

*The Michigan
Journal of History*

Winter 13



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Letter from the Editor-in-Chief

Dear Readers,

I would like to thank you for your interest in reading the *Michigan Journal of History*.

The *Michigan Journal of History* has, for over twelve years, been a mainstay of undergraduate student life at the University of Michigan, Ann Arbor. Founded in 2001 in collaboration with the Department of History, the journal established itself as a wholly undergraduate-run publication designed to provide University of Michigan undergraduates with the opportunity to publish their original, historically themed research.

As the journal has matured, so too has its focus and mission. Over the course of the 2012-2013 academic year, in particular, the *Michigan Journal of History* has undergone an unprecedented expansion; whereas earlier issues of the journal were limited to University of Michigan students, the Winter 2013 Edition of the journal is the first issue in which undergraduates from institutions across the United States were eligible for publication. In order to accommodate this nationwide expansion, the journal has nearly tripled the number of Associate Editors contributing to the editing and selecting process.

Selections continue to be made based on a long list of criteria viewable in full on the journal's website. Submissions must fall between 20-25 pages and must also demonstrate originality and use of primary documents. Any current undergraduate student or individual that has graduated within the last semester is eligible to submit an article for consideration.

In recognition of the multilateral nature of history, the *Michigan Journal of History* actively seeks out papers that incorporate any number of academic disciplines into a central historical theme. The three papers selected for publication in this issue of the journal, when taken together, broadly reflect this mission: each depicts a distinct world region and historical time period.

It is my great pleasure to present to you the Winter 2013 Edition of the *Michigan Journal of History*. I hope you will enjoy.

Best,

Conor Lane
Editor-in-Chief, *Michigan Journal of History*

“La Peur Gagne”: The National Front Platform of the 1980s and the Rising Tide of French Nationalism

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Abstract:

The French National Front gained political power in the 1980s specifically because of its nationalist message and, above all, its rendering certain groups—immigrants and Jews, in particular—as scapegoats. An atmosphere of economic difficulty following the oil crisis of 1973 and a noticeable influx of immigrants furthered the party’s popularity. In addition, the National Front’s message led to increased anti-immigrant, anti-Muslim, and anti-Semitic sentiments in France, which escalated into many acts of violence and protest in the 80s and the 90s. The party’s ideas also influenced governmental policies concerning immigrants. The National Front created multiple “others” for France, and its message and attitudes towards these groups have largely dominated French politics for the past 30 years. The party has continued to thrive and heavily influence governmental policy because of its attractive nationalist platform that gives the French multiple groups to blame for their troubles, empowers the French family and able-bodied French citizens, draws upon French history and all of the emotion it evokes, and places the country above all else.

Introduction

In his book *Faith in a Nation*, Anthony W. Marx states that, “by maintaining legal boundaries and excluding an internal ‘other’ as a common enemy, state and other leaders encourage the cohesion and support of those included, focusing tangible benefits and reinforced by symbolic manipulations.”¹ The French National Front began instituting this nationalist approach as the basis of their party platform partly in the 1970s, but largely in the 1980s, and the NF (National Front) continues to advocate an almost indistinguishably similar platform to this day. The party promotes a message of fear—fear of the multiple “others” they create, fear of moral and physical decline, and fear for the French nation they love. These are perpetuated through, as Marx stated, “symbolic manipulations.” The most important of these three for Frontists is fear of “others”—it dominates most, if not all, of their discourse, encompassing all issues the party examines. These “others” are immigrants first and foremost, and then Jews. The National Front’s fear of physical and moral decline takes shape in its anti-abortion view, its belief that the French family forms the base of the nation, and its proposed policies meant to keep those with AIDS separate from the general French population. The party links all of these ideas back to fear of the “other” in one way or another. It is the Front’s nationalist message of the 1980s, particularly its stance against created “outsiders” that led it to become so popular.

The party was founded in October of 1972, and appointed Jean-Marie Le Pen as its first president.² Not very prominent as a political force in the 1970s, it gained momentum in the 1980s with a platform that centered on immigrants. As a party on the far right of the political spectrum, the National Front supported neoliberal economic policies and government deregulation. This worked with their stance on immigrants, because they claimed that immigrants were “parasites”

¹ Anthony W. Marx, *Faith in a Nation: Exclusionary Origins of Nationalism* (Oxford: Oxford University Press, Inc., 2003), 23.

² Edward G. Declair, *Politics on the Fringe: The People, Policies, and Organization of the French National Front* (Durham, NC: Duke University Press, 1999), 37.

that fed off of the French welfare programs, and therefore, without these programs, immigrants could not take advantage of them and drain the republic of funds.³ In addition to following the political right's economic doctrine in their platform, the National Front aligned itself with conservative beliefs on social issues like abortion, the role of the family, and the death penalty. They also saw military service as a civic duty if the time came to take up arms in defense of the country, and believed it necessary for France to have an arsenal of nuclear weapons.⁴ Their platform, as will be discussed later, does not work without their fear-inspiring nationalist ideals, including their view of invented "others." The National Front believes in a France for the French. It is this idea, made clear in their political propositions and furthered by the particular time in which it arose, that allowed the party to gain a large following and simultaneously become a real presence in French and European governmental bodies.

