrage and then the Equal Rights Law. Knowing that if these bills had passed they would have bettered widows in need, I decided to check the Winnebago County probate records.

To do this I first identified dower cases in the years 1917–1919 using the *Oshkosh Daily Northwestern*. From this I compiled a list of the deceased husbands, and took this to the Winnebago County Probate Office. The probate records were valuable to this paper because they showed why dower law should have been enacted sooner than the 1980s. This paper is a blend of online sources, primary sources, and local government sources. Blending these sources together, I was able to tell the story about why these bills failed to pass, and the consequences of the bills' failure to pass.

### ***Introduction***

"Imagine if you have made no Will, your estate coming suddenly and without forewarning into the hands of your heirs. Imagine it apportioned according to the inflexible rules of law—your wife her dower interest, the remainder partitioned and distributed forthwith among your heirs."<sup>1</sup> This 1918 advertisement was placed in the *Oshkosh Northwestern* to encourage husbands to have wills drawn up and executed by the Oshkosh Savings and Trust Company. The Oshkosh Savings and Trust Company's argument preyed on a husband's duty to provide for his wife. The advertisement's intent was to convince men that the best way to provide for their widows and heirs would be to have a will drawn up rather than force their wives and heirs to be subjected to the dower laws of Wisconsin. Dower laws were used in the absence of a will, and under Wisconsin's dower laws a widow could only inherit one-third of her husband's estate's income. Curtesy laws, the male counterpart to dower laws, were also used in the absence of a will and allowed the husband to inherit all of his wife's estate and personal property. These laws remained in effect for most of the twentieth century and it was not until the Wisconsin Marital Property Act of 1984 passed that husband and wife were made equal heirs.

However, twice during the Progressive Era Wisconsin state senator Theodore Benfey had attempted to abolish dower and curtesy laws. Benfey proposed the bills in 1917 and 1919, and they would have made husbands and wives equal heirs, but the bills were proposed at a time when women were not thought of as equals to men. Feminists were campaigning for the right to vote, but after suffrage was passed feminists began to differ on the idea of equality. There were feminists who wanted to maintain traditional protections under the law, and those who wanted to be completely equal with men. In 1921, while the Equal Rights Law was being debated in the state legislature, Assemblyman Thomas Sullivan sought to deter it by reintroducing the 1919 Benfey Bill. The Sullivan Bill was not a serious attempt to abolish dower and curtesy laws, although it was based on the 1919 Benfey Bill. Sullivan's bill was branded as "dower rights for husbands." This rebranding of the 1919 Benfey Bill ensured that feminists would not support this last attempt during the Progressive Era to reform dower and curtesy laws. This paper explores how the conflicting views of equality during the Progressive Era prevented the abolition of dower and curtesy laws.

### ***Suffrage First***

Wisconsin's feminists' first objective during the Progressive Era was to win the right to vote, also known as suffrage. Feminists recognized other inequalities that women faced under the law, such as dower and curtesy, but they felt that once suffrage was won they could focus their energies on these other inequalities. After women gained the right of suffrage, feminists campaigned for an equal rights law.

Some feminists thought that women should keep special rights that were afforded to them under the statutes of the time period, while other feminists wanted women to be completely equal to men. When Wisconsin passed the Equal Rights Law in 1921, the law was a compromise between equality and women's special protections. The law

guaranteed the freedom of contract, choice of residence for voting, jury duty, holding and conveying property, and made women guardians of their children.<sup>2</sup> The law also guaranteed that the courts of Wisconsin would include the feminine gender in all laws that were written only in the masculine gender, unless doing so would strip women of their special protections.<sup>3</sup> Thus the Equal Rights Law still did not make women completely equal to men. Award-winning author and Progressive activist Zona Gale once spoke on the imperfections of the law, but she supported the law's passage. She said, "We know that it [the Equal Rights Law] must be followed by specific legislation in those instances—and many may arise—in which the issues are not clear. But we hold that a foundation is necessary on which to build, for the guidance of future legislation."<sup>4</sup> The problem with further reform was the Equal Rights Law left it up to the courts rather than the legislature appointing a reviser's commission to look for gender inequalities. The Equal Rights Law was essentially powerless to change common law inequalities like dower and curtesy unless women challenged these inequalities in court. The Equal Rights Law continued to split the Wisconsin feminist movement and created conflict about how the people of Wisconsin viewed women.

The Equal Rights Law and some dower reforms after 1921 satisfied some Wisconsin feminists. Others, like Theodora Youmans, a major leader in the campaigns for suffrage and the Equal Rights Law, saw women as equals and thought that dower reform was needed if women were truly to be considered equal to men. Wisconsinites' views on women changed after the passage of the Equal Rights Law, and many Wisconsinites began to see women as equal contributors to the marriage. These changing views caused a conflict among those who thought dower and curtesy should be abolished because women were equal contributors to the estate, those who did not want to give up women's special protections, and yet another group who thought that women were not equal to men and tried to spite women by arguing that men should have the same special protections as women.

### ***Dower Law in Wisconsin***

The dower and curtesy laws have a long history in Wisconsin. Dower and curtesy were based on English common law, and were established in Wisconsin as early as the ordinance of 1787.<sup>5</sup> Dower laws changed over time, and by 1917 the dower law provided a one-third share of the income of the deceased husband's estate to the widow.<sup>6</sup> This meant that wives were only entitled to one-third of the incomes of the land. For example, if a husband's estate generated \$3,000 of income that year the widow was entitled to \$1,000. Widows received only a child's share of the personal property, which meant that the widow and her children had to share the personal property equally with each other. Thus if there were four children and the widow, each one would have been entitled to one-fifth of the personal property. Although the homestead descended to the children, the widow had a life interest in the homestead and was allowed to stay there until she remarried.<sup>7</sup> Before the widow was allowed her dower she had to go to probate court, where the estate was distributed, and it was during the probate proceedings that the widow claimed her dower rights. The probate process could be long, and so during the probate proceedings the widow was allowed to petition the court for an allowance so that she could support herself. The allowance came from the personal property of the estate and was paid monthly. Widows also inherited the apparel and personal effects of her husband, family photographs not specifically bequeathed to others, and the household furniture. The furniture was not to exceed more than \$250, and she was allowed to select personal property not exceeding \$200.<sup>8</sup> The only way a widow could inherit the entire estate was if the residual, the money left over after all the funeral expenses and claims against the estate were paid,



was less than \$150.<sup>9</sup> Dower was different than curtesy and allowed the widow only a small portion of the estate.

Curtesy laws were more “absorbing” because the husband could inherit a greater proportion of his wife’s estate than she could of his, wrote Youmans, in an article describing the differences between dower and curtesy.<sup>10</sup> The widowers, husbands who survived their wives, inherited all of the personal property, even if there were children from a previous marriage. A widower also inherited all of the income generated by his deceased wife’s real estate, unless the deceased wife had children from a previous marriage.<sup>11</sup> The children could not be denied their share of their mother’s estate and the estate was distributed equally among the heirs.<sup>12</sup> Thus, if there were three children from his wife’s first marriage then the widower would only get a one-fourth share of his wife’s estate. Despite the rule about children from a previous marriage, the husband in most cases could inherit more of his wife’s estate than she could of his.

Another important difference was who could disinherit whom. Wives could disinherit their husbands, but husbands could not disinherit their wives. Even if a man tried to write his wife out of his will, she could invoke her dower rights and was guaranteed a share of the estate.<sup>13</sup> This was a protection for wives, so that a wife always had some money to support herself after her husband died. Many women during this time stayed at home to raise their children and performed all the domestic tasks. Thus their inheritance was the only means that widows had to support themselves, and this was why women could not be disinherited. A widow’s support was supposed to come from her husband’s estate.

The laws were written in a way that protected the ideas of coverture, the legal doctrine where a woman lost individual rights upon her marriage, and the separate spheres ideology, the idea that men controlled the public sphere and women controlled the domestic sphere. The husband was legally considered the provider and it was his duty to his wife to be able to financially support her. He was also considered the legal head of the household and he alone spoke for the family in politics. The wife was supposed to stay at home and control the private sphere, which included raising the children and many other domestic tasks. When a woman married she became a *femme covert* and gave up many of the rights that she had as a single woman.<sup>14</sup> When she legally became a *femme covert*, her separate estate was merged with her husband’s estate. If a woman had worked prior to the marriage she was expected to give up her job to take on her new roles as wife and mother.

Although these ideologies were not a reality in all households, many families strived to live up to them as best they could, and these ideologies were society’s expectations for both men and women. The separate spheres ideology was a middle-class expectation, and it was not in practice in every household. However, the ideology influenced how gender roles were defined in this era. It also influenced state lawmakers when considering many reforms, such as dower and curtesy reform. Though these ideologies began to erode during the early twentieth century they still influenced how people thought. Widows did not fit the mold of either the separate spheres or the coverture ideologies.

Widows posed a legal problem, and legislators often struggled with how a man’s estate should support his wife. Historian Ariela Dubler said widows of the time period were in the “shadows of marriage” because they were no longer *femme covert*, but they had once been *femme covert*.<sup>15</sup> She argued that a widow’s dower was deemed necessary because it allowed the husband’s estate to provide for the widow.<sup>16</sup> However, dower laws were written in a way that provided most of the estate to the children, not the widow. Some men were worried that if their wives inherited most of the estate, their widows would use their inheritance to start a new family with another man. The dower

laws were written in a way that protected the man's estate more than his wife. Dower served as a way for a man to keep his traditional role of provider, but also allowed a man's wealth to stay with his family. Dower and curtesy laws may have been the law for distributing an estate without a will in Wisconsin, but dower and curtesy laws were not the law in every state.

Many states in the West had a fairer set of inheritance laws if the spouse died without a will; the western states used community property laws as their inheritance laws. During the early twentieth century surviving spouses in community property states were treated as equal heirs and in most of these states the surviving spouse inherited one-third of the entire estate rather than one-third of the estate's income.<sup>17</sup> The eastern United States modeled its dower and curtesy laws on English common law, but in the western United States community property laws were based on French and Spanish civil law.<sup>18</sup> Law professor Caroline Newcombe argued, in her article about the origins of community property law in California, that community property recognized the contributions of the wife better than dower and curtesy.<sup>19</sup> She also argued that community property laws were fairer because they did not punish the spouse who earned less, which in most cases during this time period was the wife.<sup>20</sup> Dower laws did punish the wife for making less, even though dower was supposed to have provided for the widow after the husband's death. Dower and curtesy laws versus community property laws were hard to differentiate for people during the early twentieth century.

Many people in Wisconsin were confused about which was better for women. Some of the confusion was due to misleading articles, such as one written in the *Milwaukee Freepress* in 1911. The *Freepress* argued that women in Wisconsin were better off than women in Colorado because Colorado women had no dower rights.<sup>21</sup> Though Colorado women did not have dower rights, they had community property rights, a fact that the *Freepress* did not explain. Under the community property rights of Colorado, women inherited half of the estate.<sup>22</sup> Another difference between Colorado and Wisconsin inheritance laws was that in Colorado neither husband nor wife could cut each other out of their wills.<sup>23</sup> In Wisconsin a wife could cut her husband out of her will. The *Freepress* tried to mislead the public because it wanted women in Wisconsin to think that if women won the right of suffrage they would lose their dower rights and be worse off, but their argument did not go unnoticed by Theodora Youmans.<sup>24</sup> She wrote an article in the *Waukesha Freeman* and explained that after suffrage Colorado women's community property rights further improved, and she also thought that "Wisconsin women would not perhaps lose very much if they should trade off their valued dower right for this arrangement."<sup>25</sup> Wisconsin women saw their dower right as an important property right, and Wisconsin had a long tradition of progressive married women's property rights.

### ***Attempts to Reform Dower***

During the latter half of the nineteenth century, Wisconsin women gained many property rights that allowed them to have their own separate estate and were supposed to give them control over that estate.<sup>26</sup> When these bills were debated, state legislators who did not support these bills often added needless amendments.<sup>27</sup> One such amendment proposed to change the title of the bill to "A bill to authorize married women to wear their husband's unmentionables."<sup>28</sup> Despite this and other laws passed during this time period that were supposed to allow women control of their separate estate, the courts often interpreted the laws narrowly, and thus men still had control over much of their wives' assets.<sup>29</sup> During the debate around these laws dower and curtesy remained mostly unchanged, though they were altered slightly from their original common law forms into the forms described before. As the twentieth century

dawned, the issue of property rights of married women became less important and women began campaigning for suffrage.

During the early twentieth century Wisconsin women became active campaigners for their political rights. Suffrage was their major objective, and women did not campaign as much for other issues. Though other inequalities were important to feminist groups, they chose to focus on suffrage first because if they won suffrage, then women could use their votes to elect politicians who would be sympathetic to reforming those other important issues. Despite their efforts, suffrage was never realized at the state level, and Wisconsin women could not vote until the Nineteenth Amendment to the Constitution was ratified. However, the 1915 Wisconsin Legislature introduced a bill that involved both dower reform and suffrage. Assemblyman W.C. Bradley wrote a bill that would have put the question of women's suffrage to a referendum vote.<sup>30</sup> Similar to some of the struggles of the women's married property acts, needless and sarcastic amendments were added onto suffrage bills, and during the debate of the Bradley Bill one such amendment was brought forth by Assemblyman Charles Budlong.<sup>31</sup> Budlong was afraid that if women received the vote they would enact a prohibition law in Wisconsin. To prevent the referendum from passing he proposed an amendment that would have abolished dower, but his amendment did not provide a plan for inheritance if a husband died without a will.<sup>32</sup> Budlong hoped that his amendment would upset women by taking their dower rights away without replacing dower with something more fair.<sup>33</sup> Budlong also hoped that his amendment would ensure a "no" vote if the referendum passed the legislature. He thought that husbands would be forced to vote "no" on principle; he had counted on a man's role as provider to ensure that many men would not support the referendum.<sup>34</sup> The Budlong Amendment did not go unnoticed by those who supported suffrage.

Suffrage supporters, including both feminists and legislators, were outraged by the Budlong Amendment because they felt that it was unfair to have anything but suffrage on a suffrage referendum. Feminist suffrage leaders also felt that the amendment was unfair because it took dower away without replacing it with a better alternative.<sup>35</sup> Suffragists Theodora Youmans and Jessie Jack Hooper, as well as Assemblyman Bradley, condemned the amendment at the bill's hearing.<sup>36</sup> Youmans, Hooper, and Sullivan knew that the amendment's purpose was to ensure that the suffrage referendum would fail. Youmans also made it clear that suffrage came first when she said:

We look forward to the changing of the dower right, but we don't want the provision for that change made tail to an alien kite, the hurdle over which racers jump. We want woman suffrage to go before the legislature and before the people in a way that is not fogged by another issue. When it goes to the voters we want it in this form.  
 "Do you or do you not want your Wisconsin women to vote?"<sup>37</sup>

Youmans was not alone in supporting this suffrage-first attitude. Hooper said "it [the Budlong Amendment] doesn't belong there [the suffrage referendum]."<sup>38</sup>

Bradley had different reasons for opposing the Budlong Amendment. Bradley thought if dower was abolished something should take the place of dower because otherwise women were not being recognized for their contributions.<sup>39</sup> At the bill's hearing Bradley argued, "Country women and village women contribute as much toward the wealth of their husbands by their work as the man himself does."<sup>40</sup> Bradley also thought that because women contributed to their husbands' estates, they should be entitled to more than they received under the dower laws. Bradley demonstrated this when he said, "the dowry right is an inadequate return to a woman for the work she has done toward accumulating the property and estate of her husband, and it should

not be taken away from her until a more fair measure is substituted.”<sup>41</sup> Even before the Benfey Bill was proposed, there were people in the state who recognized the inequalities of dower and curtesy. Bradley did not offer a solution to the problem, and feminists did not choose to make dower reform a priority. Suffrage had to come first, and then feminists could focus on other inequalities. There were women’s groups that made other issues a priority, but dower was not one of them.

The Wisconsin Federation of Women’s Clubs (WFWC) was one of these groups that made other issues important. Between the years of 1915 and 1921 the WFWC did not just support suffrage, but also issues such as the eight-hour workday for women, unemployment insurance, uniform marriage and divorce laws, and better/uniform illegitimate child laws.<sup>42</sup> The WFWC held annual meetings in the spring and it picked different host cities every year. When the WFWC held meetings, it published articles in the local papers and either favored or condemned certain bills regarding issues that mattered to the WFWC.<sup>43</sup> In this way the WFWC raised awareness of these issues and published its opinion on certain pieces of legislation. The WFWC never made it a priority to discuss dower reform during its meetings, and never published articles on the 1915 Budlong Amendment, the 1917 or the 1919 Benfey Bills, or the 1921 Sullivan Bill.<sup>44</sup> One reason why the WFWC did not talk about the Benfey Bills was because the bills were introduced during World War I, and the WFWC was focused on supporting the war effort. There were people such as Mrs. Louis Kahlenberg, head of the WFWC’s legislative committee, who appeared in support of the 1917 Benfey Bill’s hearing, but club members never discussed the Benfey Bills at the annual meeting.<sup>45</sup>

The Benfey Bills were the only attempts to abolish dower and curtesy laws and to replace them with a more fair inheritance law. The bills were considered revolutionary for the time period because they would have made husbands and wives equal heirs at a time when women were struggling to be considered equals in marriage and politics. The 1917 bill was the most comprehensive bill of the three. It would have allowed the surviving spouse one-third of the entire estate. Also, if the estate was less than \$3,000 the surviving spouse would have inherited the entire estate.<sup>46</sup> A strong supporter of the bill, Judge Emil Baensch of Manitowoc, believed that allowing a small estate to descend entirely to the surviving spouse was one of the most important parts of the bill because “if these [children] be young, parental love is a better protection than statutory regulations. If they be mature, they can take care of themselves.”<sup>47</sup> Whether women worked outside of the home or not, men like Baensch and Benfey thought that women should be equal heirs because of their contributions to their husbands’ estates. The bill was drawn up by the Legislative Reference Bureau and contained modern language, which reflected some of the changing attitudes toward women. All common law references to dower and curtesy were changed to “his/her share” and the term “surviving spouse” began to replace widow and widower.<sup>48</sup> Baensch, when campaigning for dower and curtesy reforms in the 1920s, often called the 1917 bill “too radical for its time.”<sup>49</sup> The bill received little attention from the press and because it gained little support, Benfey subsequently recalled it with unanimous consent by his fellow committee members. Not every state senator saw women in the same light as Baensch and Benfey.

The defeat of the 1917 bill did not stop Benfey from introducing another bill in 1919 that also would have abolished dower and curtesy. Benfey was an important state senator during the 1919 session of the senate; he was the chair of the Judiciary Committee. He had shortened the bill to two pages, but it retained many of the elements of the 1917 bill. The revised bill still gave one-third of the entire estate to the surviving spouse, but one important difference was that the 1919 version did not give small estates to the surviving spouse.<sup>50</sup> The bill did have a provision that would

have barred a woman from her dower rights if she had lived away from her husband for a year. There was fear in the state that an estranged spouse could come back and claim her dower rights because of a 1918 Wisconsin Supreme Court decision.<sup>51</sup> Naomi Davis had married Levi Davis, but she had left him for another man.<sup>52</sup> However, when Levi died Naomi came back for her dower. At first she was denied her dower on the basis of adultery, but on appeal the court ruled that she could not be denied her dower right because the couple had not been legally divorced.<sup>53</sup> The Supreme Court upheld the lower court's appeal.<sup>54</sup> Despite this concession the 1919 bill was short-lived, like the 1917 bill, and received little press attention. This was Benfey's last attempt to pass dower reform, although he did serve a third term in the Senate.

While Benfey tried to abolish dower in 1917 and 1919, his fellow legislators were not ready to view women as equal contributors. Some may have supported the Benfey Bills, but neither bill was able to make it out of committee. Many state legislators of 1917–1919 were not progressive when it came to women's rights. These legislators had not passed suffrage, and did not view women as equal under the law. After the federal amendment gave women the right to vote, state legislators began to change their position on women's equality. Many legislators began to think that women should be treated as equals under the law, but other legislators, even after suffrage passed, were not ready to view women as equals.

While Benfey did not reintroduce a bill to abolish dower and curtesy, in 1921 Assemblyman Thomas Sullivan reintroduced the 1919 Benfey Bill. The bill was unchanged from its 1919 form, but during the debate in committee an amendment was proposed. The amendment dealt with the descent of the homestead and how property should descend after a divorce.<sup>55</sup> While the bill was being debated in the legislature it was dubbed "Dower Rights for Husbands" and "A Suffrage Bill with a Reverse Twist."<sup>56</sup> The press was paying attention to the Sullivan Bill because it was the antithesis of the Equal Rights Law that was being debated at the same time in the legislature. Many legislators were uncomfortable with the rights that women were gaining and felt that if women truly wanted to be equal, men should be allowed to have the same protections under the law that women had. The legislators who thought this were upset because women could write men out of their wills, but men could not do the same. These legislators thought women only wanted to change the laws that would benefit women, but not help men achieve some of the special protections that only women enjoyed.

Those who supported the 1921 Sullivan Bill used this bill to spite the equal rights movement. An editorial in the *Racine Journal-News* reflected this:

Now a bill is up at Madison to give the men the same dower rights in the estates of their wives, [which] these [wives] enjoy in the estates of their husbands. As women are now on the same political equality as the men, the reasoning seems valid. Perhaps the dear women took on more than they knew when they assumed the suffrage.<sup>57</sup>

Some legislators felt traditional powers that they had as husbands were eroding away because women had won suffrage and now were campaigning for an equal rights law. Some of these legislators, like Sullivan, wanted to make sure that men would also benefit from the equal rights movement.

Sullivan thought that men should have the same special protections as women: "We have passed laws to protect the parks and the game and the fish, but forgot to protect husbands."<sup>58</sup> Sullivan was insulted that many women were arguing for equal rights, but did not want to give up women's special protections. The Equal Rights Law left women's special protections, but did not extend those protections to men. Sullivan and men like him thought that if women wanted equality they should have to give up their special protections or should help men gain these special protections.



The Sullivan Bill did not pass, but in 1921 dower reform did happen. State Senator Henry Huber introduced a bill that changed dower to mean one-third of the entire estate.<sup>59</sup> This was a good thing for women, but the bill did not bring with it the notion of equality that was important to people like Youmans and Baensch. Small reforms, like the Huber Bill, were the only type of reform that could pass with such a conflict over the context of dower and curtesy reform. Although the Sullivan Bill was the same bill as the 1919 bill, feminists who supported complete equality could not rally around the bill because it was considered “dower rights for husbands.” Another factor was that men like Sullivan were not yet ready to recognize women as equal contributors; they were angry because they felt that if women wanted to be equals then they should be treated the same as men or men should be granted some of women’s special protections.

People like Youmans thought that dower should be abolished because they viewed women as equals to men. Youmans argued that women no longer needed dower as a protection because women were now capable enough to support themselves and manage the estate. In the *Waukesha Freeman* she wrote, “The widow’s dower perhaps was originally designed for the protection of women although there is certainly reason for thinking that the rights or the welfare of women was not very important in the minds of men in those long-ago days, and that the dower of widows was designed quite as much to protect society as it was to protect individuals.”<sup>60</sup> As a protection to society, dower greatly reduced government aid to widows. Another expectation of dower laws was that they would provide enough support so that the widow could stay home and raise any minor children she still had living with her. Although the Huber Bill allowed widows to inherit more money, that still did not pacify Youmans and others like her.

Youmans believed that dower laws should be abolished because the dower laws were representative of a time when women were not viewed as equal contributors to the marriage. She wrote that “the widow’s dower belongs to a state of society where women were regarded as incompetent, unable to take charge of property, and [viewed] as dependents. We do not now believe that women lack the especial kind of brains necessary to manage [their own] business affairs.”<sup>61</sup> When suffrage and the Equal Rights Law passed, it was inevitable that society’s views on women would change. Historian Nancy Cott concluded that after the passage of suffrage “marriage was more of a partnership because women had equal political power and more women were employed than before.”<sup>62</sup> As marriage became more of a partnership, Youmans thought dower was no longer a satisfactory return on a woman’s contributions to the estate.

Judge Baensch also wanted to see men and women become equal heirs, but thought women were not doing enough campaigning to abolish dower and curtesy. Baensch was also upset that since the Benfey Bills had been proposed, Pennsylvania, Rhode Island, and West Virginia had abolished dower and curtesy, and Wisconsin was one of 12 remaining states that still had dower and curtesy.<sup>63</sup> Baensch was hopeful, because of all the recent political equality that women had attained, that soon men and women would be equal heirs.

As we look back at the rapid strides made within the last few years we feel encouraged that soon we will reach the ultimate goal, when husband and wife will be treated equally, when each will receive an equal share of the other’s property and incidentally, that is in case of a small estate, all of it will go to the surviving husband or wife, even if there be children, surviving.<sup>64</sup>

Baensch thought that women needed to make this a priority. A magazine editor said of Baensch that he “dwells upon the fact that while women in this country have been zealous in securing political rights they have given little attention to securing a more

liberal and just interpretation of property rights for women under the law governing descent of property and inheritance.”<sup>65</sup> Baensch thought that women should continue to push for dower and curtesy reform because it was important not only to women, but also to men. He thought “‘my fair lady’ is in honor bound to help along the movement to give her husband the same rights of inheritance in her estate that she has in his.”<sup>66</sup> His views differed greatly from Sullivan and slightly from Youmans. He thought that women should be equal heirs because of women’s contributions to the estate, but women needed to campaign for an equal heirs law.

Baensch had seen the inequalities of dower and curtesy as a judge and president of the Wisconsin Eastern Trustee Company, a company that helped administer estates in probate court. He saw how unfair it was that a surviving spouse, especially widows, did not inherit the entire estate when it was small. Baensch thought that small estates should descend entirely to the surviving spouse because if the children were grown they could support themselves, and if the children were still minors it would have been easier for their surviving parent to make decisions if that parent was in charge of the entire estate.

The probate process was a major inconvenience to the surviving spouse. Although in most cases the surviving spouse was the child’s legal guardian, he or she would have to go to court every year to provide documentation on how he or she had spent the child’s share of the estate. If there were multiple children he or she had to give separate accounts for each child. This was to protect the children from spendthrift guardians but it was a humiliating inconvenience to the surviving parent. A widowed mother already had to struggle to support her children because she probably did not have a job and she only inherited one-third of the estate. Having to keep careful accounts and appear in court with these accounts took up a widowed mother’s valuable time, and it may have compromised her ability to make decisions quickly for her children.

The debate over these laws affected people in the real world. Widows whose husbands died and suddenly left them without a source of income only had their dower rights to support themselves. All three of the bills would have provided a great deal more to widows and widowers, especially the 1917 Benfey Bill with its provision on small estates descending entirely to the surviving spouse. Wisconsin widows were forced to face hardships because these laws did not pass. Although women had gained many political rights making them more equal to men, widows did not receive the recognition of equal contributors and heirs of their husbands’ estates. Thus a void had been created by both state legislators and husbands who did not make a will. Sometimes children filled the void and chose to give their inheritance to support their mothers, and other times they kept their inheritances leaving their mother only her dower right.

### ***Consequences of Inaction***

A Winnebago County widow, Jennie Moran, was one such widow whose children filled that void and gave their inheritance to their mother.<sup>67</sup> Jennie’s husband, Edward, had died in 1917. His estate was fairly sizable: \$2,900 in real estate and \$11,900 in personal property. Edward had left no will, and thus the estate would have been distributed by the dower laws, but Jennie’s children decided they would transfer most of the estate over to Jennie. All of Jennie’s children were grown and could support themselves, and they felt that they should support their mother by giving her their inheritance. In the legal agreement drafted by their lawyer, the children transferred all the personal property over to their mother for \$1 except their brother Roy who still inherited \$1,000. The agreement stated that the children did this “in justice of our mother and for the purposes of expediting the settlement of the estate of the said



deceased, as well as protecting the said mother. . . .”<sup>68</sup> The children also agreed to let Jennie inherit some of the real estate directly rather than the income of the real estate. Other widows in Winnebago County did not receive such a favorable agreement with their children, but there were others whose children supported their mothers where the legislators and husbands had not.

Bertha Schroeder was a widow whose children did not come to a special agreement with their mother. She had two minor children living with her and five other grown children.<sup>69</sup> The estate was small; the real estate was \$1,200 and the personal property was \$2,566.<sup>70</sup> The estate was inherited according to the dower laws: each person inherited \$225 from the personal property and Bertha inherited her one-third of the estate’s income. This was a paltry sum for a mother who had raised seven children.

Cases like Bertha’s were why Baensch was so adamant about making husband and wife equal heirs. Bertha had contributed in many ways to her husband’s estate, but received only a small portion of the wealth that she had helped generate. Had the 1917 Benfey Bill passed, Bertha would have inherited the entire estate. The residual of the estate, which was the amount of money left over after paying the creditors and funeral expenses, was \$1,880. Thus the estate was under \$3,000 and would have descended entirely to Bertha. Many other widows would have benefited from the 1917 bill because of the small estate provision. Fortunate widows, like Jennie, had children who stepped into the role of provider to ensure their mother received a fair share.

## ***Conclusion***

The conflicting ideas around how and why dower should have been reformed prevented dower reform from happening. During the legislature’s debate on the first two Benfey Bills, feminist groups could not campaign for the bills because they had neither the political capital nor the time to campaign for them. Although his bills had been the most serious of the attempts to make husbands and wives equal heirs, feminists put suffrage ahead of many issues including this one. After women won suffrage, many legislators were still not ready to view women as equal contributors to the marriage. While the Equal Rights Law was being debated, some men wanted to maintain their traditional dominant role in the marriage, so to deter the equal rights movement Sullivan proposed his “dower rights for husbands” bill. Despite men like Sullivan, state lawmakers decided to pass the Equal Rights Law, but the law left many questions as to which laws would be reformed. People who wanted more equality, like Youmans and Baensch, knew dower and curtesy reform was a major inequality that needed to be fixed. However, due to reforms such as the Huber Bill, many women were content to maintain their dower right instead of pushing to abolish dower and become equal heirs. During this time when Wisconsin was redefining how women should be treated, lawmakers and activists missed an opportunity to make husband and wife equal heirs.

Even though Wisconsin had a reputation for being a leader during the Progressive Era, state lawmakers failed to pass dower and curtesy reform while many other common law states achieved dower and curtesy reform. Wisconsin did not abolish dower and curtesy until the Wisconsin Marital Property Act of 1984 was signed into law. While it may be true that most men made wills and recognized their wives’ contributions to their estates, Wisconsin lawmakers did not recognize women’s contributions to their husbands’ estates and did not make them equal heirs. More than 60 years later, women’s contributions were finally recognized and husbands and wives were made equal heirs. Second-wave feminists and lawmakers during the late 1970s and early 1980s again made Wisconsin a progressive leader, when Wisconsin became the first and only state to switch from common law dower and curtesy to community property.

## Notes

1. "Bewildered Heirs," advertisement, *Oshkosh Daily Northwestern*, September 17, 1918, 2.
2. "Governor Blaine Signs Equal Suffrage Bill," *Sheboygan Press*, July 11, 1921, 5.
3. Ibid.
4. Peter Geidel, "The National Woman's Party and the Origins of the Equal Rights Amendment, 1920–1923," *Historian* 42, no. 4 (1980): 571–72.
5. Herriot Maxwell, "Should the Estates of Dower and Curtesy Be Abolished in Wisconsin?" *Wisconsin Law Review* 461 (1948): 461–65, accessed March 1, 2012, <http://heinonline.org/HOL/LandingPage?collection=journals&handle=hein.journals/wlr1948&div=37&id=&page=>.
6. Theodora Youmans, "Dower and Curtesy—Votes for Women Column," *Waukesha Freeman*, April 15, 1915, 2.
7. *Wisconsin Statutes 1917* (Madison, WI: Democrat Printing Co., 1917), chapter 102, section 2271.
8. "Judge Baensch Takes Up Fight to Save Small Estates for the Widows," *Manitowoc Herald-News*, September 6, 1923, 14.
9. Ibid.
10. Youmans, "Dower and Curtesy—Votes for Women Column."
11. "Judge Emil Baensch of This City to Renew the Fight for Equal Heirship of Husband and Wife," *Manitowoc Herald-News*, December 15, 1930, 9.
12. Ibid.
13. Youmans, "Dower and Curtesy—Votes for Women Column."
14. This is the legal term given to married women during the eighteenth and nineteenth centuries. It refers to a woman and man coming together as one.
15. Ariela Dubler, "In the Shadows of Marriage: Single Women and the Legal Construction of the Family and the State," *Yale Law Review* 112, no. 7 (2003): 1660–68, accessed March 16, 2012, <http://www.yalelawjournal.org/the-yale-law-journal/article/in-the-shadow-of-marriage:-single-women-and-the-legal-construction-of-the-family-and-the-state/>.
16. Ibid.
17. Theodora Youmans, "An Unfair Opponent—Votes for Women," *Waukesha Freeman*, March 14, 1911, 2.
18. Louisiana has elements of both French and Spanish law, but most of the other states are based on Spanish civil law. For more information see the article listed in the next footnote.
19. Caroline Newcombe, "The Origin and Civil Law Foundation of the Community Property System, Why California Adopted It and Why Community Property Principles Benefit Women," *University of Maryland Law Journal of Race, Religion, Gender and Class* 11, no. 1 (2011): 3–6, accessed April 25, 2012, [http://www.law.umaryland.edu/academics/journals/rrgc/issues/rrgc\\_11\\_1newcombe.pdf](http://www.law.umaryland.edu/academics/journals/rrgc/issues/rrgc_11_1newcombe.pdf).
20. Ibid.
21. Youmans, "An Unfair Opponent—Votes for Women."
22. Ibid.
23. Ibid.
24. Ibid.
25. Ibid.
26. Catherine Cleary, "Married Women's Property Rights in Wisconsin, 1846–1872," *Wisconsin Magazine of History* 78, no. 2 (1994–1995): 115–19.
27. Ibid., 124.
28. Ibid.
29. Ibid.
30. "Wisconsin Women Protest Taking Dower Rights from Suffrage Bill," *Wisconsin State Journal*, April 14, 1915, 6.
31. Ibid.
32. Ibid.
33. Ibid.
34. Ibid.
35. Ibid.

36. Ibid.
37. Ibid.
38. Ibid.
39. Ibid.
40. Ibid.
41. Ibid.
42. Wisconsin Historical Society, "Wisconsin Federation of Women's Clubs Minutes," Wis Mss TU part 1, WFOWC Papers-Minutes, Box 1, Series B, Folder 4.
43. Ibid., Folders 3 and 4.
44. Ibid.
45. Wisconsin Historical Society, "Records of Standing Committees, 1907–1992," Series 166, Box 2, Vol. 9.
46. Wisconsin Senate Bill 475S, 1917.
47. Emil Baensch, "Husband and Wife as Heir to Each Other: Address by Judge Emil Baensch at State Retailers' Association Banquet," *Manitowoc Herald-News*, August 24, 1924, 1.
48. Senate Bill 475S, 1917.
49. "Judge Baensch Takes Up Fight to Save Small Estates for the Widows," *Manitowoc Herald-News*, September 6, 1923, 14.
50. Wisconsin Senate Bill 401S, 1919.
51. Davis v. The Estate of Davis, 167 Wisconsin 328, 167 N.W. 819, accessed May 17, 2012, <http://www.lexisnexis.com/hottopics/Inacademic/?shr-t&sfi=AC01NBSSimplSrch>.
52. Ibid.
53. Ibid.
54. Ibid.
55. Wisconsin Assembly Bill 197A, 1921.
56. "Sullivan Bill Finally Dies in Assembly," *Manitowoc Herald-News*, April 14, 1921, 1; "Equal Rights for Men Aim of New Bill," *Capital Times*, February 11, 1921, 1.
57. Editorial underneath "Judge Landis and Baseball" article, *Racine Journal-News*, February 25, 1921, 4.
58. "Equal Rights for Men Aim of New Bill," *Capital Times*, February 11, 1921, 1.
59. "See Politics in Revival of Blaine's Bill," *Appleton Post-Crescent*, March 29, 1921, 1.
60. Theodora Youmans, "Good Citizenship for Women," *Waukesha Freeman*, July 21, 1921, 4.
61. Ibid.
62. Nancy Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge, MA: First Harvard University Press, 2000).
63. "Judge Baensch Takes Up Fight to Save Small Estates for the Widows," *Manitowoc Herald-News*, September 6, 1923, 14.
64. Ibid.
65. Ibid.
66. Ibid.
67. Probate Case File 457, reel 86, Probate Microfilm Reels, Winnebago County Court House: Register in Probate.
68. Ibid.
69. Minor children at this time meant under 21, and minors could not inherit their shares and had to have a guardian until they turned 21. The above children were 19 and 17 respectively, and lived at home with their mother.
70. Probate Case File August Schroeder, reel 123, Probate Microfilm Reels, Winnebago County Courthouse: Register in Probate.

## ***Bibliography***

*Appleton Post-Crescent*. "See Politics in Revival of Blaine's Bill." March 29, 1921, 1.

Baensch, Emil. "Husband and Wife as Heir to Each Other: Address by Judge Emil Baensch at State Retailers' Association Banquet." *Manitowoc Herald-News*, August 24, 1924, 1.

*Capital Times*. "Equal Rights for Men Aim of New Bill." February 11, 1921, 1.

Cleary, Catherine. "Married Women's Property Rights in Wisconsin, 1846–1872." *Wisconsin Magazine of History* 78, no. 2 (1994–1995): 115–19.

Cott, Nancy. *Public Vows: A History of Marriage and the Nation*. Cambridge, MA: Harvard University Press, 2000.

Davis v. The Estate of Davis, 167 Wisconsin 328, 167 N.W. 819. Accessed May 17, 2012. <http://www.lexisnexis.com/hottopics/lnacademic/?shr=t&sfi=AC01NBSimplSrhc>.

Dubler, Airela. "In the Shadows of Marriage: Single Women and the Legal Construction of the Family and the State." *Yale Law Review* 112, no. 7 (2003): 1660–68. Accessed March 16, 2012. <http://www.yalelawjournal.org/the-yale-law-journal/article/in-the-shadow-of-marriage-single-women-and-the-legal-construction-of-the-family-and-the-state/>.

Geidel, Peter. "The National Woman's Party and the Origins of the Equal Rights Amendment, 1920–1923." *Historian* 42, no. 4 (1980): 571–72.

*Manitowoc Herald-News*. "Judge Baensch Takes Up Fight to Save Small Estates for the Widows." September 6, 1923, 14.

———. "Judge Emil Baensch of This City to Renew the Fight for Equal Heirship of Husband and Wife." December 15, 1930, 9.

———. "Sullivan Bill Finally Dies in Assembly." April 14, 1921, 1.

Maxwell, Herriott. "Should the Estates of Dower and Curtesy Be Abolished in Wisconsin?" *Wisconsin Law Review* 461 (1948): 461–65. Accessed March 1, 2012. <http://heinonline.org/HOL/LandingPage?collection=journals&handle=hein.journals/wlr1948&div=37&id=&page=>.

Newcombe, Caroline. "The Origin and Civil Law Foundation of the Community Property System, Why California Adopted It and Why Community Property Principles Benefit Women." *University of Maryland Law Journal of Race, Religion, Gender and Class* 11, no. 1 (2011): 3–6. Accessed April 25, 2012. [http://www.law.umaryland.edu/academics/journals/rrgc/issues/rrgc\\_11\\_1newcombe.pdf](http://www.law.umaryland.edu/academics/journals/rrgc/issues/rrgc_11_1newcombe.pdf).

*Oshkosh Daily Northwestern*. "Bewildered Heirs," advertisement. September 17, 1918, 2.

Probate Case File August Schroeder. Probate Microfilm Reels. Winnebago County Courthouse: Register in Probate.

Probate Case File 457. Probate Microfilm Reels. Winnebago County Court House: Register in Probate.

*Racine Journal-News*. Editorial underneath "Judge Landis and Baseball" article. February 25, 1921, 4.

*Sheboygan Press*. "Governor Blaine Signs Equal Suffrage Bill." July 11, 1921, 5.

Wisconsin Assembly Bill 197A, 1921.

Wisconsin Historical Society. "Records of Standing Committees, 1907–1992."

———. "Wisconsin Federation of Women's Clubs Minutes."

Wisconsin Senate Bill 401S, 1919.

Wisconsin Senate Bill 475S, 1917.

*Wisconsin State Journal*. "Wisconsin Women Protest Taking Dower Rights from Suffrage Bill." April 14, 1915, 6.

*Wisconsin Statutes 1917*. Madison, WI: Democrat Printing Co., 1917, chapter 102, section 2271.

Youmans, Theodora. "An Unfair Opponent—Votes for Women." *Waukesha Freeman*, March 14, 1911, 2.

———. "Dower and Curtesy—Votes for Women Column." *Waukesha Freeman*, April 15, 1915, 2.

———. "Good Citizenship for Women." *Waukesha Freeman*, July 21, 1921, 4.

## Dr. Hania Ris's Contribution to Wisconsin's Contraceptive Legislation

**Matt Boese**, author

Dr. Stephen Kercher, History, faculty adviser

Matt Boese is a May 2012 graduate of UW Oshkosh, earning his B.S. in biology health care science with the distinction of Cum Laude and a University Honors Program graduate. His research was done in fulfillment of the Honors Program and combines Matt's interests in medicine and women's reproductive rights. Matt worked between three different hospitals in the Fox Valley area during his undergraduate years and is applying to medical school for matriculation in fall 2014.

Dr. Stephen Kercher teaches twentieth-century American history at UW Oshkosh, emphasizing postwar intellectual and cultural life. He earned a Ph.D. in history and American studies at Indiana University in 2000, and published his first book, *Revel with a Cause: Liberal Satire in Postwar America*, in 2006.