The 1970s and 1980s proved the ideal time frame for the arrival of the National Front onto the political scene. Other earlier attempts at reviving the French right like the Poujadist movement, of which National Front leader Jean-Marie Le Pen was a part, made some strides but ultimately failed. The Front's message matched with events around the time of their creation and directly after. Just one year following the establishment of the party, the oil crisis of 1973 hit, causing a recession in much of the western world. Also by 1973, the number of "foreigners" in France reached 3 million.⁵ A series of military conflicts took place in these twenty years as well: the Yom Kippur War, the end of the Vietnam War, the Soviet war in Afghanistan, the Iran-Iraq War, and the Lebanese Civil War. The relatively non-violent Cold War also continued through these two decades. All of these events, as well as terrorist attacks such as the "Munich Massacre" at the

³ Jean-Marie Le Pen, *Les Français d'abord* (Paris: Carrere-Michel Lafon, 1984), 107, 139.

⁴ *Ibid.*, 149-151.

⁵ James Cohen, "Postcolonial Immigrants in France and their Descendants: The Meanings of France's 'Postcolonial Moment'," in *Postcolonial Migrants and Identity Politics: Europe, Russia, Japan and the United States in Comparison*, ed. Ulbe Bosma, Jan Lucassen and Gert Oostindie (Oxford: Berghahn Books, 2012), 30.

Olympics of 1972 and the bombings of multiple flights by religious groups which caused fear among people around the world fueled the National Front's platform that "othered" Arab immigrants, Muslims, and Jews. Fear of the new AIDS pandemic starting in the 1980s also made the National Front appealing. They had solutions for the immigrant problem, for the AIDS outbreak, and for the country's economic problems. Issues like those that resulted from the multiple recessions that hit in the 1970s and 1980s, effectively ending the "thirty glorious years," pointed towards the solution lying once again in ridding the nation of foreigners. The 1980s ushered in a wave of conservatism as well, only adding to the Front's appeal. This time period also saw the beginnings of the technological revolution. Just as nationalism served as a comfort in the face of modernity, people were once again drawn to a political message that strongly favored nationalism in the face of technological advancement which would drastically change the way people live. One citizen said of the National Front in 1985: "I find that the National Front puts everything in order, and I have desired order all of my life."⁶ All of this culminated in the 1980s as the National Front gained enough political power to make them an enduring and influential force in France.

Jean-Marie Le Pen played an essential role in the success of the party. An ex-paratrooper, a loyal follower of the Right, and a skilled orator, Jean-Marie Le Pen led the National Front to its popularity. Many often say that he is the National Front or that the National Front is Le Pen. Carl Lang, a member of the Front from 1978 to 2008, said in 1988 that "it must be remembered that the Front was established around the personality of Jean-Marie Le Pen."⁷ Indeed, it seems that there exists a sort of cult of personality around the Front's now former leader—as happens with many key figures of nationalist political parties and movements—around the Front's now former leader.

⁶ Translated from French, "Moi, je trouve que le Front national remet tout dans l'ordre, l'ordre que je désirais tout ma vie," in Birgitta Orfali's "Le droit chemin ou les mécanismes de l'adhésion politique," in *Le Front national à découvert*, ed. Nonna Mayer and Pascal Perrineau (Paris: Presses de la Fondation Nationale des Sciences Politiques, 1989), 121.

⁷ Peter Davies, *The National Front in France* (London: Routledge, 1999), 36.

His youngest daughter, Marine Le Pen, recently succeeded him in 2011. This means that Jean-Marie served as president, and thus voice, of the party for 39 years. Much of what people believed to constitute the party's views during the 1980s consisted of Le Pen's words and actions, and most controversy surrounding the party resulted from the behavior of Le Pen. He ran in every French presidential election from 1988 until he stepped down as leader of the party, letting his successor run in 2012. He attempted to run in the 1981 election as well, but was unable to acquire the number of signatures necessary to become a candidate. This attests to the fact that in those seven years between 1981 and 1988, Le Pen and the National Front formed a platform appealing enough in order to campaign for presidency. The appeal came from the nationalist rhetoric that permeated all of their views which can be demonstrated through an in-depth examination of three components of their platform and ideas: fear of the "other" realized in conceptions of the immigrant and the Jew, fear of physical and moral decline, and fear for the nation as revealed in imagery and words.

Fear of the "Other"

The National Front created two specific "others," one more explicitly targeted as a scapegoat and incompatible with the nation and the other less so. These two groups are immigrants, who are "lumped together" and thought of generally as "those of North or West African origin, who may or may not be Muslims and who are often second- and third-generation French," and Jews.⁸ Both are seen in one way or another as threatening to the nation and its people as well as anti-theses of the native, patriotic Frenchman or woman also created in the Front's discourse. Firstly, the party sees the immigrant as problematic in regards to the economy, the security of France and the French, their growing presence in the country, and their supposed disloyalty to the nation. It is above all the Front's nationalist campaign against the immigrant other that led it to

⁸ From an interview with a French male citizen of immigrant descent in Abdelmalek Sayad's *The Suffering of the Immigrant*, trans. David Macey (Cambridge: Polity Press Ltd., 2004), 274; Joan Wallach Scott's *The Politics of the Veil* (Princeton: Princeton University Press, 2007), 36.

become so popular and so prevalent in French politics, intertwining with nearly all other ideas of the party.

As stated earlier, the National Front considers immigrants a drain on the French economy. One French citizen of immigrant descent expressed his frustration with all of the questions people asked about him and immigrants in general: “[They ask:] Aren’t they [“immigrant” parents] taking jobs from the French? Do they pay taxes? Aren’t they robbing France, family allowances, social security and so on? It’s the same thing for us [kids].”⁹ So here, the “native” French populace regards immigrants, and those coded as such regardless of actual citizenship, as thieves who take advantage of French social programs and steal French jobs. This idea took root in the 1980s largely as a result of the National Front platform, which placed such an emphasis on the problems of immigration. The party ran a famous campaign advertisement in the 80s that said, “3 Million Unemployed Are 3 Million Immigrants Too Many! France and the French, First!” This meant that immigrants should not be employed over true French citizens, and that the supposed three million unemployed French could easily replace, and should replace, three million working immigrants.¹⁰ Jean-Marie Le Pen also turned to the French constitution for evidence in support of his claims; one of the rights of man in the constitution of 1948 is the “droit au travail”—loosely translated as the “right to work,” in the sense of work as a guaranteed and protected liberty—which the Front leader used as concrete reasoning for his ideas.¹¹ Le Pen also noted in *Les Français d’abord* that the nation is, “not a cow to be milked,” and in a 1984 broadcast of “L’Heure de vérité”—a political television show much like ones on major news networks today—Le Pen stated that many

⁹ From another interview in Sayad’s *The Suffering of the Immigrant*, 274.

¹⁰ Translated from French, “3 Millions Chômeurs Ce Sont 3 Millions D’Immigrés De Trop! La France Et Les Français D’Abord!” from a plate of a National Front ad in *Immigration in Post-War France: A documentary anthology*, ed. Alec G. Hargreaves (London: Methuen & Co. Ltd., 1987), 119.

¹¹ Le Pen, 139. One should not confuse “droit au travail” with “droit du travail,” which is the idea that one cannot be denied work if they do not belong to a union.

immigrants “are only [here] for social welfare assistance.”¹² Also on “L’Heure de vérité,” Albert du Roy asked Jean-Marie Le Pen if a completely legal French citizen of Moroccan descent had a job, should he be forced to leave, to which Le Pen replied, “If his job could be taken by a Frenchman then I think one could absolutely demand of this Moroccan to go back to his country.”¹³

Throughout all of these messages the idea is that the immigrant and somewhat “foreign” populations do not deserve jobs and money that rightfully belong to the French nation and its people.

According to the National Front, not only did immigrants pose a threat in terms of the economy, they also posed a security threat. Many immigrants and foreigners lived in impoverished areas on the outskirts of large cities where acts of violence occurred frequently, much like the banlieues in France today. Events of the time period like the “hot summer” of urban violence that erupted near Lyon in 1981 and the terrorist bombings of Paris in 1986 encouraged assumptions of the National Front about delinquency among immigrants and national security threats.¹⁴ Indeed these events were frightening and did injure many innocent people. Le Pen and the Front capitalized on this fear, using it as another reason to support their tough policy concerning immigrants and those considered foreigners who resided on French soil. These included such policies as the repeal of the Evian Accords with Algeria that allows Algerians to have French citizenship, the elimination of familial allocations to immigrants, and a revision of article 23 of the

¹² Translated from French, “L’Etat n’est pas une vache à lait,” *Ibid.*, 131; translated from French, “...beaucoup ne sont dans notre pays que des assistés sociaux,” in a transcription of the February 13, 1984 showing of “L’Heure de vérité,” whose script is in annex *Ibid.*, 237.

¹³ Paraphrased and translated from French “A.D.R: *Un marocain en parfaite situation légale, régulière en France et qui aurait du travail, lui ne doit pas partir?* J.-M. L. P. - ...Si ce travail peut être occupé par un Français, je pense que l’on peut parfaitement demander à ce Marocain de rentrer chez lui,” from transcription of show in *Ibid.*, 237-238.