### **Abstract**

Although a large amount of media attention is currently focused on women's reproductive health issues, most Wisconsinites are unfamiliar with their state's conservative history in the area of contraceptive accessibility. This paper focuses on Wisconsin legislation during the 1960s and 1970s that did not allow distribution of birth control to minors or the unmarried. The work of Dr. Hania Ris, which is unbeknownst to many, is the primary emphasis of my research. My thesis was formulated after searching through the copious amounts of archival materials that Ris made available in the Wisconsin Historical Society. Newspaper archives were also utilized to underscore the local and national impact of Ris and the work that is detailed in her records. Together, these materials provide a glimpse into one piece of Ris's activism and demonstrate how important she is in Wisconsin's history of birth control politics.

### **Contraceptive Legality**

Contraceptives have been in use since ancient times. One of the earliest references to occlusion of the womb for the purpose of pregnancy prevention came from the Petri Papyrus in 1850 B.C. that recommended dung of a crocodile mixed with honey to cover the cervix.<sup>1</sup> Mechanical means were the most common method of birth control in the nineteenth century, but none of the methods of this time, aside from infanticide and abortion, were particularly effective or new. Contraceptive options included withdrawal by the male, melting suppositories for a coating over the cervix, diaphragms, caps, and douching. The most popular birth control methods during the first half of the twentieth century included douching, suppositories, condoms, and the diaphragm.<sup>2</sup>

Attitudes about birth control in the United States began to change in the mid-nineteenth century. Following the Civil War and the economic depression of 1873, Protestant values in the United States were expressed through the Temperance Movement, the Young Peoples' Christian Endeavor, and other organizations focused on morality. Anthony Comstock was appointed leader of the YMCA's new Committee for the Suppression of Vice in 1872 and persuaded the United States Congress on July 3, 1873, to pass a law barring the mailing, distribution, and advertisement of "obscene" literature and "indecent" articles. Birth control fell within the definition of "indecent"

because it was “designed or intended for the prevention of conception or procuring of abortion.” The federal act was appropriately named the “Comstock Law” and would become a reflection of the attitudes of legislators toward birth control in the first half of the twentieth century.<sup>3</sup>

At the beginning of the twentieth century, Margaret Sanger, a nurse working in the slums of the Lower East Side of New York City, was moved by the plight of poor immigrant women who were denied knowledge of and access to contraception. She challenged the restrictive federal law with her publication *The Woman Rebel* and under federal indictment she fled the country in 1914. After visiting the world’s first birth-control clinic in the Netherlands, Sanger returned to the United States and opened a similar clinic in the slums of Brooklyn, for which she was arrested in 1917 and sentenced to jail. Regulation of the “Little Comstocks,” or state level adaptations of the federal law, was upheld by local authorities, and consequently a New York judge was able to broaden the interpretation of the law and Sanger was set free. She founded the women’s reproductive movement by establishing the New York Birth Control League, the International Planned Parenthood Association, and the American Birth Control League. Margaret Sanger died in 1966 but was able to see her dream of accessible, safe, and regulated contraception for the masses realized through the FDA approval of the birth control pill in 1960.<sup>4</sup>

Congress finally repealed the 1873 Comstock Act in its entirety on January 8, 1971. Richard Nixon in 1972 would ratify the growing public support of birth control with the recommendation from the President’s Commission on Population Growth and the American Future. The Commission urged that “states adopt affirmative legislation which will permit minors to receive contraceptive and prophylactic information and services in appropriate settings sensitive to their needs and concerns.”<sup>5</sup> Statewide contraceptive regulations had been modified prior to and following the change in federal law. At the legislative level, California was the first state in the nation requiring that family-planning information be issued with each marriage license. Effective November 1970, the information consisted of a list of family planning and birth control clinics located in the county from which the license was issued. Birth control politics in the Midwest were also changing.<sup>6</sup> The Planned Parenthood Association’s Chicago Area (PPACA) instituted the “Big Push” in 1958 to get state-supported birth control for Illinois residents. The endeavor would take another eight years from its onset to reach successful implementation of state-funded birth control in clinics and county hospitals.<sup>7</sup> Indiana was ahead of the curve, and by 1955 allowed the unmarried access to contraceptive information and care for the first time.<sup>8</sup>

The Catholic Church, as this paper will demonstrate, was one of the biggest opponents of birth control, and its moral condemnation of contraceptives was most significant at the local level of birth control politics. Linda Gordon, in her book *The Moral Property of Women*, states that the innovation of government-sponsored birth control services in the South during the 1930s was largely due to “the absence of large Catholic constituencies.”<sup>9</sup> The North remained a stronghold for the Catholic Church, however, and the state of Minnesota exemplified the influence it had in the birth control movement.

In 1935, St. Paul Archbishop John Gregory Murray made national news when he ordered all Catholics in the archdiocese of St. Paul, which included Minnesota, North and South Dakota, and Montana, to withdraw membership from any birth control or sterilization organization or face excommunication. Quick to engage the opposition, Sanger retorted by noting that the American Gynecological Society, the American Neurological Society, and the Obstetrical Society of the American Medical Association



now endorsed the principle of birth control. She noted wryly, "Catholics will soon have to emigrate from America to some less enlightened country." Minnesota legislature was fortunate enough not to be impeded by Catholic opposition for as long of a time as its sister state, Wisconsin, and in 1968, the St. Paul and Minneapolis Planned Parenthood clinics opened their doors to the unmarried.<sup>10</sup>

Despite changes to birth control law in both the federal and regional arenas, Wisconsin refused to change its ultraconservative stance on contraceptives. In 1933, Sanger denounced Wisconsin for "not keeping up with the accepted usage and modern attitudes in the dissemination of scientific birth control information." Sanger's concerns about Wisconsin became reality in 1972 when it became the only state in the union that did not allow contraceptives to minors or the unmarried.<sup>11</sup>

Wisconsin's contraceptive law was some of the most conservative birth control legislation in the nation during the 1960s. Statute 147.20 had its beginning in 1905. The phrase relevant to family planning within this statute is that which prohibits advertising of "any medicine or any means whatever whereby the monthly periods of women can be regulated or the menses re-established, if suppressed." This key wording remained unchanged in Wisconsin law from 1905 until 1976.<sup>12</sup>

Wisconsin Statute 151.15 came into being in 1933. The intention of this legislation was not to condemn or regulate every article capable of producing an abortion or preventing pregnancy but rather to "deal with articles whose sole purpose, or whose intended purpose or represented function was to produce these results; and to wholly prohibit the sale of such articles to unmarried persons or individuals under 18. . . ." While a married person could obtain an "indecent article" from a registered pharmacist or physician, it was unlawful for an unmarried person to do so. Additionally, the law made a criminal of the physician or pharmacist who supplied contraceptives to any unmarried person, whether a condom to a male, a diaphragm for a girl soon to be married, or the Pill for a mother of an illegitimate child who was on public welfare. This law saw no change in the 43 years between its establishment and repeal.<sup>13</sup>

Margaret Sanger coined the term "birth control" in 1914, and her work has undoubtedly deserved attention in numerous pieces of historical literature. One such study by Linda Gordon, *The Moral Property of Women*, introduces its readers to a wide array of contributors to the birth control movement, Sanger included. Numerous histories target the work by Sanger and other national figures in the birth control movement, but none of these studies include mention of the contributions of Wisconsin activists such as Dr. Hania Ris.

The repeal of Wisconsin's laws regarding contraception cannot be attributed to one person alone. But if credit belongs to anyone for working on behalf of birth control in the Badger State, it belongs to Ris, a foreign-born pediatrician who migrated to Wisconsin in 1949 and who later became one of the most prominent voices for reproductive equality in Wisconsin. Ris was vital to the legislative change in three distinct ways. She publicly went against the major Wisconsin birth control proponent during the 1960s, the Catholic Church, by demonstrating that its arguments were inaccurate and misleading. Ris also was determined to bring the topic of sex and contraceptives into the public realm through her editorial pieces filling Wisconsin papers, simultaneously raising awareness of contraception and creating a more informed public. Finally, Ris's constant presence in the legislature and among her medical peers led to an ever-growing number of individuals calling for repeal. The contributions of Ris to the contraceptive movement during the 1960s and 1970s are substantial and helped shape the reproductive equality Wisconsinites enjoy today.

## Introduction to Hania Ris

The arrival of Hania Wislicka Ris to the United States ended the beliefs she once held regarding the nation and its equality for all. She was born in Poland and spent the majority of her adolescent life growing up in Switzerland. After attending Zurich Medical School in 1937, she immigrated to the United States in 1939. At Johns Hopkins she completed her post-graduate work, with a focus in pediatric and adolescent medicine. Ris was able to attain her medical license within Maryland and New York by the end of 1942. Shortly after her arrival to the United States, a country she later wrote about as the land of opportunity, she had her first shocking experience of prejudice. She remembered: "I was in Washington, D.C. in April 1939, when black singer, Marion Anderson, was barred from performing at the Daughter of the American Revolution Hall." Anderson would go on to appear and perform in front of the Lincoln Memorial and Ris recalls it as being "one of the most moving events of my life . . . it was a political, social, and moral statement." Unbeknownst to Ris, similar prejudice would affect her practice as a physician in the upcoming years.<sup>14</sup>

Shortly after arriving in Wisconsin, Ris began her 25-year fight against ultraconservatism. Ris followed her husband, University of Wisconsin zoologist Hans Ris, to Madison, Wisconsin, in July 1949 with their six-month-old son, Christopher. She immediately presented her credentials to the Wisconsin Board of Medical Examiners so she would be able to practice as a pediatrician within the state. By 1949, obtaining a license by reciprocity was considered a mere formality consisting of an oral examination lasting a few minutes.<sup>15</sup> Despite being highly recommended by other physicians, holding licenses in other states for more than seven years, and having taught medical students at Johns Hopkins, Cornell, and Cincinnati University, Ris was denied her medical license solely because she was a "foreign graduate."<sup>16</sup>

The free press helped defeat the Wisconsin Board of Medical Examiners' refusal to license Ris. Headlines of the *Capital Times*, the *Wisconsin State Journal*, the *Milwaukee Journal*, and the *Milwaukee Sentinel* during 1950 included: "The State Board of Medical Examiners Continues to Operate a Closed Shop," "Medical Monopoly Still Upheld," and "The State Board of Medical Examiners Continues Its Stubborn Policy." Ris later remembered, "Their ruling was clearly self-serving, aimed at eliminating competition and creating a monopoly under the guise of protecting the health of Wisconsin citizens." The publicity of her story through Wisconsin's press, although initially jarring to Ris, ultimately aided her: "I grew desperate. Then one day, perusing the *Capital Times*, I read all about my case. Europeans traditionally eschew publicity; I was crushed! I was to grow more accustomed to and grow more grateful for the press as my case was championed over the following year." Dr. Edward Frank, the chairman of the Department of Pediatrics at Johns Hopkins, issued an ultimatum to the Wisconsin board under the American Medical Association saying he would release the story to *Newsweek* should they continue to deny Ris's license. Frank's threat and the continued adverse public media coverage led to Ris attaining her license on January 10, 1951. The power of the press in her own personal fight made a lasting impact on Ris that she would remember in the years ahead.<sup>17</sup>

Also, the professional sexism Ris encountered during her initial years in Wisconsin reflected the misogynistic attitude of the state during the early fifties. Ris did not recall being treated differently as a woman physician on the East Coast, but was startled by a fellow physician warning her in 1948 of the "socialist state" to which she was moving.<sup>18</sup> Her shock over this reference diminished quickly. Once licensed in Wisconsin, Ris began receiving job offers, including one from the Health Department of Milwaukee in 1952. Ris at this time was living in Madison and contacted the

position about her lack of transportation to Milwaukee. In a response to Ris, the superintendent for the Bureau of Maternal and Child Care wrote:

I have been investigating the possibility and I find that a Greyhound bus leaves Watertown for Milwaukee each morning at 0610 and arrives at Milwaukee at 0745. In other words, it is only necessary for you to find transportation from Madison to Watertown to make your daily journey here possible. I have also learned that the Madison Transit Company, operated by Mr. Ed Biere, operates a mail truck from Madison to Milwaukee several times a day. I wouldn't know what time he leaves, but I will inquire.<sup>19</sup>

Ris found these arrangements ridiculous, stating, "no professionally trained, licensed, and respected male physician would ever receive such an offer."<sup>20</sup> Consequently, Ris chose to open a part-time private practice in 1951 so she could raise her son and infant daughter, Annette. As the only professional woman in her neighborhood, with the exception of a nurse, Wisconsin's sexism startled her further. She recalls the nurse being "in a fitting profession for a woman, but my neighbors looked on me with jaundiced eye."<sup>21</sup> Much to her dismay, even her children began to adopt the community attitude. In 1957, her six-year-old daughter was questioned whether her mother was a nurse or doctor. "She is a nurse" the daughter responded, "but she thinks she's a doctor."<sup>22</sup> The early experiences Ris had with Wisconsin's conservative mindset demonstrated to her the need for change within the state.

Just as Margaret Sanger foresaw the dire need for contraceptives among the poor and working class in 1915, Ris also identified the people of her time who were most needy: the young and poor. The work of both women appeared to be ahead of their time. Ris corroborated Sanger's foresight 50 years later as she stated that "marital and economic status assuring adequate income not only promote welfare of the infant, mother, and family, but also decrease the infant and maternal mortality."<sup>23</sup> Historian Linda Gordon indirectly substantiates the similar farsightedness of Ris. During the peak of Ris's work, the 1960s and 1970s, scholarly and popular writing incorrectly identified teenage marriage as the problem leading to excess teenage parturition. By the 1980s, Gordon writes, the national focus came to mirror what Ris had already advocated for 20 years: out-of-wedlock teenage pregnancy prevention.<sup>24</sup>

Attitudes toward contraception were changing throughout the United States in the 1960s, and Ris was determined to see this occur in Wisconsin. In 1965 the Supreme Court repealed the definition of contraceptives as "indecent articles," which had been created by the Comstock Laws. Despite this federal change, Wisconsin continued to hold onto its definition of contraceptives and prohibit their distribution and sale to the unmarried. In March 1972, the U.S. Supreme Court, in *Baird v. Massachusetts*, ruled that it was unconstitutional to deny birth-control services to the unmarried. "Whatever the rights of the individual to access to contraceptives may be" Justice William Brennan stated in the decision, "the rights must be the same for the unmarried and the married alike."<sup>25</sup> Wisconsin laws such as 151.15 nevertheless remained. Ris was poised to blaze the trail toward reproductive equality.<sup>26</sup>

### ***Debunking the Catholic Opposition***

Catholic opposition was nothing new to the birth control movement. When Margaret Sanger attempted to pass doctor-only bills in the 1920s, she received backlash from the Church that anticipated what Ris would fight against in the 1960s. Cardinal O'Connell accused Sanger's bill of being "a direct threat . . . towards increasing impurity and unchastity not only in our married life but . . . among our unmarried people."<sup>27</sup> This rhetoric against birth control went virtually unchanged. Thus, the path

for Ris's work against the state's biggest birth control opponent was that much more evident. Ris countered the Catholic Church's predictable objections through statistical evidence and personal experience but also focused on the need for contraception in the young and unmarried population.

Ris spent time outside of her private practice working at free clinics for poor women such as Madison's Well Baby Clinics. There, she found herself surrounded by women clamoring for a means to avoid another pregnancy. The opportunity to educate women about their options was not one passed up by Ris. She recommended contraceptives along with referral to a gynecologist. Later she would urge parents to use Planned Parenthood.<sup>28</sup> Dr. Charles Kincaid, Madison's health commissioner during 1958, wrote to Ris on July 25, 1958, regarding her recommendations to these women:

Anyone with a bit of perspective of the affairs of the country and the world could not but agree with this advice unless that person was bound by contrary tenants such as are found in a certain religion. These people feel very strongly against planned parenthood and will sooner or later take violent issue with a public agency like this one, which permits the teaching of planned parenthood. . . . I feel that it would be wise in our public-supported clinic to avoid recommending planning family size.<sup>29</sup>

The Catholic Church and Protestant churches remained quiet in 1965 when the first Planned Parenthood was founded in Milwaukee.<sup>30</sup> Archbishop William E. Cousins took to the *Wisconsin State Journal* to urge "that the proposal not be made a religious issue."<sup>31</sup> With 84 percent of married Wisconsin women reporting that they had used contraception by 1967 and public pushes for change in contraceptive legislation, Cousins turned family planning into an issue of morality: "Take God's divine plan out of marital promises, substitute mere sex for a binding and consoling marital love, talk of children as unwanted and a threat to man's survival, and we have a philosophy that can produce such fruits as infidelity, promiscuity, and a generation gap that can never be bridged."<sup>32</sup>

The arguments the Church held against contraceptive accessibility varied, but the most common was that the availability of birth control to all would promote promiscuity. The objections by the Church became extreme. Reverend Bernard Geiger, for example, warned of "a rebirth of Nazi philosophy, where the government rules and dictates who will live and who will die."<sup>33</sup> Catholic physician Dr. John Brennan also went to the press and to meetings of the legislature to promote the idea that the availability of contraceptives would help grant sexual permissiveness. On January 13, 1969, Brennan spoke at a Wisconsin Legislative Council Meeting and stated, "Wisconsin has one of the lowest incidences of venereal disease and legalization and distribution of birth control information would increase this incidence."<sup>34</sup> A morally damning correlation between contraceptive accessibility and increased promiscuity helped the Catholic Church create a barricade against birth control for the unmarried during the 1960s.

Three days after Brennan's statement to the Legislative Council, Ris began her retaliation on the Church when she spoke in front of the Department of Health and Social Services. "In answer to Dr. Brennan's statement . . . I would like to state that it is well known that statistics on venereal disease are notoriously erroneous," Ris said. She continued by citing a study, performed by the Venereal Disease Committee of the American Social Health Association. The study entailed surveys being distributed to physicians within each state to inquire on how many cases of sexually transmitted diseases they had treated and how many they had reported to the state health department:

In Wisconsin covering the same three months period, April to June 1962, physicians admitted that they had treated 145 new cases of infectious syphilis but had reported only 11 cases as requested by law, merely 7.6%. . . . The reporting of cases is higher in states where venereal disease are treated in tax-supported institutions. . . . The state of Wisconsin has very few such institutions.<sup>35</sup>

Ris was not the only Wisconsin citizen to understand that the Catholic Church was the biggest impeding force in the repeal of Wisconsin's birth-control law, and she was not alone in understanding that their opposition was ill-informed. Catholic physician Dr. Andrew Lucas reaffirmed Ris's views in 1968 in an editorial published in the *Appleton Post-Crescent*. He wrote, "We ought to be honest and realize that the overwhelming objection to changes in the [birth control] law comes from the Catholic community. I haven't received a single communication that has not come from a Catholic—and those who are writing are very poorly informed."<sup>36</sup>

The goal for Ris was not only to discredit inaccurate opposition but also to inform the public of the undeniable need for family planning in the young and unmarried population. Debunking the myth of sexual promiscuity and making legislators aware of the facts was the only way Ris believed she could accomplish this. Speaking to a group of senators along with the chairman and members of the Department of Health and Social Services, Ris detailed a study performed by the State University of New York to solidify her point:

When the [unwed adolescent] mothers were given birth control information about 60% of them used it. During the initial two years of the program out of the 180 girls there were only 17 second pregnancies. In eight of the cases, the girls had married in the interim. Furthermore a recent national survey has established that 14% of unmarried girls at age 14 have had intercourse. This percentage rises to 37 at age 18. A majority of these girls never used contraceptives or used them irregularly. Approximately 50 percent had not used contraception the last time they had intercourse.<sup>37</sup>

Ris agreed that sexual intercourse was common among teenagers, but she argued that it could not be attributed to easy access to birth control as religious groups believed. In reality, when family planning was available, unwanted pregnancies could be reduced.

In addition to demonstrating the inaccuracies of the Catholic Church's opposition, Ris wanted to make it known that the women of the Church did use contraception regularly. Pope Pius XI condemned contraception in the 1960s, declaring, "all methods of birth control are immoral and should be banned except the rhythm method of periodic abstinence."<sup>38</sup> Ris, however, wanted the voice of women, and not elected officials, to be heard in the public forum. She presented an additional study to the state legislature that was conducted by Dr. Norman Ryder of the University of Wisconsin in 1960. The survey showed only 39 percent of college-educated Roman Catholic women favored birth control. Five years later, the study was repeated and revealed a substantial shift in this group of women, with now nearly 70 percent approving the use of contraceptives.<sup>39</sup> Ris was unwilling to let statistical inaccuracies perpetuated by the Catholic Church be used against contraception.

Ris's argument against an attitude of sexual permissiveness because of contraceptive availability was not contained locally. By 1967, the Pill merited a *Time* magazine cover story. By then, national concerns about the Pill's connection to rampant promiscuity seemed to have been quelled. "Does the convenient contraceptive promote promiscuity?" *Time* asked. "In some cases, no doubt it does—as did the automobile, the drive-in movie and the motel. But the consensus among both physicians and



sociologists is that a girl who is promiscuous on the Pill would have been promiscuous without it.”<sup>40</sup>

### ***Raising Public Awareness***

The editorials by Ris were significant contributions to the repeal of Wisconsin's laws on birth control. She understood the power of the press and public awareness through her own medical licensing struggle. Ris was conscious of the fact that “Wisconsin citizens do not realize that Wisconsin law defines contraceptives as indecent articles” and that their sale and distribution was prohibited to the unmarried, irrespective of age.<sup>41</sup> Determined to inform the public, Ris took to the press.

In 1964, Ris accepted the position of medical director at the Wisconsin School for Girls (WSG). No other position would better prepare and inspire her to be an advocate for the repeal of the state's contraceptive law. The WSG was a state institution based in Oregon, Wisconsin, for delinquent girls. The girls were 12 to 19 years old, with the student population ranging between 160 and 260. The Medical Department of the WSG would see a large range of common illnesses and problems that this juvenile population faced. These included venereal disease, teenage pregnancy, and other gynecological disorders that the state was expected to treat.<sup>42</sup>

Ris was in routine contact with the girls and, as such, she learned firsthand about the unhappiness and health risks caused by unwanted pregnancies. The tragic circle of illegitimate births became the greatest concern for Ris, but the inability to prescribe contraceptives impeded her from improving the girls' care. Ris spoke during the annual board meeting of the Wisconsin Medical Department School for Girls in 1965 about the circle of illegitimacy and the need for change in the area of contraceptive law:

In a student population of between 160 and 260 girls, we have at times 10 to 30 pregnant girls ranging in age from 13 to 19, some in the second and third pregnancy. At one time we had in our care two sisters, age 14 and 17, both in their second pregnancy. Their mother had three illegitimate children. I had one patient, a 15 year old girl, who had three children all delivered by Cesarean section. Her obstetrician wrote me that she should avoid any further pregnancies because of the danger of rupture of the uterus, but he was not permitted by law to give her contraceptive devices. Something must be done if the increase of illegitimate birth is to be stopped, yet under Wisconsin laws, I may not even mention contraceptives to these girls.<sup>43</sup>

The experience Ris attained from this position motivated her to act not merely as a woman asking for reproductive health equality, but as a physician who demanded the ability to provide the highest quality of care to her patients that was available.

After three years as medical director, Ris equipped herself with personal experience and data as she surged into the public eye. Ris first took a stand against contraceptive inaccessibility for the young and unmarried in the *Middleton Times Tribune* in 1967. Ris here echoed her previous speech to the WSG, stating: “Something must be done if the trend toward increasing illegitimate births in Wisconsin is to stop, yet under Wisconsin law, I may not even mention contraceptives to these girls.” While Ris may have said little in opposition to the contraceptive laws, she was able to accomplish something greater: credibility. Citing Ris as a “Madison physician whose convictions on the importance of birth control have grown through years of personal observation and experience in her profession,” the *Tribune* established Ris as a professional, credible, and formidable opposition.<sup>44</sup>

The public's interest and education in the area of family planning was at the forefront of the editorials published by Ris. She refused to let the public accept the scare tactics and misleading statistics published by opponents. In February 1972 Ris wrote "An Open Letter to the Wisconsin Legislature." This letter was published in five different prominent Wisconsin journals during February, simultaneously raising awareness and educating the misinformed public. Ris wrote, "Opponents of modernization of Wisconsin's archaic birth control law want legislators and public to believe that the proposed changes would increase promiscuity and venereal disease." She continued by citing the fact that 13 states had a lower venereal disease rate than Wisconsin did at that time, and that all of those states legally allowed contraceptives for their unmarried. A study performed between 1966 and 1970 showed gonorrhea incidence increasing nationally to 71 percent. Locally, Wisconsin saw a rise during this time from 2,621 cases to 7,727 cases, a jump of 195 percent. Ris wrote, "This increase has occurred despite Wisconsin's restrictive birth control law. In fact, it is possible that Wisconsin's law was among the causes of the epidemic of our state."<sup>45</sup>

Ris was involved in local reproductive health issues besides contraception, and her work in the area of abortion unintentionally made contraceptives an even more exposed topic. The *Capital Times* labeled Ris as "one of Madison's most vigorous activists in the campaign for abortion law reform" in 1970 just prior to Wisconsin's legalization of abortion.<sup>46</sup> Members of the legislature were distraught by the paradox of the ruling. Senator Fred Risser pointed out "the unbelievable fact that . . . a person in Wisconsin may be able to obtain an abortion, and at the same time be denied legal access to family planning information."<sup>47</sup> The response to the court's ironic decision was not restricted to senators. Dr. Alfred Kennan, who had been performing abortions at the Midwest Medical Center in Madison prior to their legalization, spoke to the Madison Press Club about how a general knowledge of contraception would put abortionists "out of business." He stated to the group that, "nobody likes to get an abortion. You go out and tell women how not to get pregnant and how to take care of children and I'd be out of business."<sup>48</sup> The success of Ris in the area of abortion led to greater attention for contraceptives as the law allowed termination of a pregnancy but not prevention.

On a mission to inform the public, Ris stood against a proposed bill to prohibit sex education in 1970. Pulling from her experience with the Dane County Mental Health Center, Ris made the public and legislature aware of the medical organization's endorsement of sex education in schools through the *Wisconsin State Journal*. "Sex education" she argued here "is needed to supplement and extend the preparation given by home and church for marriage, family understanding, and for a lifetime of mental health." Opposition by the citizens of the state arose because of concerns that sex education was part of a "communist plot" to corrupt a generation of youth and a technique "put forth in a book by pornographers, sex deviates, and others."<sup>49</sup>

A curriculum for Madison schools, including sex education, was proposed in 1971 and Ris quickly endorsed this curriculum, stating that "widespread education is needed to combat the many superstitions, myths, and misconceptions about sex. Sex has been sensationalized and exploited by the mass media while sex education has been held back by conservative pressure groups."<sup>50</sup> Regardless of opposition, copies of the proposed Madison school family life-sex education curriculum model became available to the public in 1972.<sup>51</sup>

The attempt by Ris to educate the public gained her attention and success. Recognized as a pioneer in her endeavor to create a more informed public, Ris was invited to Israel in 1972 to speak at the First International Congress on Sex Education.<sup>52</sup> Furthermore, Governor Patrick Lucey in 1973 wrote to Ris requesting her to serve as a member of the Health Policy and Program Council. Lucey cited Ris as a



“valuable asset to the group as it begins its important work of identifying Wisconsin’s health needs and goals.”<sup>53</sup>

Ris learned the power of the press through the experience with her medical licensing struggle. Clearly, the use of the media to educate and draw attention to the birth control movement was not a new tactic for birth control advocates. According to historian Linda Gordon, Margaret Sanger was the first to utilize the press to such a large extent through numerous publications like the *Woman Rebel*, articles like “What Every Girl Should Know” within the *New York Call*, and the pamphlet, *Family Limitation*, which would land her in jail.<sup>54</sup>

The efforts of Sanger were often dismissed, unfortunately, due to what Gordon calls her “radicalism,” “super-militancy,” and willingness to become a martyr for her cause. In 1930, and again in 1937, a public relations firm reported that birth control was “being held back as a cause by Sanger’s radical reputation.”<sup>55</sup>

Ris’s efforts to publicize birth control issues were also a realization of Sanger’s work to legitimize birth control through the use of medical professional advocates. Gordon writes that Sanger was “instrumental in the facilitation of the professionalization of the birth control movement” through efforts like doctor-only bills as discussed earlier.<sup>56</sup> The uncompromising editorials written by Ris were not only significant in validating the contraceptive movement within Wisconsin, but also created an informed populace that could voice an educated opinion on the matter of contraceptives for the unmarried.

### ***Legislative Battles and Growing Opposition***

Another significant contribution of Ris in the struggle over Wisconsin’s contraceptive law was her presence in legislative committees. The professional credibility of Ris and her public stance against contraceptive law led to growing numbers of professionals, legislature, and citizens calling for repeal.

The partnership of Senator Fred Risser of Madison and Ris was not surprising by the end of 1971, but their impact together was pivotal in rallying proponents of legislative change. Risser authored an attempt to overturn contraceptive legislation in 1971 with Bill 130S, which would have made birth control available to every Wisconsin woman.<sup>57</sup> Ris immediately backed his legislation and together they presented a cohesive case for repeal based upon the prevalence and cost of illegitimacy.

Ris attended multiple legislative meetings during 1971 to voice her endorsement of Bill 130S and spoke of the startling statistics of illegitimacy among the young of Wisconsin and the pattern of future illegitimate children. In 1968 there were 5,469 illegitimate births and 6,272 in 1969; Ris expanded upon these numbers to the Judiciary Committee citing the fact that “84 infants were born out-of-wedlock to children under 15 years and 2,765 to girls 15 to 19 years old during the year of 1969.” Furthermore, the circle of illegitimacy was statistically shown to continue without family planning information, according to a study performed by Yale University Medical Center that Ris presented to the group. “100 girls, age 12 to 17 and pregnant out-of-wedlock were studied without guidance for five years,” she testified, and “in the subsequent five years, nine of them married and the 100 girls produced 340 more babies.” Should Wisconsin wish to discontinue or slow illegitimate births, contraception needed to be made available to all women, irrespective of age or marital status.<sup>58</sup>

Risser attended the same legislative meeting and focused on the socioeconomic need for repeal. Because so many young women were ill-equipped to support themselves, let alone children, they necessarily became welfare recipients. According to national statistics that Risser presented, 60 percent of all out-of-wedlock children and their mothers were on state welfare. Risser quoted an estimate for a one-month

period in Wisconsin during 1971 that showed \$2,036,502.20 spent specifically for out-of-wedlock mothers and their children: "Eight percent of all births in Wisconsin are illegitimate. The unwanted, unloved child is one of the most serious social problems today. . . ." Together, Risser and Ris created a collaborative reason for repeal based upon both the medical and economic need.<sup>59</sup>

Bill 130S did not pass, but in the wake of the bill and its public attention there would be greater numbers added to the push for repeal due to the efforts of Ris and Risser. With the senator from Madison authoring the bill, there were, for the first time in legislative hearings, proponents of birth control for the unmarried outnumbering opponents. This group included public figures such as Representative Dennis Conta of Milwaukee, the area of biggest welfare rolls. Conta also went to the press and advocated for repeal based on the socioeconomic reasons Risser had presented. Conta stated that "the saving in human deprivation as well as tax money is considerable in states that have liberalized contraceptive law."<sup>60</sup>

The continual editorials, speeches, and public attention drawn to the issue by individuals such as Ris also created a greater awareness among the general population of Wisconsin. The *Sheboygan Press* cited "an increased openness among the general population in discussing the subject is credited with generating the increased action" by the end of 1971.<sup>61</sup> Margaret Miller, executive director of Planned Parenthood Association of Wisconsin, was among those who also perceived the shift in public attitude by the beginning of 1972. She wrote, "It's only been a couple of years that you can even talk about family planning out loud, but since then, the climate has changed quite considerably."<sup>62</sup> A chain reaction was occurring in 1971 surrounding the issue of contraceptives in Wisconsin, and Ris was riding at the helm.

With Bill 130S, the Wisconsin Society of Obstetricians and Gynecologists along with the Wisconsin Medical Society gave their professional endorsement.<sup>63</sup> One group, however, remained conspicuously quiet during this bill, despite the impact that contraception had on their profession: the Wisconsin Chapter of the American Academy of Pediatrics (WIAAP). Recognizing this failure among her fellow pediatricians, Ris wrote to the chairman of the WIAAP in 1970 regarding the collective stance of the organization on contraception for the young and unmarried. That May, the chairman of the WIAAP, Dr. Frank Stiles, wrote back to Ris: "The issues were discussed at a general meeting within the past two years. It was the decision of the group and the Executive Committee to encourage individual physicians to act as they saw fit, but take no collective group action as there was divergent belief."<sup>64</sup>

The disagreement of such physicians was typified by Dr. Thomas E. Cunningham, a physician on the University of Wisconsin Oshkosh campus during 1971. Cunningham spoke about his refusal to the *Oshkosh Advance Titan* on September 23, 1971, stating, "I think they (students) have to prove they need birth control. The question is do students want to be promiscuous," and when asked directly about the reasoning behind his decision Cunningham stated, "First of all, the religious view of my church is against birth control. Since I believe in my church, I have to go along with the rule. I also might ask why the need for birth control."<sup>65</sup>

Unwavering, Ris took matters into her own hands and called for the Wisconsin Chapter of Pediatrics' support in the society's statewide meeting in 1971: "In the past two sessions of our Wisconsin legislature, extending over a period of five years when the modernization of our archaic and restrictive law referring to birth control devices as 'indecent articles' and prohibiting its distribution to unmarried women was debated, the voice of the Department of Pediatrics was not heard."<sup>66</sup> Not willing to accept their absence, Ris urged the chapter to fulfill its duties. "Pediatricians have a responsibility to support measures and legislation for improving the social health of the nation," Ris

told the chapter's meeting on September 24, 1971. Within that meeting, the chapter voted for the repeal of Wisconsin's birth control law.<sup>67</sup>

The backing of the WIAAP added to the individuals advocating for the repeal of Wisconsin's law on contraception. What Ris was most aware of, however, was that their professional opinion in the public realm would add another dimension of credibility to the fight for repeal. Within the year, articles filled the pages of Wisconsin's newspapers, including: "Baby Doctors Call for Repeal of Birth Laws" and "41 State Pediatricians Ask Birth Control Law's Repeal." In these articles, the chapter was officially calling for the repeal of "Wisconsin's antiquated birth control law" because the right of every child is "to be born into the security of an unbroken family, to be wanted and not neglected and rejected."<sup>68</sup> In the years ahead, the WIAAP not only endorsed legislative efforts to revise Wisconsin's law on birth control but also signed petitions to the legislature to demonstrate the increasing number of physicians who demanded change.<sup>69</sup>

In her day-to-day work, Ris recognized that the power and influence of a physician resided both inside and outside of the clinic. Consequently, Ris for the first time called upon her fellow physicians in Wisconsin as a collective whole in the October 1974 edition of the *Wisconsin Medical Journal*:

There is no question that there is the support for change in Wisconsin; the problem is the Legislature. If we physicians really want to see the tragedy of illegitimacy and unwanted births disappear in our state, we must contact our respective legislators not only through our professional organizations but also individually, to express our support for total repeal of our outdated contraceptive law.<sup>70</sup>

In Ris's eyes, it was the duty of physicians to help create change that better met the needs of their patients. On this score, Ris differed substantially from birth control pioneer Margaret Sanger. Historian Linda Gordon summarizes this difference between Sanger's perceived "radical" work and that of physicians who saw birth control as a health measure. For physicians such as Ris, "human health was naturally a fundamental, not a superficial, condition of social progress."<sup>71</sup>

The goal of physicians, Gordon argues, was to "solve by objective study what had previously been ethical and political questions" in the birth control movement.<sup>72</sup> Indeed, the position of medical director at the WSG allowed Ris to become increasingly relevant through the information she collected. In this way, Ris was able to distance herself from eugenic and radical labeling by her use of evidence-based medicine. Her factual basis in arguing for contraceptive accessibility bridged the gap between medicine and the law. And she routinely sent letters regarding her day-to-day medical findings at the WSG to state legislators. Senator Thomas Petri was one of many who responded to Ris's letters saying, "Thank you for the information on the Wisconsin School for Girls. I appreciate receiving such material as it allows me to cast a more informed vote."<sup>73</sup> These like-minded legislative partners allowed Ris to have political clout along with her irrefutable, medical voice heard in committees during the upcoming years.

### ***Further Efforts and Repeal***

Wisconsin repealed its antiquated stance on birth control on May 24, 1976, subsequently removing contraception from a list of indecent articles, allowing distribution and information to the unmarried, and ending the prohibition of public contraceptive advertisement.<sup>74</sup> Although Ris was not the sole proponent of this change, her work throughout the sixties and into the seventies made her a pivotal contributor to the repeal, as an editorial in the Madison *Capital Times* noted:

A group of militant Madison women deserves credit for the efforts over a period of several years which prepared the path for change. The public should be grateful for their work. They include . . . Dr. Hania Ris, a pediatrician, who has appeared frequently before legislative committees in behalf of removing the ban on use of contraceptives.<sup>75</sup>

The *Wisconsin State Journal* in 1976 honored Ris as one of the “outstanding area women” with special recognition as a “pediatric specialist active in social causes.”<sup>76</sup>

Outside of public editorials, the work of Ris was also recognized by the legislature. On May 12, 1976, Risser wrote to Ris inviting her to the signing of the repeal of Wisconsin’s contraceptive law, Bill 368, recognizing that she “actively supported the passage of this legislation.”<sup>77</sup> Judge James Doyle also applauded Ris’s work in the area of women’s reproductive rights by saying, “no other single person in the state of Wisconsin has had a greater influence on the state Democratic platform. They are revolutionary documents because of Hania Ris.”<sup>78</sup> The role Ris played within the legislature and its repeal of Wisconsin’s birth control laws is evident in such sentiments.

Ris also received considerable recognition from fellow physicians and activists for her work and expertise in the area of adolescent and reproductive medicine. A letter from the newly appointed medical director of the Department of Youth Services for the state of Alabama in 1977 praised her work: “Your proven ability in this field is nationally known, no brag, just fact! I well remember your presentation on the Wisconsin Girls’ School. I sincerely hope to succeed in my new position, and providing you have no objections, I may occasionally write or phone for advice.”<sup>79</sup>

On a local scale, Ris also received vast recognition for what she had contributed to the movement for repeal by her fellow women’s reproductive health advocates. Executive director of the Planned Parenthood Association of Wisconsin, Margaret Miller, lauded Ris in 1977: “No one in Wisconsin has done more than Dr. Ris to promote women’s rights in the field of fertility. She is an articulate, intelligent, persuasive advocate, as an expert and pioneer in this field.”<sup>80</sup>

Ris was undoubtedly one of the essential constituents in the repeal of Wisconsin’s outdated contraceptive laws during the 1960s and into the seventies. The most significant contributions of Ris during this fight were three-fold. Firstly, she took on the prominent conservative voice in Wisconsin, the Catholic Church, and its concern over an increase in promiscuity. She informed the public and legislature that not only was attributing an increase in sexual permissiveness to birth control accessibility inaccurate, but that a majority of Catholic women, despite their church’s stance, believed in and used contraception. Secondly, Ris went to the free press that had helped her win her own licensing battle and increased the public’s awareness of the reasons to recall Wisconsin’s birth-control law. Lastly, Ris was responsible for conjuring not only a growing public opposition through her presence in the public media but also an expert and professional panel of disapproval by campaigning for the partnership of legislators and her fellow pediatricians. The national and local recognition she received during and following the repeal of Wisconsin’s contraceptive law demonstrates Ris’s major contributions to this movement.

Ris’s intentions in pursuing legislative revision were transparent through her approach. Ris, as a married woman, had full access to contraceptives of her choice and thus very little to personally gain in her political endeavors. Her patients, however, could not attain contraception as they saw fit and, consequently, Ris could not provide for her patients as well as she desired. Unwilling to accept any law or standard that compromised her patients’ well-being, Ris became a controversial figure, much like

her well-documented predecessor, Margaret Sanger. What makes Ris a pioneer in women's and adolescent health is her acceptance of being continually labeled unorthodox for the sake of bettering her patients' health. Almost 10 years after the repeal of Wisconsin's contraceptive laws and 10 years before her death, Ris solidified this commitment to reproductive health equality. "It seems that, quite without my intention," she told friends and colleagues in 1984, "my life has been and will continue to be controversial."<sup>81</sup>

## Notes

1. Andrea Tone, *Devices and Desires: A History of Contraceptives in America* (New York: Hill and Wang, 2001), 23–25.
2. Ibid.
3. Ibid.
4. Tone, 107–10.
5. Joan Roberts, *Beyond Intellectual Sexism: A New Woman, a New Reality* (New York: D. McKay Company, 1976), 87–89.
6. Ibid.
7. "History of PPIL," Planned Parenthood of Illinois, accessed July 1, 2012, <http://www.plannedparenthood.org/illinois/our-history-1423.htm>.
8. "About Us: History," Planned Parenthood of Indiana, accessed July 1, 2012, <http://www.ppin.org/aboutus/history.html>.
9. Linda Gordon, *The Moral Property of Women: A History of Birth Control Politics in America* (Chicago: University of Illinois Press, 2007), 154–55.
10. Mary Losure, "'Motherhood Protection' and the Minnesota Birth Control League," *Minnesota History* 54, no. 8 (Winter 1995): 359–70, accessed August 3, 2012, <http://collections.mnhs.org/MNHistoryMagazine/articles/54/v54i08p359-370.pdf>.
11. Roberts, 88–89.
12. "The Issue of Birth Control in Wisconsin," February 1971, Oshkosh Branch: Hania Ris Collection, Wisconsin Historical Society (hereafter WHS), Box 3, Folder 1.
13. "Legal Notes on Wisconsin Statutes 147.20 and 151.15," Oshkosh Branch: Hania Ris Collection, WHS, Box 3, Folder 1.
14. "Dr. Hania Ris," *Wisconsin State Journal*, 1983, 2–3, Oshkosh Branch: Hania Ris Collection, WHS, Box 3, Folder 8.
15. Ibid.
16. Ibid.
17. Ibid.
18. Ibid.
19. Virginia Downes to Hania Ris, December 24, 1951, WHS, Box 1, Folder 6.
20. "Dr. Hania Ris," *Wisconsin State Journal*, 1983, 2–3, Oshkosh Branch: Hania Ris Collection, WHS, Box 3, Folder 8.
21. Ibid.
22. "Just a Dreamer," *Medical Economics*, June 23, 1975, Oshkosh Branch: Hania Ris Collection, WHS, Box 3, Folder 7.
23. Roberts, 87–89.
24. Gordon, 200–01.
25. Tone, 106–08.
26. "Legal Notes on Wisconsin Statutes 147.20 and 151.15," Oshkosh Branch: Hania Ris Collection, WHS, Box 3, Folder 1.
27. Gordon, 176.
28. Hania Ris, "Lecture on China," *Hania Ris Collection*, lecture, compact disc.
29. Charles Kincaid to Hania Ris, July 25, 1958, WHS, Box 1, Folder 6.
30. "Birth Control Issue in State," *Wisconsin State Journal*, 1965, 10, Newspaper Archive, <http://access.newspaperarchive.com/Viewer.aspx?img=99885862&firstvisit=true&src=search&currentResult=0&currentPage=0&fpo=False>.
31. Ibid.



32. "Cousins Takes Stand on Birth Control," *Wisconsin State Journal*, December 28, 1970, Oshkosh Branch: Hania Ris Collection, WHS, Box 3, Folder 7.
33. "State's Contraceptive Law Argued Anew," *Wisconsin State Journal*, January 31, 1973, 5, Newspaper Archive, <http://access.newspaperarchive.com/Viewer.aspx?img=103491847&firstvisit=true&src=search&currentResult=0&currentPage=0&fpo=False>.
34. Speech to Department of Health and Social Services, January 1969, Oshkosh Branch: Hania Ris Collection, WHS, Box 3, Folder 1.
35. Ibid.
36. "Catholic Doctor Hits 'Uninformed' Opposition to Birth Control Law," *Appleton Post-Crescent*, June 15, 1968, Newspaper Archive, <http://access.newspaperarchive.com/Viewer.aspx?img=7561854&firstvisit=true&src=search&currentResult=0&currentPage=0&fpo=False>.
37. Speech to Department of Health and Social Services, January 1969, Oshkosh Branch: Hania Ris Collection, WHS, Box 3, Folder 1.
38. Louis Cassels, "Here's Roman Catholic Birth Control Stand," *Wisconsin State Journal*, December 11, 1965, 10, Newspaper Archive, <http://access.newspaperarchive.com/Viewer.aspx?img=99893001&firstvisit=true&src=search&currentResult=5&currentPage=0&fpo=False>.
39. Hania Ris, "Sex Education Lecture to Middle School," *Hania Ris Collection*, compact disc.
40. "The Pill," *Time*, April 7, 1967, 12–13, Oshkosh Branch: Hania Ris Collection, WHS, Box 3, Folder 7.
41. Hania Ris, "State Clings to Archaic Contraceptive Law," *Wisconsin Medical Journal* 73 (1974): 73–74, Oshkosh Branch: Hania Ris Collection, WHS, Box 3, Folder 7.
42. "Comprehensive Medical Care in a State Institution for Youth in Wisconsin," 1974, Oshkosh Branch: Hania Ris Collection, WHS, Box 4, Folder 1.
43. "Report to the Annual Board Meeting," September 8, 1971, Oshkosh Branch: Hania Ris Collection, WHS, Box 4, Folder 1.
44. Martin Ripp, "Dr. Ris Backs Birth Control," *Middle Times Tribune*, December 7, 1967, Oshkosh Branch: Hania Ris Collection, WHS, Box 3, Folder 8.
45. Hania Ris, "Physician Pushes Change in Birth Control Laws," *Wisconsin State Journal*, February 29, 1972, 8, Newspaper Archive, <http://access.newspaperarchive.com/Viewer.aspx?img=100254440&firstvisit=true&src=search&currentResult=0&currentPage=0&fpo=False>.
46. Whitney Gould, "AMA's Abortion Stance Seen as Making Medical Establishment More Responsive," *Capital Times*, June 29, 1970, 31, Newspaper Archive, <http://access.newspaperarchive.com/Viewer.aspx?img=98164171&firstvisit=true&src=search&currentResult=0&currentPage=0&fpo=False>.
47. Mike Miller, "Birth Control: No Cannon Fodder," *Capital Times*, February 22, 1973, 1, Newspaper Archive, <http://access.newspaperarchive.com/Viewer.aspx?img=104994810&firstvisit=true&src=search&currentResult=2&currentPage=0&fpo=False>.
48. Rosemary Kendrick, "Nobody Likes Abortion: Kennan," *Capital Times*, February 7, 1971, Oshkosh Branch: Hania Ris Collection, WHS, Box 3, Folder 7.
49. Roger Gribble, "Sex Class Proposal Attacked," *Wisconsin State Journal*, June 15, 1971, 2, Newspaper Archive, <http://access.newspaperarchive.com/Viewer.aspx?img=100596815&firstvisit=true&src=search&currentResult=2&currentPage=0&fpo=False>.
50. Rosemary Kendrick, "Education Must End Sex Myths, Stop VD: Dr. Ris," *Capital Times*, September 15, 1972, 23, Newspaper Archive, <http://access.newspaperarchive.com/Viewer.aspx?img=105033169&firstvisit=true&src=search&currentResult=1&currentPage=0&fpo=False>.
51. Roger Gribble, "Copies of Sex Education Model to Be Available for Public Soon," *Wisconsin State Journal*, September 15, 1972, Oshkosh Branch: Hania Ris Collection, WHS, Box 3, Folder 8.
52. Rosemary Kendrick, "Education Must End Sex Myths, Stop VD: Dr. Ris."
53. Patrick Lucey to Hania Ris, February 8, 1973, WHS, Box 1, Folder 6.
54. Gordon, 100.
55. Ibid., 154–55.
56. Ibid., 120–23.
57. "Contraceptives for Unmarried Questioned," *Manitowoc Herald Times*, February 18, 1971, 10, Newspaper Archive, <http://access.newspaperarchive.com/Viewer.aspx?img=18514688&firstvisit=true&src=search&currentResult=3&currentPage=0&fpo=False>.

58. Speech to Senator Allen Busy, Chairman and Members of the Judiciary Committee, February 17, 1971, Oshkosh Branch: Hania Ris Collection, WHS, Box 3, Folder 1.
59. "Contraceptives for Unmarried Questioned," *Manitowoc Herald Times*.
60. "Contraceptive Prohibitions Will Continue in Wisconsin," *Manitowoc Herald Times*, October 7, 1971, Oshkosh Branch: Hania Ris Collection, WHS, Box 3, Folder 8.
61. John Werber, "Permissiveness?," *Sheboygan Press*, October 2, 1971.
62. John Hartzell, "Two State Birth Control Groups Multiplying Efforts against Contraceptive Laws," *Sheboygan Press*, October 28, 1971, Oshkosh Branch: Hania Ris Collection, WHS, Box 2, Folder 5.
63. "Contraceptive Bill Approved by Assembly," *Stevens Point Journal*, February 14, 1971, Oshkosh Branch: Hania Ris Collection, WHS, Box 3, Folder 7.
64. Frank Stiles to Hania Ris, May 17, 1970, WHS, Box 1, Folder 3.
65. Linda Lord, "Dr. Cunningham Explains Position," *Oshkosh Advance Titan*, September 23, 1971, 13, Newspaper Archive, <http://access.newspaperarchive.com/Viewer.aspx?img=174161183&firstvisit=true&src=search&currentResult=0&currentPage=0&fpo=False>.
66. "Statement in Support of Resolution Number I," September 24, 1971, Oshkosh Branch: Hania Ris Collection, WHS, Box 1, Folder 4.
67. "Letter to Senator James Devitt," October 5, 1971, Oshkosh Branch: Hania Ris Collection, WHS, Box 1, Folder 4.
68. "41 State Pediatricians Ask Birth Control Law's Repeal," *Wisconsin State Journal*, June 6, 1971, Oshkosh Branch: Hania Ris Collection, WHS, Box 3, Folder 5.
69. "Speech to Assemblyman Dennis J. Conta, Chairman and Members of the Health and Social Services Committee," January 30, 1973, Oshkosh Branch: Hania Ris Collection, WHS, Box 3, Folder 2.
70. Hania Ris, "State Clings to Archaic Contraceptive Law," 73-74.
71. Gordon, 172-74.
72. Ibid.
73. "Letter from Senator Thomas E. Petri to Hania Ris," February 19, 1975, Oshkosh Branch: Hania Ris Collection, Box 3, Folder 1.
74. "Bill on Contraceptives Finally Wins Approval," *Sheboygan Press*, May 24, 1976, Oshkosh Branch: Hania Ris Collection, WHS, Box 3, Folder 8.
75. "Sex, Pot, and Winds of Change," *Capital Times*, March 24, 1972, Oshkosh Branch: Hania Ris Collection, WHS, Box 3, Folder 8.
76. Helen Matheson, "Outstanding Area Women Honored," *Wisconsin State Journal*, February 8, 1976, Oshkosh Branch: Hania Ris Collection, WHS, Box 3, Folder 7.
77. "Letter from Senator Fred Risser to Hania Ris," May 12, 1976, WHS, Box 1, Folder 3.
78. James Doyle, "Hania Ris Recognition Party 1984," *Hania Ris Collection*, compact disc.
79. "Letter from Steve Watson to Hania Ris," May 3, 1977, WHS, Box 1, Folder 3.
80. "Recommendation Letter from Margaret Miller to Carmen Votaw," August 11, 1977, WHS, Box 1, Folder 6.
81. Hania Ris, "Hania Ris Recognition Party 1984," *Hania Ris Collection*, compact disc.

## ***Bibliography***

Gordon, Linda. *The Moral Property of Women: A History of Birth Control Politics in America*. 3rd ed. Urbana: University of Illinois Press, 2002.

Roberts, Joan I. *Beyond Intellectual Sexism: A New Woman, a New Reality*. New York: D. McKay Company, 1976.

Tone, Andrea. *Devices and Desires: A History of Contraceptives in America*. New York: Hill and Wang, 2001.



# **Migrant Tejano Laborers in Wisconsin between 1950 and 1970: Effects of an Exclusionary New Deal**

**Sarah J. Scott**, author

Dr. Ana Maria Kapelusz-Poppi, History Department, faculty adviser

Sarah Scott came to UW Oshkosh as an undergraduate in 2006. Her major is history and she has focused her studies on Latin American and Chicano history. She took the courses Latin America until 1825, Revolutions in Latin America, and History of Mexico with Professor Kapelusz-Poppi. Sarah chose "Migrant Workers in Wisconsin between 1950 and 1970" as her topic of research for the seminar Latin America and the World in fall 2011. She was inducted into the Kappa Eta Chapter of Phi Alpha Theta in spring 2012.

Dr. Ana Maria Kapelusz-Poppi is an associate professor in the History Department of UW Oshkosh. She got her degree in history from the University of Buenos Aires. She has a master's in political science and a doctorate in history from the University of Illinois at Chicago. Her topics of interest are intellectual history and health history in Mexico. She is currently researching the history of infectious diseases in early twentieth-century Argentina.

## ***Abstract***

The Great Depression was a tumultuous period in American history that ushered in an era of tremendous social change in the form of the New Deal. Policies of the era, such as the Wagner Act, formally recognized laborers' rights to organize. Consequently, laborers in the industrial and manufacturing sectors engaged in collective bargaining with the support of the government and strong unions. Their efforts improved working conditions and wages and most laborers began to make up a flourishing middle class in America. However, the Wagner Act did not extend these protections to agricultural workers, who sank further into poverty.

This essay focuses on the life and working conditions of migrant Hispanic agricultural workers in Wisconsin between 1950 and 1970. In particular, the paper examines the dangers that these migrants faced while traveling to and from Wisconsin, the inadequate housing the employers provided for them, and the poor wages they received for their labor. This research also includes an examination of the children of migrant workers, child labor, and the lack of education available to them. Based on this analysis, I argue that agricultural laborers' exemption from the Wagner Act resulted in deplorable conditions for migrant agricultural workers in Wisconsin, who were trapped in a cycle of poverty and ethnic discrimination.

## ***Introduction***

At the onset of the Great Depression, wages earned by industrial, manufacturing, and agricultural laborers were comparable, with agricultural laborers earning as much as 70 percent of wages earned by other laborers. However, after the Great Depression and the implementation of New Deal programs, agricultural laborers were earning less than 40 percent of that earned by their counterparts in the industrial and manufacturing sectors.<sup>1</sup> This clearly identifies the Great Depression as a divergence point whereby the standard of living for agricultural laborers experienced a stark decline in comparison with laborers in other sectors. Dennis Valdés, a professor of history and Chicano studies, explains that the New Deal era represented a distinct but fleeting moment in

history when laborers in each of these sectors could have been united and all could have benefited from organized union representation. He explains that at the time the “segments of the working class had much in common, diverse ethnic backgrounds, militancy, the security of relatively stable residence, and common urban work experiences.”<sup>2</sup> These shared characteristics were conducive to creating unity amongst all laborers.

Supporters of New Deal programs needed congressional support to pass the legislation that recognized the laborers’ rights to organize. The Wagner Act was not written with the intent of excluding agricultural laborers. But in order for it to become law, it needed the support of the powerful and united southern Democrats who represented the interests of the most powerful factions of the agricultural sector. These representatives were willing to support the Wagner Act for the industrial sector, but not at the expense of agricultural interests and certainly not at the expense of upsetting the status quo in regards to race relations in the south. It was the pressure of southern Democrats in Congress that resulted in the exclusion of agricultural laborers from the Wagner Act.<sup>3</sup>

As a result of a shift in the makeup of agricultural laborers, the agricultural sector was permanently separated from other sectors and any chance of uniting them was lost. Without the support of Congress and lacking an alliance with the strong industrial unions, future attempts at organizing to promote the betterment of agricultural laborers proved futile.<sup>4</sup> And given the deterioration of working conditions, many of the rural laborers sought better paying urban jobs. To fill this labor void, growers in the Midwest began recruiting unorganized migrant laborers whose conditions at home were so poor that they were more inclined to tolerate insufferable conditions and meager wages.<sup>5</sup>

Migrant workers in Wisconsin suffered such wretched conditions that newspapers of this period provide numerous examples of these workers being referred to as slave laborers. In 1964, a leader of a Catholic group involved in political disputes regarding the use of migrant labor was quoted as saying that “growers are determined to continue to demand and get the equivalent of slave labor.”<sup>6</sup> During a 1967 visit to Wisconsin to assist in the migrant labor movement, Cesar Chávez, leader of the farm labor movement in California, exclaimed that perhaps it would be better for the country to get out of agribusiness “if agriculture is so sick that they have to depend on slave labor.”<sup>7</sup> In August 1971, Salvador Sánchez, an organizer in the Wisconsin migrant labor movement, led a group of marchers from Milwaukee to Madison to bring attention to the poor wages and living conditions that these families suffered. Sánchez argued that the government was refusing to enforce the laws put in place to protect the workers, and thus he asserted that “the State has not done away with this slavery.”<sup>8</sup> These references to slavery are hard to justify when compared with the chattel slavery system well known in the Americas. Nonetheless, the fact that these leaders chose to use the word *slavery* to describe these workers illustrates how poor their conditions were.

The discourse that follows illustrates the conditions of Wisconsin’s migrant workers during the mid-twentieth century. The deplorable conditions that they endured were the direct result of the exclusionary policies of the New Deal. Denied the right to organize, agricultural laborers were at the mercy of the growers and the food processing corporations.

In addition, it is impossible to examine the plight of these workers and not recognize that their ethnicity played a major role in the mistreatment they suffered. Government reports from 1950, 1962, 1964, and 1968 each identify 75 percent or more of the migrant workers in the state not as immigrants, but rather as U.S. citizens from Texas who were of Mexican descent. They were sometimes referred to as Texas Mexicans and are hereafter referred to as “tejanos.”<sup>9</sup> The ethnic implications make this

research more significant given the lack of research about Wisconsin's Hispanic history and heritage. With an ever-increasing Hispanic population in the state, it is important to recognize their place in the state's history and the challenges they have faced.<sup>10</sup>

### ***The Truquero System and the Dangers of Migration***

The hardships the tejano migrant workers endured began the moment they left Texas. In the 1950s and for decades to follow, the primary system used to hire migrant workers was known as the "Truquero System." The truquero was the crew leader, but *truquero* is also the Spanish word for an owner or operator of a truck.<sup>11</sup> Under this system, the workers registered with employment agencies in Texas. Growers registered through the Wisconsin State Employment Agency and contracted a truquero through a sister agency in Texas. The workers were entirely dependent upon the truquero. He was responsible for transporting and overseeing the migrant workers during their employment in Wisconsin. How the truqueros were paid may have varied, but typically each worker would pay the truquero a flat fee of a few dollars for their service in addition to transportation costs, estimated between \$9 and \$15 with reduced rates for children. Upon arrival the truquero could also be paid by the grower through a commission and various fees that came out of the workers' wages. If workers could not afford these initial costs, it was often paid by the agency as credit, and the workers would have to use their initial earnings after they had begun work to repay the debt.<sup>12</sup>

The amount the truquero was paid depended on the number of workers he was able to recruit. Often, this system led to many abuses by the truqueros including the endangerment of the workers. Because the commissions and fees were based on the number of workers, the truquero tended to cram as many workers and their families into his truck as possible. Herded into trucks like cattle, these workers then traveled approximately a thousand miles.<sup>13</sup> As if being packed into these trucks with little room to move was not uncomfortable enough, the truquero rarely made stops en route. Stopping would have put his income at risk if any of the workers decided to leave.<sup>14</sup>

Discomfort was the least of the problems faced by migrant workers while traveling across the United States, as shown in several newspaper accounts. On June 6, 1957, a truck carrying 41 workers near Fayetteville, North Carolina, was involved in a crash with a semitruck. The workers, huddled on a flatbed trailer, had little protection; a photograph that accompanied the article showed bodies strewn about the roadway. Twenty-one people died in the accident, including the driver of the truck hauling the migrant workers. A follow-up story reported that the truck was in poor condition and that the vehicle was overloaded by approximately 2,500 pounds. Survivors said that the driver continuously traveled at high speeds and did not slow down for the intersection in which the accident took place. But accident investigators were unable to determine whether there was a mechanical malfunction or if the accident was caused simply by the driver's dangerous operation of the vehicle.<sup>15</sup> Less than a week after the aforementioned incident, a truck transporting 18 migrant workers, including women and children, collided with a train near Vroman, Colorado. Twelve died in the Colorado accident, including the driver of the truck. Jack Lee, who witnessed the result of the collision, reported that "bodies, arms, legs and heads were strewn for a distance of 380 feet along the railroad right-of-way."<sup>16</sup>

Accidents like these, as well as the general traveling conditions, likely prompted the regulations put in place by the Interstate Commerce Commission in 1956. The regulations required that drivers be capable, that vehicles meet minimum safety standards, and also required periodic stops for meals and basic needs.<sup>17</sup> However, in the absence of proper enforcement, workers enjoyed little protection and examples of accidents like the ones previously mentioned are still found after regulations were put

in place. In fact, only two years later, 15 migrant workers in Phoenix, Arizona, died after the truck they were being transported in hit a tree and became engulfed in flames. The impact was not what killed these workers; rather, it was the subsequent fire that quickly took over the vehicle that resulted in their deaths. The workers became trapped when a water tank, which was also being carried in the enclosed truck bed, dislodged and blocked their only exit. Eventually some were able to get out, but for many it was already too late.<sup>18</sup> A related story in the same newspaper blamed regulations for the workers' deaths. The report asserted that regulations requiring that the transport vehicles offer shelter from the elements led to the use of converted bus trucks instead of the traditionally used flatbed trucks and that, in this case, the enclosure resulted in the workers being burned alive.<sup>19</sup> The fact that these workers were willing to face the inherent dangers and discomforts of being crammed into trucks with dozens of other workers for such a long trip is telling of their economic hardship. Only someone with very little choice would be willing to subject himself and his family to such conditions.

In most cases, however, the workers arrived at their destinations physically unscathed, but they continued to be at the whim of their *truquero*. They had very little power over their own labor and could not choose where to work, the type of job they were to perform, or seek out higher wages. They also could not seek out employers with better housing arrangements. In an effort to bypass their dependency on the *truquero*, some workers tried to acquire their own vehicles and work directly with agricultural employers.

Many workers, however, were hesitant to go this route, primarily because the *truquero*, with all his faults, spoke Spanish. In dealing directly with the employer, laborers faced a significant language barrier.<sup>20</sup> In addition, a study in a 1950 report to the governor regarding the education levels and literacy rates of adult migrant workers suggests that many of these workers were highly uneducated and, therefore, were more easily taken advantage of than one might assume. The study showed that approximately 42 percent of the 184 workers included in the study had received no education at all, and only 14 percent of them had completed more than four years of schooling.<sup>21</sup> Keeping this in mind, it is easy to see how the worker might have felt the need to put his trust in a *truquero* to ensure that he found work, shelter, and food for his family, rather than simply striking out on his own.

### ***Working Conditions and Payment for Labor***

Over-recruitment, which benefitted growers, was a perpetual problem. Given that there were many workers and only so much work to go around, the principles of supply and demand kept wages at a minimum. Employers defended over-recruitment on the basis that their world was one of uncertainty. Essentially, they could never be absolutely sure how much local labor they would be able to obtain, how many of the workers recruited from out of state would actually arrive for the season, and, most of all, how successful the crop season would be.<sup>22</sup> Officials' hands seemed tied given that under-recruitment and an inability to properly harvest crops could have had devastating results for the employers as well as for the state's economy.<sup>23</sup>

Indubitably, some of the employers' arguments were valid. But over-recruitment had devastating effects and thus one can argue that a greater effort should have been made to provide better estimates of need. After traveling such great distances, families arrived hungry and with little (if any) cash. Very likely, they were already in debt to their employment agency or *truquero*. And with limited job skills, migrant workers were forced to accept the first source of employment offered, regardless of wages, work, or living conditions.<sup>24</sup>

Perhaps the single most important variable in migrant workers' lives was the work they did and the wages they received as a result of their labor. The work itself was primarily what was called "stoop labor," which means the migrant families spent their day, from dusk until dawn, assuming they were blessed with good weather, slouched over in the fields, hand-picking crops.<sup>25</sup> The work performed by these migrant laborers was physically taxing and the hours they worked were extremely long. Conditions varied from job to job, as evidenced in the 1960 Post-Season Farm Labor Report published by the Wisconsin State Employment Service. Included in this report are three addenda that outline the job expectations and conditions for cherry pickers, pickle pickers, and pea pitchers. These official job descriptions are telling of the labor intensiveness of the work being done and the long hours these workers were expected to keep.<sup>26</sup>

Cherry pickers were required to use heavy ladders to pick rows of cherry trees from the top down. They were paid a piece rate, and part of the pay per pail of cherries was held until the four-to-five-week season had ended. This practice was to ensure that the workers stayed until the work was done. According to the *1960 Post-Season Report*, they were required to work at least eight hours a day, Monday through Saturday. The pickle picker was also required to work at least eight hours per day but without Sundays off, and their designated fields had to be completely picked every few days. Thus they were required to work however many hours were necessary per day to meet this expectation. The job detail mentions that the employers of pickle pickers preferred to hire families and explains that "the workers must be able to stoop, bend, and crawl along rows for extended periods of time."<sup>27</sup> The workers were also paid at a piece rate, generally 50 percent of what the grower received for the cucumbers from the processing plant. They were provided with housing but were required to arrange for their own meals.<sup>28</sup> Pea pitchers worked in the fields pitching pea vines from the ground to the machines that separated the peas. The work was described as being fast-paced and the workers were expected to work every day of the week, typically from five in the morning until as late as eleven thirty at night. Workers were paid per hour, with meals provided by the employer and the cost being taken out of their wages.<sup>29</sup>

In 1967, Jesús Salas led a march from Wautoma to Madison to bring light to the suffering of migrant workers. He provided insight into the demeaning nature of the work and its dangers. He explained that the work in the fields, whether by hand or with the use of rudimentary tools, was "punishing both mentally and physically" and offered "no protection from dangerous herbicides and pesticides used on crops."<sup>30</sup> Salvador Sánchez, who participated in the 1967 march and led a similar march from Milwaukee to Madison in 1971, explained that the "animals in the stable would have better conditions than the humans in the fields."<sup>31</sup> However, the workers had little choice because the harvest season was only so long and they needed to earn as much as possible as quickly as possible.

The actual payment the workers received for their labors is difficult to determine. During this period, minimum wage laws and regulations only covered women and minors and varied widely between the 1950s and the 1970s.<sup>32</sup> For example, the required living wage for an agricultural worker in 1950 was \$0.38 per hour.<sup>33</sup> By 1960 this minimum wage increased to \$0.75 per hour.<sup>34</sup> However, as University of Wisconsin economics professor Elizabeth Brandeis Raushenbush pointed out, the fact that the minimum wage existed did not necessarily mean that the workers were actually being paid this wage, which was already the lowest wage of any industry in the state. She asserted that in 1962 the average daily wage for the worker was likely less than \$6.00, which was not enough to meet the \$0.75 per hour minimum.<sup>35</sup> In 1963 the minimum wage increased to \$0.85 per hour and to \$1.00 in 1964.<sup>36</sup> A new increase in



1968 set it at \$1.30.<sup>37</sup> The fact that minimum wages were raised suggests a concern for the workers, but without proper protections or means to enforce these minimums, it is unlikely that the majority of workers ever received minimum wages.

At most times during this period there also existed minimum piece rates, which allowed the employer to pay the worker based not on hours worked, but rather on the amount of produce picked. The piece rates were set specific to the item being picked—for example, for many years cherries earned the picker \$0.20 per pail.<sup>38</sup> In addition, minimum piece rates did not exist for every item. Workers were not guaranteed minimums on items for which no piece rate was officially set. Finally, it was up to the employer to choose to pay the minimum rate per hour to the women and minors as covered under the aforementioned minimum wage laws, or to pay the workers at a piece rate which the growers set themselves. The widespread confusion created by a complicated system and the various piece rates for each item kept wages low as it was difficult to properly enforce minimums that were set.

It was in the grower's best interest to pay a piece rate, particularly when a minimum did not exist. In fact, most often the piece rate was used, and if a minimum piece rate existed for this particular product, only the women and minors were covered under the minimum rates. This is an important differentiation, because if the entire family worked together in the fields, women and children included, they often filled their pails or baskets together and turned them in for their pay together. The employer could then argue that he had no way of determining what portion of the work was done by the women or the children and simply pay them as a family unit, making it nearly impossible to ensure that the women and children were being paid enough to reach the minimum rate.<sup>39</sup>

In 1964, Raushenbush carried out a field study regarding the wages paid to migrant workers picking cucumbers in Waushara County. The results of her study were included in the *1966 and 1967 Report to the Governor*, which Raushenbush wrote in her capacity as chairman of the Committee on Migratory Labor. At this point cucumbers were not covered under a specific piece rate. The study examined the earnings of 330 migrant families for a total of 1,358 workers. It showed that the workers averaged less than \$4.00 per day, \$20.00 per week, and \$117.00 per season.<sup>40</sup> In consideration of these figures, *if* the worker made \$4.00 and worked only eight hours that day, he or she made only \$0.50 per hour that day. However, an eight-hour day during the harvest season is not likely. Thus, for every hour over eight, the actual wage per hour made by the worker continued to decrease. Because workers usually worked from dusk until dawn, assuming a 12-hour day would put the wage per hour earned at \$0.33.

These figures seem to match those described by Sánchez in a 1971 interview about the march to Madison. In this interview he told the reporter that a week before, “a family of eight migrants worked 70 hours for \$19, or approximately 30 cents an hour.”<sup>41</sup> Examples like these, both from an expert's study and the family described by Sánchez, show clear evidence that the employers were ignoring minimum wage laws and effectively getting away with it. A worker explained that the pay received only afforded them enough funds to feed their families for the week. He said, “You would get enough to buy some rice and beans, and if you're lucky a pound of meat for the week.”<sup>42</sup> Trapped in a cycle of poverty, families earned only enough to sustain themselves. And their inability to save money further prolonged their dependence on *truqueros* and growers.

In addition to salaries that could hardly be described as living wages, other factors such as weather and poor crop growth could decimate the workers' earnings. The workers had to be present to work, but just being there did not entitle them to be paid.

If bad weather prevented them from being in the fields, they went without pay. If the employer requested them to arrive before the crops were ready to be picked, they remained without pay. This was also the case when the crops failed.<sup>43</sup> An incident reported in the *Monroe Evening Times* in 1954 illustrated the tejanos' ordeal. The article tells of a group of 23 migrant workers who had been working in cucumber fields in Outagamie County. As a result of a bad growing season, the workers' employer had not paid them. After learning of their plight, the sheriff sent a bus to collect the workers and offered them shelter in the county jail in Appleton. Hungry and with nowhere to go, these honest men had no other choice but to spend the night in prison.<sup>44</sup>

### ***Child Labor and Education***

Raushenbush explains that the stoop-labor nature of the work actually became an argument in defense of the use of child labor. The migrant children often accompanied their families in the fields and desperate circumstances forced the migrant families to accept the assistance of their children. Their small size and proximity to the ground made the work less physically straining on the children.<sup>45</sup> Unfortunately, agricultural work was not included in various child labor laws that existed during this period. The only legislation that restricted child labor in agriculture was related to mandatory schooling for children under the age of 16. These regulations stated that during the school year a child could not be working during school hours. But keeping the children from working in the fields during school hours proved difficult to enforce. Adults working in the fields needed to bring their children with them to watch over them. If by chance anyone with the authority to enforce such regulations, such as truancy officers, happened by, the employer or the workers themselves could easily claim that the children were only playing and not working, making enforcement nearly impossible.<sup>46</sup>

In addition, the authorities would have had no way of determining the true age of a child found working in a field, and laws at the time did not require work permits for children working in agriculture. Even if they were able to somehow determine the age, the employer was protected by regulation: as long as the employer did not knowingly hire a child and as long as he explained the rules regarding child labor to the family, he could not be held accountable for any infractions.<sup>47</sup> A lack of strict regulation in regards to child labor in agriculture likely stemmed from a desire to prevent regulations from interfering with the running of a family farm. Lack of regulation is understandable when viewed in this light. However, the work being done by the children of migrant families *required* strict regulation to prevent the exploitation of children—this fact was known and apparently ignored. Raushenbush pointed out the backwardness of the lack of regulation of migrant child labor and stated that the then-current protections were more “like the original child labor law of 1877 than like the mature body of child labor regulations which apply to other occupations.”<sup>48</sup> The fact that children were allowed to be exploited in this way in such modern times is deplorable. Furthermore, the complacency necessary to allow these children to spend their days toiling in the fields rather than playing or sitting at desks in classrooms like their white counterparts furthers the argument that these families, and not necessarily just the hired workers, were viewed and treated as second-class citizens.

Many government reports indicated deep concern for migrant children and their lack of education. However, finding a solution met nearly insurmountable difficulties. Migration was entirely dependent upon the growing seasons. Families began moving north before the school year at home would end, and they usually returned home only after the school year had started again. A newspaper article from 1949 described the problem and stated that “if the child goes to school at all, he’ll attend five or six different schools in a year. He’ll spend two to six weeks in one school, then have



to transfer when it comes time to move on to the next harvest center.”<sup>49</sup> The article explained that after a few years of this type of intermittent education, the children fell farther and farther behind other pupils of their age. Many eventually stopped attending school altogether.<sup>50</sup>

With respect to children’s education, the employers may not have been as negligent as in other areas, like wages and housing. Raushenbush reported that some even worked hard to get the migrant children into the schools in their district. But assuming that the law did not apply to migrant children because they were not permanent residents, many districts turned these students away.<sup>51</sup> While some officers might have been ignorant of the law, others may have been attempting to avoid the difficulties inherent in teaching children who spoke little or no English. Or perhaps they believed that Wisconsin tax dollars should not be used to educate migrant children. The fact is that under state law the children *were* required to attend school in Wisconsin, whether residents or not, but again, this was nearly impossible to enforce. The aforementioned newspaper article in 1949 asserted that “states and local authorities are often lax about enforcing compulsory school attendance. Truant [sic] officers rarely visit migratory workers camps.”<sup>52</sup> Families were continually on the move and those in charge of enforcing mandatory schooling laws had no idea where these children were or who they were and if they did they had no way of knowing their ages.<sup>53</sup> As a result, if the family, the employer, or the school districts did not know or did not care, migrant children easily slipped through the cracks and went without, or with very intermittent, education.

In 1950 the *Governor’s Commission on Human Rights* acknowledged that the traditional school year with a summer break was a problem for children who spent most of their time moving back and forth. Even if they had been forced to attend class when they arrived in the state, they would have only been present for a few weeks to a few months of the school year, and then again after the long summer break at the start of the next year. Moreover, tejano students were likely to switch schools multiple times during a school year. Migrant students, the report stated, needed a school program tailored to their needs.<sup>54</sup>

There is some evidence that various regions made valiant attempts to deal with the issue of education for migrant children. In 1950 a summer school program began in Waupun and continued for a few years until the demand declined. A law passed in 1961 that provided federal funds for public school summer sessions resulted in sessions being created for migrant children in Manitowoc (1960–1961) and in Lake Mills (1962). The Lake Mills summer school was so well received that local families began to send their children as well, and it became the first summer school program to service both migrant children and local children.<sup>55</sup> In 1965 Congress passed an act that provided federal funds for the education of migrant children. In 1966 the Governor’s Commission reported that there was an overall increase in the number of migrant students enrolled in summer school and day-care programs throughout the state.<sup>56</sup> In 1967 there seemed to be even more improvement. The state estimated that in addition to the workers, approximately “3,500 non-working dependents” arrived in the state.<sup>57</sup> These included infants and children as well as elderly family members. Out of these, 2,054 children enrolled in some sort of summer school, which was viewed as a tremendous success and improvement over prior years.<sup>58</sup> That at least some progress was being made on this particular problem was crucial to the migrant workers, but these children were not receiving the same level of education afforded to children whose parents were not forced to live a nomadic lifestyle. For these children, nothing could trap them more in the migrant stream than being undereducated.

## ***Housing***

Another major indicator of the mistreatment and substandard conditions of the migrant workers was housing. Employers provided housing free of charge in either barracks or family units.<sup>59</sup> Many of the workers were housed in either barracks or dilapidated old farm buildings. During World War II, the War Emergency Program allowed workers to be brought from places like Mexico and Jamaica. The barracks where these workers lived in the 1940s were now reused by migrant workers. Meant to be temporary, these constructions were built quickly and shoddily and their condition worsened with time. Their walls and roofs were collapsing, windows had no screens or glass, and they lacked running water or working bathrooms. Often air circulation and lighting was poor. With little or no privacy, they were inadequate for families and overcrowding was a serious problem. With three to five families to a barracks, entire families shared one small room and slept on bunks or beds of straw.<sup>60</sup>

Laws enacted in 1951, and expanded upon in 1957 and 1961, regulated migrant camp housing. But reports in 1962 showed very little improvement in housing. The laws required that any employer who hired six or more migrant workers must adhere to the standards set forth. The regulations set standards for the amount of space required per person, adequate ventilation, running water, bathrooms, and methods of disposing garbage. Despite these regulations many of the growers ignored the regulations.<sup>61</sup> High overcrowding continued with large numbers of people crammed into deteriorated shanties. Running water, whether hot or cold, was also still a major issue.<sup>62</sup> A newspaper article in 1974 described a migrant camp composed of old railroad boxcars filled with bunk beds used as housing.<sup>63</sup> One can only imagine how it would feel to return from working in the fields all day to a cramped bunk bed in an old boxcar. The article does not mention whether this particular camp was certified or not, but a related article does outline a minimum space per person portion of the codes that applied to migrant housing. It states that for adults, migrant housing was required to provide 60 square feet of space per person and 30 square feet per child under the age of 12.<sup>64</sup> A standard boxcar that was 40 feet long and just under 10 feet wide provided approximately 400 square feet of space.<sup>65</sup> By the criteria set for minimum space, a standard boxcar should have housed a maximum of six adults sleeping on three sets of bunk beds. These figures do not coincide with the report that the boxcars were filled with bunk beds and suggest that the camp referred to was not up to code. The minimum space requirements were by no means extraordinary and the fact that growers could not or would not meet reasonable minimums is deplorable.

The regulations also authorized inspectors to certify whether migrant camps met the state's requirements. Those determined as non-compliant could be closed. Others were issued a temporary permit until the employers brought them up to code. A report to the governor in 1968 summarizes the earlier years' inspection results and provides telling figures. In 1959, of 433 registered camps inspected, only 92 were certified with the remainder given conditional permits and instructions for required improvements. In 1960, 386 registered camps were inspected. Of those, 128 were certified, two were closed, and the rest were given conditional permits. In 1961, of 351 registered camps, 269 were certified and 22 were ordered to close. According to the report, these figures from 1961 continued to be the norm for most of the decade.<sup>66</sup> However, these figures only represent camps that registered with the state, and one can only guess how many camps existed without the state's knowledge and therefore were not inspected.

While the numbers indicate that there were responsible growers who were making honest attempts at meeting the state's minimum standards, they also indicate that others found creative ways to circumvent their responsibilities. Many growers simply ignored closing orders and continued to operate their camps; subsequent attempts to penalize

these growers were often futile.<sup>67</sup> In fact, the marches led by Jesús Salas and by Salvador Sánchez cited the poor conditions of the migrant camps as one of the primary reasons for their efforts. Salas provided further descriptions of the conditions including an instance of five family members sharing one bed. He also cited a disgraceful example from Wautoma, in which used mattresses were retrieved from the Wautoma city dump and resold to growers to be used by the migrant workers in the camps.<sup>68</sup> This example in particular is telling of the low esteem in which the tejano workers were held.

Sánchez stressed that the state was simply not doing enough to ensure that regulations were enforced. He also brought to the forefront the unfortunate misuse of a state anti-trespassing law. Growers were using this law to prevent inspectors and humanitarian groups from entering the camps to either examine conditions or inform the workers of their rights.<sup>69</sup> This is only one example of growers' attempts to avoid compliance; there were others that were far more complex. One such scheme involved the grower selling the land and the camp to the workers at the beginning of the season. Inevitably, the workers would fail to meet their payments by the end of the season, and the ownership of the land would return to the grower. The scheme was repeated season after season. Because workers held temporary ownership of their residences, growers avoided complying with migrant camp laws. Another scheme involved the grower selling the property to a third party who would then rent the land to the workers for housing during the season. Since the property was being rented voluntarily and not provided by the grower, it would not fall under the codes for migrant camps.<sup>70</sup> Thus, if the grower was determined he could circumvent all of the codes, and therefore the laws, regardless of any efforts to enforce them, would fail to offer protection to the workers. Evidence suggests that as late as 1976 extremely poor conditions continued to exist whether or not they were the norm.<sup>71</sup>

The question arises as to why the migrant workers would have been willing to live in such substandard shelters. An in-depth series of articles published in the *Stevens Point Daily Journal* on September 16, 1974, provides invaluable insight relevant to this question. According to these articles, tejanos feared the loss of their jobs if they chose to complain. To make matters worse, growers shared the names of the migrants who made any kind of demands.<sup>72</sup> That the workers could be punished in this manner for simply trying to ensure a safe and habitable environment is proof that the system had placed all of the power in the hands of the growers.

What may be surprising is that migrants who were interviewed for the article also showed mixed feelings in regard to the state regulations. While there were certainly sentiments of gratitude for the improvements they had seen over the years, many stated that they were more concerned that the regulations would lead to camps being shut down. Essentially, they preferred to be able to work and simply put up with the poor housing conditions. In their minds, it was not ideal, but it was preferable to searching for other housing or work or, worst case scenario, returning to Texas without any income.<sup>73</sup> It appears that the regulations and attempts to improve the lot of migrant workers and their housing situation did actually prove to be detrimental at times. One interviewee cited a case where the camp was closed by inspectors and the workers were forced to immediately vacate the premises without any place to go. He accused the inspectors of preferring that the workers live in their vehicles.<sup>74</sup> Situations like these highlight the difficulties faced by the government in attempting to improve conditions and the impossible position of the workers themselves. First and foremost they needed to work to earn money to feed themselves and their families. Surely they wanted safe and adequate housing, but if they could not feed themselves housing would be of little concern. Therefore, when faced with a loss of their only source of income, which was a

possible result if they had stood up for themselves and demanded better conditions, one can understand why they accepted the substandard housing.