¹⁴ *Postcolonial Migrants*, 33; Michael Dobbs, “Bomb Hits Paris Shop, Injures 4; Police Probe Series of Terrorist Attacks,” *Washington Post*, 4 February 1986, sec. A14.

Nationality Code that states anyone born on French soil is automatically a French citizen.¹⁵ Jean-Marie Le Pen linked the security issues of the 1980s with immigration, stating:

“...Insecurity [is] considerably exacerbated by immigration...a number of these people are unemployed and came to France when the country had already faced mass unemployment for ten years. They knew perfectly well they would not be able to find work, so many of them live outside of the law, committing all types of infractions and assaults, from which came the explosion of drug trafficking [in France], theft, attacks on elderly women, etc.”¹⁶ He also stated that, “the immigrant population constitutes a hotbed of terrorism and presents a real danger to French independence and the safety of the French people.”¹⁷ Many people came to believe this, especially those who identified with the French Right, but not quite to the extreme of Le Pen and his party—like the newspaper, *Le Figaro*. In 1985, Jean-Yves Le Gallou discussed the criminality of immigrants and concluded that they did pose a threat, committing fifteen percent of all misdemeanors and infractions, 23 percent of all homicides, and making up 58 percent of all drug trafficking charges in France at that time.¹⁸ So it was evident that there were problems surrounding the foreign presence in France at the time, and the National Front created a platform that made the immigrants and “outsiders” the root of the security problem, telling the French that the existence of their nation was at stake because of them.

The Front also spurred the fear that immigrants might one day take over the nation. They believed constant immigration could lead to this, but they really emphasized the large birth rate

¹⁵ Paraphrased from French, Le Pen, 96.

¹⁶ Translated from French, “Il reste que l’insécurité a été aussi et considérablement aggravée par l’immigration...nombre de ces gens sont des chômeurs qui sont entrés en France où le chômage règne depuis dix ans déjà. Ils savaient parfaitement qu’ils ne trouveraient pas de travail. Aussi, les plus marginaux d’eux ne peuvent vivre qu’en marge de la loi, en commettant des délits et des agression, d’où le développement fantastique du trafic de la drogue, des vols, des attaques de vieilles dames, etc.,” Ibid., 122.

¹⁷ Translated from French, “...je l’ai souvent affirmé que la population immigrée constitue un vivier du terrorisme et qu’elle représente donc un reel danger pour l’indépendance de la France et de la sécurité des Français,” from the article “Selon M. Le Pen ‘La population immigrée, un vivier du terrorisme’,” *Le Monde*, 29 March 1987.

¹⁸ Paraphrased from French, “Les étrangers...comettent 15% des crimes et délits, 23% des homicides et 58% des trafics de drogue,” from an excerpt of the article “Immigration: la réalité en chiffres et en faits,” from *Le Figaro*, 20 April 1985, from “Attitudes and assessments” in Hargreaves, 55.

among foreigners. In a pamphlet called “Passport for Victory” that the party passed out during the 1988 presidential elections, they included the statistical comparison between the average number of births to French mothers and the average number of births to Maghreb mothers, stating, “as a point of fact, 1.65 children, on average, are born to each French mother, and more than five children are born to each foreign woman from the Maghreb.”¹⁹ Le Pen noted that with a difference so great as this, “in twenty years, [France] will be overrun with foreigners,” and it will become the “garbage dump of Europe.”²⁰ As will be discussed later, he called on French women to counter this flood of invaders. That is precisely how the Front depicted immigrants and those of foreign descent—as outsiders and invaders who intended to colonize France. Jean-Pierre Stirbois, one of the most popular Frontists whose election in Dreux marked the beginning of the party’s numerous political gains in the 1980s, along with his wife actually circulated a letter supposedly written by an Algerian living in France to a friend still living in Algeria that stated, “We kicked the French out of Algeria. Why shouldn’t we do the same thing here?”²¹ This piece of the Front’s propaganda, whether real or fake, shows how they used fear as a way to inspire nationalist spirit among French citizens—and it worked. Though Stirbois was not elected in 1982, he was elected in Dreux in 1984, causing the “Dreux effect,” comparable to a “domino effect,” for a series of National Front members who were elected following his breakthrough that launched them to popularity.²²

The party saw immigrants and foreigners as a threat and subordinate to the French. Did this mean that the Front believed these groups could not become true French citizens? For the most part, yes, it did. They did propose one possible, very serious option for non-French to prove their

¹⁹ Quotation from *Passport pour la victoire* in DeClair, 18.

²⁰ Translated from French, “...avant vingt ans, nous serons submergés par l’immigration étrangère,” from Le Pen, 94; translated from French, “...nous allons devenir le dépotoir de l’Europe,” from *Ibid.*, 107.