### ***Hostility and Discrimination***

Despite concerns regarding the plight of migrant workers, little effective action was taken to right the situation. This suggests that the general population thought very little of the *tejanos*. Raushenbush stated that the general thinking of both the growers and the taxpayers of Wisconsin was that in recruiting laborers from Texas they were bringing “just ‘hands’ to harvest or cultivate crops—not whole people.”<sup>75</sup> She suggested that people did not believe that Wisconsin’s money should go to care for these workers or their families, whether in housing, medical care, or education for the young, regardless of their necessity for the economy of the state.<sup>76</sup> These attitudes were reflected by Wisconsin residents’ treatment of these migrant workers. Rev. Ellis Marshburn surveyed migrant workers and reported that they suffered “mistreatment in retail stores, social rejection and general attitudes of unfriendliness” from the general public.<sup>77</sup>

A 1974 newspaper article quoted a Wisconsin resident who said, “Those migrants are down applying for food stamps when they should be working. And then they drive those expensive cars.”<sup>78</sup> According to the article, similar assertions were common in communities with large migrant populations. Even though the reader of this statement is denied the opportunity to hear the speaker’s tone and read body language, the disdain coming out of the comment is palpable. It also shows the lack of understanding that permanent residents had regarding the conditions the migrant workers endured. As the article pointed out, and as previously mentioned in this essay, these laborers were often required to report to the job well before the crops were ready to be picked. The goal was to ensure that the workers were there the second these perishable food crops were ready. But they were not paid for their presence alone, and therefore food stamps were necessary to feed their families until they began working and earning income. Also, to the citizens of Wisconsin, seeing a migrant family in a nice car apparently led them to believe that the family was well-off, which was not a justifiable inference. If a migrant worker chose to break from the *truquero* system and transport himself and his family by his own means, a reliable car was a necessity.<sup>79</sup> As has happened so often throughout history and still occurs today, a lack of understanding or a view of a people as “different” bred resentment and hate.

As late as 1970, a newspaper article indicated that migrant workers continued to suffer discrimination. The article referred to a lawsuit filed by a migrant worker who was denied her request to open a savings account at a state bank. The worker told her attorney that she was refused the account either due to her status as a migrant worker or because of her Hispanic heritage. According to the bank’s president, it was company policy to deny savings accounts to migrant workers and instead, the bank would offer to provide a money order. As the article pointed out, a money order was not an equal replacement for a savings account, and lacked protection for the worker in the form of “insurance or security against theft for the worker’s money.”<sup>80</sup> The reason behind the bank policy of refusing savings accounts to migrant workers was not given, likely because there was not a justifiable reason.

The district attorney involved in the case thought that the actions of the bank broke the law but he did not believe that he could prove it in court. Consequently, the case was dropped even though it does seem plausible that the woman’s ethnicity played a role in the bank’s decision as well as its policy against providing equal services to all. The laws did not protect against discrimination based on a person’s type of employment and ethnic discrimination would have been hard to prove.

Many of the reports by governmental committees that examined the status of migrant workers point to a program that was started in the fall of 1949 in the city of Waupun to help make the communities more open and accessible to the migrant workers and their families. Initiated in the same city where one of the earliest summer school programs for migrant children was created, it was touted as “a demonstration ground for cooperation on the state level.”<sup>81</sup> The program brought together community leaders and created a committee with a goal to improve migrant relations by the following summer. It was repeatedly described as a success that would be copied in other communities going forward. None of the reports, however, state why Waupun was chosen for such a pilot program. But newspaper articles from the summer of 1949 provide a plausible and shameful reason for the city being chosen. That summer, a park custodian banned migrant children from using the county park, including the swimming pool, the dance hall, and a food stand that was owned by the same park custodian.<sup>82</sup> The park custodian, in defense of his actions, proclaimed that he made the decision to ban the children because “white parents don’t want their children to play with Mexicans.” He also claimed that the children were “ruining his pop stand business.”<sup>83</sup> The incident sparked so much controversy that its newspaper coverage caught the attention of the Mexican government. Startled by the implications of deeply seeded discrimination against Mexicans as a result of this incident of segregation, Mexican officials ordered an investigation to analyze the anti-Mexican sentiment in Wisconsin.<sup>84</sup> While one would hope that this was an isolated incident, it suggests that an underlying hostility toward the migrant families existed and was based on their ethnicity.

## ***Conclusion***

Perhaps the hostility and disdain for the *tejanos* provides an explanation for why so little was accomplished to improve the conditions they suffered. No doubt it is an incredibly shameful reason, but so were the conditions these workers were expected to accept. Salas stated that even the movements led by the workers and former migrant workers like himself and Sánchez resulted in few tangible benefits. However, he also stated that through these marches and demonstrations the workers “won the affirmation of their dignity.”<sup>85</sup>

Simply put, the *tejano* migrant workers were denied the freedom to choose their own employment and to seek opportunity. They were denied fair wages as protected by law and thus the opportunity to improve their lives and that of their families. Their children were denied an education that was lawfully owed to them and thus they also lost all hope of exiting the migrant stream. They were denied housing and living conditions that were expected for any other segment of the population. They worked hard, long hours and bolstered the economy of the state. They made it possible for the entire country to enjoy affordable food, at their own expense. For this, they suffered discrimination in their communities because of their language difference, their skin color, and their often misunderstood mobile lifestyle. They were treated as subhuman and inferior.

If agricultural laborers had not been excluded from the provisions of the Wagner Act, the agricultural sector may have experienced the same gains as other sectors of the economy. Throughout the following decades after its passage, organized labor efforts would have created a strong power base to avoid the severe decline of these laborers’ standard of living. And if the changes in the makeup of the agricultural laborers had occurred gradually, the story of the *tejanos* may have been quite different. While the New Deal era may have been uplifting for a great number of people and worthy of the glory it is ascribed, it is also forever stained by the failure to apply these social programs equally.



## Acknowledgements

I would like to thank Professor Jeffrey Pickron for his time and invaluable advice. In addition, I owe much thanks to Dr. Ana Maria Kapelus-ZPoppi for her guidance and encouragement.

## Notes

1. Lee J. Alston and T.J. Hatton, "The Earnings Gap between Agricultural and Manufacturing Laborers, 1925–1941," *Journal of Economic History* 51, no. 1 (March 1991): 83–99, accessed April 16, 2012, <http://www.jstor.org/stable/2123052>.
2. Dennis N. Valdés, *Al Norte: Agricultural Workers in the Great Lakes Region, 1917-1970* (Austin: University of Texas Press, 1991), 50.
3. John Bruggemann, "Racial Considerations and Social Policy in the 1930s: Economic Change and Political Opportunities," *Social Science History* 26, no. 1 (Spring 2002): 139–77, accessed April 16, 2012, <http://muse.jhu.edu/>.
4. Valdés, 50.
5. Ibid., 87.
6. "Cleric Raps Foreign Migrant Work Program," *Oshkosh Daily Northwestern*, November 18, 1964, 29, Access Newspaper Archive, accessed October 25, 2011, <http://access.newspaperarchive.com>.
7. Dave Giffey, "Social Injustice Greater Threat Than Mechanization," *Appleton Post Crescent*, April 30, 1967, B3, Access Newspaper Archive, accessed October 3, 2011, <http://access.newspaperarchive.com>.
8. Mike Miller, "Migrants Call for Law's Help," *Capital Times*, August 23, 1971, 19, accessed October 3, 2011, <http://access.newspaperarchive.com>.
9. Wisconsin Governor's Commission on Human Rights, *Migratory Agricultural Workers in Wisconsin: A Problem in Human Rights* (Madison: Governor's Commission on Human Rights, 1950), 7; Elizabeth B. Raushenbush, *The Migrant Labor Problem in Wisconsin: An Essay* (Madison: Governor's Commission on Human Rights, 1962), 11–12; Governor's Commission on Human Rights, *Report to the Governor, 1964* (Madison: Governor's Commission on Human Rights, 1964), 1; Wisconsin Governor's Commission on Migratory Labor, *Report for 1966 and 1967 with a Summary of Earlier Developments, by Elizabeth Brandeis Raushenbush* (Madison: Madison, Equal Rights Division, Dept. of Industry, Labor and Human Relations, 1968), 5.
10. Wisconsin Historical Society, accessed November 6, 2011, <http://www.wisconsinhistory.org/turningpoints/search.asp?id=1313>.
11. "Truquero," Spanish Dict., accessed November 26, 2011, <http://www.spanishdict.com/translate/truquero>.
12. Valdés, 55.
13. Wisconsin Governor's Commission on Human Rights, *Migratory Agricultural Workers in Wisconsin: A Problem in Human Rights*, 22.
14. Ibid.
15. "Migrant Truck Driver Blamed in Fatal Crash," *Gastonia Gazette*, July 27, 1957, 16, accessed November 11, 2011, <http://access.newspaperarchive.com>.
16. "Migrant Truck Hit by Train," *News-Palladium*, June 11, 1957, 1, accessed November 11, 2011, <http://access.newspaperarchive.com>.
17. Elizabeth B. Raushenbush, *The Migrant Labor Problem in Wisconsin: An Essay*, 24–25.
18. Gene McLain, "32 Hurt as Truck Hits Tree," *Arizona Republic*, June 9, 1959, 1–2, accessed November 11, 2011, <http://access.newspaperarchive.com>.
19. "Enclosed Trucks Result of Treaty," *Arizona Republic*, June 9, 1959, 9, accessed November 11, 2011, <http://access.newspaperarchive.com>.
20. Wisconsin Governor's Commission on Human Rights, *Migratory Agricultural Workers in Wisconsin: A Problem in Human Rights*, 22.
21. Ibid., 25.
22. Ibid., 19–20.
23. Ibid., 20.

24. Ibid., 21.
25. Elizabeth B. Raushenbush, *The Migrant Labor Problem in Wisconsin: An Essay*, 17.
26. Wisconsin State Employment Service, *Post Season Farm Labor Report 1960* (Madison: Wisconsin State Employment Service, a Division of the Dept. of Industry, Labor and Human Relations, 1960), 30, accessed November 25, 2011, <http://www.wisconsinhistory.org/turningpoints/search.asp?id=1344>.
27. Ibid., 33.
28. Ibid.
29. Ibid., 30.
30. Jesús Salas and David Giffey, *Struggle for Justice: The Migrant Farm Worker Labor Movement in Wisconsin* (Madison: Wisconsin Labor History Society, 1998), 12.
31. Ibid., 13.
32. Dept. of Workforce Development, Equal Rights Division, Labor Standards Bureau, *Historical Resume of Minimum Wage Regulations in Wisconsin* (Madison: Dept. of Workforce Development, Equal Rights Division, Labor Standards Bureau, 2006), accessed October 15, 2011, <http://www.wistatedocuments.org/cdm/singleitem/collection/p267601coll4/id/300/rec/1>.
33. Wisconsin Governor's Commission on Human Rights, *Migratory Agricultural Workers in Wisconsin: A Problem in Human Rights*, 40.
34. Elizabeth B. Raushenbush, *The Migrant Labor Problem in Wisconsin: An Essay*, 29.
35. Ibid., 15–16.
36. Wisconsin Governor's Commission on Migratory Labor, *Report for 1966 and 1967 with a Summary of Earlier Developments*, by Elizabeth Brandeis Raushenbush, 12. Wages for children under 16 were approximately \$0.25 lower than the wage paid to women and minors over the age of 16.
37. Ibid., 38–39.
38. Elizabeth B. Raushenbush, *The Migrant Labor Problem in Wisconsin: An Essay*, 15–16.
39. Ibid., 29.
40. Wisconsin Governor's Commission on Migratory Labor, *Report for 1966 and 1967 with a Summary of Earlier Developments*, by Elizabeth Brandeis Raushenbush, 7–8.
41. Mike Miller, "Migrants Call for Law's Help," *Capital Times*, August 23, 1971, 19, accessed October 3, 2011, <http://access.newspaperarchive.com>.
42. Jesús Salas and David Giffey, *Struggle for Justice: The Migrant Farm Worker Labor Movement in Wisconsin*, 13.
43. Wisconsin Governor's Commission on Human Rights, *Migratory Agricultural Workers in Wisconsin: A Problem in Human Rights*, 20.
44. "Migrant Group Unpaid, Taking Refuge in Jail," *Monroe Evening Times*, September 2, 1954, 8, Access Newspaper Archive, accessed October 25, 2011, <http://access.newspaperarchive.com>.
45. Elizabeth B. Raushenbush, *The Migrant Labor Problem in Wisconsin: An Essay*, 17.
46. Wisconsin Governor's Commission on Human Rights, *Migratory Agricultural Workers in Wisconsin: A Problem in Human Rights*, 27–29.
47. Elizabeth B. Raushenbush, *The Migrant Labor Problem in Wisconsin: An Essay*, 31.
48. Ibid.
49. Richard Kleiner, "Education on the Run New U.S. Pattern," *Manitowoc Herald Times*, May 3, 1949, 7, Access Newspaper Archive, accessed October 25, 2011, <http://access.newspaperarchive.com>.
50. Ibid.
51. Elizabeth B. Raushenbush, *The Migrant Labor Problem in Wisconsin: An Essay*, 32–33.
52. Kleiner, 7.
53. Wisconsin Governor's Commission on Human Rights, *Migratory Agricultural Workers in Wisconsin: A Problem in Human Rights*, 27–28.
54. Ibid., 28–29.
55. Wisconsin Governor's Commission on Migratory Labor, *Report for 1966 and 1967 with a Summary of Earlier Developments*, by Elizabeth Brandeis Raushenbush, 14–15.
56. Ibid., 27.
57. Ibid., 41.



58. Ibid., 40–41.
59. Wisconsin State Employment Service, 28.
60. Wisconsin Governor's Commission on Human Rights, *Migratory Agricultural Workers in Wisconsin: A Problem in Human Rights*, 31–32.
61. Elizabeth B. Raushenbush, *The Migrant Labor Problem in Wisconsin: An Essay*, 34.
62. Ibid., 34–35.
63. "Migrants' Opinions Divided on Housing, Work Conditions," *Stevens Point Daily Journal*, September 16, 1974, 14, accessed October 13, 2011, <http://access.newspaperarchive.com>.
64. "According to the Code," *Stevens Point Daily Journal*, September 16, 1974, 14, accessed October 13, 2011, <http://access.newspaperarchive.com>.
65. Adam Burns, "Railroad Boxcars, Good to Haul about Anything," American-Rails.com, accessed November 27, 2011, <http://www.american-rails.com/boxcars.html>.
66. Wisconsin Governor's Commission on Migratory Labor, *Report for 1966 and 1967 with a Summary of Earlier Developments*, by Elizabeth Brandeis Raushenbush, 10–11.
67. Ibid.
68. Jesús Salas and David Giffey, *Struggle for Justice: The Migrant Farm Worker Labor Movement in Wisconsin*, 13.
69. Miller, 19.
70. "State Employees Are Part of Migrant Scene," *Stevens Point Daily Journal*, September 16, 1974, 15, accessed October 13, 2011, <http://access.newspaperarchive.com>.
71. "Tell Farmer to Shut Down Migrant Camp," *Herald Times Reporter*, August 5, 1976, 9, accessed October 3, 2011, <http://access.newspaperarchive.com>.
72. "Migrants' Opinions Divided on Housing, Work Conditions," *Stevens Point Daily Journal*, September 16, 1974, 14, accessed October 13, 2011, <http://access.newspaperarchive.com>.
73. Ibid.
74. Ibid.
75. Elizabeth B. Raushenbush, *The Migrant Labor Problem in Wisconsin: An Essay*, 38.
76. Ibid.
77. Wisconsin Governor's Commission on Human Rights, *Migratory Agricultural Workers in Wisconsin: A Problem in Human Rights*, 36.
78. "Of Food Stamps and Cars. . . .," *Stevens Point Daily Journal*, September 16, 1974, 14, Access Newspaper Archive, accessed October 13, 2011, <http://access.newspaperarchive.com>.
79. Ibid.
80. Patricia Simms, "Migrant Bias Case Dropped by County," *Wisconsin State Journal*, July 4, 1970, Access Newspaper Archive, accessed October 25, 2011, <http://access.newspaperarchive.com>.
81. Wisconsin Governor's Commission on Migratory Labor, *Report for 1966 and 1967 with a Summary of Earlier Developments*, by Elizabeth Brandeis Raushenbush, 12.
82. "Fond du Lac Officials Set to Meet Segregation Battle," *Waukesha Daily Freeman*, July 23, 1949, 3, Access Newspaper Archive, accessed October 25, 2011, <http://access.newspaperarchive.com>.
83. "Mexicans, County Officials Move into Waupun Dispute," *Wisconsin State Journal*, July 26, 1949, 7, Access Newspaper Archive, accessed October 25, 2011, <http://access.newspaperarchive.com>.
84. "Mexico Investigates Bias in Wisconsin," *Wisconsin State Journal*, July 25, 1949, 1, Access Newspaper Archive, accessed October 25, 2011, <http://access.newspaperarchive.com>.
85. Jesús Salas and David Giffey, *Struggle for Justice: The Migrant Farm Worker Labor Movement in Wisconsin*, 15.

## Bibliography

- Alston, Lee J. and T.J. Hatton. "The Earnings Gap between Agricultural and Manufacturing Laborers, 1925–1941." *Journal of Economic History* 51, no. 1 (March 1991): 83–99. Accessed April 16, 2012. <http://www.jstor.org/stable/2123052>.

- Arizona Republic*. "Enclosed Trucks Result of Treaty." June 9, 1959, 9. Accessed November 11, 2011. <http://access.newspaperarchive.com>.
- Barton, Rebecca C. *Statement of Mrs. Rebecca Barton, Director, Wisconsin Governor's Commission on Human Rights, to the Senate Subcommittee on Migratory Labor; U.S. Senate Committee on Labor and Public Welfare*. Madison: Wisconsin Governor's Commission on Human Rights, 1954.
- Bruggemann, John. "Racial Considerations and Social Policy in the 1930s: Economic Change and Political Opportunities." *Social Science History* 26, no. 1 (Spring 2002): 139–77. Accessed April 16, 2012. <http://muse.jhu.edu/>.
- Burns, Adam. "Railroad Boxcars, Good to Haul about Anything." *American-Rails.com*. Accessed November 27, 2011. <http://www.american-rails.com/boxcars.html>.
- Dept. of Workforce Development, Equal Rights Division, Labor Standards Bureau. *Historical Resume of Minimum Wage Regulations in Wisconsin*. Madison: Dept. of Workforce Development, Equal Rights Division, Labor Standards Bureau, 2006. Accessed October 15, 2011. <http://www.wistatedocuments.org/cdm/singleitem/collection/p267601coll4/id/300/rec/1>.
- Flores, Ness. *Report on Migratory Labor in Wisconsin*. Madison: Governor's Commission on Migratory Labor, 1977.
- Gastonia Gazette*. "Migrant Truck Driver Blamed in Fatal Crash." July 27, 1957, 16. Accessed November 11, 2011. <http://access.newspaperarchive.com>.
- Giffey, Dave. "Social Injustice Greater Threat Than Mechanization." *Appleton Post Crescent*, April 30, 1967, B3. Access Newspaper Archive. Accessed October 3, 2011. <http://access.newspaperarchive.com>.
- Governor's Commission on Human Rights. *Report to the Governor, 1964*. Madison: Governor's Commission on Human Rights, 1964.
- Governor's Commission on Migratory Labor. *Report to the Governor, 1971*. Madison: Governor's Commission on Migratory Labor, 1971.
- Herald Times Reporter*. "Tell Farmer to Shut Down Migrant Camp." August 5, 1976, 9. Accessed October 3, 2011. <http://access.newspaperarchive.com>.
- Kleiner, Richard. "Education on the Run New U.S. Pattern." *Manitowoc Herald Times*, May 3, 1949, 7. Access Newspaper Archive. Accessed October 25, 2011. <http://access.newspaperarchive.com>.
- McLain, Gene. "32 Hurt as Truck Hits Tree." *Arizona Republic*, June 9, 1959, 1. Accessed November 11, 2011. <http://access.newspaperarchive.com>.
- Miller, Mike. "Migrants Call for Law's Help." *Capital Times*, August 23, 1971, 19. Accessed October 3, 2011. <http://access.newspaperarchive.com>.
- Monroe Evening Times*. "Migrant Group Unpaid, Taking Refuge in Jail." September 2, 1954, 8. Access Newspaper Archive. Accessed October 25, 2011. <http://access.newspaperarchive.com>.
- News-Palladium*. "Migrant Truck Hit by Train." June 11, 1957, 1. Accessed November 11, 2011. <http://access.newspaperarchive.com>.

- Oshkosh Daily Northwestern*. "Cleric Raps Foreign Migrant Work Program." November 18, 1964, 29. Access Newspaper Archive. Accessed October 25, 2011. <http://access.newspaperarchive.com>.
- Rauschenbush, Elizabeth B. *The Migrant Labor Problem in Wisconsin: An Essay*. Madison: Governor's Commission on Human Rights, 1962.
- Salas, Jesús and David Giffey. *Struggle for Justice: The Migrant Farm Worker Labor Movement in Wisconsin*. Madison: Wisconsin Labor History Society, 1998.
- Simms, Patricia. "Migrant Bias Case Dropped by County." *Wisconsin State Journal*, July 4, 1970. Access Newspaper Archive. Accessed October 25, 2011. <http://access.newspaperarchive.com>.
- Stevens Point Daily Journal*. "According to the Code." September 16, 1974, 14. Accessed October 13, 2011. <http://access.newspaperarchive.com>.
- . "Migrants' Opinions Divided on Housing, Work Conditions." September 16, 1974, 14. Accessed October 13, 2011. <http://access.newspaperarchive.com>.
- . "Of Food Stamps and Cars. . . ." September 16, 1974, 14. Accessed October 13, 2011. <http://access.newspaperarchive.com>.
- . "State Employees Are Part of Migrant Scene." September 16, 1974, 15. Accessed October 13, 2011. <http://access.newspaperarchive.com>.
- "Truquero." Spanish Dict. Accessed November 26, 2011. <http://www.spanishdict.com/translate/truquero>.
- Valdés, Dennis N. *Al Norte: Agricultural Workers in the Great Lakes Region, 1917–1970*. Austin: University of Texas Press, 1991.
- Waterloo Daily Courier*. "Migrant Workers Die in Flames of Highway Crash." June 6, 1957, 1. Accessed November 11, 2011. <http://access.newspaperarchive.com>.
- Waukesha Daily Freeman*. "Fond du Lac Officials Set to Meet Segregation Battle." July 23, 1949, 3. Access Newspaper Archive. Accessed October 25, 2011. <http://access.newspaperarchive.com>.
- Wisconsin Governor's Commission on Human Rights. *Migratory Agricultural Workers in Wisconsin: A Problem in Human Rights*. Madison: Governor's Commission on Human Rights, 1950.
- Wisconsin Governor's Commission on Migratory Labor. *Report for 1966 and 1967 with a Summary of Earlier Developments, by Elizabeth Brandeis Rauschenbush*. Madison: Madison, Equal Rights Division, Dept. of Industry, Labor and Human Relations, 1968.
- Wisconsin Historical Society. Accessed November 6, 2011. <http://www.wisconsinhistory.org/turningpoints/search.asp?id=1313>.
- Wisconsin State Employment Service. *Post Season Farm Labor Report 1960*. Madison: Wisconsin State Employment Service, a Division of the Dept. of Industry, Labor and Human Relations, 1960. Accessed November 25, 2011. <http://www.wisconsinhistory.org/turningpoints/search.asp?id=1344>.

*Wisconsin State Journal*. "Mexicans, County Officials Move into Waupun Dispute." July 26, 1949, 7. Access Newspaper Archive. Accessed October 25, 2011. <http://access.newspaperarchive.com>.

———. "Mexico Investigates Bias in Wisconsin." July 25, 1949, 1. Access Newspaper Archive. Accessed October 25, 2011. <http://access.newspaperarchive.com>.

# Single-Sex Education in Wisconsin

**Sara O'Connell**, author

Dr. Stephen Szydluk, Mathematics, faculty adviser

Sara O'Connell graduated from UW Oshkosh in December 2012 with a degree in secondary education mathematics and a minor in Spanish. Her research began as a paper in an advanced composition course and later became the topic of her senior Honors thesis.

Dr. Stephen Szydluk is an associate professor of mathematics. He earned his doctorate in mathematics from the University of Wisconsin–Madison and has been teaching at UW Oshkosh since 1996. His research interests include student conceptions of the nature of mathematics and mathematical applications of social choice theory, especially in sports.

## *Abstract*

Single-sex classes in America's K–12 public educational system have been on the rise in the past decade in an effort to close academic gaps between male and female achievement. Studies of single-sex classes in several states show that although outcomes vary, results are generally encouraging. Wisconsin is relatively new to the single-sex education trend, and there are virtually no published studies on the experience of local schools with single-sex education. The study described here is designed to be a step toward addressing this gap, by documenting (1) teachers' and administrators' experiences with and attitudes toward single-sex education in Wisconsin schools that currently offer single-sex classes, and (2) teachers' and administrators' experiences with and attitudes toward single-sex education in Wisconsin schools that once offered single-sex classes but no longer do. Themes observed in this study include the improved learning community in single-sex classes, better relationships between students and teachers, increased student confidence levels, and higher rates of student participation, with the only major drawback being scheduling issues.

## *Introduction and Background*

Wisconsin schools that are contemplating single-sex class options currently have little information to look at regarding single-sex education in Wisconsin. For such a school to make an informed decision on whether to undertake this change it is important to understand other schools' experiences with single-sex education, including why they chose to start a single-sex program, how the program affects students, how parents and the community respond to the program, how enthusiastic teachers are about teaching single-sex classes, if there is an added cost to the district from offering these classes, and if they were able to speak with other schools offering single-sex classes prior to beginning their own program. Moreover, it is important for Wisconsin schools contemplating single-sex classes to consider why some schools have already abandoned the program. The purpose of the study described in this paper was to explore these issues from the perspectives of both teachers and administrators.

Single-sex education has been around for a long time. Prior to 1972, these educational settings were established in ways that encouraged gender-based stereotypes. Before the amendments of Title IX, which prohibit exclusion from

educational activities based on sex, some schools separated boys and girls so each sex could focus on skills “necessary to prepare girls and boys for the disparate roles they would assume as adults” (Pollard 1999, 1). This provided unequal opportunities to each sex, and Title IX of the Education Amendments uses federal funding to keep schools from returning to this style of segregated education. In recent years, however, schools have begun considering and experimenting with the benefits of single-sex classes, this time with much different goals in mind. This new push for segregated schooling incorporates three main goals: addressing the academic achievement gap, improving classroom behavior and organization, and creating culturally centered models of education (Pollard 1999, 1). Although single-sex education has been viewed negatively in the past, this recent trend has gained momentum due to different goals and outlooks for the programs.

Every district implementing single-sex programs seems to have slightly different goals in mind. The main, and most obvious, reason to start a single-sex program is to bridge achievement gaps between boys and girls, both in situations where boys are not excelling and where girls are not excelling. According to Dr. Leonard Sax, founder and current director of the National Association of Single Sex Public Education (NASSPE), many schools choose single-sex programs to help girls increase participation and self-confidence in subjects such as engineering and physics, or to encourage boys to try poetry and art classes (Bonner and Hollingsworth 2012). A study done in Australia investigated the effect of single-sex classes on boys’ *underachievement* in academics, but discovered that although single-sex English classes benefitted both sexes, girls showed the greatest increase in scores (Mulholland, Hansen, and Kaminski 2004). These approaches illustrate the different ways that teachers are tapping into the potential of single-sex education.

Aside from decreasing the achievement gap between sexes, schools are also starting single-sex classes with other motives. In his “State of the State Address” in 1996, California Governor Peter Wilson argued that single-sex class offerings would give students more options, better prepare them for opportunities in the real world, and stimulate competition in education. His push for single-sex programs resulted in the 1997 legislation allowing 10 California school districts, through a competitive application process, to be chosen to receive grants to aid in initiating single-sex academies. These grants were a highly motivating factor for the districts that began single-sex offerings after this legislation. Considering the needs of students from varying socioeconomic levels and home backgrounds, educators “saw the grant as a way to help address the more typical educational and social problems of low achieving students” (Datnow, Hubbard, and Conchas 2001, 191). One of the California schools that ended up receiving grant money had previously begun a single-sex school for at-risk boys who the superintendent felt lacked male role models and who frequently ended up involved in violent crimes. Many of these students were from low-income families or were students of color, so the focus of single-sex programs was less on decreasing inequities between males and females, and more on decreasing inequities in many different areas (Datnow, Hubbard, and Conchas 2001, 191).

Since single-sex classes began to resurface in public education, educators have approached the program with many different plans in mind due to their interpretations of the purpose of single-sex education. Educators are often unsure about the legality of single-sex classes, so any discussion of initiating a single-sex program quickly butts up against the issue of Title IX. A part of the Education Amendments of 1972, Title IX requires that boys and girls receive equal treatment and opportunities in any program that receives federal funding (U.S. Department of Labor 2012). Subsequent Supreme Court decisions, however, have created certain distinctions for which Title IX



can be bypassed or altered. Several cases involving all-women nursing colleges have resulted in the condition that a gender-exclusive institute is only constitutional *if* its purpose is to remedy previous disadvantages to a particular sex. In the Supreme Court's decision in *Mississippi University for Women v. Hogan*, for example, it was ruled that an all-women nursing school was unconstitutional because women have rarely been deprived of opportunities in nursing (Brake 1999, 3). Public education systems have taken this line of thinking as well, proposing that the current trend toward single-sex classes is to remedy previous practices that may not have benefitted one sex over the other.

In 2005, the U.S. Department of Education commissioned a nationwide review of research on single-sex education. The review looked at 40 quantitative studies, analyzing their results in six different categories—(1) concurrent academic accomplishment (achievement test scores), (2) long-term academic accomplishment (post-secondary achievements), (3) concurrent adaptation and socioemotional development (self-esteem and attitudes toward school), (4) long-term adaptation and socioemotional development, (5) perceived school culture, and (6) subjective satisfaction. The studies were labeled Pro-SS (single-sex), Pro-CE (co-ed), Null (no difference), or Mixed. In category (1), 35% of the studies were Pro-SS, 2% were Pro-CE, 53% were labeled Null, and 10% reported mixed results. In category (2), 25% of the studies were Pro-SS and 75% were Null. Category (3) had 45% of studies Pro-SS, 10% Pro-CE, 39% Null, and 6% Mixed. In category (4), 50% of studies were Pro-SS, 20% were Pro-CE, and 30% were Null. In category (5), 50% of studies were again Pro-SS and 50% were Null. In category (6), 50% of the studies were Pro-SS and 50% were Pro-CE. Thus, the review found that either single-sex education was more effective than coeducational schools in each area researched, or there was no difference (Mael et al. 2005). Following this research and to clarify the legality of single-sex classes, the U.S. Department of Education published new rules regarding the implementation of single-sex education in public districts. Released in 2006, and due largely to the No Child Left Behind Act, the new regulations allow public, federally funded schools to establish single-sex classes as long as they fulfill three conditions: (1) schools must provide a valid rationale for why they are proposing single-sex options for a specific class, (2) schools must provide a mixed educational option alongside any single-sex class, and (3) schools must reevaluate the program every two years to see if the single-sex classes are still necessary or if they have corrected the inequity that caused the school to offer them in the first place (National Association for Single Sex Public Education 2011). Because this is a new practice, some educators are navigating single-sex education tentatively, not varying their lessons from all-boys classes to all-girls classes to provide an identical curricula to both groups. Other teachers are seeing the potential of using these segregated classes as a place to explore gender bias and stereotyping, and even for promoting the advancement of women (Datnow, Hubbard, and Conchas 2001, 197). Most educators fall somewhere between these two extremes, using the separated classes to differentiate instruction in ways that enhance the educational experience of each group of students. Thus, teachers are utilizing the single-sex programs in various ways.

Single-sex education often addresses the differences research has found between how boys and girls learn. Studies have discovered, for example, that girls prefer learning with more connections to the real world, while boys tend to become bored with that (National Association for Single Sex Public Education 2011). A concern with single-sex classes is that they will have a reverse effect and impose further gender stereotypes, or that the teacher may include his or her own gender biases. Many studies

have been completed with more detailed findings regarding differences between sexes in brain development and learning styles. To prevent personal biases from becoming involved in single-sex classes, teachers must be well-educated in the findings of this research. An excellent resource for this information is the NASSPE website ([www.singlesexschools.org](http://www.singlesexschools.org)).

In Western Australia, a study conducted by Lesley Parker and Léonie Rennie in 2002 explored the qualitative elements of teachers' perceptions, student perceptions, and observer perceptions of single-sex classes. Their data show overall success with the classes, with generally more positive results apparent in the girls' classes. The teachers in girls' classes were greatly in favor of the program, feeling that their classes were much more productive and manageable without the boys' presence. The girls also felt that their academics improved and they could focus on their schoolwork when the boys were not there. Another important aspect Parker and Rennie highlighted was increased cooperation among the girls. The students were more likely to participate without the fear of being put down for their answers, and they were more willing to help each other in class. The boys' classes were not as successful right away, but most teachers felt that the boys' classes eventually became more productive—it just took longer to get there. One notable effect of the boys' class was that the boys felt more comfortable discussing their personal lives with the teacher, resulting in a closer relationship. The boys themselves had mixed opinions about single-sex classes, many saying they preferred having girls in the class because boys can be too rowdy at times. The teachers also noted that although the girls were no longer there for the boys to tease, the quieter boys sometimes became victims of this harassment. So while harassment virtually disappeared in the all-girls classes, it may have just shifted in the boys' classes (Parker and Rennie 2002).

Most studies conducted on single-sex education are qualitative assessments. Interviews with teachers and students and observations of the class atmosphere provide researchers with some insight into the structure of single-sex classes and how they affect students. Because single-sex education is relatively new to the United States, qualitative studies are sparse in many regions, including Wisconsin. States such as South Carolina, one of the first states to embrace single-sex education, have more comprehensive results. In an early look at South Carolina's success, Jim Rex, who is the state superintendent of education in South Carolina, and David Chadwell, the coordinator for single-sex programs at the South Carolina Department of Education, found that single-sex education has "invigorated teachers, engaged students and involved parents" (Rex and Chadwell 2009). Overall, Rex and Chadwell found evidence that schools with single-sex classes showed an improved academic performance, with fewer students failing classes and improved scores on state assessments, as well as a decrease in disciplinary issues.

It is important to note here that while these previous studies show considerable benefits in single-sex education, there is also research available that argues against the benefits of single-sex education. A recent article in *Science* disputes the findings of academic advantages and expresses a concern that single-sex education can reinforce gender stereotypes. The article discusses and analyzes the results of scientific studies, coming to the conclusion that many of the results occur based on "cherry-picked" data (Halpern et al. 2011).

In 2006, Wisconsin joined the growing trend toward single-sex education when Governor James Doyle approved Act 346, allowing school boards and charter schools to establish single-sex schools or classes. Act 346 amended several previous Wisconsin statutes that prohibited discrimination based on sex. The new statute took effect on April 29, 2006 (Wisconsin 2006). By 2008, six Wisconsin public schools had begun separating their students by sex (Conklin 2008).

NASSPE, founded in 2002, provides a starting point for those interested in single-sex education. The association created a website that provided a list of schools in each state offering single-sex classes. As of 2011, this list appeared to be outdated (most listings are for the 2006–2007 school year) and has since been replaced by an e-mail address for parents to receive information about single-sex classes. Many of the Wisconsin schools on the original list are near Milwaukee or the borders of Illinois and Minnesota (National Association for Single Sex Public Education 2011). Some of these schools still offer their segregated classes, but others dropped the program after the first year or two.

The remainder of this paper is divided into three sections. My methodology is described first, including how I gathered my information. Results follow, highlighting themes observed in the data. The final section discusses conclusions that can be drawn from this study and further research that could be pursued.

### ***Methodology***

Since Wisconsin does not have a comprehensive study of schools' experiences with single-sex classes, and because these classes have only recently been offered in Wisconsin schools, obtaining quantitative information is difficult. As a result, I focused on interviews and observations to obtain my data. The NASSPE website once provided a list of schools by state that offered single-sex classes, and the Wisconsin list consisted of 12 schools. However, the list is no longer available, and the website now instructs parents to e-mail NASSPE for information about local schools. Nevertheless, I contacted the 10 middle and high schools on the original list via e-mail, and heard back from two schools that still offer single-sex classes and two schools that no longer do. I e-mailed Dr. Leonard Sax, director of NASSPE, who provided the name of another Wisconsin high school still offering single-sex classes. I focused my research on these five schools.

I initially contacted the principals and secretaries via e-mail to find out who would be most informed about the single-sex program. For the schools that have already dropped their single-sex classes, I interviewed the principals or other staff members who knew most about the program. At schools currently offering single-sex classes, I interviewed teachers of those classes. Once I established a contact at each school, I e-mailed each an initial survey of quick-response questions to begin approaching the topic. After receiving these responses, I interviewed each contact further, by e-mail or telephone, depending on his or her preference. I also requested a day to observe the current single-sex classes at one of the schools. While I was at that school, I interviewed the teachers of the single-sex classes that I was observing. The interview questions were intended to determine, among other things, why they decided to start a single-sex program, if there was any resistance to it in the community, and if additional costs to the district were a factor in initiating the program. I also asked the teachers about their classroom structure and pedagogy, such as how they differentiate their teaching in a single-sex class, if they notice differences in student success in single-sex classes, and if they prefer single-sex or co-ed classes (the full questionnaire is available in the appendix). During my classroom observation, I looked for several behaviors, including the level of participation among students, the way students treat each other in the single-sex classes, and the different teaching styles and class activities in the single-sex classes.

### ***Results and Discussion***

Since 2006, with the legal changes to allow single-sex classes, single-sex education is making an appearance in Wisconsin public schools. The teachers I interviewed

have had single-sex class offerings for three to five years total in a variety of subjects including English, math, science, communication arts, social studies, physical education, and technology education. After speaking with teachers from five Wisconsin schools, at the middle school or high school level, I have discovered some common themes and results observed in the participating schools. My findings center around the topics of motivation and goals for the single-sex program, response to the program, changes made in the curriculum, results observed by the teachers, and social effects on students in single-sex classes. The themes discussed in the following sections are all based on responses from single-sex education teachers, and thus reflect their perceptions.

### **Instructors' Motivation**

The teachers and school must have a motivation for offering single-sex classes. In my interviews, I spoke to many teachers who helped establish single-sex classes, so I was able to learn what their motivations for the program were. Several teachers I spoke with mentioned that boys were the motivation—boys' grades, boys' discipline issues, etc. Rob, a high school English teacher, felt that the boys in his classes acted like "knuckleheads," and their grades were lower than they had previously achieved in middle school. Having attended an all-boys high school himself, Rob wanted to see if single-sex classes would stimulate boys to begin reading and to improve their English scores. Jeff, a middle school social studies teacher, said that his school's program began as another form of differentiation to address boys' discipline issues and possible misdiagnoses of special education students. Previously, Jeff estimates that 90% of behavior write-ups were for boys, and 95% of special education and ADD/ADHD students were boys.

The issue with boys' success in school was just one common motivation for single-sex classes. Many teachers responded that they decided to try a single-sex program in an effort to improve the students' academic success. Pam, a middle school math teacher, started a single-sex class as a project for her master's degree, curious if there would be improvement in the students' participation, grades, and achievement. Jeff also mentioned that the single-sex classes would give girls an opportunity to speak out and assume leadership roles they may otherwise have shied from. One unique story of motivation came from Dean, a high school science teacher. Due to a fluke in scheduling, he had a biology class in 2006 with only five boys. One day when all five of those boys were absent, he noted the different atmosphere in the classroom, and how much more the class accomplished that day. He proposed single-sex classes to the principal as a way to improve classroom management, social behaviors, and grades.

Money is always a concern in education-related matters, but of the schools I spoke with, none expressed any major budget concerns for starting their single-sex classes—at most, they spent a little extra on books for the classroom.

### **Response**

Support for the single-sex program from students, other teachers, parents, and community members was positive in the interviews. All of the teachers said that students were either extremely supportive of the program or initially neutral about it, then warmed up to it throughout the year. Legally, single-sex classes must be optional for students, and teachers are finding this to be particularly important in implementing them. Rob emphasized that single-sex classes are not for everyone, and if a student does not feel comfortable in the class, he or she needs to get out. As an all-boys teacher, Rob noted that the boys must have tough skin to be in his class. This assertion was borne out during my observation, when a group of boys stole another boy's lip balm,

and began to throw it around. Rob let the students resolve the issue themselves, but it was apparent that boys must be tough to survive the all-boys class. Nevertheless, the freshmen students at Rob's school loved the program so much that they petitioned to have a single-sex class offered for sophomore year also. In some schools where only one sex was given the option of single-sex classes, teachers noted that students of the other sex were somewhat jealous that they did not have the same opportunity.

The teachers I spoke to had mixed thoughts, however, on the support from other teachers in the building. Some schools were extremely supportive, such as Pam's school, where a board member, with her own money, sent Pam to Colorado for a conference about single-sex education. Other single-sex teachers sensed some jealousy, doubt, and concern about the single-sex classes from faculty. Jeff said that there was jealousy among the co-ed teachers because the single-sex program was receiving a lot of public attention and recognition. At another school, Tina, a high school English teacher, felt that other faculty within her department were resistant to the program, likely because they were concerned about the fate of their own co-ed English classes. Rob, who teaches the boys' single-sex English class at Tina's school, echoed this resistance by other faculty, even sensing their animosity toward himself and the other single-sex teachers. Defending their single-sex program, Rob stressed that his intent is not to harm the co-ed classes, but rather "to make things better for kids, to make learning a successful experience for them." Ironically, at this same school, faculty from other departments were fully supportive of the single-sex classes after seeing their success.

In the school districts studied in this project, teachers found that parents and community members have thus far been very supportive of the single-sex programs. Since the programs are optional, teachers have had little resistance from parents. Most parents even love the program, becoming advocates for its success. The rate of enrollment at Rob's school has grown considerably over the past three years, from 39 students in the first year to more than 250 students currently, which speaks to how word has spread about these classes. He hears parents tell him, "You won't believe it, my son actually talked to me about a book he is reading!"

## Curriculum

Wisconsin teachers are having success in starting single-sex classes, but the real results come from what is done differently in a single-sex classroom than in a traditional classroom. Teachers have taken a surprising variety of teaching approaches in a single-sex class. Some teachers keep the curriculum exactly the same but vary the delivery, others tailor the curriculum to the specific sex, while still others work on better classroom-management techniques. Most of the teachers I interviewed were unable to observe at schools offering single-sex classes because they did not know of any others located near them, but they had all either received professional training in the research completed regarding differences in how boys and girls learn or had explored the topic on their own.

Several teachers of all-boys classes mentioned the boys' drive for competition as well as their shorter attention spans. Jeff said that he tries to change the activity every 10 minutes in a boys' classroom, using a ball toss for discussions, and push-ups and jumping jacks throughout the lesson, to keep the boys moving. He also allows the boys to stand by their desks during work time. Dean mentioned that a single-sex teacher must be flexible, such as accepting the louder noise level in the boys' class. On the other hand, Tina, in an all-girls class, frequently observes the students getting up during class to put lotion on or to do each other's hair. Clearly these behaviors must be limited



to still complete the lessons, but the expectations on behavior are varied from a co-ed classroom.

In delivery of lessons, single-sex teachers try to choose topics that interest their class, and present the material in a manner that students prefer. While this is true in mixed classes as well, the distinction in the single-sex classes is particularly notable. In an all-boys class, competition appears to be effective. In Rob's class, the discipline system is even a game of sorts, where misbehaving students' names are written on the board. At some prearranged time, all these names are put into a tin, and then two are chosen to serve a detention. I observed the process of "picking" the names, and I could easily have been at a sports game with how the students reacted to each name that was put in the tin. The teachers I spoke with perceived that this competition was more motivating for boys than girls. Pam noted that girls thrive better with collaboration activities, and puzzles or brainteasers.

The other major change I noted in my interviews was the actual material covered. In English classes, the teachers choose books that apply better to their specific class. In Tina's all-girls class that I observed, the students read books from a female's perspective, usually with a strong lead female character. In Rob's all-boys class, they read books about becoming a man in today's society. Many teachers I interviewed said that the single-sex classes allow them to build more character training into the curriculum. Kathleen, a high school English teacher, created a unit about manners after she perceived her all-boys class behaving particularly immaturely. She aligned the unit with their study of *Romeo and Juliet*, and ended with a Valentine's Day dinner. The boys each invited a girl to the dinner to show off their new manners. Many boys were shocked to learn how many girls did not know the proper table manners. Kathleen also brought in adult male role models to talk to the boys about what it means to be a man.

Aside from all intentional changes in curriculum, most teachers said that they can simply cover the curriculum in greater depth with single-sex classes because students are less distracted. Dean found that boys and girls have specific skill sets that they excel at, such as boys being particularly good at sequencing steps, so he takes these differences into account when planning single-sex lessons. In his interview, Dean explained, "It's like running a race. We might first go to Milwaukee on the way to Madison, but eventually we will all get there."

### **Student Achievement**

With these changes made in single-sex classrooms, teachers are seeing the results in their students' academic and social achievements. The most frequent result teachers observed was the sense of community that develops in a single-sex class. The students do not have to worry about showing off for the opposite sex, so they are able to relax more in class. Kathleen described her boys becoming a team, often rallying together to stay focused. Jeff also saw positive peer pressure to get work done in the single-sex classes. Rob believes the program makes kids feel special and unique, like being a school sports star, except they are academic stars. Rob's all-boys class even works to raise money for charities, by having a class couch that students must pay a quarter to sit on each day. They also make a class T-shirt each year. Rob said that he often has the same group of boys for freshman and sophomore year, so he knows the students better and can be a stronger influence in their lives. Dean commented on how much easier it is to build a good rapport with students in a single-sex class because the students are more willing to open up and be themselves. Many of the teachers I interviewed also mentioned how much easier classroom management is in a single-sex class. Tina noted that her level of comfort with the girls in her class made her more inclined to call out



students who are having issues with each other. One classroom management issue that may be more present in an all-girls class is the presence of cliques, but Tina addresses this at the beginning of every year, setting up rules to discourage student conflicts and to deal with problems that arise throughout the year. Better classroom management also leads to better academic success for students. Teachers are finding that, in single-sex classes, boys are more willing to participate and share their work, girls are more willing to speak up and step into leadership roles, and the grades and test scores of both sexes appear to be improving. Dean asserted, based on his own statistical analysis, that the girls in his single-sex class achieved grades 8–12% higher than girls in co-ed classes, and boys' grades were 5–8% higher than those of boys in co-ed classes. It should be noted that the details of Dean's methodology were not available in this interview. Tina observed that the girls in her class are more eager to do their best on assignments, and more willing to come to her for help. Pam compared her students' records with their previous years' records, and observed that grades, participation, and achievement all seemed to improve with the single-sex class. Jeff also perceived this improvement in grades, as well as better scores on standardized tests than for students in the co-ed classes. Students look forward to coming to class, which is seen in their positive attitudes about class and motivation to succeed.

### Drawbacks

When asked about the drawbacks of single-sex classes, almost every teacher responded that scheduling became an issue. From an administrative side, having an optional single-sex class offering may become difficult when trying to assign classes, because students who choose single-sex will have to be in that class in the given hour. This may cause students to have to decide between a single-sex class and other elective classes offered at the same time. Another difficulty with offering single-sex classes is determining how many students should be in each class. At Rob and Tina's school, the program has increased from 39 students to more than 250 students in just three years, and even with five single-sex classes offered, they feel that a cap is going to be needed for program enrollment.

From the students' perspective, single-sex classes may be a way for them to ensure all of their friends end up in the same class. Pam experienced exactly that in her second year of the single-sex program. She said the first year was wonderful, and students grew into a family. After that year, however, students realized that they could control who they ended up in classes with by choosing single-sex, which Pam found dampened the successful experience she had in the first year. That same learning community never had a chance to develop when students came into the year with social settings already determined. Not all schools experienced this problem, but it comes down to the number of classes available for single-sex, the number of students enrolled in them, and the ability to randomly assign students.

### Social Effects

The final aspect of single-sex classes that I spoke with teachers about is the social effects. Within the classroom, teachers seemed to see similar results—the students developed into a closer community and were more cooperative when working together. Several teachers noted that their students cared about each other in the single-sex classes. Pam recalled a time when a girl was in tears, but instead of sending her out of the room, the other girls comforted her and the experience resulted in positive sharing by all the girls.

The social effects *outside* the classroom, however, were more varied. Some teachers felt that the changes within the classroom did not carry over into other classes or the

hallways. Pam perceived that her one-year single-sex program was not enough to cause a change in the students' attitudes and behaviors outside the class. Other teachers, such as Kathleen, who taught a unit on manners, purposely worked in content to influence the students' social behaviors. Jeff saw the students' confidence increase in other elective classes as well as in the single-sex classes. Dean, however, noticed the opposite, as students became more involved and vocal in his class but remained quiet "fence-sitters" in the co-ed classes. Rob and Tina both stated that while they do not see the students much outside of class, they try to impress upon the students how important it is that they carry their character-building lessons into other areas of their lives.

### **Schools that No Longer Offer Single-Sex Classes**

Part of this study was intended to look at schools that have decided to terminate their single-sex programs. The perceptions of many of these teachers have been included throughout the previous results, but despite positive perceptions on their part, the schools have still decided to stop offering the single-sex classes. Pam's school found that single-sex classes gridlocked the schedule too much, and thus decided to stop offering them. Pam, however, had positive perceptions of the experience, and said she would still prefer teaching the single-sex class. Kathleen's school also stopped offering single-sex classes, but Kathleen is in favor of these classes. Her positive responses appear to indicate that the program ended due to administrative reasons rather than her choice. An interesting theme noted in these two schools is that there was only one single-sex section offered at each school when they decided to terminate the programs.

### **Conclusion**

It is important to note that all of the participants in this study stated that they preferred teaching in single-sex classrooms. The information gathered is based on the perceptions of these teachers who are clearly in favor of continuing single-sex education, so participant bias needs to be considered in the results. In addition, these single-sex classes are optional, so the students choosing to enroll may not be typical representatives of the entire student body. This yields another potential source of selection bias. The small sample size is also a shortcoming of this study.

Research that could further the findings in this study include a similar study involving more schools, a quantitative study analyzing grades and test scores in single-sex classes, a study focused on interviews with parents and students, or a closer look at the motivations for each school offering single-sex education options.

The results found in this study are promising for single-sex education, and also reinforce the findings of many previous studies. This paper describes some strong and positive themes present in current single-sex classes. The teachers in this study are all in favor of what they perceived as the better learning environment cultivated in their single-sex classes, which makes it easier for them to develop rapport with the students. These teachers have observed students in single-sex classes having increased confidence levels and higher rates of participation in class. With single-sex classes being optional, teachers have also perceived a strong support and interest in the program from students and parents, as well as most other teachers. Scheduling was perceived to be the only major drawback for schools, and most teachers believe that the positive results are worth the struggles. Separating the students by sex allowed teachers to cover the curriculum more fully while making opportunities for life lessons and character-building activities. Single-sex education, however, needs to be considered only if the teachers are truly dedicated to the task and willing to make changes to best utilize the program. As Rob described it, "You cannot have a teacher who doesn't 100

percent believe in it, teaching it. Because it will not work.” When asked about the biggest benefit of the classes however, Rob responded, “If done correctly, it can really work.”

## ***Bibliography***

- Bonner, Jessie L. and Heather Hollingsworth. “Single Sex Classes Popular as More Public Schools Split Up Boys and Girls.” *The Huffington Post*, July 8, 2012. Accessed July 17, 2012. [http://www.huffingtonpost.com/2012/07/08/more-public-schools-split\\_0\\_n\\_1657505.html](http://www.huffingtonpost.com/2012/07/08/more-public-schools-split_0_n_1657505.html).
- Brake, Deborah L. “A Legal Framework for Single-Sex Education.” *WEEA Digest*, October 1999, 3–7. <http://www.eric.ed.gov/ERICWebPortal/detail?accno=ED435553>.
- Conklin, Melanie. “Same-Sex Classes Tried in Janesville Marshall Middle School Is One of a Growing Number of Schools Trying to See if Children Can Learn Better in a Class with Only Boys or Only Girls.” *Madison.com*, May 4, 2008. Accessed December 30, 2011. [http://host.madison.com/news/article\\_a442a9ef-81ba-597c-a0a8-bf129ad4e33c.html](http://host.madison.com/news/article_a442a9ef-81ba-597c-a0a8-bf129ad4e33c.html).
- Datnow, Amanda, Lea Hubbard, and Gilberto Conchas. “How Context Mediates Policy: The Implementation of Single Gender Public Schooling in California.” *Teachers College Record* 103, no. 2 (2001): 184–206. <http://www.eric.ed.gov/ERICWebPortal/detail?accno=EJ628750>.
- Halpern, Diane F., Lise Eliot, Rebecca S. Bigler, Richard A. Fabes, Laura D. Hanish, Janet Hyde, Lynn S. Liben, and Carol Lynn Martin. “The Pseudoscience of Single-Sex Schooling.” *Science* 333, no. 6050 (2011): 1706–07. [http://www.educ.ethz.ch/halpern-09-23-11\\_1\\_.pdf](http://www.educ.ethz.ch/halpern-09-23-11_1_.pdf).
- Mael, Fred, Alex Alonso, Doug Gibson, Kelly Rogers, and Mark Smith. *Single-Sex Versus Coeducational Schooling: A Systematic Review. Doc # 2005-01*. Washington, D.C.: U.S. Department of Education, 2005. <http://www.eric.ed.gov/ERICWebPortal/detail?accno=ED486476>.
- Mulholland, Judith, Paul Hansen, and Eugene Kaminski. “Do Single-Gender Classrooms in Coeducational Settings Address Boys’ Underachievement? An Australian Study.” *Educational Studies* 30, no. 1 (2004): 19–32. <http://www.eric.ed.gov/ERICWebPortal/detail?accno=EJ680658>.
- National Association for Single Sex Public Education. *NASSPE*. Accessed October 30, 2011. <http://www.singlesexschools.org/>.
- Parker, Lesley H. and Léonie J. Rennie. “Teachers’ Implementation of Gender-Inclusive Instructional Strategies in Single-Sex and Mixed-Sex Science Classrooms.” *International Journal of Science Education* 24, no. 9 (2002): 881–97. <http://www.eric.ed.gov/ERICWebPortal/detail?accno=EJ654572>.
- Pollard, Diane S. “Single Sex Education.” *WEEA Digest*, October 1999, 1–2. <http://www.eric.ed.gov/ERICWebPortal/detail?accno=ED435553>.
- Rex, Jim and David Chadwell. “Single-Gender Classrooms.” *School Administrator* 66, no. 8 (2009): 28–33. <http://www.eric.ed.gov/ERICWebPortal/detail?accno=EJ853862>.
- U.S. Department of Labor. “Title IX, Education Amendments of 1972.” *DOL*. Accessed May 17, 2012. <http://www.dol.gov/oasam/regstatutes/titleix.htm>.
- Wisconsin Department of Public Instruction. “Changes in State Law to Allow Single-Sex Schools and Courses.” *DPI*, November 2006. Accessed December 7, 2011. <http://dpi.wi.gov/sped/pnd-single-sex.html>.

## *Appendix*

### **Interview Questionnaire**

#### Quick response e-mail survey questions for schools no longer offering single-sex classes:

1. How long did you offer a single-sex program?
2. What subjects/grade levels did you provide single-sex class options for?
3. Did implementing single-sex classes cost the district any considerable additional funds?
4. Did teachers in your school/district receive any training in single-sex education prior to implementing this program?

#### Interview questions for schools no longer offering single-sex classes:

##### *District Preparation*

1. What motivated you to begin offering single-sex classes in your district?
2. Would you say you experienced resistance to or support for the program from students?
3. Would you say you experienced resistance to or support for the program from teachers/faculty?
4. Would you say you experienced resistance to or support for the program from the community?
5. How enthusiastic were teachers in your district/school about having single-sex classes?
6. Did you know of other schools with single-sex programs before implementing your own and, if yes, did you talk to these schools about their experiences?
7. What were the goals of the single-sex program in your district?
8. Why did you decide to stop offering single-sex classes in your school?

##### *Teacher Perspectives*

9. Did you observe any noticeable differences between single-sex classes and co-ed classes?
10. Did you plan instruction differently for single-sex classes than for co-ed classes?
11. Which class style do you prefer teaching?
12. Can you identify any problems or difficulties that you found in a single-sex class that you would not experience in a co-ed class?
13. What are the biggest benefits of single-sex classes?
14. What are the biggest drawbacks of single-sex classes?
15. Did you find teaching in a single-sex classroom harder or easier than in a co-ed classroom?
16. Did you find any other groups of students, aside from boys and girls, being considerably affected by single-sex education (i.e., ethnic minorities)?

17. How do you perceive that students felt about single-sex education?

#### *Social Effects*

18. Did single-sex classes affect the students' social interaction outside the classroom positively, negatively, or not at all?

19. Did students interact with each other differently in single-sex classes than in co-ed classes?

#### Quick response e-mail survey questions for schools currently offering single-sex classes:

1. How long have you offered a single-sex program?
2. What subjects/grade levels do you provide single-sex class options for?
3. Did implementing single-sex classes cost the district any considerable additional funds?
4. Did teachers in your school/district receive any training in single-sex education prior to implementing this program?

#### Interview questions for schools currently offering single-sex classes:

##### *District Preparation*

1. What motivated you to begin offering single-sex classes in your district?
2. Would you say you experienced resistance to or support for the program from students?
3. Would you say you experienced resistance to or support for the program from teachers/faculty?
4. Would you say you experienced resistance to or support for the program from the community?
5. How enthusiastic were teachers in your district/school about having single-sex classes?
6. Did you know of other schools with single-sex programs before implementing your own, and if yes, did you talk to these schools about their experiences?
7. What are the goals of the single-sex program in your district?
8. Do you intend to continue offering single-sex in your district? Why or why not?

##### *Teacher Perspectives*

9. Have you observed any noticeable differences between single-sex classes and co-ed classes?
10. Do you plan instruction differently for single-sex classes than for co-ed classes?
11. Which class style do you prefer teaching?
12. Can you identify any problems or difficulties that you found in a single-sex class that you would not experience in a co-ed class?
13. What are the biggest benefits of single-sex classes?
14. What are the biggest drawbacks of single-sex classes?

15. Do you find teaching in a single-sex classroom harder or easier than in a co-ed classroom?
16. Do you find any other groups of students, aside from boys and girls, being considerably affected by single-sex education (i.e., ethnic minorities)?
17. How do students feel about single-sex education?

*Social Effects*

18. Do single-sex classes affect the students' social interaction outside the classroom positively, negatively, or not at all?
19. Do students interact with each other differently in single-sex classes than in co-ed classes?



# **Intercultural Bridges and Boundaries**

# **Pre-Columbian Mesoamerican and Caribbean Ballgames: An Example of Cultural Diffusion**

**Gregory L. Schultz**, author

Dr. Heike Alberts, Geography and Urban Planning, faculty adviser

Gregory L. Schultz will graduate in December 2013 with a degree in history. In addition to history, Gregory has, for interdisciplinary purposes, studied geography extensively. He presented this paper at the 2012 West Lakes/East Lakes AAG Annual Meeting, a regional geography conference held at the University of Northern Illinois in October 2012, and won first prize in the undergraduate student paper competition.

Dr. Heike Alberts is an associate professor of geography. She came to UW Oshkosh in 2003 after earning her Ph.D. from the University of Minnesota. Her primary research interests are in migration and urban development, but she also loves reading about sports and archaeology.

## ***Abstract***

Upon examining the archaeological record and the historical accounts of pre-Columbian cultures in Mesoamerica and in the islands of the Caribbean Sea, one sees evidence of similar ballgames played in both regions. The question then arises, when the geographical and chronological proximity of these cultures is considered, whether these games developed separately, or whether their existence was a product of cultural diffusion. Drawing on insights from archaeology and geography, I argue that there is a connection between Mesoamerican ballgames and those played in the Caribbean. I prove this connection between the two cultures by establishing where and when the ballgame originated, showing when the ballgame arrived in the Caribbean, examining the similarities between the ballgames played in the two regions, and considering whether there is incontrovertible evidence of contact between them. I conclude by addressing what such an intercultural exchange signifies for our understanding of pre-Columbian cultures.

## ***Introduction***

Archaeologists and historians have uncovered evidence, dating from the pre-Columbian era, of a particular style of ballgame played both in Mesoamerica and in the islands of the Caribbean Sea.<sup>1,2</sup> The evidence consists of special playing courts, ballgame paraphernalia, depictions of the game on ceramics (fig. 1), on sculptures and in codices, and of accounts of the game in the historical records of the Europeans that colonized the New World.<sup>3</sup>



**Figure 1.** Ceramic figurine of ball player from Jaina Island, Campeche, Mexico.<sup>4</sup>

In this paper I argue that the presence of the game in the islands of the Caribbean is the result of cultural diffusion between the Mayans of Mesoamerica and the Taino in the Caribbean. Before we examine the specifics of the Mayan and Taino cultures regarding their ballgame traditions, let us first consider the argument I am making with regard to the science of geography.

Geography, like all sciences, consists of compiling a body of data and trying to make sense of it in order to discover patterns whereby larger truths can be established. One of the concepts that geographers use in understanding geographic data is *diffusion*. Diffusion, as described by geographers, is “the process by which a characteristic spreads across space from one place to another over time.”<sup>5</sup> Geographer Derek H. Alderman described the significance of cultural diffusion in our understanding the world, saying:

Cultures develop and change both through spontaneous, local invention and the adoption of ideas, customs, and objects from other cultural groups. As early as the 1930s, scholars suggested that “no more than 10% of all of the cultural items found in any culture—including our own—originated in that culture” (Ferraro, 2006, p. 395). The diffusion or spread of culture from a point of origin to other places and people can occur through personal contact, migration, trade, war, or mass communications. Diffusion is important to studying history, but it is also part of the trajectory of the future.<sup>6</sup>

Cultural diffusion occurs within cultures and between cultures. Geographers divide diffusion between cultures into two basic types: relocation diffusion and expansion diffusion.<sup>7</sup> Relocation diffusion occurs when groups of people move from one area to another. The colonization of the New World is an example of relocation diffusion. Europeans moved to the Americas and brought much of their culture with them. Expansion diffusion is the movement of cultural ideas from one region to another. Consider the case of computers and the Internet: digital technology has spread around the world. The obvious usefulness of digital technology has led to its global use. The diffusion of the ballgame from Mesoamerica to the Caribbean islands is also an example of expansion diffusion. The Mayans did not move, en masse, to the Greater Antilles, but their ideas spread to that region. I argue for this cultural connection by comparing the chronological record of the game’s existence in both

regions, by illustrating similarities between the games, and by indicating the influence that Mesoamerican cultures had upon their neighbors. To lay the foundation for my argument, I am going to begin by providing some background concerning the two cultures in question.

### ***The Mayans and the Taino***

The Mayans were one of the great pre-Columbian civilizations that arose in Mesoamerica and in the western part of South America. The Mayan culture began to develop in approximately 600 BCE in the center of Mexico's Yucatan peninsula, gradually expanding until it covered the entire Yucatan, and expanding west and south to the Gulf of Tehuantepec and east to cover most of modern-day Honduras.<sup>8</sup> Their culture was quite advanced for the time in architecture, mathematics, and astronomy, leaving behind the impressive ruins of their cities, which are a popular tourist attraction today.<sup>9</sup> Despite their vigorous civilization, the Mayans were no match for the Spanish who finally subdued the last Mayan kingdom in 1697.<sup>10</sup> During their heyday, however, the Mayans thrived in the rainforests of the Yucatan peninsula and in bordering regions, extending trading networks throughout Mesoamerica and among cultural groups such as the Taino, who inhabited the islands of the Caribbean.

The Taino were an indigenous people living in the Bahamas, the Greater Antilles, and, to some extent, the Lesser Antilles, and were the dominant group of people in those regions when Columbus arrived.<sup>11</sup> Linguistic evidence indicates that the Taino originally arrived in the islands of the Caribbean by traveling up the chain of the Lesser Antilles after leaving their homeland in the Orinoco region of South America.<sup>12</sup> Archaeological evidence of Taino culture consists mainly of the ballcourts that they had constructed. There is archaeological evidence of Taino ballcourts in the Antilles in Eastern Cuba, Hispaniola, the Turks and Caicos Islands, Puerto Rico, and St. Croix.<sup>13</sup> The time frame for Taino ballcourt use extends from 600 CE to the early sixteenth century, when European contact caused the demise of Taino culture.<sup>14</sup>

### ***Determining Where the Ballgame Originated***

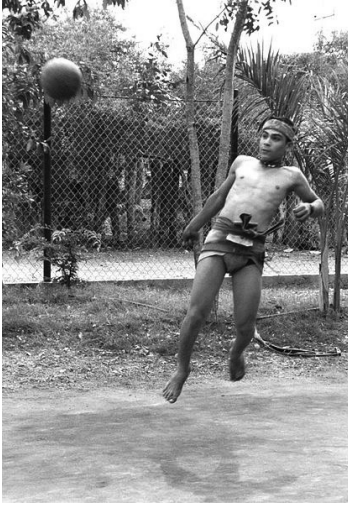
The first question that needs to be addressed is: Where did the game originate? Historical origins of ideas can be difficult to determine. Nevertheless, a chronological comparison of the presence of the game in the two regions suggests that Mesoamerica was the game's birthplace. The earliest ballcourt discovered in Mesoamerica is in Paso de la Amada in Chiapas, Mexico, and dates to 1,400 BCE.<sup>15</sup> The game in Mesoamerica likely dates, however, to much earlier than that; 12 rubber balls, which have been dated to 1,600–1,700 BCE, were uncovered at the Olmec culture El Manatí site in Veracruz.<sup>16</sup>

As the earliest ballcourts in the Greater Antilles date to 600 CE, ballcourts appeared in the Greater Antilles at least 2,000 years after their appearance in Mesoamerica (1,400 BCE).<sup>17</sup> In the Mayan civilization, 600 CE was the Classic Period, when Mayan culture was at its zenith and was expanding its influence into areas beyond its borders.<sup>18</sup> We can only conclude, from this chronological comparison, that the ballgame most likely diffused from the Mayans to the Taino.

### ***Similarities between the Ballgames***

The first clue, in examining the similarities between the games, is their overall cultural significance in both places. In both regions, the ballgames were more than just sports played for recreational purposes. The *Mesoamerican Ballgame*, a compilation of the papers that were presented at a conference on the subject in 1985 in Tucson, Arizona, describes the cultural significance of the game in Mesoamerica:

The game endured for 2000 years and extended over a million square miles. . . . The importance and popularity of the game to the Aztecs is indicated by the approximately 16,000 rubber balls that were imported annually into the Nahuatl capital of Tenochtitlán from the rubber tree-rich lowlands (*Codex Mendoza* 1938). . . . Some groups in Sinaloa still play versions of the game (Leyenaar 1978).<sup>19</sup>



**Figure 2.** Sinaloan ball player.<sup>20</sup>

As I indicated earlier, the games were more than an athletic competition:

In addition to its role as sport, the ballgame was used as a vehicle to increase the power, prestige, and wealth of the elite who often bet vast sums on the outcome of contests. . . . While the historical meaning assigned to these contests often varies from scholar to scholar, the objective of the game was always the same: personal political and/or economic gain. . . . According to Theodore Stern, the game served as a substitute for direct military confrontation.<sup>21</sup>

Further evidence attesting to the political significance of the game is that parts of Mesoamerica with several different polities vying for power had many ballcourts, and areas with fewer competing powers had fewer ballcourts.<sup>22</sup> A similar pattern of ballcourt distribution appears in Puerto Rico where, according to scholar Gary S. Vescelius, “the most elaborate courts . . . were on the putative boundaries of chiefdoms” and were perhaps used for “games between polities.”<sup>23</sup>

An interesting parallel can be drawn when one considers the significant part that sports also play in today’s societies. Sports are more than recreation; they are defining cultural characteristics that help to delineate the boundaries between nations, states, cities, schools, and individuals. Consider the clamor that arises every time there is a Soccer World Cup. To many, soccer is more important than life and death. Perhaps the world would have even more wars if it were not for the “safety valve” of sports. A similar example of substituting a competition as a proxy for total war can be seen in a sixteenth-century account of military conflict between France and England:

During the fourteenth century, war between English and French armies was raging on most French territory. Troops and Mercenaries from both countries were rampaging everywhere, bringing havoc and

destruction. In 1531, a French nobleman, Jean, Lord of Beaumanoir, offered to his English foes an opportunity to settle the quarrel. Thirty warriors from each side were to fight to the death in a closed field, the loser's friends being banished or ruled over. On March 27, 1531, the English leader, Bembro, Lord of Ploermel, was killed, and the English army withdrew in defeat. *This part of France then knew peace for some time.*<sup>24</sup> (emphasis mine)

An examination of the courts upon which the games were played, and of the paraphernalia used in the games within the two regions, offers further clues to their cultural connection. The ballcourts constructed in the two regions are different in that the Mesoamerican courts are more refined and complex (fig. 3), while the courts discovered in Puerto Rico and other islands in the Caribbean are more modest (fig. 4).



**Figure 3.** Ballcourt at Chichén Itzá.<sup>25</sup>



**Figure 4.** Ballcourt at Caguana, Puerto Rico.<sup>26</sup>

One of the foremost experts on Mayan civilization, Michael D. Coe, describes the ballcourt at Chichén Itzá as “the largest and finest in all Mesoamerica.”<sup>27</sup> In his book *The Maya*, Coe describes the physical layout of this ballcourt:

Its two parallel, upright walls measure 272 ft long and 27 ft high (82.6 by 8.2 m), and are 99 ft (30 m) apart. At either end of the I-shaped playing field is a small temple, the one at the north contain-



ing extensive bas-reliefs of Toltec life. That the game was played Mexican-style is shown by the two stone rings set high on the sides of the walls.<sup>28</sup>

In contrast to Coe's description of Chichén Itzá's ballcourt, Dr. Ricardo Alegría provides a description of the central ballcourt in the Barrio Caguana at Utuado, Puerto Rico: "This court is a rectangle 160 feet long and 120 feet wide. The longer sides, which run from north to south are marked by lines of great stone blocks or monoliths, some of which are more than six feet high and must weigh more than a ton."<sup>29</sup> The basic difference then, between the ballcourts in Mesoamerica and those in the Caribbean, is that those in Mesoamerica were architecturally sophisticated, having masonry floors, walls, and often temples, while those in the Caribbean were simple dirt fields lined with monoliths.

The fact that the ballcourts in Mesoamerica were more complex than those in the Caribbean does not force us to conclude that there is no connection between them. It only indicates that those in the Caribbean were simpler, something that we should expect when examining the product of cultural diffusion between a cultural characteristic's point of origin and outside regions. The differences between the ballcourts found in the two regions can be attributed to what geographers call *place* and to a similar concept, *distance decay*. Place is "that which makes a particular point on the Earth's surface unique."<sup>30</sup> Even though the ballgames were similar, their differences are due to the particular characteristics of the places in which they are found. The factors that make one place different from others can be attributed to the different resources that are available and to the particular cultural characteristics inherent in each area. John Bale, in his groundbreaking work *Sports Geography*, articulates the process of sports diffusion, saying:

Folk games seem to have originated in certain 'culture hearths', diffusing away from these culture cores, and thereby modifying their form. Smith (1972), for example, basing his conclusions on anthropological evidence, suggests that the ball-play concept among indigenous North Americans spread from meso-America and in doing so assumed a variety of different forms.<sup>31</sup>

Hence, the islands in the Caribbean received the ballgame from Mesoamerica, but they adapted it to their own cultural heritage and to their own local resources. The other geographic characteristic that I mentioned earlier, distance decay, describes how, as one moves farther from a cultural phenomenon's point of origin, the evidence of the phenomenon dilutes to the point at which the phenomenon no longer is evident.<sup>32</sup> As one moves away from the ballgame's point of origin, gradual differences can be detected, as the previous paragraphs indicate. Nevertheless, enough similarities can be detected to indicate a common point of origin.

Parallels between the games played in the two regions can also be seen when examining the artifacts associated with the ballgame. A common artifact associated with the ballgame in Mesoamerica is the *yoke*, a piece of equipment that the players often wore around their waist or on an arm or leg.<sup>33</sup> There have been numerous yokes recovered from archaeological sites (fig. 5), as well as numerous depictions of players wearing yokes in figurines, carved on monuments, painted on ceramics, and recorded in the various Mayan codices that have survived the centuries.



**Figure 5.** Mayan stone yoke.<sup>34</sup>



**Figure 6.** Taino stone yoke.<sup>35</sup>

Archaeological investigations of Taino villages in the Greater Antilles have yielded stone yokes of similar design to those found in Mesoamerica (fig. 6). This fact also supports the idea of cultural diffusion between the two regions. Irving Rouse, in *The Tainos*, tells of these artifacts and their possible use:

It is not uncommon to find fragments of “stone collars” and “elbow stones” in and around the Puerto Rican courts. The collars are complete rings shaped to fit around the human waist. . . . Analogies in Mesoamerican archeology suggest that the wooden and the lighter-stone collars and elbow stones were worn by ball players as belts with which to protect their bodies and to deflect the ball.<sup>36</sup>

A comparison of how the games were played in the two regions also yields clues to their having a cultural connection. In Rouse’s book, the game played among the Tainos is described thus:

The teams, each with ten to thirty players, occupied opposite ends of the court, as in tennis, and alternated in serving the ball. Players attempted to keep it in motion by bouncing it back and forth from their bodies to the ground inside the limits of the court. They were not allowed to touch it with their hands or feet.<sup>37</sup>

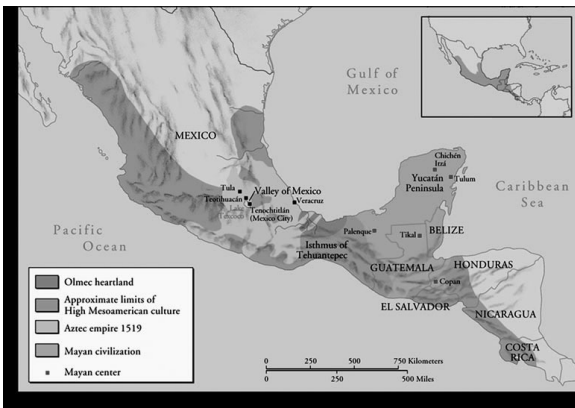
Accounts of the game in Mesoamerica describe similar parameters of play: “One interesting property of the game was that the ball was struck mainly with the hip, buttocks, or knee: hence the name ‘hip-ball game.’”<sup>38</sup> Lastly, in establishing the

cultural connection between the games played in the two regions, is the fact that the Taino word *batay*, referring to the ballgame, is also found in Classic Mayan inscriptions in the same context.<sup>39</sup>

### ***Proof of Contact between the Two Regions***

Having established that there are similarities between the ballgames played in the two regions, I will now examine whether there is incontrovertible evidence of contact between them. Among the evidence that archaeologists look for when trying to determine if there was contact between one culture and another is the discovery of artifacts in one area that could only have originated in another. Evidence for contact between Mesoamerica and the islands of the Caribbean is proven by the fact that pre-classic Mayan jadeite axes have been discovered on the island of Antigua.<sup>40</sup> A mineralogical analysis of these artifacts indicates that they could only have originated in Guatemala.<sup>41</sup> Jadeite stone axes do not float, so they could only have made the journey via canoe.

Columbus, during his voyages through the Caribbean, was aware of the strong seafaring tradition among the Mayan and the Tainos: “Columbus was the first European to reveal that the Indians of the New World were seafaring trading peoples who roamed throughout the islands in large trading canoes. Columbus’s reports concerned primarily the trading voyages of the Taino in the Caribbean islands he had discovered in his four voyages.”<sup>42</sup> An examination of the geography of Mesoamerica and the Caribbean shows that the Mayans only needed to cross the Yucatan strait between the mainland and Cuba to interact with the Taino (fig. 7). Such a journey could easily be made in one of the large trading canoes that Columbus mentioned.



**Figure 7.** Map of Mesoamerican civilizations.<sup>43</sup>

A subset of the Mayans, called the Chontal Mayans, who lived on the Gulf Coast of Mexico, had a particularly vigorous seafaring tradition and have been called the Phoenicians of the New World.<sup>44</sup> My conclusion, therefore, when taking into account the similarities in ballgame paraphernalia, the similarities in the game’s social significance, and the jadeite artifacts discovered in Antigua, is that there was indeed contact between the two regions and that the people in these regions must have been aware of each other’s ballgame traditions.

Despite my assertion that the ballgame diffused from Mesoamerica to the Antilles, it could be argued that the games developed independently. Given the complexity of the games, this is not likely, as John Bale explains:

Tylor (1880), regarded by many as the ‘father of modern anthropology’, noted that while some simple games such as wrestling or throwing a ball had grown up independently in a number of geographic locations, others seemed so distinct and artificial that it was unlikely that their distinctiveness could be hit upon more than once.<sup>45</sup>

### ***What the Diffusion of the Ballgame Signifies***

What can we learn from this cultural connection between the two regions? When investigating matters of a historical nature, it is sometimes helpful to draw parallels between cultures. Doing this comparison helps us to see the commonality of humankind, and it helps us to see the differences between cultures across chronological and geographic space. The cultural connection between the Mayan civilization and the Tainos, when the Mayans were at their zenith, indicates the cultural hegemony that the more-advanced Mesoamerican cultures imposed upon their neighbors. A cultural parallel to this is the Roman civilization. The cultural influence of the Roman empire on its neighbors, when it was at its greatest extent, is described in *Western Civilizations*:

Although for convenience’s sake historians speak of the empire’s borders, in fact these borders were highly fluid and permeable. We ought, more properly, to speak not of “borders” but of “frontiers,” and to see these frontiers as zones of particularly intensive cultural interaction between provincial Romans and the non-Roman peoples who lived beyond them.<sup>46</sup>

The advanced Mesoamerican civilizations asserted a similar cultural influence over their neighbors. Certainly one of the most important aspects of Mesoamerican culture, the ballgame, would have been shared with cultures beyond its borders.

### ***Notes***

1. Richard E. Alegría, “The Ball Game Played by the Aborigines of the Antilles,” *American Antiquity* 16, no. 4 (April 1951): 349.
2. Vernon L. Scarborough and David B. Wilcox, eds., *The Mesoamerican Ballgame* (Tucson: The University of Arizona Press, 1991), 17.
3. Codices are ancient manuscripts.
4. Jorge Pérez de Lara, “MNA052.jpg,” accessed September 1, 2012, <http://www.mesoweb.com/features/jpl/52.html>.
5. James M. Rubenstein, *An Introduction to Human Geography* (Upper Saddle River, NJ: Pearson Prentice Hall, 2008), 37.
6. Derek H. Alderman, “Cultural Change and Diffusion: Geographic Patterns, Social Processes, and Contact Zones,” in *21<sup>st</sup> Century Geography: A Reference Handbook*, ed. Joseph P. Stoltman (Thousand Oaks, CA: Sage Publications, Inc., 2012), 123.
7. Erin H. Fouberg, Alexander B. Murphy, and H.J. de Blij, *Human Geography: People, Place, and Culture* (Hoboken, NJ: John Wiley & Sons, Inc., 2009), 30–31.
8. Heather Pringle, “Saga in Stone: The Birth of Kings,” *National Geographic: Collector’s Edition*, 2008, 29.
9. Ibid.
10. Heather Pringle, “A Living Legacy: Keepers of the Flame,” *National Geographic: Collector’s Edition*, 2008, 105.
11. Frank Salomon and Stuart B. Schwartz, eds., *The Cambridge History of the Native Peoples of the Americas* (Cambridge: Cambridge University Press, 1999), 719.
12. Ibid., 704.
13. Miguel A. Bonini, *A Cooperative Ball Court Study in Puerto Rico*, Cultural Resource Management, accessed September 1, 2012, <http://crm.cr.nps.gov/archive/20-11-29.pdf>, 59.

14. Ibid., 60.
15. Angela M.H. Schuster, "Mesoamerica's Oldest Ballcourt," *Archaeology*, July/August 1998, <http://www.archaeology.org/9807/newsbriefs/ballcourt.html>.
16. Ortiz C. Ponciano and María del Carmen Rodríguez, *Olmec Ritual Behavior at El Manatí: A Sacred Space* (Washington, D.C.: Dumbarton Oaks Research Library and Collection, 1999), <http://www.doaks.org/resources/publications/pre-columbian-studies/social/social09.pdf>.
17. Irving Rouse, *The Tainos* (New Haven, CT: Yale University Press, 1992), 112.
18. Heather Pringle, "Lords of Creation, Lords of War," *National Geographic: Collector's Edition*, 2008, 48–49.
19. Vernon L. Scarborough and David B. Wilcox, eds., *The Mesoamerican Ballgame* (Tucson: The University of Arizona Press, 1991), vii.
20. Manuel Aguilar, "File:Ulama 37 Aguilar.jpg," accessed August 22, 2012, [http://en.wikipedia.org/wiki/File:Ulama\\_37\\_\(Aguilar\).jpg](http://en.wikipedia.org/wiki/File:Ulama_37_(Aguilar).jpg).
21. Vernon L. Scarborough and David B. Wilcox, eds., *The Mesoamerican Ballgame* (Tucson: The University of Arizona Press, 1991), 15.
22. Ibid., 17.
23. Irving Rouse, *The Tainos* (New Haven, CT: Yale University Press, 1992), 15.
24. Vernon L. Scarborough and David B. Wilcox, eds., *The Mesoamerican Ballgame* (Tucson: The University of Arizona Press, 1991), 161.
25. Encyclopedia Britannica, "20518-004-50F4261F.jpg," accessed August 22, 2012, <http://www.britannica.com/EBchecked/media/17623/The-tlachtlí-ball-court-at-Chichen-Itza-Yucatan-Mexico>.
26. Alessandro Cai, "File:Parco Cerimoniale Indigeno di Caguana.jpg," accessed May 11, 2012, [http://en.wikipedia.org/wiki/File:Parco\\_Cerimoniale\\_Indigeno\\_di\\_Caguana.jpg](http://en.wikipedia.org/wiki/File:Parco_Cerimoniale_Indigeno_di_Caguana.jpg).
27. Michael D. Coe, *The Maya* (London: Thames & Hudson, 1966), 138.
28. Ibid.
29. Richard E. Alegría, "The Ball Game Played by the Aborigines of the Antilles," *American Antiquity* 16, no. 4 (April 1951): 349.
30. James M. Rubenstein, *The Cultural Landscape: An Introduction to Human Geography* (Oxford, OH: Pearson Prentice Hall, 2008), 5.
31. John Bale, *Sports Geography* (London: Routledge, 1989), 38.
32. James M. Rubenstein, *The Cultural Landscape: An Introduction to Human Geography* (Oxford, OH: Pearson Prentice Hall, 2008), 37.
33. Vernon L. Scarborough and David B. Wilcox, eds., *The Mesoamerican Ballgame* (Tucson: The University of Arizona Press, 1991), 48.
34. Richard Diehl, *Death Gods, Smiling Faces and Colossal Heads: Archaeology of the Mexican Gulf Lowlands*, accessed March 24, 2012, <http://www.famsi.org/research/diehl/section01f.html>.
35. Lehman College, *Taino Treasures: The Legacy of Dr. Richard E. Alegría*, Lehman College Art Gallery.
36. Irving Rouse, *The Tainos* (New Haven, CT: Yale University Press, 1992), 115.
37. Ibid., 15.
38. Ibid., 3.
39. Ronald Canter, *Yucatan Channel and Trade*, FAMSI, accessed March 24, 2012, <http://www.research.famsi.org/aztlan/uploads/papers/Canter-Yucatan-Channel-and-Trade.pdf>.
40. Ibid.
41. Charles Petit, *Jade Axes Proof of Vast Ancient Caribbean Network, Experts Say*, National Geographic News, accessed March 24, 2012, <http://www.news.nationalgeographic.com/news/2006/06/060612-caribbean.html>.
42. Ibid., 2.
43. Michigan State University, "Mesoamerican Civilizations.jpg," accessed August 14, 2012, <http://matrix.msu.edu/hst/guide/history140r/unit5/mod/module05.php>.
44. Joyce Kelly, *An Archaeological Guide to Mexico's Yucatán Peninsula* (Norman, OK: University of Oklahoma Press, 1993), 62.
45. John Bale, *Sports Geography* (London: Routledge, 1989), 38.
46. Judith G. Coffin and Robert C. Stacey, eds., *Western Civilizations* (New York: W.W. Norton and Company, 2008), 188–89.