²¹ Quotation from Françoise Gaspard’s *A Small City in France*, cited in Harvey G. Simmons, *The French National Front: The Extremist Challenge to Democracy*, (Boulder: Westview Press of Harper Collins, 1996), 74.

²² *Ibid.*, 73.

loyalty to France—as Le Pen states: “The foreigner can enter the Nation by an artificial act, but one can only be truly integrated with the ‘Patrie’ by a sacrificial act: the spilling of one’s blood.”²³ This idea in France is called “jus sanguinis,” as opposed to the idea of nationality by “jus sol,” which is the current policy in regards to citizenship following article 23 of the Nationality Code.²⁴ The true French—“les Français de souche” if you will—are exempt from “spilling their blood,” because it has already been done for them by their ancestors, likening their descendants to Christ-like figures that absolve them from duty. However, this does not mean they should not answer the call to arms when necessary, according to the Front, which will be examined later in greater depth. This statement by Jean-Marie Le Pen implies that the party saw military service as possibly the only way a foreigner could stay on French soil and even have the chance of becoming French. Otherwise, they were disloyal and inassimilable.

The Front generalized immigrants and foreigners as Muslims, and when the headscarf debate began in 1989, *Le Figaro* contributor and eventual Front member Jean-Yves Le Gallou stated that Arabs, “had to choose between France and Islam.”²⁵ Le Pen echoed this statement by saying in *Le Provençal* that if foreigners wanted to stay in France, they had to conform to French ways and morals, just as they would upon entering someone’s home.²⁶ He also stated that, “history has shown that pacific coexistence between Europe and Islam is impossible.”²⁷ The National Front did not explicitly propose another religion that one must follow to be French, but it is evident that the party recognized France as country with Christian traditions, and anything that might oppose

²³ Translated from French, “L’étranger peut entrer dans la Nation par un acte artificiel: la naturalisation. Il ne peut s’intégrer à la Patrie que par un acte sacrificiel: l’effusion de son sang,” from Le Pen, 75.

²⁴ Nadia Kiwan, *Identities, Discourses, and Experiences: Young People of North African Origin in France*, (Manchester: Manchester University Press, 2009), 29-30.

²⁵ Translated from French, “Il faut dire aux Français de souche arabo-musulmane et aux enfants de harkis qu’ils devront choisir entre la France et l’Islam,” from Biffaud Olivier’s “‘L’expansionnisme musulman’ danger principal,” *Le Monde*, 31 August 1989.

²⁶ Quotation from *Mégret* (1990), cited in Davies, 161.

²⁷ Quotation from *Identité*, March-April 1990, *Ibid.*, 124.

them could not mesh with the concept of the true nation, constituting a threat. This of course helped their popularity as well, for much of France considered themselves Roman Catholic. Whether or not they were particularly religious, the nationalist platform that the Front proposed promised meaning and order in their lives, which religion would otherwise provide, as it did before the modern era.

The party also made an “other” of the Jew. Though not quite integral to the Front’s platform, it still had a great influence on the French people, sometimes resulting in violence. Le Pen and the National Front saw Jews as against the nation because the party thought they were scheming against France in a “globalist plot” and that they were too privileged because of a past the party shrugged off as a mere “detail” of history and encouraged France to forget. Le Pen was at the very center of this debate about French Jews, and in the 1980s his anti-Semitism made him the center of multiple controversies. He said in 1989, “the international Jew plays a sizeable role in the creation of antinational spirit...seeking to establish a globalist, reductionist, egalitarian ideology.”²⁸ So here the supposed focus of the Jew on a greater community than France translated into a “globalist plot” against the nation for the National Front.

On the subject of the past, Le Pen stated in the same interview from 1989, “the weight of the past is too heavy in our country,” referring to the Second World War and Nazism and encouraging the nation to shed this weight in order to move forward.²⁹ Another prominent figure of the National Front, Bernard Antony or “Romain Marie,” stated that:

“...there was, is, and always will be, as long as the world continues to turn, a Jewish problem. The Jews are at the center of history...one could say that after a few centuries of their marked absence that the modern era is characterized by a renewal of the Jewish

²⁸ Translated from French “...les grands internationales, comme l’internationale juive, jouent un rôle non négligeable dans la création de l’esprit antinational...[ils] visent à établir une idéologie mondialiste, réductrice, égalisatrice,” from “Dans un entretien avec la revue *Présent* M. Le Pen dénonce ‘le rôle de l’internationale juive’ dans la création de ‘l’esprit antinational’,” *Le Monde*, 12 August 1989.