## Bibliography

- Aguilar, Manuel. "File:Ulama 37 Aguilar.jpg." Accessed August 22, 2012. [http://en.wikipedia.org/wiki/File:Ulama\\_37\\_\(Aguilar\).jpg](http://en.wikipedia.org/wiki/File:Ulama_37_(Aguilar).jpg).
- Alderman, Derek H. "Cultural Change and Diffusion: Geographic Patterns, Social Processes, and Contact Zones." In *21<sup>st</sup> Century Geography: A Reference Handbook*, edited by Joseph P. Stoltman. Thousand Oaks, CA: Sage Publications, Inc., 2012.
- Alegria, Richard A. "The Ball Game Played by the Aborigines of the Antilles." *American Antiquity* 16, no. 4 (1951): 359.
- Bale, John. *Sports Geography*. London: Routledge, 1989.
- Bonini, Miguel A. "A Cooperative Ball Court Study in Puerto Rico." *Cultural Resource Management* 20, no. 11 (n.d.): 59–60. Accessed September 1, 2012. <http://crm.cr.nps.gov/archive/20-11-29.pdf>.
- Cai, Alessandro. "File:Parco Cerimoniale Indigeno di Caguana.jpg." Accessed May 11, 2012. [http://en.wikipedia.org/wiki/File:Parco\\_Cerimoniale\\_Indigeno\\_di\\_Caguana.jpg](http://en.wikipedia.org/wiki/File:Parco_Cerimoniale_Indigeno_di_Caguana.jpg).
- Canter, Ronald. *Yucatan Channel and Trade*. FAMSI. Accessed March 24, 2012. <http://research.famsi.org/aztlan/uploads/papers/Canter-Yucatan-Channel-and-Trade.pdf>.
- Coe, Michael D. *The Maya*. London: Thames & Hudson, 1966.
- Coffin, Judith G. and Robert C. Stacey, eds. *Western Civilizations*. New York: W.W. Norton & Company, 2008.
- Diehl, Richard. *Death Gods, Smiling Faces and Colossal Heads: Archaeology of the Mexican Gulf Lowlands*. FAMSI. Accessed March 24, 2012. <http://www.famsi.org/research/diehl/section01f.html>.
- Encyclopedia Britannica. "20518-004-50F4261F.jpg." Accessed August 22, 2012. <http://www.britannica.com/EBchecked/media/17623/The-tlachtli-ball-court-at-Chichen-Itza-Yucatan-Mexico>.
- Fouberg, Erin H., Alexander B. Murphy, and H.J. de Blij. *Human Geography: People, Place, and Culture*. Hoboken, NJ: John Wiley & Sons, Inc., 2009.
- Kelly, Joyce. *An Archaeological Guide to Mexico's Yucatán Peninsula*. Norman, OK: University of Oklahoma Press, 1993.
- Lehman College. *Taino Treasures: The Legacy of Dr. Richard L. Alegria*. Lehman College Art Gallery. Accessed March 24, 2012. [http://www.lehman.edu/vpadvance/artgallery/gallery/taino\\_treasures/exhibit\\_checklist\\_a.html](http://www.lehman.edu/vpadvance/artgallery/gallery/taino_treasures/exhibit_checklist_a.html).
- Michigan State University. "Mesoamerican Civilizations.jpg." Accessed August 14, 2012. <http://matrix.msu.edu/hst/guide/history140r/unit5/mod/module05.php>.
- Pérez de Lara, Jorge. "MNA052.jpg." Accessed September 1, 2012. <http://www.mesoweb.com/features/jpl/52.html>.
- Petit, Charles. *Jade Axes Proof of Vast Ancient Caribbean Network, Experts Say*. National Geographic News. Accessed March 24, 2012. <http://www.news.nationalgeographic.com/news/2006/06/060612-caribbean.html>.



- Ponciano, Ortiz C. and María del Carmen Rodríguez. *Olmec Ritual Behavior at El Manatí: A Sacred Space*. Washington, D.C.: Dumbarton Oaks Research Library and Collection. <http://www.doaks.org/resources/publications/pre-columbian-studies/social/social09.pdf>.
- Pringle, Heather. "Lords of Creation, Lords of War." *National Geographic: Collector's Edition: Mysteries of the Maya*, August 2008, 48–49.
- Rouse, Irving. *The Tainos*. New Haven, CT: Yale University Press, 1992.
- Rubenstein, James M. *An Introduction to Human Geography*. Upper Saddle River, NJ: Pearson Prentice Hall, 2008.
- Salomon, Frank and Stuart B. Schwartz, eds. *The Cambridge History of the Native Peoples of the Americas*. Cambridge: Cambridge University Press, 1999.
- Scarborough, Vernon L. and David B. Wilcox, eds. *The Mesoamerican Ballgame*. Tucson: The University of Arizona Press, 1991.
- Schuster, Angela M.H. "Mesoamerica's Oldest Ballcourt." *Archaeology* 51, no. 4 (July/August 1998): n.p. Accessed March 24, 2012. <http://www.archaeology.org/9807/newsbriefs/ballcourt.html>.

# Premeditated Causes of the 2002 Gujarat Pogrom: A Comprehensive Analysis of Contributing Factors that Led to the Manifestation of the Riots

**Tracy Wilichowski**, author

Dr. James Frey, History, faculty adviser

Tracy Wilichowski graduated from UW Oshkosh with the distinction of *summa cum laude* in May 2012. During her time at Oshkosh, she acquired history and philosophy degrees and minored in social justice. Throughout college, she was active in the Philosophy Club and was the director of Student Legal Services during her senior year. Her interest in South Asian communalism began after studying abroad for a semester in India. Tracy is teaching at a low-income school for the next two years through the Teach For America program and plans to pursue a Ph.D. in South Asian studies.

Dr. James Frey is an assistant professor in the UW Oshkosh History Department, specializing in the history of India. He has taught courses on Islamic history and communalism in India, in addition to the Indian history surveys. He is a graduate of the University of Wisconsin–Madison and the University of California–Berkeley. His research interests include the history of Indian magic, the East India Trade, and the East India Company Raj.

## ***Abstract***

In the last 30 years, the nature of communalism in India has changed significantly. This increase in violence is commonly attributed to the rise of the Bharatiya Janata Party (BJP); however, there are other factors that contributed to the 2002 Gujarat pogrom. Despite the considerable research done on the Gujarat riots, little is known about their cause, aside from the BJP's apparent involvement. This study uses qualitative research methods to uncover a comprehensive list of factors believed to have led to the riots. An analysis of firsthand accounts taken from witnesses, in conjunction with secondary research done by experts in the field, reveals a preponderance of causes independent of the BJP's presence. The political insecurity of the state, in addition to a general lack of progressiveness, educational inequity, and an increase in the impact of globalization policies are the most important factors that led to the escalation of violence in Gujarat. This project will contribute to future research related to communal violence in India by helping researchers analyze the cause of the riots from an unbiased and historical perspective. It will help scholars realize that the causes of the riot were not only rooted in the BJP's political agenda but were also the result of economic and sociological problems that have been present in Gujarat for centuries.

## ***Introduction***

Communal violence in India is not a new phenomenon, but the nature of such rioting has changed significantly in the past 30 years. Communalism is ethnic chauvinism that is connected with groups' political allegiance to their ethnicity. Violent communal outbreaks are common in South Asia, being characterized as quarrels between religious communities. Nevertheless, the communal violence that occurred in Gujarat in 2002 took the shape of a one-sided, systematic pogrom backed by the Bharatiya Janata Party (BJP) and other members of the Sangh Parivar. A pogrom is a

state-backed riot directed against a minority group, characterized by targeted killings and destruction. Throughout this paper, I will explore the causes and character of the riots to determine whether or not they are a pogrom. This will involve ascertaining the extent of the BJP's involvement in the Gujarat violence as well as the evidence for the party's complicity.

The Sangh Parivar, representing the Hindu nationalist movement, is composed of several organizations, including the BJP and Vishva Hindu Parishad (VHP), all inspired by the militant, conservative ideas of the Rashtriya Swayamsevak Sangh (RSS). In 2002, members of the BJP allegedly took part in communal violence in Gujarat, a state in the northwest corner of India, by acting as informants, propagandists, and recruiters. Their participation marks a crucial turning point in the history of communal violence, one in which riots cease to be spontaneous and become endemic. Widespread riots occur when "institutionalized riot systems exist in which known persons and groups occupy specific roles in the production of communal riots" like that of the 2002 Gujarat pogrom.<sup>1</sup> In addition to the BJP's alleged involvement, local factors, independent of party policies, may offer a more comprehensive explanation for why the Gujarat pogrom occurred.

Communal animosity has increased significantly in Gujarat during the past 30 years. This is commonly attributed to the rise of the BJP, a Hindu fundamentalist political party often accused of instigating and supporting the Gujarat riots of 2002, also referred to as the Godhra Riots. I aim to explore external factors, such as the effects of globalization on Gujarat's economy and political autonomy, to determine whether or not this evidence can be used to ascertain the extent of the BJP's alleged participation and involvement in the pogrom. All of these factors will be taken into account and analyzed to discover what really contributed to the communal conflict in Gujarat and if there is significant evidence to put the BJP at fault.

## **Overview**

Two approaches can be used to explain communalism in India and the formation of a Hindu identity in the modern context—the culturalist and the materialist approach.<sup>2</sup> The culturalist position holds that communalism is an inherent product of Indian culture. The materialist camp, on the other hand, asserts that communalism is the result of poor economic or social factors, manipulated by politicians to amass power, a charge often laid against the BJP.<sup>3</sup> Subsequently, the materialist school analyzes external factors that lead to the escalation of communal violence. This approach is crucial to my paper because it lends evidence for why the BJP may be blamed for the escalation of the Godhra riots. Another important distinction for the materialists is the difference between religious and communal violence. Religious violence involves disputes regarding symbols, rites, etc., whereas communal violence is more deeply rooted in social, economic, and political problems.

Aside from these conceptual definitions, there are many reasons to account for the rise of communalism in India's recent history. Some of these reasons stem from Muslim rulers in the medieval and early modern era and others are a result of British colonialism. In addition, some are a recent phenomenon rooted in the politics of Partition, the India-Pakistan conflict, and controversies surrounding sectarianism. All of these factors have worked together over the centuries to fuel the sustained communal conflict that pervades Indian society today.

Legends about how Mughal rulers "allegedly" treated Hindus when they were in power have deeply divided the Hindu and Muslim communities.<sup>4</sup> Although these stories rarely have any basis in fact, they were employed by both the British colonizers and Hindu fundamentalists to distort Hindus' perceptions of Muslims and divide the

two groups politically. Beginning in 1906, the British assisted in the creation of the Muslim League, which was inspired by Indian Islamic reformer Sir Syed Ahmad Khan's "two nation" principle—the idea that Muslims and Hindus formed separate nations within India. The 1919 Montagu-Chelmsford reforms furthered this agenda by including a communal electoral principle, which was a deliberate attempt by the British to break the recently cemented alliance between Congress and the Muslim League. As the Freedom Struggle progressed during the Interwar Years, the Round Table Conferences were held by the British government, including emissaries from various communal groups with the goal of forcing the pro-democracy Congress to accept the communal principle. Finally, the principle reforms agreed upon at the Round Table Conferences evolved into the 1935 Government of India Act. This bill expanded the idea of a communal political system by providing different electorates for Hindus and Muslims.<sup>5</sup> It allowed India to become a largely self-governing dominion within the British Empire with communalized electorates. Many scholars consider this to be a major turning point in the history of Indian communalism because it effectively politicized and institutionalized the communal divide between Hindus and Muslims.

Another important factor to keep in mind is the history of Gujarat itself. Most of the 2002 rioting occurred in places that had been under direct British control before 1947, not in areas formerly under the control of the princely states.<sup>6</sup> This may indicate that the British divide and rule policy had a significant impact in the territories it directly controlled, causing Muslims and Hindus in these places to become more systematically divided than in other regions. In accordance with this, it is also important to keep in mind that Gujarat had a strong history of communal tension prior to independence that significantly exceeded that of other states. Likewise, after independence, Congress was much more conservative in Gujarat than in other states. This set the precedent for the political atmosphere found in Gujarat today.

After India became independent from the British Empire and Pakistan was formed as a separate nation, Gujarat faced its first large-scale communal massacre, arson, and looting in 1969.<sup>7</sup> At this time, planned riots took place and the shops of Muslims were systematically destroyed. Nearly 1,000 lives were lost, and most Muslims' shops were effectively demolished, resulting in several crore rupees (thousands of dollars) in property damage. In addition, several posters were hung on the streets during this violence that "called the violence a reprisal or revenge for 1946."<sup>8</sup> This sort of large-scale destruction and death suggests that the riots were preplanned just as they were in 2002.<sup>9</sup>

Gujarat also has seen a significant rise in intercaste violence over the past 30 years, arising from attempts to cope with the breakdown of caste society.<sup>10</sup> During the 1980s the higher castes' influence over society was severely weakened by a coalition of lower castes known as KHAM (Kshatriya, Harijan, Adivasis, and Muslims).<sup>11</sup> The goal of this alliance was to upset the social and political order in India in the hopes that lower castes would attain more power. KHAM created an atmosphere of anxiety and instability within the upper castes.<sup>12</sup> The Sangh Parivar effectively capitalized on this fear in Gujarat by transforming the caste violence of the 1980s into a quarrel along communal lines. To do this, they blamed Muslims for society's problems. This rhetoric resulted in the collaboration of all Hindus, no matter what their caste affiliation, on the basis of a unified Hindu identity.<sup>13</sup>

In addition to the unification of Hindus along communal lines, current events in the mid-1980s and early 1990s contributed to the further division of Hindus and Muslims. One such event was the Shah Bano case, in which an older Muslim woman sought additional compensation from her divorced husband. According to Sharia law (that is, the religious law of Islam), she had received the highest amount, so she appealed

her case to the secular judicial system. However, the secular court ruled in favor of the Sharia law ruling. The case sparked a massive debate about secularism in India and questioned the justification for perpetuating multiple, communal legal systems. It was used as the primary example of India's failure to be secular because Sharia law was upheld by the court at a time when Congress had full control of Parliament.<sup>14</sup> The fallout of the Shah Bano case also fueled the Babri Masjid Controversy that was beginning to escalate.

The destruction of the Babri Masjid (a mosque) had widespread effects on the country, just as the Shah Bano controversy had. Building momentum in the mid-1980s, the BJP called for the destruction of the Babri Masjid, which was supposedly built on the birthplace of the Hindu god Ram. Many members of the BJP took part in the destruction of the mosque, those who were arrested behaving defiantly, and responding to the government's allegations of their involvement by interrupting proceedings of Parliament and threatening to destroy more mosques. The BJP also succeeded in organizing a successful *bandh* protesting the government's actions against those on trial.<sup>15</sup> Unfortunately, the other opposition parties in Parliament failed to offer a unified response during the Babri Masjid crisis. This inaction strengthened the BJP and showed that an all-party front against communalism could not be sustained.<sup>16</sup>

### ***Historiography***

It is important to note that the Gujarat riots have not been dealt with in depth by scholars. Much of the evidence I used is still in website form, presented and interpreted by nongovernment organizations (NGOs) and other organizations either directly affiliated with the political institutions in power in Gujarat in 2002, or else openly opposed to them. Also note that there is widespread speculation regarding the BJP's role in the violence, and a tendency among many people to blame the party without consulting the evidence. Now, proceed to review the historiography.

In *Social Conflict and the Neoliberal City: A Case of Hindu-Muslim Violence in India*, Ipsita Chatterjee, a professor at the University of Texas at Austin, investigates "how neoliberal policies of globalization, [such as] industrial restructuring and urban renewal, re-order community life and can aggravate situations of social unrest."<sup>17</sup> Chatterjee examines the grounding process of neoliberal globalization in accordance with preexisting sociocultural and economic specificities of places. These factors, she argues, impart intercommunity relationships to conflicts. To fully understand localized conflicts, Chatterjee holds we must examine them within the context of the dynamics of globalization, which is the economic and cultural integration of different cultures that have arisen from an increase in human communication in the past century. The concept of "neoliberalism" is crucial to understanding both Chatterjee's argument and the pogrom's causes. Neoliberalism is economic liberalism that emphasizes the "efficacy of private enterprise, liberalized trade, and relatively open markets to promote globalization."<sup>18</sup> Furthermore, it "calls for minimal government intervention, a free-market economy, trade, financial liberalization, and a reduction of public expenditure."<sup>19</sup> These policies lead to a resurgence of ethno-religious conflicts and aggravate situations of social unrest, Chatterjee argues. She observes four case studies from Hindu-Muslim conflicts in Ahmedabad, Gujarat's largest city, to support her thesis and finds that neoliberal policies tend to reinforce already existing geographies of exclusion, violence, and conflict.

Chatterjee's article provides sound empirical research supporting the negative effects of globalization on localized communal conflicts. By interviewing members of both the Muslim and Hindu communities, interrogating government officials, and investigating policy statements, websites, and urban development plans, Chatterjee

finds that Ahmedabad's promotion of neoliberal globalization has led to oppressive economics that target the poor and result in social tensions that contribute to conflict. This cycle of tension fragments and divides Ahmedabad's lowest class creating an environment that allows sustained communal tension.

Like Chatterjee, Deana Heath, formerly a research fellow at Delhi University, observes the effects of globalization on India's "secular" society. In *Communalism, Globalization, and Governmentality: Some Reflections on South Asia*, Heath assesses the structural relationship of communalism and globalization, arguing that they mutually constitute one another.<sup>20</sup> She observes globalization within the realm of "global governmentality," remarking that its function is to encourage individuals to voluntarily seek inclusion in a new global order.<sup>21</sup> Thus, the aim of global governmentality is to improve the health and welfare of populations through self-aggrandizement.

Cynthia Talbot's article, "Inscribing the Other, Inscribing the Self: Hindu-Muslim Identities in Pre-colonial India," provides useful information on how Indian Muslims were commonly viewed in the medieval era, and how negative historical stereotypes have been used today by the Sangh Parivar. Talbot appeals to tales in which Muslims are depicted as demonic barbarians, threatening Hindu society. These stories were pervasive during the early centuries of Islamic expansion and were an expression of the threat felt by Hindu society.<sup>22</sup> However, historically there is little evidence to support these extreme views. Despite this, they are used by politicians to polarize Hindus and Muslims.

It is a commonly held notion that modernization has directly promoted a sharper articulation of ethnic and communal identities in India, one that draws inspiration from false medieval histories. One example is Talbot's analysis of the "supposed" temple destruction by Muslims in the medieval era. She found that "there is no evidence of a time when temples, well within the sphere of Muslim influence, were looted or damaged."<sup>23</sup> Temple destruction only occurred in places of conflict or political instability. Myths about Muslim invaders during the medieval era are pertinent because these same stories are used by right-wing radicals to justify the atrocities Indian Muslims often fall victim to today. Distinguishing between the evidence of actual temple destruction and the rhetoric used by BJP propaganda will help uncover the Hindutva narrative, that is, cultural nationalism associated with Indian culture, history, and ancestry.

Aside from these scholars, a major contributor to the field, who has authored multiple books, articles, and reports on communalism in modern India, the Bombay riots, the role of the Sangh Parivar, and the causes and nature of the Gujarat pogrom, is Asghar Ali Engineer. He is a writer and activist currently heading the Institute of Islamic Studies and the Centre for Study of Society and Secularism in New Delhi. In his works, he compiles primary and secondary sources to give a comprehensive summary of the riots. Engineer is also an editor who relies on witness testimonies and commissioned reports to provide the reader with reliable primary evidence. *Communal Riots in Post-Independence India*, *The Gujarat Carnage*, and *Communal Riots After Independence* are all works of his that provide much of the evidentiary basis for this paper.

## Methodology

Communal riots in India have persisted for centuries and are usually caused by tribal clashes, rumors, the manipulation of religious artifacts, intrusion by others on festivals, conflicting prayer times, disputes over places of worship, intermarriage, desecration of holy places, sexual offenses, the biased role of the police, or the



presence of Pakistani Muslims acting as agents.<sup>24</sup> Riots generally conform to certain characteristics that include mob action, police complicity, isolated incidents of violence in urban areas, and insufficient legal punishment for the guilty.<sup>25</sup> Although the riots in Gujarat in 2002 displayed a number of these characteristics, they were much more brutal and extreme than the “normal” riots that pervade Indian society. Such extremes included female mutilation and the massacre of Muslims. In addition, the riots were not stopped by the BJP government until nearly three days after they began, which implies that they were not sporadic but preplanned and condoned by both the national and state government. Given that direct evidence of the state’s complicity can be found, it is indisputable that this set of riots is instead a pogrom.

Originally, riots were used by the BJP as a way to win elections. The BJP learned that when major riots occur before an election, they are generally followed by intense interparty competition. This competition produces a communalized and polarized electoral result that the BJP uses to its advantage.<sup>26</sup> Thus, the BJP derives power from exploiting groups along communal lines and taking advantage of unfortunate situations by blaming Muslims and other minority groups for local, state, and national problems. The BJP used this strategy of scapegoating Muslims to prolong confrontation between Hindus and Muslims in the hopes of intensifying their self-identities, which increased communal animosity.

The rise of the BJP was also marked by a profound cultural change in Gujarat. During the previous 100 years, traditional culture had been shaped and dominated by the higher castes. However, this political domination became challenged by the unification of the lower castes, known as KHAM. The upper castes felt threatened by their condition and responded by adopting Hindutva.<sup>27</sup> This ideology made it clear that Muslims did not properly fit into the Gujarati culture unless they assimilated. Those who did not assimilate provoked the guardians of Hindutva to commit extreme acts of violence.<sup>28</sup> Over the years, Hindutva gained momentum in Gujarat and was supported by a cross section of Indian society. Indian nationalism was no longer associated with the secular Indian state but became synonymous with Hindu nationalism and the push for a Hindu state. There was an increase in patriotism after the nuclear tests conducted by Congress, but the credit for this was absorbed by the BJP due to its electoral triumph just prior to the tests. These technological developments, in conjunction with India’s tougher stance vis-à-vis Pakistan, led to the communalization of national security in India. After testing nuclear weapons, the BJP established a national security council to undertake a strategic defense review, thus becoming the perceived guardian of Hindutva nationhood and ideology.<sup>29</sup>

With the political growth of the BJP came the rise of unregulated free market capitalism and religious fanaticism. Many of Gujarat’s economic problems were the result of globalization policies implemented by the BJP, including de-licensing, disinvestment, privatization, and marketization.<sup>30</sup> These policies led to an intensification of communalism because new economic liberalization initiatives aimed at greater privatization and increased global competitiveness. These policies eliminated lower-middle-class job security, increased the cost of living, and produced anxiety in all sections of society. They also created an environment in which individuals were more likely to believe the BJP’s message that Congress favored and protected Muslims, prizing them as a necessary and loyal “vote bank.”

Globalization is believed to have had three major effects on Gujarati society. First, it led to an increase in religious and cultural identity formation due to the threat of identity loss from the infiltration of Western culture.<sup>31</sup> This caused urban/westernized and rural people to become more polarized than they had been in the past. Globalization also only provided economic opportunities for the wealthy and

educated.<sup>32</sup> Also, because many companies that existed in India are headquartered in First World countries, globalization led to an increase in non-resident Indian citizens (NRIs).<sup>33</sup> These NRIs, scattered in non-Hindu societies worldwide, are believed to suffer from an identity crisis and are more likely to support the radical Hindutva message than mainstream Indians. Because of this, they are responsible for contributing substantial donations to the Sangh Parivar from the West, drastically increasing the funds available to conservative Hindu political parties in India.

Globalization also denies minorities the fruits of prosperity because development often enhances economic, social, and communal divisions, creating a gross divide between rich and poor that is expressed in explicitly ethnic terms. In fact, "in cities that hosted global economic activities, economic space ascends over life space and the people's survival instincts are marginalized by the activities of the rising global business class."<sup>34</sup> This marginalization has resulted in the ghettoization of Muslims in Gujarat and throughout India.<sup>35</sup> Muslims moved from their traditional areas and, because of their social distance from mainstream Hindus, were easily dehumanized and characterized as a criminal underclass.<sup>36</sup> Because they are segregated from one another socially, despite living within the same proximity, both Hindus and Muslims are able to dehumanize one another easily.

In recent years, Gujarat has actively promoted modernization and industrialization with no protection for the working-class poor, welcoming assessment management companies to invest in Ahmedabad.<sup>37</sup> These companies have made a portion of the population vulnerable by banning economic activities crucial to their stability. For instance, bans against street hawking on major roads and evictions of hawkers from important public places have precluded important economic activities for unlicensed businesses.<sup>38</sup> In addition, the city of Ahmedabad has accumulated a substantial debt to keep up with interest rates from the loans they acquired in the 1990s.<sup>39</sup> As a result, the city could no longer pay to cover the cost of parks and gardens and responded by handing them over to the private sector, which resulted in the nearly complete privatization of the city.<sup>40</sup> This gave assessment management companies even more power because it allowed them to withdraw from affirmative action hiring obligations that the state previously upheld.<sup>41</sup> Thus, companies were able to more easily hire along communal lines, excluding Muslims from jobs that used to be open to the public, subject to minority preferences and quotas.

During the time Gujarat acquired its debt, the state introduced an economic policy called the New Economic Plan (NEP).<sup>42</sup> This policy caused long-term structural changes to Gujarat's economy by allowing global corporations to operate under fewer regulations. This lack of regulation resulted in decreased wages, work, and benefits for workers. The NEP also shifted the focus of urban development plans from infrastructure development and public housing to urban renewal projects geared toward "beautification" and the forced evacuation of the urban poor.<sup>43</sup> This process, also known as exclusion, occurs when "metropolises compete with one another to improve their economic efficiency [and] exclude marginal areas that cannot keep up with the high standard of living."<sup>44</sup> "Exclusion" results in higher levels of poverty and increased vulnerability for city dwellers. This policy fostered reactionary politicians to use urban-industrial decay as a breeding ground for ethno-religious hysteria.

The policies of industrial reconstruction and urban renewal have reordered community life and aggravated situations of social unrest for the past two decades. Furthermore, it is apparent that global policies have been used effectively by politicians to reinforce already existing geographies of exclusion, violence, and conflict. These promarket politics have resulted in the poor fighting each other for shrinking life space, resulting in a communalism that expresses economic conflicts in ethnic terms.

In addition to globalization, there are other local factors that affected the communal relationship between Hindus and Muslims in the wake of the Gujarat pogrom. First, the city of Godhra's population is composed of Muslims and Hindus in more or less equal numbers. Also, Ahmedabad has a divergent history, unlike the rest of Gujarat, one fueled by consumerism, producing a city characterized by rapid ghettoization and urbanization.<sup>45</sup> Ahmedabad is divided into two main districts. The east district was the first to industrialize and now mainly consists of slums, being known for its walled old city. The west, on the other hand, consists mostly of residential areas where middle- to upper-class residents live. This is where Western schools and globalizing projects are found.<sup>46</sup> The east side has experienced a decline in living standards since the closing of the mills in the late 1980s. These local factors may account for why the violence started in these cities. Also, in most parts of India and particularly Gujarat, disregard for the law is taught at a young age and is considered acceptable and preferable, given the nature of the police. In fact, in popular Indian cinema, people engage in all sorts of extreme violence without fear of police intervention or legal consequences. The persistent message of Hindi cinema is that the police are either ineffective, corrupt, or both. Even positive portrayals of the police depict them operating above or outside of the law, securing an intuitive "justice" through violent acts. Disrespect for the law and glorification of violent solutions, paired with few employment prospects, made it acceptable for youth to take part in communal violence and made them fully confident they would not get punished.

In Gujarat, a substantial portion of the population lived below the poverty line, creating large discrepancies in economic equality. In fact, the unemployment rate among Muslim high school graduates is high, with only 27% engaged in regular, salaried work. Most Muslims are self-employed by street vending, small trades, and unlicensed enterprises.<sup>47</sup> Self-employment makes the community much more exposed to disruptions and damages caused by urban conflict and violence. Ghettoized Muslims have poor access to bank credit due to the small number of banks in the Muslim majority localities, as well as traditional Islamic proscriptions against lending and borrowing at interest. There also is no modern education or medical services available due to the lack of infrastructure in Muslim-majority areas. Finally, Muslims are poorly represented in the public sector, especially when it comes to security and law enforcement jobs. These factors make Muslims extremely vulnerable in Indian society because they have no resources to counteract the sustained oppression by the Hindu majority.<sup>48</sup>

### *Nature of Attacks*

A preponderance of evidence supports the view that the 2002 riots in Gujarat were not normal, sporadic riots, but instead a planned attack orchestrated by the government. The drama began to unfold on February 27, 2002, when the Sabarmati Express caught fire, killing 58 *Kar Sevaks* returning from Ayodhya, former site of the Babri Masjid.<sup>49, 50</sup> Prior to this catastrophe, there were several incidents of Muslims being harassed on the train; however, no action was taken to prevent further violence.<sup>51</sup> In fact, "all along the route [the *Kar Sevaks*] misbehaved with hawkers, teased women, shouted slogans at many stations and made inflammatory speeches."<sup>52</sup> There was even evidence of a Muslim girl being molested and abducted on the platform at Godhra. Despite this, no actions were taken by the police against the *Kar Sevaks*. After rumors about the abducted Muslim girl spread, a crowd of nearly 2,000 Muslims gathered to retrieve her from the side of the train, which had stopped about a kilometer away from the Godhra station. Coach S-6 of the Sabarmati Express was torched, killing mostly women and children, who were trapped inside the besieged bogie.<sup>53</sup>

Immediately after the train was set on fire, the leaders of the Gujarat government automatically assumed the train burning was a result of a Pakistani terrorist conspiracy orchestrated by the collaboration of Pakistanis and Indian Muslims.<sup>54</sup> BJP authorities went so far as to arrest two Muslims suspected of involvement in Kashmir, although neither of them had a history of militant activity, and despite there being insufficient evidence to support the state's charges.<sup>55</sup> In addition, train assault victims' bodies were publicly moved from Godhra to Ahmedabad, their location being advertised on the radio.<sup>56</sup> This break with normal media protocol regarding communal conflict incited additional violence by further angering the Hindus of Ahmedabad, setting the stage for large-scale retaliation against the Muslim community. Also, on February 28, a *bandh* was called by the VHP and supported by the BJP, causing even more tension.<sup>57, 58</sup> These reactions suggest the government's complicity in the riots.

Further evidence that the riots were planned may be gleaned from observing what happened in the weeks prior to the Godhra train attack. Throughout the state, Bajrang Dal camps (the VHP youth organization) were set up, featuring secret meetings in which swords were distributed to youth who were explicitly prepared for "war."<sup>59</sup> Also, according to firsthand accounts acquired by an independent fact-finding mission, a month before the riots took place all subinspectors in Ahmedabad were transferred to different locations.<sup>60</sup> Police transfers were given to those who actively opposed the BJP in the weeks preceding the riots.<sup>61</sup> Similarly, the police who remained were commissioned to gather lists of Muslims' homes and businesses. Interestingly, voter registration lists were used by rioters to target all Muslims in a given area during the riots.<sup>62</sup> This shows a direct connection between the planning orchestrated with the help of bureaucratic officials and the actual implementation of their plan to destroy all Muslims.<sup>63</sup>

The non-English media also helped ignite violence by spreading false stories, resulting in the spread of biased information and untrue rumors. Many of the non-English newspapers, in fact, are owned by political parties organized by the RSS.<sup>64</sup> This means that they are commonly used by the Hindu right wing for political leverage. During the Gujarat riots, newspapers such as *Sandesh* spread incredible stories about what Muslims allegedly had done to Hindus. For instance, they ran stories supporting the theory that the train attack was a Pakistani conspiracy, and advertised when and where the bodies of the Kar Sevaks would be transferred. Most notably, these newspapers were never charged for printing false stories to incite violence.<sup>65</sup> During the Gujarat riots, many factions of society were affiliated with right-wing Hindus and either implicitly or explicitly helped in the destruction of Muslims. Because of this collaboration between the vernacular press and extremist political groups, the riots became widespread and dangerous.

There are many characteristics of the 2002 riots that distinguished them from previous rioting in Gujarat. First, the rioters used fire to kill Muslim victims. This is significant for two reasons: (1) it symbolized the notion of "fire for fire," that is, because the Kar Sevaks were burned alive on the train, so should the Muslims be burned; and (2) it demolished the victims' bodies entirely, preventing families of the victims from receiving appropriate compensation because there was no way to identify the charred bodies.<sup>66</sup>

This was also the first time the Sangh Parivar was publicly active in promoting communal riots. Few attempts were made to hide the identities of those involved and some members of the government went as far as to openly encourage the violence.<sup>67</sup> Another new feature was that the violence spread to 37 cities and towns that had no history of communal violence. Interestingly, the VHP, RSS, and Bajrang Dal had a presence in many of these cities in the weeks preceding the riot and were responsible for organizing rallies in the wake of the train burning.<sup>68</sup>

Aside from rural areas with no history of communal violence, the Adivasis, a low-caste group with no history of communal animosity and one in competition with Muslims for menial jobs, also took part in the violence for the first time. After attending a Sangh Parivar rally, Adivasis took part in the riot under the influence of alcohol and false propaganda. In addition to being given liquor, their routes were preplanned from village to village. When they were drunk, they were briefed by the Sangh Parivar on an impending attack by Muslims and the adverse economic prospects they would face when the Muslims returned.<sup>69</sup>

Driven by false propaganda and fear, rioters ruthlessly destroyed symbols of Islam including hundreds of mosques and the statue of a famous Urdu poet, Wali Gujarati.<sup>70, 71</sup> These symbols were not only destroyed, but were replaced with Saffron flags and makeshift temples. Furthermore, after the carnage, no efforts were made by the state to rebuild Muslim structures or compensate the owners for their damage. These actions symbolize the demise of Islam and its replacement by Hinduism.<sup>72</sup>

Finally, the rhetoric used by the leaders of Gujarat during the riots provides further evidence for why the definition of a pogrom fits better than a set of spontaneous riots.<sup>73</sup> In their speeches, the leaders of the BJP targeted all Muslims and claimed that the riots represented a “successful Hindutva experiment.” In fact, Gordhan Zadaphiya, Home Minister of Gujarat, openly encouraged the mobs. The leaders also attempted to initiate a *yatra*, or holy pilgrimage, to carry the ashes of the train victims to 750 places in India. However, this activism was banned by the Election Commission because of the danger it posed to the stability of the country.<sup>74</sup> The leaders of the BJP manipulated the people during the riots to create an atmosphere conducive to communal politics. This political tactic allowed the BJP to mobilize a large number of people at once by appealing to anyone who was a Hindu, thus creating a popular legitimization of elite rule.<sup>75</sup>

After the riots ceased, their seriousness was downplayed by the state and central government, both controlled by the BJP. For instance, the investigation of the cause of the riots was handed over to P.N. Barot, assistant police commissioner and known BJP sympathizer.<sup>76</sup> Also, no political leaders visited the relief camps until nearly two months after the carnage. They did this because they claimed they did not want to distract the relief workers from their duties. In addition, minimum compensation was offered by the government to the riot victims and their families. Most of the funding for the relief camps was not provided by the government, but was rather funded by other Muslims and nonprofit organizations—including, to be fair, some non-extremist Hindu aid organizations.<sup>77</sup> Because of this lack of recognition and support, conditions of the relief camps were horrible. In fact, at one camp, there were only five toilets for 9,000 people, and no female doctors were on hand for the victims of sexual abuse.<sup>78</sup>

The conditions of the relief camps are simply one example of the government’s ambivalence toward the victims of the Gujarat riots. Leaders of both the central and state government clearly did not do enough to aid or obtain justice for citizens who had been savagely raped or killed. This inaction is exemplified by their ambiguous responses to the carnage and the state’s unwillingness to punish the rioters. In addition, the use of voter registration lists to target all Muslims in a given area, along with systematic efforts to destroy every facet of their way of life, including their homes, businesses, and dignity, indicates that the riots were not a spontaneous occurrence but rather a preplanned attack orchestrated by the Gujarat state government and implicitly backed by the central government of India.

In addition to the actual events that unfolded, an underlying, hateful ideology pervades Gujarati society and has been propagated by the Hindu right for the past several decades. Specifically, the Hindu majority holds the view that it is being



infected and threatened by ethno-religious minority groups. These feelings are not limited to Muslims, but to any minority religious group that threatens Hindutva. This threat, compiled with the occurrence of human rights violations in the past 30 years, implies that riots are likely to continue and escalate in nature.<sup>79</sup> An example that mirrors what happened to Muslims in 2002 is the systematic targeting of Christians by the Sangh Parivar in 1998.<sup>80</sup> The BJP claimed that Christians started the violence (just as the Muslims started the train fire), while Hindus were merely acting to protect themselves. Individual Christians living in all-Hindu neighborhoods were singled out and attacked much like Muslims were in 2002. The attacks continued for several days after the riots and were justified as a manifestation of pent-up anger at forced conversions. Provocative anti-Christian leaflets distributed after the carnage followed by hate speeches suggests preplanning and intent to destroy the group.<sup>81</sup> Afterward, most Hindus agreed that Christians were a threat to the Hindu majority and were dealt with appropriately.

The BJP endorsed outright lies to gain political clout, such as the view that Hindus were being forcibly converted to Christianity. They even succeeded in passing the Freedom of Religion Bill, which prevented forced religious conversions.<sup>82</sup> This bill specifically targeted the conversions of Hindus to Islam or Christianity and was used as a way to deliberately polarize the state. Those who converted were fined \$20, even if the conversion was legitimate. This law stemmed from Hindus' fears of becoming a minority. These fears were effectively legitimized by the BJP and Sangh Parivar and used to incite violence upon religious minorities.

In 2002, the fear of Hindu population decline was coupled with propaganda portraying Muslims as uncontrollable breeders. These ideas made Hindus fearful that the Muslim population would rise, resulting in the loss of political power for traditional Hindu leaders. The powerful psychological effects of hate propaganda created a sense of humiliation in Hindus, spurred fear that a siege from the outside was imminent, and aimed to target the community "responsible" for the nation's degradation.<sup>83</sup>

The fact that the riots were rooted in Hindus' fear of becoming a minority is evident by their inhumane and sadistic treatment of Muslim women. During the riots, women were specifically targeted and their genitals were destroyed, symbolizing the destruction of their group's ability to procreate.<sup>84</sup> In fact, "one woman, Kauser Bano, who was nine-months pregnant, had her belly cut open and her fetus [violently removed], then swung on the edge of a sword before being dashed to the ground and flung into the fire. According to eyewitness accounts, at least two more women were subjected to a similar fate."<sup>85</sup> Many women were gang-raped and subjected to unimaginable torture. For instance, a girl named Khairunissa, daughter of Marukh Bano, was gang-raped by a mob of 11 men in front of her father.<sup>86</sup> Furthermore, B, a twenty-one-year-old from Dahod district, was forced to give birth to her baby as she was running away from the mobs. After delivering, she was forced to walk several kilometers where she was finally cornered. She reflected:

They had not come to help us. They stopped us and then the madness started. They pulled my baby from my arms and threw her away. I and the other women were taken aside and raped. I was raped by three men. I was screaming. They beat me and then left me for dead. When I regained consciousness I found I was alone. All around me were the dead bodies of my family, my baby girl, the newborn baby. They were covered with stones.<sup>87</sup>

Similarly, there are many eyewitness accounts of young children being targeted by the mobs. For instance, before the tribunal, a "witness described how [petroleum disguised as water] was poured into the mouth of a six year old boy" and set on



fire, causing his body to combust instantly.<sup>88</sup> Swords and iron rods were used indiscriminately, targeting men, women, children, and the elderly in the attacks. In Naroda Gaon and Patiya, there is evidence of close to 150 people being burned alive after being hacked, cut, and gang-raped. The bodies were then thrown in a well and buried in a mass grave.<sup>89</sup>

Even former Congress MP Ehsan Jafri could not be saved from the mobs. After making more than 200 desperate phone calls to bureaucrats in all levels of government, including the “Director General of police, the Police Commissioner, the Chief Secretary, and the Additional Chief Secretary,” Jafri was murdered mercilessly without any police intervention.<sup>90</sup> In fact, well aware of the notion that he was a specific target, Jafri

allowed himself to be dragged out of his own house . . . and was stripped, paraded naked, and asked to say, “Vande Mataram!” and “Jai Shri Ram!” He refused. His fingers were chopped off and he was paraded around in the locality, badly injured. Next, his hands and feet were chopped off. Then he was dragged, a fork-like instrument clutching his neck, down the road before being thrown into the fire.<sup>91</sup>

The attack on Jafri and his family was so meticulously planned that the water from the tanks surrounding Jafri’s house had been emptied so that the fires could not be put out.<sup>92</sup> In addition, there is evidence that certain areas, such as Panchmahal, were cleansed of all Muslim residents living in the area and that Muslims were killed by the hundreds after being raped, cut, and burnt alive.<sup>93</sup> In conclusion, it is believed by some that the deployment of the army was purposely delayed so that the mobs could eliminate the Muslims in the first 72 hours of the riots.<sup>94</sup>

## ***Conclusion***

During the past 30 years, the RSS and Sangh Parivar have successfully created an exclusive group identity between Hindus and Muslims that has infiltrated Gujarati society. This identity, paired with the rise of religious orthodoxy and conservatism, has created a mutually exclusive political climate in Gujarat. Group identity thus plays a significant mobilizing role for the BJP because the policies of the modern democracy allow for a capitalist society to instigate communal problems.<sup>95</sup> This atmosphere, compiled with the state-centered drive to homogenize and normalize Muslims and a history of ethno-religious violence, created a political safe house for the BJP and Sangh Parivar to create a “successful Hindutva experiment.”

The Godhra riots were much more than a spontaneous set of riots resulting from a communal dispute. Instead, they were a part of a larger plan to cleanse Muslims of the greater Gujarati population. This “Hindutva experiment” was implicitly backed by the BJP government, which is shown by the brutal nature of the riots and the government’s inability to stop them in a timely manner. It is undoubtedly true that other factors, such as the effects of globalization on Gujarat’s economy and political autonomy, may be to blame for the increase in violence. However, these are economic policies that were brought on by BJP and were arguably designed to pit Hindus against Muslims.

The inhumane nature of the Gujarat riots, in addition to the fact that they were not halted in a timely manner, implies some sort of complicity on the part of the BJP at both a state and local level. There is no reason why mobs of Hindus were allowed to riot for days without the intervention of the national army or local police force. Furthermore, rioting Hindus were armed with lists of Muslims’ residencies so that they could specifically target each Muslim resident in the city. This carnage was orchestrated throughout the state and occurred in areas that had no history of communal conflict but had a noticeably high Sangh Parivar presence. In these areas, members of

the Sangh Parivar handed out radical anti-Muslim literature pamphlets and weapons to angry mobs that had been given excessive amounts of alcohol. After the riots finally ceased, there were little to no resources for the Muslims displaced at the internment camps. Government officials did not oversee the camps because they claimed they did not want to distract the relief workers from their duties.

Because of the BJP's close ideological relationship with the Sangh Parivar, it is easy to ascertain why there was so little done to stop the riots. The evidence that compromises the BJP is significant because they are still in control of the Gujarati government. As of now, no public apology and little economic compensation has been given to the victims. If none of the leaders of the BJP are rightfully punished for allowing these heinous actions to occur under their rule, there is no telling if another pogrom such as this could happen again in the near future.

### Notes

1. Paul R. Brass, *The Production of Hindu-Muslim Violence in Contemporary India* (Seattle, WA: University of Washington Press, 2003), 32.
2. Ornit Shani, *Communalism, Caste, and Hindu Nationalism: The Violence in Gujarat* (Cambridge: Cambridge University Press, 2007), 4.
3. Ibid.
4. The Mughal rulers were an imperial power in the Indian subcontinent that mostly consisted of Muslims who were direct descendants of Genghis Khan.
5. Ramesh Thakur, "Ayodhya and the Politics of India's Secularism: A Double-Standards Discourse," *Asian Survey* 33, no. 7 (July 1993): 645–64.
6. [http://dsal.uchicago.edu/reference/gaz\\_atlas\\_1931/pager.php?object=45](http://dsal.uchicago.edu/reference/gaz_atlas_1931/pager.php?object=45). According to this map, eight of the thirteen districts listed in *Crime against Humanity* as having the most post-Godhra violence were controlled by the British prior to independence. The remaining five were Princely States heavily influenced by the British presence.
7. Kamal Mitra Chenoy et al., *Gujarat Carnage 2002* (New Delhi: An Independent Fact Finding Mission, 2002), 4.
8. Concerned Citizens Tribunal, *Crime against Humanity*. Vol. 1, *Incidents and Evidence* (Mumbai: Siddhi Offset Pvt. Ltd., 2002), 13.
9. Ibid. Also see Chenoy et al., 4.
10. Achyut Yagnik and Suchitra Sheth, "Whither Gujarat? Violence and After," *Economic and Political Weekly* 37, no. 11 (2002): 1009–11.
11. Concerned Citizens Tribunal, 13.
12. Shani, 70.
13. Concerned Citizens Tribunal, 13.
14. Asghar Ali Engineer, *Communal Riots After Independence* (Mumbai: Centre for Study of Society and Secularism, 2004), 3.
15. A bandh is a form of protest used by political activists in South Asia in which a political party or community declares a general strike and the entire city shuts down.
16. Manju Parikh, "The Debacle at Ayodhya: Why Militant Hinduism Met with a Weak Response," *Asian Survey* 33, no. 7 (1993): 673–84.
17. Ipsita Chatterjee, "Social Conflict and the Neoliberal City: A Case of Hindu-Muslim Violence in India," *Transactions of the Institute of British Geographers* 34, no. 2 (2009): 143–60.
18. Ibid.
19. Ibid., 145–46.
20. Deana Heath, "Communalism, Globalization, and Governmentality: Some Reflections on South Asia," *Comparative Studies of South Asia, Africa and the Middle East* 29, no. 3 (2009): 573–81.
21. Ibid., 577.

22. Cynthia Talbot, "Inscribing the Other, Inscribing the Self: Hindu-Muslim Identities in Pre-colonial India," *Comparative Studies in Society and History* 37, no. 4 (1995): 692–722.
23. *Ibid.*, 718.
24. Engineer, *Communal Riots After Independence*, 29.
25. Brass, 65.
26. *Ibid.*, 239.
27. Bhikhu Parekh, "Making Sense of Gujarat," in *The Gujarat Carnage*, ed. Asghar Ali Engineer (New Delhi: Orient Longman Pvt. Ltd., 2003), 169–80.
28. *Ibid.*, 175.
29. Sanjay Ruparelia, "Rethinking Institutional Theories of Political Moderation: The Case of Hindu Nationalism in India, 1996–2004," *Comparative Politics* 38, no. 3 (April 2006): 317–36.
30. Girish Patel, "Narendra Modi's One-Day Cricket: What and Why," in *Fascism in India: Faces, Fangs, and Facts*, ed. Chaitanya Krishna (New Delhi: Manak, 2003), 441–76.
31. Asghar Ali Engineer, *Communalism in Secular India: A Minority Perspective* (Delhi: Hope India Publications, 2007), 129.
32. *Ibid.*, 129.
33. Asghar Ali Engineer, "Introduction," in *The Gujarat Carnage*, ed. Asghar Ali Engineer (New Delhi: Orient Longman Pvt. Ltd., 2003), 1–24.
34. Darshini Mahadevia, "Communal Space of Life Space: Saga of Increasing Vulnerability in Ahmedabad," in *Fascism in India: Faces, Fangs, and Facts*, ed. Chaitanya Krishna (New Delhi: Manak, 2003), 377–404.
35. Chaitanya Krishna, "Fascism in India Faces, Fangs, and Facts," in *Fascism in India: Faces, Fangs, and Facts*, ed. Chaitanya Krishna (New Delhi: Manak, 2003), 3–19.
36. *Ibid.*, 15.
37. *Ibid.*, 11.
38. Mahadevia, 393.
39. *Ibid.*, 394.
40. *Ibid.*, 397.
41. *Ibid.*, 398.
42. Chatterjee, 144.
43. *Ibid.*
44. Mahadevia, 379.
45. S. Ganesh and Mrudul Mody, "Ahmedabadi Youth: What Causes Moral Amnesia?" in *Fascism in India: Faces, Fangs, and Facts*, ed. Chaitanya Krishna (New Delhi: Manak, 2003), 405–15.
46. Mahadevia, 380.
47. Rowena Robinson, "Religion, Socio-economic Backwardness & Discrimination: The Case of Indian Muslims," *Indian Journal of Industrial Relations* 44, no. 2 (2008): 194–200.
48. *Ibid.*
49. A Kar Sevak is someone who volunteers for a religious cause. In this context, a Kar Sevak refers to the people who often visit the birthplace of the Hindu god Ram, the former site of the Babri Masjid.
50. CPI(M)-AIDWA Delegation, *State-Sponsored Carnage in Gujarat: Report of a CPI(M)-AIDWA Delegation* (New Delhi: CPI[M], 2002), 1.
51. CPI(M), *State Sponsored Genocide* (New Delhi: Hari Singh Kang, 2002), 5.
52. Yagnik and Sheth, 1009.
53. Concerned Citizens Tribunal, 23–25.
54. Chenoy et al., 22.
55. Vishva Samvad Kendra, *Godhra Terrorism Unmasked* (Ahmedabad, Gujarat: Vishva Samvad Kendra-Gujarat, 2002), 2–3.
56. Chenoy et al., 15.
57. The Visva Hindu Parisad (VHP) is an international Hindu organization known for its involvement in the dispute over the Babri Masjid. At this time, the VHP claimed the mosque was on the birthplace of the Hindu god Ram and petitioned for its demolition.
58. *Ibid.*, 17.

59. Tanika Sarkar, "Semiotics of Terror: Muslim Children and Women in Hindu Rashtra," in *Fascism in India: Faces, Fangs, and Facts*, ed. Chaitanya Krishna (New Delhi: Manak, 2003), 151–65.
60. Chenoy et al., 24.
61. Ibid.
62. Brass, 389.
63. Chenoy et al., 31.
64. Brass, 345.
65. *Coverage of the Gujarat Riots* (New Delhi: Press Institute of India, 2002), 3.
66. Bhikhu Parekh, "Making Sense of Gujarat," in *The Gujarat Carnage*, ed. Asghar Ali Engineer (New Delhi: Orient Longman Pvt. Ltd., 2003), 169–80.
67. Ibid.
68. Concerned Citizens Tribunal, 79–80.
69. Lancy Lobo, "Adivasis, Hindutva and Post-Godhra Riots in Gujarat," *Economic and Political Weekly* 37, no. 48 (2002): 4844–49.
70. Urdu is a language identified with Muslims in South Asia. It is the national language of Pakistan and is widely spoken by Muslims in India.
71. CPI(M)-AIDWA Delegation, 2.
72. Parekh, 171.
73. Ibid.
74. CPI(M), 1.
75. Achin Vanaik, *The Furies of Indian Communalism* (London: Verso, 1997), 33.
76. Concerned Citizens Tribunal, 34.
77. Ibid., 21.
78. Ibid.
79. Uday Mehta, "The Gujarat Genocide: A Sociological Appraisal," in *The Gujarat Carnage*, ed. Asghar Ali Engineer (New Delhi: Orient Longman Pvt. Ltd., 2003), 186–97.
80. Engineer, "Introduction," 17.
81. Lobo, 4845.
82. V. Venkatesan, "A Hate Campaign in Gujarat," *Frontline* 16, no. 2 (1999).
83. Engineer, *Communalism in Secular India*, 131.
84. Martha C. Nussbaum, "Genocide in Gujarat: The International Community Looks Away," *Dissent*, Summer 2003, 15–23.
85. Concerned Citizens Tribunal, 39.
86. Ibid.
87. CPI(M)-AIDWA Delegation, 8–9.
88. Concerned Citizens Tribunal, 39.
89. Ibid., 40.
90. Chenoy et al., 6.
91. Concerned Citizens Tribunal, 27.
92. Ibid., 30.
93. Ibid., 65.
94. CPI(M), 56.
95. Engineer, *Communal Riots After Independence*, 8.

## ***Bibliography***

- Brass, Paul R. *Production of Hindu-Muslim Violence in Contemporary India*. Seattle, WA: University of Washington Press, 2003.
- Chatterjee, Ipsita. "Social Conflict and the Neoliberal City: A Case of Hindu-Muslim Violence in India." *Transactions of the Institute of British Geographers* 34, no. 2 (April 2009): 143–60.
- Chenoy, Kamal Mitra, S.P. Shukula, K.S. Subramanian, and Achin Vanaik. *Gujarat Carnage 2002*. New Delhi: An Independent Fact Finding Mission, 2002.
- Concerned Citizens Tribunal. *Crime against Humanity*. Vol. 1, *Incidents and Evidence*. Mumbai: Siddhi Offset Pvt. Ltd., 2002.
- CPI(M). *State Sponsored Genocide*. New Delhi: Hari Singh Kang, 2002.
- CPI(M)-AIDWA Delegation. *State-Sponsored Carnage in Gujarat: Report of a CPI(M)-AIDWA Delegation*. New Delhi: CPI(M), 2002.
- Engineer, Asghar Ali. *Communal Riots After Independence*. Mumbai: Centre for Study of Society and Secularism, 2004.
- . *Communalism in Secular India: A Minority Perspective*. Delhi: Hope India Publications, 2007.
- . "Introduction." In *The Gujarat Carnage*, edited by Asghar Ali Engineer, 1–24. New Delhi: Orient Longman Pvt. Ltd., 2003.
- Ganesh, S. and Mrudul Mody. "Ahmedabadi Youth: What Causes Moral Amnesia?" In *Fascism in India: Faces, Fangs, and Facts*, edited by Chaitanya Krishna, 405–15. New Delhi: Manak, 2003.
- Heath, Deana. "Communalism, Globalization, and Governmentality: Some Reflections on South Asia." *Comparative Studies of South Asia, Africa and the Middle East* 29, no. 3 (2009): 573–81.
- Kendra, Vishva Samvad. *Godhra Terrorism Unmasked*. Ahmedabad, Gujarat: Vishva Samvad Kendra-Gujarat, 2002.
- Krishna, Chaitanya. "Fascism in India: Faces, Fangs, and Facts." In *Fascism in India: Faces, Fangs, and Facts*, edited by Chaitanya Krishna, 3–19. New Delhi: Manak, 2003.
- Lobo, Lancy. "Adivasis, Hindutva and Post-Godhra Riots in Gujarat." *Economic and Political Weekly* 37, no. 48 (November 2002): 4844–49.
- Mahadevia, Darshini. "Communal Space of Life Space: Saga of Increasing Vulnerability in Ahmedabad." In *Fascism in India: Faces, Fangs, and Facts*, edited by Chaitanya Krishna, 377–404. New Delhi: Manak, 2003.
- Mehta, Uday. "The Gujarat Genocide: A Sociological Appraisal." In *The Gujarat Carnage*, edited by Asghar Ali Engineer, 186–97. New Delhi: Orient Longman Pvt. Ltd., 2003.
- Nussbaum, Martha C. "Genocide in Gujarat: The International Community Looks Away." *Dissent*, Summer 2003, 15–23.
- Parekh, Bhikhu. "Making Sense of Gujarat." In *The Gujarat Carnage*, edited by Asghar Ali Engineer, 169–80. New Delhi: Orient Longman Pvt. Ltd., 2003.

- Parikh, Manju. "The Debacle at Ayodhya: Why Militant Hinduism Met with a Weak Response." *Asian Survey* 33, no. 7 (July 1993): 673–84.
- Patel, Girish. "Narendra Modi's One-Day Cricket: What and Why." In *Fascism in India: Faces, Fangs, and Facts*, edited by Chaitanya Krishna, 441–76. New Delhi: Manak, 2003.
- Robinson, Rowena. "Religion, Socio-economic Backwardness & Discrimination: The Case of Indian Muslims." *Indian Journal of Industrial Relations* 44, no. 2 (October 2008): 194–200.
- Ruparelia, Sanjay. "Rethinking Institutional Theories of Political Moderation: The Case of Hindu Nationalism in India, 1996–2004." *Comparative Politics* 38, no. 3 (April 2006): 317–36.
- Sarkar, Tanika. "Semiotics of Terror: Muslim Children and Women in Hindu Rashtra." In *Fascism in India: Faces, Fangs, and Facts*, edited by Chaitanya Krishna, 151–65. New Delhi: Manak, 2003.
- Shani, Ornit. *Communalism, Caste, and Hindu Nationalism: The Violence in Gujarat*. Cambridge: Cambridge University Press, 2007.
- Talbot, Cynthia. "Inscribing the Other, Inscribing the Self: Hindu-Muslim Identities in Pre-colonial India." *Comparative Studies in Society and History* 37, no. 4 (October 1995): 692–722.
- Thakur, Ramesh. "Ayodhya and the Politics of India's Secularism: A Double-Standards Discourse." *Asian Survey* 33, no. 7 (July 1993): 645–64.
- Vanaik, Achin. *The Furies of Indian Communalism*. London: Verso, 1997.
- Venkatesan, V. "A Hate Campaign in Gujarat." *Frontline* 16, no. 2 (1999).
- Yagnik, Achyut and Suchitra Sheth. "Whither Gujarat? Violence and After." *Economic and Political Weekly* 37, no. 11 (March 2002): 1009–11.



## Emotional Expressivity between the United States and Brazil

**Peter Truell, Branden Boegh, Andre Luna, and Larissa Tranquilli**, co-authors  
Kathleen Stetter, Psychology, faculty adviser

Peter Truell graduated cum laude from UW Oshkosh in December 2011 with a major in psychology and a minor in religious studies. During the 2011 spring interim, he participated in a study abroad trip to Salvador, Bahia, through the UW Oshkosh Department of Psychology. Peter began graduate school at UW Whitewater in fall 2012.

Branden Boegh is majoring in psychology and computer science at UW Oshkosh. In spring 2011 he participated in a cross-cultural study abroad program to Salvador, Bahia. He is expected to graduate in summer 2014.

Andre Luna graduated from Universidade Federal da Bahia in December 2011 with a degree in psychology. In addition to his work with students from UW Oshkosh in spring 2011, he has helped conduct research on organizational psychology. Andre currently works at an international mining group as a human resource analyst.

Larissa Tranquilli is majoring in psychology at UNIFACS Universidade Salvador and Universidade Federal da Bahia in Bahia, Brazil. Prior to her work with students from UW Oshkosh in spring 2011, Larissa studied abroad in Spain.

Kathleen Stetter is a senior lecturer emeritus in the UW Oshkosh Department of Psychology where she began teaching in 1967. She has a master's degree from UW Oshkosh in experimental psychology. She has led 19 psychology research trips to Belize, Brazil, and Tanzania. Her research interests include hand use in monkeys and issues related to cross-cultural psychology.

### *Abstract*

Emotional expression differs according to culture and gender. Understanding such differences is important for cross-cultural communication. Brazilians are stereotyped as more emotionally expressive than other cultures. Kring, Smith, and Neale developed an emotional expressivity scale (EES) that has not been used in Brazil. The EES does not differentiate between positive and negative emotions or the emotional expression source, so questions related to six emotions and parental emotional expressivity were added to the survey. Analysis of variance for EES ratings indicated no significant country differences, but did indicate significant gender differences with both U.S. and Brazil women reporting higher ratings than men. For specific emotions, Brazilians reported significantly more comfort for expressing nervousness and anger. Except for anger, women reported higher emotional expression than men. Only U.S. women's EES ratings were significantly correlated with perceived parental expressivity level. EES ratings significantly correlated with all emotions except for anger in both Brazil and the United States. The findings further validate the EES by demonstrating correlation between EES ratings and specific emotions. Additionally, results partially refute stereotypes about Brazilian emotional expression.

## Introduction

Kring, Smith, and Neale (1994, 934) defined emotional expressivity as “the outward display of emotions, regardless of valence . . . or channel.” Emotional expression differs according to culture and gender display rules. Understanding these differences is important for cross-cultural communication. According to popular press sources, Brazilians are stereotyped as more emotionally expressive than other cultures (Poelzl 2009, 5; Branco and Williams 2008, 116). The authors of *Culture Smart Brazil* state, “[Brazilian] people express their emotions freely” (Branco and Williams 2008, 116). In another popular press book, *Culture Shock Brazil*, the author attests, “Brazilians are outgoing and extroverted” (Poelzl 2009, 5). Based on casual observation, this emotional expression stereotype may or may not be accurate, and the authors do not present rigorous scientific information to support their claims. One empirical study (Carew et al. 2004, 2) found that Brazilian students consistently reported higher levels of typical expression across all emotions and all social contexts than U.S. students. Although this study had a small sample size and used an un-validated scale, its findings suggest that Brazilian students may be more emotionally expressive than U.S. students.

Kring, Smith, and Neale (1994, 934) designed and validated the 17-item EES to measure the extent to which people outwardly express their emotions. According to a Psycinfo search, this scale has not been used in Brazil, and it may be useful in identifying country differences in emotional expression. However, the scale does not differentiate between positive and negative emotions or the emotional expression source.

Hofstede (2001) measured levels of individualism and collectivism of several countries, finding that the United States is the highest-level country on individualism with an index score of 91 and Brazil is considerably lower with an index score of 38. This measurement suggests that Brazil is considered a collectivistic country.

Matsumoto and Juang (2004, 234) argued that collectivistic cultures express more positive and fewer negative emotions toward those in their own social group because harmony is more important to them, but that they express more negative emotions toward other social groups to distinguish the difference between groups and to strengthen their own group unity. They further argued that individualistic cultures express more negative emotions and fewer positive emotions toward those in their own social group because harmony and cohesion are less important to them, and that they express more positive and fewer negative emotions toward other social groups because there is less distinction between the two groups. This suggests that each country expresses positive and negative emotions differently depending on the social context.

Vikan, Dias, and Roazzi (2009, 77) compared display ratings for anger and sadness and ratings for hiding anger and anxiety between Norwegians, an individualistic culture, and Brazilians, a collectivistic culture. Norwegians showed higher display ratings for anger and sadness in relation to close persons than Brazilians. However, Norwegians also showed higher ratings for hiding anger and anxiety in relation to other persons. Women in both countries showed higher display ratings and lower ratings for hiding emotions. Women also did not differ as much as men in how they displayed or hid emotions in relation to close persons or other persons. We expected that the United States would yield similar results to Norway when compared to Brazil.

Durik et al. (2006, 429) conducted three studies to identify gender stereotypes of emotion within three ethnic groups in the United States. European Americans were compared with African Americans in Study 1, with Hispanic Americans in Study 2, and with Asian Americans in Study 3. Results indicated that gender stereotypes of emotion were present within all ethnic groups, and that the European Americans showed the most difference by gender. Results of the study imply that there are widespread gender

stereotypes of emotion within the United States overall, and that gender and ethnicity are important variables to consider in researching emotions.

Fischer et al. (2004, 87) produced a secondary analysis on a cross-cultural dataset on gender differences in six emotions among 37 countries, including Brazil and the United States. Results indicated that men display more powerful emotions such as anger, and that women display more powerless emotions such as sadness and fear.

Jung et al. (2006, 6) found that men thought they should express anger, contempt, and disgust significantly more than women, and fear and sadness significantly less than women. These findings are consistent with other studies on gender differences in expressing emotions, and we expected to see a similar gender difference in both the United States and Brazil.

The EES does not examine the developmental source of emotional expression. Salisch (2001, 310) conducted a literature review of theoretical formulations and empirical findings related to how children's emotional development is shaped by relationships with parents, peers, and friends. Salisch stated that parents influence their children's emotional development by being models of emotional attachment, and teaching them how to identify, value, express, and regulate emotions according to cultural and subcultural rules. Peers also influence children's emotional development by dampening emotions in many situations, especially vulnerability and anger. Close friendships, however, permit more disclosure of private emotional experiences and teach children how to manage those emotions. We expected that cultural rules of emotional experience would be modeled by parents, and that children would be more comfortable expressing private emotions in close relationships as would be expected in a collectivistic culture.

The purpose of this study was to identify similarities or differences between the United States and Brazil in emotional expressivity, to test whether negative as well as positive emotions are related to the EES, and to discover the correlation between parental expression of emotions and participants' level of emotional expression. The results of the study may further validate the EES in measuring general emotional expression.

### ***Hypotheses***

Hypotheses were based on the findings of previous research on the topic of emotional expressivity and on discussion between U.S. and Brazilian research partners.

**Hypothesis 1:** Brazil will have a significantly higher rating on the EES than the United States. This was based on the claims that Brazil is considered a collectivistic country (Hofstede 2001), that Brazilians are emotional and outgoing (Poelzl 2009; Branco and Williams 2008), and that Brazilians had higher levels of expression across all emotions and situations, studied by Carew et al. (2004).

**Hypothesis 2:** Overall women will have a significantly higher rating on the EES than men. This was based on the findings of Vikan et al. (2009) that women overall had a higher level of display and a lower level of concealment of anger and sadness than men.

**Hypothesis 3:** Gender differences will not differ between the United States and Brazil. This was based on Vikan et al. (2009), which found that women displayed emotions similarly between Brazil and Norway.

**Hypothesis 4:** For both countries, the perception of how the parents express emotions will be correlated with the father for male participants and the mother for female participants. This is based on the literature review done by Salisch (2001) which states that parents influence their children's emotional development and the notion that children look to the parent of their respective gender as a role model for appropriate emotional behavior within that gender role.

**Hypothesis 5:** Brazilian and U.S. student ratings on the EES will be positively correlated with both negative and positive emotions. No social context is specified in either the EES or the specific emotions, so participants are expected to imagine similar contexts and respond accordingly.

*Method*  
**Participants**

U.S. students from the University of Wisconsin Oshkosh and Brazilian students from UNIFACS Universidade Salvador and Universidade Federal da Bahia volunteered to participate and were sent a link to access the survey via e-mail. Student e-mails were obtained with the consent of each university. Participation was limited to university students. Participant treatment was consistent with the American Psychological Association (American Psychological Association 1992) and Brazilian ethical standards for treatment of participants (National Commission for Research Ethics 2000). Table 1 summarizes the number and demographic characteristics of the sample.

**Table 1.** Participants in the emotional expressivity study

Source	USA	Brazil
Total	98	115
Gender	27 Men 71 Women	33 Men 82 Women
Average Age	22.53	24.07

**Survey**

The EES (Kring, Smith, and Neale 1994, 936–37) consists of 17 questions regarding general emotional expression (e.g., “I think of myself as emotionally expressive”). Responses ranged from 1–6 with higher numbers indicating more emotionality. The EES was found to be highly reliable with a Cronbach’s alpha of .91. Six questions were added about expressing specific emotions to test whether there is a correlation between positive or negative emotions and level of expressivity in the two countries, and another two questions were added about emotional expressivity of parents (e.g., “I express my emotions when I’m happy” or “My mother (father) is an emotionally expressive person”). The six emotions measured were nervousness, sadness, fear, excitement, anger, and happiness.

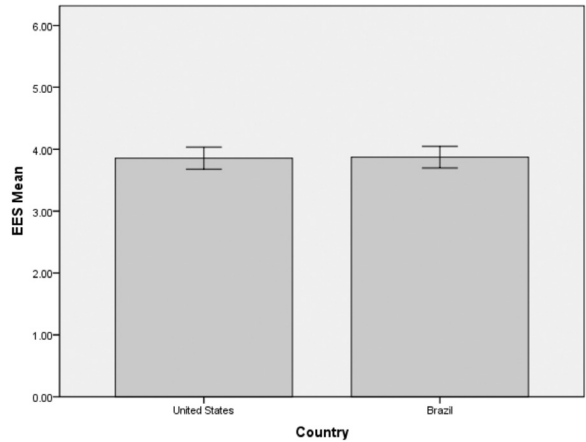
**Procedure**

We used a method called TRAPD, which is a team approach to translation from the European Social Survey Association (DeLeeuw, Hox, and Dillman 2008). The steps of the TRAPD method are translation, review, adjudication, pretesting, and documentation. Each survey was divided into parts and bilingual students individually translated their portion to Portuguese. Bilingual students switched portions and back translated the survey to English. All students reviewed each item in both English and Portuguese and discussed the meaning. Items were accepted, modified, adjudicated, or eliminated. An additional bilingual speaker then reviewed the survey.

Additional questions including demographics were added after the original 17 questions so that the additional questions would not affect the EES survey response. Participants accessed the survey using an online program called Qualtrics ([www.qualtrics.com](http://www.qualtrics.com)).

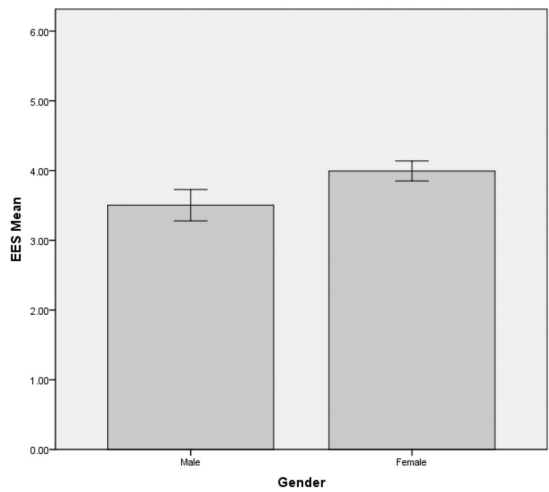
Results

Separate 2 X 2 (Country X Gender) analyses of variance were used for overall EES mean scores between countries, for EES mean scores between genders, and for each emotion between countries and genders. Analysis of variance indicated no significant difference between countries with both countries' scores being slightly above the average of 3.5 on the 1–6 scale,  $F(1,209) = .14, p = .71$  (see fig. 1).



**Figure 1.** EES mean rating by country.  
Note: Lines on the bars indicate +/- 1 SE.

Analysis of variance also indicated a significant effect for gender with women reporting more emotional expressiveness,  $F(1,209) = 13.70, p < .01$  (see fig. 2). No interaction between country and gender resulted,  $F(1,209) = .22, p = .64$ .



**Figure 2.** EES mean rating by gender.  
Note: Lines on the bars indicate +/- 1 SE.

Significant differences were found between countries for the emotions of nervousness ( $p < .001$ ) and of anger ( $p < .05$ ) with Brazilians rating themselves as more emotionally expressive (see tables 2 and 3). Significant differences were found between genders for all emotions ( $p < .05$ ) except for anger, with women more willing to express their emotions (see tables 2 and 4).

**Table 2.** 2 X 2 (Country X Gender) analyses of variance for expression of separate emotions

Emotion	Source			
	Country	Gender	C X G	Error
<b>Nervous</b>				
<i>MS</i>	65.55	9.46	1.14	1.31
<i>F</i>	46.91 ***	7.21 **	.87	
<b>Sad</b>				
<i>MS</i>	2.05	19.13	.35	1.71
<i>F</i>	1.20	11.19**	.20	
<b>Afraid</b>				
<i>MS</i>	.38	26.33	.12	1.63
<i>F</i>	.24	16.15***	.07	
<b>Excited</b>				
<i>MS</i>	.00	4.88	.76	.96
<i>F</i>	.00	5.09*	.79	
<b>Angry</b>				
<i>MS</i>	7.28	4.38	.49	1.76
<i>F</i>	4.14 *	2.49	.28	
<b>Happy</b>				
<i>MS</i>	2.91	7.43	.61	.97
<i>F</i>	3.01	7.67**	.63	

$df = 1, 209$   
\* $p < .05$ , \*\* $p < .01$ , \*\*\* $p < .001$

**Table 3.** Specific emotions with country differences

Emotion	Source	
	Brazil Mean ( <i>SD</i> )	USA Mean ( <i>SD</i> )
<b>Nervous</b>	4.58, (.20)	3.46, (1.11)
<b>Angry</b>	4.43, (1.34)	3.97, (1.35)



**Table 4.** Specific emotions by gender

Emotion	Source	
	Male Mean, ( <i>SD</i> )	Female Mean, ( <i>SD</i> )
Nervous	3.75, (1.34)	4.19, (1.25)
Sad	3.47, (1.37)	4.13, (1.28)
Afraid	2.93, (1.35)	3.71, (1.24)
Excited	4.52, (1.02)	4.84, (.96)
Angry	3.98, (1.47)	4.31, (1.29)
Happy	4.62, (1.12)	5.02, (.93)

Pearson correlations were used to find relationships between EES scores and mother/father rated expressiveness and between EES scores and specific emotions for both countries. U.S. women’s self-reported emotional expression was significantly correlated with mother and father estimated emotional expression (see table 5).

**Table 5.** Correlation between EES and mother/father estimated emotional expressiveness

Parent	Source			
	U.S. Men	U.S. Women	Brazil Men	Brazil Women
Mother	.01	.31**	.19	-.21
Father	.30	.36**	.30	<.01

\*\* *p* < .01 level (2-tailed)

The U.S. EES significantly correlated with all emotions except for anger (see table 6). The Brazil EES significantly correlated with all emotions at .01 level except for anger at .05 (see table 6). For both countries, the highest correlation was for sadness and EES scores (*r* = .56 for Brazil, and *r* = .68 for the United States).

**Table 6.** Correlation between EES rating and emotions

Country	Emotion					
	Nervous	Sad	Afraid	Excited	Angry	Happy
Brazil	.28**	.56**	.48**	.29**	.23*	.45**
USA	.43**	.68**	.51**	.52**	.08	.43**

\*\* *p* < .01 (2-tailed).

\* *p* < .05 (2-tailed).

## Discussion

**Hypothesis 1** was not supported. There was no significant difference between Brazil and the United States for the EES ratings. This finding was inconsistent with Poelzl (2009), Branco and Williams (2008), and Carew et al. (2004), who reported Brazil more emotionally expressive than the United States.

**Hypothesis 2** was supported. We found that women had a significantly higher rating on the EES overall. This finding was consistent with Vikan et al. (2009) in that women had a higher level of emotional expressivity overall.

**Hypothesis 3** was supported. Gender differences were not significant between countries. This was also consistent with the findings of Vikan et al. (2009) that women in both countries were similarly comfortable expressing their emotions.

**Hypothesis 4** was only partially supported. Men's EES ratings in both countries and Brazil women's EES ratings were not significantly correlated with perceived level of emotional expressivity in either parent. U.S. women's EES ratings were significantly correlated with both parents. The finding for U.S. women is consistent with the literature review on emotional development in children done by Salisch (2001), but the finding for men and Brazil women is contrary to the review.

**Hypothesis 5** was partially supported. Both Brazil's and the United States' EES ratings were significantly positively correlated with all emotions except for anger. The high correlations for sadness and EES ratings are most likely due to a single question on the EES that deals with a specific emotion: "I am able to cry in front of other people." The EES does not address other specific emotions.

## Conclusion

Brazil and the United States do not significantly differ in self-reported emotional expressivity according to the EES. However, when individual emotions were investigated, Brazilians did report higher emotional expression for nervousness and anger. According to Matsumoto and Juang (2004, 234), this might mean that social context had a role in how the Brazilian participants answered the survey questions. Findings for nervousness and anger are consistent with the findings of Carew et al. (2004) that Brazilians report higher levels of typical expression across all emotions and all social contexts than U.S. students.

Women were more comfortable expressing emotions than men. Gender differences appeared relatively similar between countries. Both findings are consistent with previous research on gender and emotional expression. There was no clear correlation between emotional expression in children and their parents except for women in the United States. This finding was largely inconsistent with literature on how parents influence the emotional development of their children.

There were significant correlations between emotional expression and specific emotions, further validating the EES. However, future assessment of cross-cultural emotional expression should include questions about individual emotions, as use of the EES alone may be limited when comparing cultures or countries. Lack of correlation for anger and EES ratings in the United States and lower correlation in Brazil suggests that expression of this emotion may be more dependent on social context and culture.

## Critical Evaluation

College students participating in the surveys may have been culturally similar across countries, and may not have represented their country's overall population. This would mean that the participants in the study were not as individualistic or collectivistic as would be assumed from previous research on the countries. Because participants took the survey online, they may not have correctly interpreted all

questions, especially those that were slightly different in meaning. Additionally, participants may have responded with the more socially acceptable answers, which would explain why both the United States' and Brazil's EES mean scores were only slightly above the scale mean of 3.

### Future Research

Paper surveys could be distributed with the incentive of extra credit in the class instead of a voluntary online survey to increase the likelihood of participation. Surveys could also be distributed to a larger and more diverse population to represent more people. This would likely require an online survey and access to a larger sample of university students. The survey could include more specific positive and negative emotions as well as the context of the emotions to better understand the correlation between gender and specific emotions and to test Matsumoto and Juang's claim about differing patterns of emotional expression between individualistic and collectivistic countries.

### Bibliography

- American Psychological Association. "Ethical Principles of Psychologists and Code of Conduct." *American Psychologist* 47 (1992): 1597–611.
- Branco, Sandra and Rob Williams. *Culture Smart Brazil*. London: Kuperard, 2008.
- Carew, Kelly, Tsz-Hin Law, Melissa Correia, Zelia Fernandez, Debora Abenhaim, and Joao Martins. "Trait Patterns of Emotional Expression and Short-Term Negative Affect Regulation in Brazil and the United States." Conference Presentation, Annual Meeting of the Midwestern Psychological Association, Chicago, IL, 2004.
- DeLeeuw, Edith, Joop Hox, and Don Dillman. *International Handbook of Survey Methodology*. New York: Lawrence Erlbaum, 2008.
- Durik, Amanda, Janet Hyde, Amanda Marks, Amanda Roy, Debora Anaya, and Gretchen Schultz. "Ethnicity and Gender Stereotypes of Emotion." *Sex Roles* 54 (2006): 429.
- Fischer, Agneta, Patricia Rodriguez-Mosquera, Annelies Van Vianen, and Anthony Manstead. "Gender and Culture Differences in Emotion." *Emotion* 4, no. 1 (2004): 87–94.
- Hofstede, Geert. *Culture's Consequences: Comparing Values, Behaviors, Institutions, and Organizations across Nations*. Thousand Oaks, CA: Sage, 2001.
- Jung, Emily, Wolfgang Friedlmeier, David Matsumoto, Seung-Hee Yoo, Jeanette Albarriba, Dawn DeGere, Theodore Singelis, Lisa Bauer, and Andres Olide. "How Men and Women Think about Expressing Their Emotions." Conference Presentation, Annual Meeting of the Midwestern Psychological Association, Chicago, IL, 2006.
- Kring, Ann, David Smith, and John Neale. "Individual Differences in Dispositional Expressiveness: Development and Validation of the Emotional Expressivity Scale." *Journal of Personality and Social Psychology* 66, no. 5 (1994): 934–49.
- Matsumoto, David and Linda Juang. *Culture and Psychology*. 3rd ed. Belmont, CA: Wadsworth, 2004.
- National Commission for Research Ethics. *Rules on Research Involving Human Subjects*. Brasilia: National Health Council, 2000.

Poeltzl, Volker. *Culture Shock: Brazil*. 3rd ed. Tarrytown, NY: Marshall Cavendish Corporation, 2009.

Salisch, Maria. "Children's Emotional Development: Challenges in Their Relationships to Parents, Peers, and Friends." *International Journal of Behavioral Development* 25, no. 4 (2001): 310–19.

Vikan, Arne, Maria Dias, and Antonio Roazzi. "Rating Emotion Communication: Display and Concealment as Effects of Culture, Gender, Emotion Type, and Relationship." *Interamerican Journal of Psychology* 43, no. 1 (2009): 77–83.

# Young Earth Creationism: An Evolution of Myth

**Kevin Buskager**, author

Dr. Jeffrey Kaplan, Religious Studies, faculty adviser

Kevin Buskager graduated from UW Oshkosh in May 2011 with a triple major in philosophy, religious studies, and anthropology. His research began as a personal interest in the relationship between religion and science, which led to a scholarly investigation of the conflict between the theory of evolution and specific theological movements within Christianity.

Dr. Jeffrey Kaplan is an associate professor of religious studies at UW Oshkosh and the director of the UW Oshkosh Institute for the Study of Religion, Violence and Memory. He sits on the editorial boards of the journals *Terrorism and Political Violence*, *Nova Religio*, and *The Pomegranate*.

## Abstract

Creation myths are an integral part of every culture and religious tradition. To some extent, *creationist* could refer to any adherent who recognizes their particular creation story as true or finds “the thesis that the world’s structure and contents can be adequately explained only by postulating at least one intelligent designer, a creator god” to be compelling.<sup>1</sup> However, *how* God created the universe is a point of contention and mass division for Christians rife with theological, philosophical, and scientific concerns. Finding prominence in the latter half of the twentieth century, Young Earth Creationism (YEC) is a powerful antievolutionary force speaking for some half of Americans and on the rise in other parts of the world. The purpose of this paper is to conduct a comprehensive analysis of YEC in the context of the relationship between religion and science. The centerpiece of the paper will be an in-depth review of the Answers in Genesis (AiG) Creation Museum in Petersburg, Kentucky, including interviews with the staff and founders.

## Introduction

The following is a cross-disciplinary approach to the phenomenon of YEC spanning three disciplines. A religious studies approach is applied to the historical context of religious movements such as fundamentalism and biblical inerrancy. Considerations of creationist theology and interpretation of text are then analyzed and juxtaposed with the development of evolutionary thought. Philosophically, concern is placed on the implications the YEC movement has for the relationship between religion and science. An anthropological and ethnographic approach is applied to explore the above concerns with a visit to the AiG Creation Museum utilizing interviews and observations made. This multidiscipline approach is intended to offer insight into a controversial and often misunderstood phenomenon.

## Literature Review

There are a number of essential pieces of literature in both source material and scholarly commentary on the movement itself. *The Genesis Flood* by John Whitcomb and Henry Morris brought YEC and flood geology into the mainstream in 1961 and almost every major work of antievolution released thereafter is indebted to its publication. Ken Ham’s *The Lie: Evolution*, appearing in 1987, encapsulates the aims and intentions of the current generation of YEC. Literature from the AiG Creation

Museum, including promotional material and pamphlets such as Dr. Georgia Purdom's *Natural Selection: Not the Same as Evolution* are examined throughout.