²⁹ Translated from French, “Le poids du passé est trop lourd dans notre pays,” *Ibid*.

problem. Jews are at the center of our contemporary debates; Marx and Rothschild are two faces of the same coin...another aspect of the Jewish problem is their tendency to occupy all of the key positions in western nations.”³⁰

Here, Romain Marie made evident the fact that Jews posed a problem because of their historical legacy, privileging them over others. One can also see a return to the stereotype often encountered in Nazi Germany of the Jew having too much power and essentially taking jobs from non-Jews. Le Pen, like Romain Marie, rejected the Jews’ privileged status, believing that in France, Jews were receiving superior protection to all other citizens.³¹ Eventually, Le Pen’s remarks led to legal action when he described, “the Nazi gas chambers as nothing more than a ‘detail’ of the Second World War,” and when he called a minister of the French government, “Monsieur Durafour-crématoire.” To this Durafour responded, “I can see that he yearns for the good old Nazi days.”³²

In 1990, many people also blamed Le Pen and the National Front for the desecration of more than 30 graves and the disinterment of a body that was found impaled on an object in the Jewish cemetery of Carpentras.³³ They blamed the party for the, “racist and anti-semitic climate in the country that [they] fueled.”³⁴ The claims the National Front made in support of their “othering” of the Jew lay in two main ideas mentioned before—the Jew as a threat to the nation for economic reasons and for their supposed privileged status that placed a minority’s rights over the majority’s.

³⁰ Translated from French “...il y a eu, il y a et il y aura, tant que le monde sera monde, un problème juif. Les juifs sont au centre de l’Histoire...on pourrait même dire que, après plusieurs siècles d’absence, le monde moderne est caractérisé par une nouvelle intrusion du problème juif. Les juifs sont au centre de nos débats contemporains; Marx et Rothschild sont un peu les deux faces de la même médaille...Un autre aspect du problème juif est la tendance qu’ont les juifs à occuper tous les postes clefs des nations occidentales, from *Présent*, December 1979, Issue 35, cited in Guy Birenbaum’s *Le Front National en politique* (Paris: Editions Balland, 1992), 244-245.

³¹ Paraphrased from French, “Je considère les Juifs comme des citoyens comme les autres, mais pas comme des citoyens supérieurement protégés,” from *L’Heure de vérité*, Le Pen, 232.

³² Paul Webster, “NF boycotts assembly’s homage to Holocaust victims,” *The Guardian*, 3 October 1987; Brian Moynahan, “Le Pen’s Nazi jibe,” *The Sunday Times*, 4 September 1988.

³³ Edward Cody, “Jews’ Graves Desecrated in France; Bodies Disinterred; Leaders Decry Attack,” *The Washington Post*, 10 May 1990.

³⁴ Translated and paraphrased from French, “Le monde politique...accuse le Front National...en raison du ‘climat raciste et antisémite qu’il entretient dans le pays’,” in Géraud Durand’s *Enquête au cœur du Front national* (Paris: Jacques Grancher, 1996), 87.

Although all of these events and remarks had a negative effect on the party's popularity, the effect was not very significant; the French people continued to elect National Front politicians though they ran on a platform of blatant anti-Semitism. This platform at least gave them multiple groups they could blame for their problems.

The invention of two threatening "others"—immigrants and Jews—led to the successes of the French National Front. The party's message of fear of these groups in the 1980s, specifically of the immigrant, encouraged French citizens to take comfort in nationalism by supporting the Front. This worked in favor of Le Pen and the party, making them a major force in French politics from the 1980s until today. This idea of the immigrant "other" could also move beyond its own specific political message within the platform; in fact, it supported nearly all of the Front's other ideas, as will be seen in a discussion of the party's fear of physical and moral decline and their fear for the nation.

Fear of Physical and Moral Decline

The National Front not only sought to protect French citizens from outsiders, they also aimed to protect French citizens from their own physical and moral decline. The Front argued that the nation was, "degrading under their very eyes," with the passing of "la loi Veil" which legalized abortion, the increase in crime in France, and the outbreak of the AIDS pandemic.³⁵ The party believed it important to have healthy, strong, morally sound and family-centered Frenchmen and women. This, in addition to raising the French birthrate to counter the "Third World's invasion," would rid France of its unrespectable and numerous immigrants, separate the weak from the strong,

³⁵ Translated from French, "Je crois malheureusement que tout cela est en train de se dégrader sous nos yeux," in Le Pen, 92; Information on la loi Veil found in Pierre-André Taguieff's "La métaphysique de Jean-Marie Le Pen," *Le Front national à découvert*, 217.

and replace the socialist government with one more akin to Frontist ideals which supported measures like “la loi Veil,” would save the nation from its imminent demise.³⁶

Le Pen stated, “[the family] is the basic unit of the Nation...when the family is weak, the Patrie is in danger.”³⁷ The National Front, therefore, strongly believed that the French family played an important role in keeping the country alive and well. It perpetuates life by creating children and providing, “protection, subsistence, and education,” for them.³⁸ The focus was very largely on children, for they would lead France into the future. More importantly, the Front believed children born to French parents *should* lead the nation forward, not the children of immigrants. The fear here rested in the birth rate statistics of French mothers versus immigrant mothers, as mentioned before. Therefore, Le Pen and the party vehemently opposed abortion and any activity or form of contraception that might terminate a pregnancy or affect the health of a mother’s unborn child.³⁹ The Front not only opposed measures that might compromise the life of potential children of the nation, it actively encouraged French women to have many children. The party proposed a salary and pension for French mothers, special housing and employment priority for single French mothers, and a monetary allocation for French families for each child they had.⁴⁰ The Front also proposed a reform of adoption law and process to give adoption priority to French children.⁴¹ The National Front supported these ideas on moral grounds, but more importantly, they included them in their platform for nationalist reasons. They aimed to protect the nation and its

³⁶ “Third World invasion” taken from James M. Markham, “THE WORLD: Contrasting Birth Rates; Old World Fearful of Third World’s ‘Silent Invasion’,” *The New York Times*, 14 February 1988, sec. 4, pg. 2, co. 1.

³⁷ Translated from French, “[La famille] est la cellule de base de la Nation. Quand la famille est affaiblie, la Patrie est menacée,” from Le Pen, 94.

³⁸ Paraphrased and translated from French, “[La famille] assure la protection, la subsistence, l’éducation,” Ibid.

³⁹ The sort of activities Le Pen describes as harmful and unacceptable are the consumption of alcohol, smoking, doing drugs, etc., Ibid.; Le Pen discussed his views on contraception in the showing of *L’Heure de vérité*, 13 February 1984, Ibid., 239.

⁴⁰ Ibid., 96.

⁴¹ Ibid.

citizens from immigrants in particular by raising the birthrate and strengthening the basic unit of the nation that represented and taught French ideals—the family. As Le Pen stated, “the demographic explosion of the Third World threatens to bury the nations of the western world with each passing day.”⁴² It was now the duty of French women in particular to combat this threat and save the nation by having children, for which the nation would reward them.

The National Front also thought it necessary for French citizens to have, “the most harmonious, healthiest, and beautiful [bodies] as possible.”⁴³ They promoted the physical education of youth in schools in order to help achieve this goal.⁴⁴ The idea here was that strong, healthy individuals would mean a strong, healthy nation. The Front took a Darwinian approach in regards to strong bodies versus weak bodies; Le Pen stated, “in privileging or favoring the weak in all areas, one weakens the social body, in general.”⁴⁵ The weak brought the nation down, according to the National Front; just like Jews should not receive special privilege, neither should the physically weak. Throughout the 1980s, in light of the outbreak of the AIDS pandemic, the Front actually proposed separating those with the disease—the weak—from the rest of the population. Le Pen nicknamed those affected “sidaïques,” closely resembling the word “judaique” for Jew, conflating the Jew with weakness and disease.⁴⁶ For these “sidaïques,” the Front proposed “sidatoriums” to separate them from French citizens.⁴⁷ It was not just the fear of physical decline that led the party to such a proposal, but also the fear of moral degradation. They believed that eighty percent of cases came from the act of sodomy and seventeen percent of cases came from drug use—which many

⁴² Translated from French, “...l’explosion démographique des pays du Tiers-monde menace...chaque jour davantage de submerger les nations occidentales,” in *Ibid.*, 95.

⁴³ Translated from French, “...on a intérêt que ce corps soit le plus harmonieux, le plus sain et le plus beau possible,” in *Ibid.*, 90.

⁴⁴ *Ibid.*, 91.

⁴⁵ Translated from French, “En privilégiant, en favorisant par trop tous les faibles dans tous les domaines, on affaiblit le corps social en general,” from Taguieff, “Métaphysique,” in *Le Front national à découvert*, 185.

⁴⁶ Jim Hoagland, “The Politics of AIDS,” *The Washington Post*, 22 May 1987, A2.

⁴⁷ *Ibid.*

thought immigrants encouraged, as mentioned earlier.⁴⁸ Thus, in moving the infected away from the rest of the population, the Front was, as they would like to believe, simultaneously ridding the nation of a health threat and moral threat. The words “weak” in the physical sense and “immoral” became nearly interchangeable in this message.

The National Front placed an emphasis on both the family and the body, believing that if they were physically and morally strong, the nation would be as well. This nationalist message of putting the French and France first and the creation of scapegoats to blame for the nation’s problems led to the Front’s popularity. Particularly the focus on the immigrant “other” as the root of most, if not all, problems made the party’s platform so appealing. The manipulation of nationalist imagery also played a role in the rise of the National Front in the 1980s.