Scholarly commentary on the subject is numerous but the most essential is Ron Numbers's *The Creationists: The Evolution of Scientific Creationism*. This massive work contains in-depth biographies of the most important figures within the movement and is admirable in its objectivity. It is so fair that coauthor of *The Genesis Flood* and pioneer of the movement, Henry Morris, praises it on the back cover of the first edition saying, "whether evolutionist or creationist, this book is a rich mine of historical insight." Mark Issak's *The Counter Creationism Handbook* is a one-stop guide to the most prevalent creationist claims featuring rebuttals from the scientific community. For a nonreligious take on the subject, I turned to the classicist David Sedely's *Creationism and Its Critics in Antiquity* to explore a philosophical approach to teleology and the notion of a "creator god."

A variety of concepts within the field of religious studies are incorporated to delve further into the movement. Most notably, *The Fundamentalism Project*, a five-volume collection of scholarly essays edited by Martin Marty and Scott Appleby, is mentioned while exploring fundamentalism. The definition of *fundamentalism* found in the text, a "militant opposition to aspects of modernity that can be found in all or at least many religious groups," is employed to suggest that YEC does not quite fit the description. I then introduce an excerpt from James R. Moore's article "The Creationist Cosmos of Protestant Fundamentalism" from Volume 2 of the series, *Fundamentalisms and Society: Reclaiming the Sciences, the Family and Education*, to give further support to this controversial notion that YEC is not an example of fundamentalism—at least, not entirely. For an understanding of myth as well as scholarly criticism to biblical literalism in a religious studies and classicist context I turned to Mark Zvi Brettler's *How to Read the Bible*, Mircea Eliade's *Myth and Reality*, and Marcus J. Borg's *Reading the Bible Again for the First Time: Taking the Bible Seriously but Not Literally*.

Briefly, I explore the relationship between religion and science in the writings of Richard Dawkins and Daniel Dennett. This allowed for an exploration of the extreme and polarizing view of the relationship. To balance it, the writings of Stephen Jay Gould were an abundant source of inspiration. Finally, the fourfold classification of the religion and science relationship suggested by Ian Barbour served as an anchor whilst weathering the storms of "scientism" and the more sympathetic view of "nonoverlapping magisterium." In terms of scripture, the King James Bible was utilized as it is unanimously endorsed by YEC as the most authentic translation. For issues on translation, such as the meaning of the Hebrew word for day, *Yom*, I turned to the *New Interpreter's Bible*.

Contemporary commentaries on creationism and conspiracism in general, such as Charles P. Pierce's *Idiot America: How Stupidity Became a Virtue in the Land of the Free* and Jonathan Kay's *Among the Truthers: A Journey through America's Growing Conspiracist Underground*, provided further insight.

### **Breaking It Down**

The specific brand of creationism known as YEC has only been in the mainstream for the past half century. The 1961 publication of *The Genesis Flood* paved the way for YEC, striking a chord with fundamentalist Christianity while introducing a new kind of antievolution to the mainstream. Aside from a minority mostly made up of Seventh Day Adventists, creationists in the time of Darwin and during the Scopes trial subscribed to various forms of Old Earth Creationism (OEC), which accepted the findings of geology and the antiquity of the earth.<sup>2</sup> Here, the incompatibility between evolution and the Bible was not necessarily dealt in the specific details of a literal



creation but in larger issues of philosophy and theology, most notably special creation and the fixity of species.<sup>3</sup>

While the treatment of creationism in the press and in rebuttal from evolutionists (as they are referred to by creationists) would give the impression that there is one unified creationist force wreaking havoc on the scientific community, creationism represents a variety of distinct movements, founded on mutually exclusive claims of theology and interpretations of scripture.<sup>4</sup>

YEC and OEC both regard the Bible as the perfect and inerrant word of God. Despite the same input, the output is different in that they disagree about what the Bible says about the age of the earth. The reason is two tiered; one is a matter of theology and the other of the history, or “evolution,” of creationist thought. In terms of theology, the meaning of the Hebrew word *Yom* is disputed. YEC insists that the word *Yom* denotes one literal 24-hour day while OEC argues that special attention must be paid to the context. Throughout the Hebrew Bible, *Yom* represents a variety of passages of time including days, years, seasons, and immeasurable passages of time such as “ever” and “ago.” Even within the creation account, there are three separate uses of *Yom*.<sup>5</sup> The flexibility of the interpretation of *Yom* allows for an old earth to be compatible with inerrancy and YEC regards this as a flawed interpretation. Historically, the biblical justification for a young earth dates back to Bishop James Ussher and possibly before. It then disappeared and remained disconnected from antievolution and biblical creationism during the time of Darwin and the Scopes trial. Inspired by the teachings of charismatic prophet Ellen G. White of the Seventh Day Adventist Church, George Mcready Price (b. 1870) was convinced that Genesis could only be interpreted as a six 24-hour day creation and that other interpretations that made room for metaphor and gaps of time were deeply flawed.<sup>6</sup> Price’s ideas in *The New Geology* influenced a young seminarian named John Whitcomb and hydraulic engineering professor Henry Morris. Together, they brought flood geology to the mainstream with the 1961 publication of *The Genesis Flood*.

### **Science and Myth**

YEC is determined to present Genesis as historically accurate and compatible with modern science. Biblical literalism itself is a rather modern development in Christianity and as utilized by YEC, has tremendous implications to the classicist notion of myth. To scholars, Genesis falls under the genre of myth, a classification of writing style consisting of a “traditional tale with secondary, partial reference to something of collective importance” (Burkett 1979). In the battle against evolution, YEC has marked science as a form of intellectual currency, perceived as more valuable than myth. In 2009, Kurt Zimmerman, a parent from Knoxville, Tennessee, raised concern over the high school biology text *Asking about Life* for describing the Judeo-Christian creation story as a myth. Zimmerman found grounds to take the case to court because not only was labeling the foundation of Christianity as myth offensive, it raised concern over bias in the textbooks.<sup>7</sup> The irony is that under the scholarly definition of myth, no support for factual and historical accuracy is necessary and there is nothing offensive about it. As eloquently put by Marcus J. Borg in *Reading the Bible Again for the First Time*, “Myths use nonliteral language; in this sense, they do not narrate *facts*. But myths are necessary if we speak at all about the world’s origin and destiny in God. We have no other language for such matters.”<sup>8</sup>

This concludes what I would consider to be the conflicts between evolution and creation that are the result of misunderstandings. The classicist definition of myth and scientific definition of theory have been confused with their colloquial meaning on numerous occasions and this miscommunication is largely responsible for the

creation/evolution controversy. This is important and a crucial aspect in analysis, but it represents only one facet of the conflict. The following delves deeper into the relationship between science and religion and the complexity of YEC theology juxtaposed with biblical literalism, fundamentalism, and the history of evolutionary thought.

### ***Misconceptions and Curveballs***

Any effort to make a literal and historical account of Genesis compatible with modern science is bound to create complications. In effect, spokespeople of both magesteria have been very vocal about the phenomenon. Believers take issue with the literal and historical interpretation of scripture that serves as YEC's foundation because it compromises its power as an allegory and trivializes faith.<sup>9</sup> Not to mention, holding a literalist standard across the entire Bible can prove to be problematic and inconsistent.<sup>10</sup> To scientists of a wide array of religious stripes, the assertion that YEC is doing actual science is as insulting as it is dangerous, sparking an unnecessary debate.<sup>11</sup> Amongst historians and philosophers of science as well as theologians and scholars of religion, YEC presents a challenge as religion is turned into science and vice versa. To make sense of YEC and its position on creation, evolution, and dinosaurs it would be useful to compile a list of misconceptions about the phenomenon. Equally important is the recognition of "curveballs"—subtle inconsistencies between YEC and fundamentalism, the framework that has been utilized by scholars as an explanation for biblically based evolution denial.

#### **Misconception #1**

##### **Antievolution Is a Distinctly American Phenomenon**

Stephen Jay Gould argued that creationism was a "peculiarly American phenomenon" (1999), and by this he surely means that YEC could *only* have occurred in America. More recently, in *Idiot America: How Stupidity Became a Virtue in the Land of the Free* (the paperback edition features a rather humorous illustration of George Washington saddled up on a T-Rex), journalist Charles P. Pierce suggests that this kind of "idiocy" is geographically and culturally distinctive. The notion that YEC is a uniquely American phenomenon has given comfort to many; "At least it's not happening anywhere else," they say.

This notion has been dismantled on numerous occasions by historian of science Ron Numbers in *The Creationists: The Evolution of Scientific Creationism* (1992) and *Galileo Goes to Jail: And Other Myths about Science and Religion* (2009). Of course, there is a degree of truth to this "myth."<sup>12</sup> According to a recent poll, Americans doubt evolution more than any other industrialized nation except Turkey (Hecht 2006). With consideration to landmark court cases such as the Scopes trial of 1925, *Edwards v. Aguillard*, and the evolution wars over the teaching of intelligent design in Dover, Pennsylvania, in 2005, it's easy to see why the focus has been on America. However, this is not necessarily the case.

It is all too easy to imagine YEC and antievolution in general as the sum of an equation: Christian fundamentalism and scientific illiteracy in America. Add them together and the sum is a unique brand of American-bred antiscience, born out of scientific ignorance and emphatically encouraged by rigid fundamentalism. In some cases, perhaps many, this may be true but does this mean that YEC is distinctly American? Predominantly? Yes. Distinctly? No. Creationism is on the rise, globally. Though AiG is headquartered in America, its founder, Ken Ham, began his journey to creationist superstar status abroad. In 1994, AiG was founded by Ham (b. 1951), an Australian schoolteacher who began his crusade against evolution in defense of the

Bible in 1978 founding the Creation Science Foundation with physician Carl Weiland. Ham eventually left to join the Institute for Creation Research with the fathers of the movement, John Whitcomb and Henry Morris.

Even in Darwin's birthplace of the United Kingdom, alternatives to the theory of evolution have been increasingly popular citing, "four out of ten people in the United Kingdom think that religious alternatives to Darwin's theory of evolution should be taught as science in schools with twenty-two percent citing creationism as best supporting their views."<sup>13</sup> Similarly, YEC speaks for 21.8 percent of Switzerland, 20.4 percent of Austria, and 18.1 percent of Germany (Numbers 2009).

## **Misconception #2**

### **Proponents of YEC Are Scientifically Illiterate and Ignorant**

In some cases, this is not a stereotype. In the late 1980s and early '90s, Kent Hovind (b. 1953) was *the* YEC proponent and arguably the most influential antievolutionary force of his or any generation before and since. Purposely releasing videotapes and other literature without a copyright, Hovind was a pioneer of the YEC movement, assembling a massive following in a pre-Internet age. What made Hovind such an antievolutionary powerhouse was his vivaciousness in setting foot behind enemy lines, infamously challenging leading scientists of numerous fields on the subject of evolution to sold-out public debates at thousands of universities.

Borrowing techniques from Duane Gish, Hovind would pummel the opposition with questions that they couldn't answer, leaving the impression that Darwinism was a farce—a religious "faith" so flimsy it inevitably collapsed under scrutiny.<sup>14</sup> The infamous "Hovind Challenge" awarded \$250,000 to anyone who could prove macroevolution: the creation of a universe and all physical laws *ex nihilo* without God.<sup>15</sup>

The problem was that Hovind was not a scientist nor did he hold any scientific credentials and his lack of understanding of basic scientific concepts shone through in his arguments. His Ph.D. was in Christian education, a degree he obtained from the now-defunct Patriot Bible College, a university without accreditation and a reputation for being a "doctorate mill." In 2006, Hovind was convicted on 58 counts of tax fraud for the proceeds attributed to his Dinosaur Adventure Land in Pensacola, Florida.<sup>16</sup> Hovind is not the only creationist to have lost favor within the creationist community. Most notably, Carl Baugh (b. 1936), the discoverer of the Paluxy River footprints in Glenn Rose, Texas, has been criticized. AiG has urged creationists to stay away from many of Baugh and Hovind's arguments because they're either fallacious or lack credibility.<sup>17</sup>

Then consider the case of David Menton, whom I had the privilege of speaking to for almost three hours at the Creation Museum. Menton graduated from Brown University with a Ph.D. in molecular biology, taught at Washington State School of Medicine for 30 years, and spent much of his scientific career keeping a secret from his colleagues—he thought Darwin's theory of evolution was ridiculous.

Menton has spent the latter part of his career challenging the hallmarks of evolutionary thought, including the shared genetic material of chimps and humans and, most famously, a detailed critical analysis of Lucy, the infamous australopithecine found by Donald Johanson in Hadar, Ethiopia, in 1974.<sup>18</sup> With clever titles for lectures and presentations such as "Lucy: She's No Lady" and "Evolution: Not a Chance," Menton is undoubtedly the most engaging speaker AiG has to offer. Unlike Hovind, Menton is mild-mannered and pleasant and his talent to draw in a crowd rests in his enthusiasm for the subject rather than polemic charisma.

The entire staff of lecturers and researchers at AiG boast equally impressive credentials. Dr. Jason Lisle has a Ph.D. in astrophysics from the University of Colorado and is one of the most popular speakers at the museum. Dr. Lisle is also in charge of the museum's planetarium which, for a few dollars more, can greatly enhance the visitor's experience. Dr. Georgia Purdom holds a Ph.D. in molecular genetics from Ohio State University and, according to the AiG website, is the only female Ph.D. scientist engaged in full-time speaking and research for a biblical creationist organization in North America.<sup>19</sup> One of the most successful campaigns in antievolution has been in convincing the public that evolution is falling out of favor with scientists and that YEC represents a paradigm shift in how we think about origins.

However, this trend does not go very far. According to a 1991 Gallup poll, only 5 percent of scientists in America were creationists. This includes engineers, computer scientists, etc., whose expertise is not relevant to the study of evolution. When taking into account the relevant fields such as the earth and life sciences of which 480,000 were polled, only 700 considered creationism to be a valid scientific theory, which drops it down to approximately .15 percent (Robinson 1995).

### **Curveballs in Fundamentalism**

As defined by scholar Martin Marty, fundamentalism is the “militant opposition to aspects of modernity that can be found in all or at least many religious groups.”<sup>20</sup> In *The Fundamentalism Project*, historian of science James R. Moore describes YEC as being separate from both traditional, non-literal creationism and modernity: “The creationist cosmos is thus held to be at daggers-drawn not only with scientific modernity but also with the theology of the majority of those who call themselves creationists” (1993).<sup>21</sup> Though YEC is mostly compatible with Marty's definition of fundamentalism, there are subtle differences, or “curveballs.” There is a symbiotic relationship between YEC and the scientific community—the criticism creationists receive from scientists inspires modifications to their position to build up immunity to the attacks and, in turn, alters the framework of fundamentalism. The result is a decidedly unique approach to the relationship between science and religion.

### **First Curveball**

To YEC, there is no incompatibility between the word of God and modern science. In fact, they are one and the same. The only incompatibility is between God's word and the theory of evolution. Of course, one could argue there really is no curveball being thrown here, citing YEC as pseudoscience, clearly at odds with modernity and mistaken about the constituents of good science. This, however, would miss something crucial—the way in which evolution is rejected and science is not. The AiG Creation Museum was conceived and constructed with this in mind: to offer a competing worldview to the theory of evolution that is not an alternative to, but on par with, modern science. Proponents of YEC do not exist in an enclave sheltered from the demons of modernity; they want to be a part of modernity in challenging conventional wisdom they perceive as fallacious.

### **Second Curveball**

Literary foundation for the fundamentalist movement is found in *The Fundamentals: A Testament to the Truth*, a 12-volume attack on liberal theology and higher criticism published by A.C. Dixon and R.A. Torrey from 1910 to 1915. Inerrancy is a doctrinal belief that the Bible is the inspired and therefore perfect word of God, which is also one of the five fundamentals laid out during the General Assembly of the Presbyterian Church in 1910.

For YEC, the Word of God is inerrant not only because it has to be by definition, but also because science has revealed it to be true. In other words, the Bible is *so* perfect and *so* inerrant that it is more appropriate to align it with scientific fact than religious belief. “Science,” says AiG, “confirms the Bible.”<sup>22</sup> Though it is believed that the Bible is true and inerrant, its truth and inerrancy are not dependent on faith. Science has *confirmed* the inerrancy of scripture and belief in it is a position based on evidence, not belief. Taking a cue from over a century of secular criticism, faith and belief are cast in a negative light to demonize evolution as a religion that is divorced from scientific evidence.<sup>23</sup>

### Third Curveball

It is in this distinction that the biggest curveball is thrown. The problem of discerning the relationship between science and religion has elicited a number of scenarios in which the two relate.<sup>24</sup> Stephen Jay Gould has suggested that science and religion are compatible because they are asking different questions and therefore summon different answers.<sup>25</sup> While theistic evolutionists would argue for a common ground between religion and science, YECs ironically have more in common with atheists and ultradarwinists who promote the conflict hypothesis, a militant allegiance to the prestige of science and denigration of religion. To quote Kent Hovind, “We believe the Bible is literally true and scientifically accurate and the evolution theory is the dumbest and most dangerous religion in the history of planet earth.”<sup>26</sup> YEC regards the Bible as compatible with the findings of modern science and any incompatibility is not a scientific but religious one, brilliantly reimagining and positioning the theory of evolution in the mold imprinted on the cultural subconscious by past apparent conflicts of science and religion.

The title of this paper is *Young Earth Creationism: An Evolution of Myth* and is meant to be as provocative as it sounds. The suggestion is that the perception of the creation narrative of Judeo-Christian creation myth has analogously evolved. Cultural points of pressure to accept the theory of evolution as compatible with creation have elicited a strong and transformative reaction. With the theory of evolution’s implications of humanity’s place in the natural world so strong, analogy and metaphor proved insufficient as truth. As the theory of evolution became widely accepted in both scientific and religious circles, a historical account of scripture as well as a rational defense of it became a necessity in a way it could not have been in any other period.

### The Creation Museum

In late August 2010, I journeyed to Petersburg, Kentucky, to visit the Creation Museum with my friend, a science education major who had concerns about how he was going to approach these issues as an educator. The museum, opened in 2007 by AiG, has one major goal in mind: to provide a wealth of information for Christians to defend creation. The Creation Museum is a \$27 million, 72,000 square foot state-of-the-art complex located in Petersburg, Kentucky, just 12 miles away from the Cincinnati International Airport.<sup>27</sup> The concept isn’t new; there are a number of creation museums with the similar objective as AiG in the United States and Canada, though they are much smaller in scale. There is the Creation Evidence Museum in Glen Rose, Texas, founded by Carl Baugh; The Museum of Earth and Creation History founded by the Institute for Creation Research; and a traveling museum founded by Ian Juby.<sup>28</sup>

Before our journey through biblical history, we had the fortune of spending a few days at our campsite, Big Bone Lick State Park. Also known as the Birthplace of American Paleontology, Big Bone Lick is the home of legendary excavations including



mammoth, mastodon, bison, and sloth remains from the Pleistocene epoch. While we were checking in, an employee in the gift shop asked us what brought us all the way from Wisconsin to Kentucky. We explained that our interest in creation and evolution had brought us to Petersburg to see the Creation Museum for ourselves. The gift shop proprietor shared with us that since its opening in 2007, a majority of their campers were visitors to the Creation Museum. The state park is roughly 15 minutes away from the museum and because it is so convenient in both price and location it serves as a perfect campground for traveling families to stay at while visiting the museum. Of course, conflicts ensued when the camping creationists found out that the campsite they were staying at was evolution friendly. Details were minimal but one can imagine the response “millions of years” elicited from campers who had just received an endless supply of ammunition in defending their faith “biblically and scientifically.”<sup>29</sup>

I called the museum two weeks in advance and was honest in my intentions—to visit the Creation Museum as a student who was interested in the relationship between religion and science. We told them when we would be arriving, and the staff as well as cofounder Mark Looy were wonderfully cooperative in arranging interviews, giving tips that would make our experience the most beneficial, and even personally tracking me down when an employee realized she had overcharged me for my ticket to the planetarium earlier in the day.<sup>30</sup> As a paying customer, I thought the Creation Museum was definitely worth the trip and cost. Food and concessions are reasonably priced, even more affordable and of better quality than some of the local restaurants we stopped at, and the facility is impressive with many of the exhibits being designed by a former Universal Studios artist (hence the realistic animatronic dinosaurs that looked distinctly “Spielbergian”).<sup>31</sup>

### ***The Seven Cs of History***

We began by taking a “Walk through Biblical History,” which was formatted by the Seven Cs of History: Creation, Corruption, Catastrophe, Confusion, Christ, Cross, and Consummation. The Seven Cs of History represent the history of the world from a biblical perspective, which follows a timeline starting from the beginning of creation 6,000 years ago. “The Walk through Biblical History” is meant to represent the entire earth’s history, from Genesis 1:1 to Revelation 22:21.<sup>32</sup> What must be understood here is that YEC rejects both the scientific community’s consensus on the age of the earth as well as other forms of creationism such as Gap Creationism, Day-Age Creationism, and Intelligent Design.<sup>33</sup>

Of the many pamphlets and pieces of literature I collected, there was one in particular that had an enormous impact. In response to the Christian Clergy Letter Project, the pamphlet features a sinister-looking illustration of Charles Darwin with the text “12,000 churches support the teaching of evolution in schools. How will YOUR church decide?”<sup>34</sup> The entire purpose of establishing the Seven Cs is a reaction to theistic evolution, protecting the Word of God and ensuring no room for millions of years to slither its way in.

### ***Exhibits***

“The Garden of Eden” was possibly the largest exhibit on display at the museum and definitely the most elaborate. It looked the way I had always imagined it, a perfect tropical paradise. However, there were some details that had not been a part of my Catholic upbringing. For instance, alongside Adam in the Garden of Eden were all the land animals that, according to Genesis 1:24, God made in accordance to their own kind.<sup>35</sup> Amongst these animals were dinosaurs, deer, kangaroos, penguins, and, as an obvious biting of the thumb toward evolution, a lowly chimpanzee. Questions raced



through my head. I understood the place of dinosaurs and that, because it was before sin entered the world, the dinosaurs were not carnivorous and were much like pets, docile and gentle.<sup>36</sup> The one that I could not wrap my head around was the penguins. Penguins, which live almost exclusively in the southern hemisphere and are highly adaptive toward cold and aquatic living, seemed out of place in a tropical paradise. How could a species whose traits are so useful to their current geographic location be frolicking in a tropical environment where their adaptations were certainly a disadvantage? It is true that some penguins such as the Galapagos Penguin (*Spheniscus mendiculus*) can live in warmer climates but these appeared to be Emperor Penguins (*Aptenodytes forsteri*) which are endemic to Antarctica. How the penguins survived on the ark without a proper cooling system installed, technology that was certainly not available in the Bronze Age, remains a mystery.

At the museum, and true of YEC in general, is an effort to distinguish between macroevolution and microevolution. Natural selection is recognized separately from the theory of evolution in that there are changes *within* species rather than between them, appealing to the term *kind*, which appears 10 times in Genesis 1. Dr. Georgia's pamphlet *Natural Selection: Not the Same as Evolution* demonstrates what I referred to earlier as a symbiotic relationship between the criticism from the scientific community and creationist arguments against evolution. The pamphlet features a fictional conversation between a creationist and an evolutionist in which the latter's ignorance is graciously apprehended by the former on confusion between "molecules to man" evolution and natural selection. Purdom urges creationists not to throw the baby out with the bathwater arguing that forms of natural selection, such as antibiotic resistance, are distinct from evolution as a whole and compatible with Genesis.<sup>37</sup>

The "Culture in Crisis" exhibit is one of the most effective exhibits at the museum. We walked down a paved road and on each side were faux windowsills with a video screen playing staged scenes on a loop, depicting the "dangers of evolution"—a dissent from absolute truth into apathy and moral relativism.

In one window, a teenage boy is surfing Internet porn (no actual porn is on the screen, just a black screen with XXX in bold red letters), rolling a joint, not doing his homework, and disobeying his mother. In another window, a girl is on the telephone discussing with a friend if she should go through with getting an abortion, and, finally, a woman is shown entertaining a man who is not her husband. Tying it all together is an image of a preacher sympathizing with theistic evolution and "millions of years." In the same way that Adam and Eve were disobedient, man has replaced the Word of God with his own philosophy. Thus, the war between YEC and evolution is not a disagreement about science or religion but the inevitable consequence of our sinful nature.

### ***Dinosaurs and Creation***

The theological argument for the coexistence of dinosaurs and man is to assure consistency between the Genesis account of land animals being created on the sixth day and the discoveries of dinosaur fossils in the nineteenth century. Instead of denying their existence, dinosaurs are embraced and woven into the Hebrew Bible. Citing the creature Behemoth, which appears in Job 40:15–24, and Leviathan from Job 41, the AiG Creation Museum reports no contradiction between the existence of dinosaurs and a six 24-hour literal day creation 6,000 years ago. Most importantly, dinosaurs incorporated into a creationist view of history serve as a harsh slap in the face to evolution. "We're putting the evolutionists on notice: We're taking the dinosaurs back," says Hamm.<sup>38</sup> No room for middle ground, YEC declares the Bible as incompatible with evolution, and dinosaurs are just one of the many chess pieces that find themselves

on both sides of the board. “The evidence is the same,” we were consistently reminded at the museum, but “our starting points determine our worldview.”

On the second day at the museum we attended a lecture by Mike Riddle, an intimidating presence and charismatic speaker. Tall and athletic, the former U.S. Marine and track star spoke to a packed auditorium with the lecture “Taking Back America’s Education.” Like a general organizing a war strategy, Riddle described the American education system as being in peril, corrupted by the dangerous *religion* of evolution. Riddle’s impassioned battle cry electrified the auditorium as he spoke of “what they don’t tell you” about evolution, evidence that if exposed would blow the evolution theory to smithereens.<sup>39</sup> Permeating throughout and pulsating within, YEC is the promise of hidden knowledge that has been censored from the culture.<sup>40</sup>

This is a common theme within YEC and conspiracy theories in general—that authority cannot be trusted. In Jonathan Kay’s *Among the Truthers: A Journey through America’s Growing Conspiracist Underground*, the case is laid out that conspiracy theorists are “driven by a need to smash the façade of conventional reality and existing power structures.” It doesn’t matter if their arguments are debunked because once the rug is pulled out from under their feet it further justifies the existence of a malevolent force that will stop at nothing to silence the truth.

### ***A Memory of Eden***

The purpose of this paper is neither to criticize nor defend. Rather, its purpose is to clarify and explain a phenomenon that serves as a unique addition to an already diverse canon; scholarly and theological efforts to make sense of Genesis in light of the theory of evolution within the context of the relationship between religion and science. Though there are clearly points of criticism and defense throughout, persuasion of any particular position is not the objective. Hopefully, the information presented as well as the account of my experiences at the AiG Creation Museum will cause the reader to carefully consider the religious, scientific, and philosophical implications of the phenomena.

The gut reaction is to diagnose it; as a specifically geographic and cultural phenomena, as an example of religious fundamentalism, or as the result of scientific ignorance. These classifications provide strong correlation but all prove to be inconsistent. Analyses aside, YEC remains a cross-cultural peculiarity; a syncretistic anomaly that parts ways from both a scientific understanding of the world and traditional religious thought while simultaneously occupying both domains.

We are fortunate enough to be alive in a most scientifically advanced age where knowable facts about the universe can be attained by anyone with an Internet connection and a library card. Yet, there is a great divide. The opinions on evolution and the age of the earth expressed by roughly half of the United States (and as demonstrated by Ron Numbers, a significant amount of non-Americans) would suggest a decidedly alternate reality.<sup>41</sup> While pining for a paradise that has been taken away, proponents and adherents of YEC are complacent in remembering a world that was. YEC is a memory, one whose origin is ineluctably of contemporary construction.

### ***Notes***

1. As defined by Devid Sedley in *Creationism and Its Critics in Antiquity*.
2. In Darwin’s time, the earth was thought to be very old but there was not an established consensus until 1956. In the late nineteenth and early twentieth centuries, the age of the earth varied from 20–40 million years to 2–3 billion. Further, theologians in Darwin’s time such as George Fredrick Wright argued for the compatibility between theism and evolution.
3. “Kinds” as described by Genesis is used to distinguish between natural selection and evolution.

4. Ultra-Darwinists such as Richard Dawkins and Daniel Dennett have not only attacked creationism, they have attacked religion as a whole, citing it as wishful thinking and anti-science. See Dawkins' *Unweaving the Rainbow* and Dennett's *Darwin's Dangerous Idea*.
5. Genesis 1:5, 1:14, and 2:4 refer to *day* in different ways: a 24-hour period (Genesis 1:5); days, as in more than one (Genesis 1:14); and in Genesis 2:4, *Yom* can be translated to the expression "In the Day of the Lord." There is debate amongst scholars. Hebrew scholar Gerhard Von Rad argues that *Yom* represents 24-hour literal days, while Terrence E. Freeman suggests that the author of Genesis "highlights not individual days but the seven-day pattern."
6. Ellen G. White was the leader of the Seven Day Adventist movement who "claimed to receive messages in trancelike visions and whose pronouncements Adventists placed on par with the Bible" (Numbers 1992).
7. This article was selected to demonstrate the significant amount of confusion over concepts of science and theology that are often the foundation for conflicts between evolution and creationism.
8. Marcus J. Borg, *Reading the Bible Again for the First Time: Taking the Bible Seriously but Not Literally* (New York: Harper Collins, 2001), 71.
9. Francis S. Collin's book *The Language of God* criticizes YEC as "distorting science and doing the most damage to faith by demanding that belief in God requires assent to fundamentally flawed claims about the natural world" (2006).
10. Does Isaiah 41:10 mean God's right arm *literally* lifts up the nation of Israel? Or does John 15:5 *literally* mean that Christ is the vine and we are the branches?
11. Though they may disagree on issues of philosophy and theology, both believing and secular scientists have collaborated in such organizations as The Clergy Letter Project and the National Center for Science Education.
12. Here, myth is meant only in its colloquial sense: a falsehood.
13. Taken from the anthology *Galileo Goes to Jail: And Other Myths about Science and Religion*.
14. Duane Gish (b. 1921) was a biochemist with a Ph.D. from Berkeley. His debate techniques were dubbed by Eugenie Scott as "The Gish Gallop," which is described as "spewing forth torrents of error that the evolutionist hasn't a prayer of refuting" ([talkorigins.org/faqs/debating/globetrotters.html](http://talkorigins.org/faqs/debating/globetrotters.html)).
15. An overview of the criteria for the "Hovind Challenge" can be found on [talkorigins.org](http://talkorigins.org).
16. Easily the most recognizable of all YECs, Kent Hovind was convicted of 58 charges of tax evasion regarding the profits from his Dinosaur Adventure Land in 2006 (NCSE 2006).
17. A hallmark of YEC in America, the Paluxy footprints in Glenn Rose were hailed as evidence of a dinosaur and man coexistence. Upon investigation, the prints were found conclusively to be a hoax showing points of deliberate alteration (Godfrey 1985; Hastings 1988). Interestingly, many creationist ministries including AiG have abandoned the Paluxy footprints, appearing on their "Arguments Creationists Should Not Use" section of their website, [answersingenesis.org](http://answersingenesis.org).
18. In my physical anthropology classes, Johanson's discovery was treated as the *coup de gras* of all excavations and finds of hominins, standing for an integral step in the journey of man. To YEC however, it represents a hoax, citing that Lucy was fully ape.
19. In the biography section of the AiG website ([answersingenesis.org](http://answersingenesis.org)).
20. *The Fundamentalism Project* (Marty and Appleby 1995).
21. James R. Moore's "The Creationist Cosmos of Protestant Fundamentalism" is an admirable work by a brilliant scholar, though I disagree with creationism being an example of pure fundamentalism.
22. In promotional DVDs, literature, and throughout the museum tour, Lisle and Ham stressed the consistency between what the Bible teaches and modern science.
23. The onslaught of the new atheism movement has criticized faith as willful ignorance. Interestingly, YEC has taken this as a cue, categorizing atheists and evolutionists as close-minded and ignorant of the evidence in favor of creation.
24. Originally proposed by Ian Barbour in 1990, a fourfold classification for the relationship between science and religion includes Conflict, Independence, Dialogue, and Integration. From *Philosophy of Religion: An Anthology* (Pojman and Rea 2008).

25. Non-overlapping Magisteria suggests that science and religion are not in conflict because they are concerned with different fields of inquiry.
26. This became a mantra on Hovind's *Creation Science* radio program and during his lectures. Despite losing credibility within the community, Hovind's influence is unparalleled.
27. The location is also of interest because it is close to the majority of the country. In an interview with the *Sydney Morning Herald*, AiG founder Ken Ham said, "One of the main reasons we moved there was because we are within one hour's flight of 69 percent of America's population" ([smh.com.au/news/Paul-Sheehan/Onward-the-new-Christian-soldier/2005/01/16/1105810774805.html](http://smh.com.au/news/Paul-Sheehan/Onward-the-new-Christian-soldier/2005/01/16/1105810774805.html)). The reasons for this location are not economic- or business-oriented, but an effort to make YEC available to all.
28. Ian Juby's website can be found at [ianjuby.org](http://ianjuby.org). A member of Mensa, a high IQ society that represents less than 2 percent of the population, Ian Juby developed a special interest group involving other Mensa members who support YEC.
29. "Powered by Answers in Genesis," the I Am Not Ashamed project is the world's "first online video Bible," which allows believers all around the world to upload videos of themselves quoting scripture and defending their faith. The name comes from Romans 1:16 ([iamnotashamed.org](http://iamnotashamed.org)).
30. I was lucky enough to get almost three hours with David Menton, a half hour with Mark Looy, and an impromptu conversation with Georgia Purdom. Unfortunately, I was not able to speak to either Ken Ham or Jason Lisle. Ken Ham was out of town and Jason Lisle was too busy preparing for presentations and workshops in the upcoming weeks.
31. Patrick Marsh, the designer of Universal Studios attractions such as the *Jaws* and *King Kong* rides, was in charge of designing the Creation Museum's exhibits. He is also a committed Young Earth Creationist. From a purely aesthetic point of view, this was one of the coolest aspects of the museum.
32. Cover to cover, The King James Version is often cited as the most authentic translation amongst YEC. Henry Morris, the father of the YEC movement, has even released his own study Bible, *The Defender's Study Bible: King James Version*.
33. On the trip home, my friend and I had many disagreements about whether or not intelligent design could be rightly defined as a form of creationism. Though it shares a lot in common, we should be careful in making a distinction between biblically based YEC and intelligent design. Intelligent design does not align itself with any specific interpretation of text or religious affiliation. Though embraced by the Christian community, intelligent design finds its roots in the philosophy of religion, i.e. the teleological argument or argument from design.
34. Initiated by biologist Michael Zimmerman in 2004, The Clergy Letter Project is a correspondence between scientists and religious leaders, arguing for the compatibility between evolution and scripture. See [www.theclergyletterproject.org](http://www.theclergyletterproject.org).
35. "Kind" is of particular contention for YEC in regards to natural selection and evolution. As depicted in Genesis, God made all living things in accordance to their own kinds; a dog never turns into a non-dog. Yes, there are changes over time *within* a species but not between them. This is an attempt to make YEC compatible with Genesis. Of course, it is also a misunderstanding of natural selection.
36. In reference to Genesis 1:29–30, creationists hold that dinosaurs were vegetarian and, before the fall, not dangerous to humans.
37. The pamphlet *Is Natural Selection the Same Thing as Evolution?* by Dr. Georgia Purdom offers a hypothetical conversation between an evolutionist and a creationist that portrays the evolutionist as scientifically ignorant.
38. This phrase appeared on a bumper sticker with an amusing illustration of Ham picking up a Tyrannosaurus, holding it above his head, and walking briskly.
39. There is a famous paper by Schweitzer et. al titled "Intravascular Microstructures in Trabecular Bone Tissues of *Tyrannosaurus rex*," which AiG President Ken Ham and Carl Wieland have as evidence of a recent burial of a T-Rex, indicating a young earth. A thorough debunking of the claim can be found in Mark Issak's *The Counter-Creationism Handbook* or the website [www.talkorigins.org](http://www.talkorigins.org).

40. Cultic Millieu Theory, coined by Colin Campbell, refers to the oppositional stance taken to mainstream knowledge by underground groups. The theory was further studied by scholars Jeffrey Kaplan and Heléne Lööw and is described as the “testing of hidden, forgotten and forbidden knowledge” (Kaplan and Lööw 2002).
41. As of 2006, 44 percent of Americans believed that God had made man in His image in the last 10,000 years. As of 2010 that number dropped to 40 percent (Gallup 2006, 2010).

### ***Bibliography***

- Appleby, Scott R. and Martin E. Marty, eds. *The Fundamentalism Project*. Vol. 2, *Fundamentalisms and Society: Reclaiming the Sciences, the Family, and Education*. Chicago: University of Chicago Press, 1994.
- Bergman, Jerry and Doug Sharp. *Persuaded by Evidence: True Stories of Faith, Science and the Power of a Creator*. Arkansas: New Leaf Publishing Group, 2008.
- Bible quotations and scripture passages from the King James Version, 1962.
- Borg, Marcus J. *Reading the Bible Again for the First Time: Taking the Bible Seriously but Not Literally*. New York: Harper Collins Publishers, 2001.
- Brettler, Marc Zvi. *How to Read The Bible*. Philadelphia: The Jewish Publication Society, 2005.
- Collins, Francis. *The Language of God*. New York: Free Press, 2006.
- Dawkins, Richard. *Unweaving the Rainbow: Science, Delusion and the Appetite for Wonder*. Boston: Houghton Mifflin, 1998.
- Dennett, Daniel C. *Darwin's Dangerous Idea: Evolution and the Meanings of Life*. New York: Simon & Schuster Paperbacks, 1995.
- Fasold, David. *The Ark of Noah*. New York: Wynwood Press, 1988.
- Gallup. “Evolution, Creationism, Intelligent Design 2006” and “Evolution, Creationism, Intelligent Design 2010.” Accessed June 20, 2011. <http://www.gallup.com/poll/21814/evolution-creationism-intelligent-design.aspx>.
- Gould, Stephen Jay. *Ever Since Darwin: Reflections in Natural History*. New York: Norton & Company, 1977.
- . *Hen's Teeth and Horse's Toes: Further Reflections in Natural History*. New York: Norton & Company, 1983.
- . *Leonardo's Mountain of Clams and the Diet of Worms: Essays on Natural History*. New York: Harmony Books, 1998.
- Ham, Ken. *The Lie: Evolution*. Colorado Springs: Master Books, 1987.
- Hastings, Ronnie J., Rick Neeley, and John Thomas. “A Critical Look at Creationist Credentials.” *Skeptic* 3, no. 4 (1989): 1, 5.
- Hecht, Jeff. “Why Doesn't America Believe in Evolution?” *New Scientist* 191, 2006. Accessed May 5, 2012. <http://www.newscientist.com/article/dn9786-why-doesnt-america-believe-in-evolution.html>.
- Isaak, Mark. *The Counter-Creationism Handbook*. 2nd ed. Los Angeles: University of California Press, 2007.

- Keck, Leander E. and Terrence E. Freetheim. *The New Interpreters Bible*. Vol. 1, *From Genesis to Leviticus*. Nashville: Abingdon Press, 1994.
- Klein, Richard. *The Human Career: Human Biological and Cultural Origins*. Chicago: University of Chicago Press, 1989.
- Löföw, Heléne and Jeffrey Kaplan, eds. *The Cultic Milieu: Oppositional Subcultures in an Age of Globalization*. Walnut Creek, CA: Altamira Press, 2002.
- Looy, Mark. Interview by Kevin Buskager, August 18, 2010. Answers in Genesis Creation Museum, Petersburg, KY.
- Menton, David. Interview by Kevin Buskager, August 17, 2010. Answers in Genesis Creation Museum, Petersburg, KY.
- Mooney, Chris. "The Science of Why We Don't Believe Science." *Mother Jones*, May/June 2011. Accessed May 5, 2012. <http://www.motherjones.com/politics/2011/03/denial-science-chris-mooney>.
- National Center For Science Education. "Kent Hovind Arrested on Federal Charges." NCSE.com. Accessed June 22, 2011. <http://ncse.com/news/2006/07/kent-hovind-arrested-federal-charges-00795>.
- Numbers, Ronald L. "George Fredrick Wright: From Christian Darwinist to Fundamentalist." *Isis* 79, no. 4 (1988): 624–45
- . *The Creationists: The Evolution of Scientific Creationism*. New York: A.A. Knopf, 1992.
- . *Galileo Goes to Jail: And Other Myths about Science and Religion*. Cambridge, MA: Harvard University Press, 2009.
- Pojman, Louis and Michael Rea. *Philosophy of Religion: An Anthology*. 5th ed. Belmont, CA: Thomson/Wadsworth, 2008.
- Purdom, Georgia. Interview by Kevin Buskager, August 17, 2010. Answers in Genesis Creation Museum, Petersburg, KY.
- . "Is Natural Selection the Same Thing as Evolution?" In *The New Answers Book I*, edited by Ken Ham, 271–82. Green Forest, AR: Master Books, 2006.
- Schweitzer, Mary Higby and John R. Horner. "Intravascular Microstructures in Trabecular Bone Tissues of *Tyrannosaurus rex*." *Annales de Paléontologie* 85, no. 3 (1999): 179–92.
- Sedley, David. *Creationism and Its Critics in Antiquity*. Berkeley: University of California Press, 2007.
- Whitcomb, John. C and Henry M. Morris. *The Genesis Flood: The Biblical Record and Its Scientific Implications*. Philadelphia: Presbyterian and Reformed Pub. Co., 1961.