Fear for the Nation

Jean-Marie Le Pen and the Front manipulated nationalist imagery of Joan of Arc, land, and sacrifice to inspire the French to save the nation by voting for their party. These symbols provoked feelings of pride, but also fear. The party wanted the public to know that it was not just their jobs and their health that were in danger—the nation’s past, present, and future were under attack. Therefore, the Front also used images like that of Joan of Arc to compare to the people’s struggle. Just as Joan of Arc had sacrificed herself for the French hundreds of years before, the National Front now called the French people to do the same, to save their land and all that it represented.

On May 1st, 1987, the Front led the festival of Joan of Arc, which they would continue to do every year following up until the present.⁴⁹ For Le Pen, the Saint, “loved France like no one else,” and her fight did not greatly differ from that of the French people at the time.⁵⁰ Just as Joan sought to expel the English from French land, so too must the people expel the immigrants from France.

⁴⁸ Birenbaum, *Le Front national en politique*, 113.

⁴⁹ Simmons, 238.

⁵⁰ Davies, 113.

This message was specifically targeted at French women, encouraging them to push the foreigners out by having children—though Joan was a virgin and thus not a mother herself.⁵¹ She also represented the nation’s historically Catholic roots. The Front’s reverence of Joan showed the French people the party’s dedication to the nation and the preservation of its history as well as their hope that its great legacy would continue.

Nationalist sacrifice, like Joan’s in the fifteenth-century, was of particular importance to the National Front. As mentioned in the discussion of the immigrant “other,” the only way one could become a true citizen of France was through the spilling of one’s blood for the nation. Therefore, the National Front stressed the importance of the military and the, “glory of the supreme sacrifice.”⁵² Le Pen stated that military training must be both, “moral and civic, founded on love of country, knowledge of its past, spirit of sacrifice and self-denial.”⁵³ Sacrifice should thus stem from a love for the nation and its history, and it means the renunciation of oneself as an entity separate from the nation and its cause. The nation, for the National Front, eclipsed all individual associations. Through sacrifice, the Frenchman or woman is made one with the nation, and in their death, they are, “made one with the land,” and remembered at, “military sites and cemeteries.”⁵⁴ Le Pen stressed the importance of this sacrifice, stating that if young Frenchmen did not respond to the call to arms, “it would be the end of [French] liberty and of [French] existence.”⁵⁵ Their sacrifice is for the land—“the land of [their] fathers...the historical space of the French people.”⁵⁶

⁵¹ Simmons, 238-239.

⁵² Translated from French, “la gloire du sacrifice suprême,” from Le Pen, 76.

⁵³ Translated from French, “...la formation militaire indispensable n’est pas complétée par une formation morale et civique, fondée sur l’amour de la Patrie, la connaissance de son passé, l’esprit de sacrifice et d’abnégation,” Ibid., 147-148.

⁵⁴ Translated from French, “Il est des lieux...sites militaires ou grandes nécropoles...où l’homme s’est fait à terre,” Ibid., 76.

⁵⁵ Translation from French, “...si [les jeunes Français ne répondent pas à l’appel] c’en serait fini de notre liberté et même de notre existence,” from Ibid., 144.

⁵⁶ Translated from French, “La Patrie, c’est la terre de nos Pères...La France: c’est l’espace historique du peuple français,” Ibid.

The Front claimed the entire nation's defining elements as in danger of destruction. They preached the necessity of sacrifice to save the land they loved. Joan of Arc symbolized the "supreme sacrifice" and served as a model of the ideal French citizen who would place the nation above oneself. Thousands poured into the streets for the festival in honor of the French hero to celebrate her sacrifice, but also to hear the French National Front, whose message seemed to have the nation's best interests in mind. Signs read "Joan for France" and "The Peasants of France with Jean-Marie Le Pen." An article published the day following stated, "By the time [the] leader stood up to speak to thunderous roars from the crowd, they would have followed him anywhere."⁵⁷ This attests to the party's growth from obscurity at the beginning of the 1980s to popularity by the decade's end due to its nationalist platform.

Conclusion

In the presidential elections of 1988, Jean-Marie Le Pen earned 14 percent of the vote.⁵⁸ Two years earlier in 1986, thirty-five National Front members entered the National Assembly. Throughout the cantonal and legislative elections from 1984 onwards, the Front performed extremely well, gaining multiple positions in areas across the country, including some in Ile de la Cité, though especially in the south.⁵⁹ By 1985, the majority of the French population felt that the immigrant presence in France was too great.⁶⁰ In the later part of the 1980s politicians and government officials associated with other parties recognized the greatly increased popularity of the National Front and began to adopt some of their message. Chirac adopted both their views on abortion, the low birth-rate, and most especially immigrants, stating that there was "an overdose" of

⁵⁷ Sarah Boseley, "Le Pen summons ghost of Joan of Arc and hijacks workers' festival," *The Guardian*, 2 May 1988.

⁵⁸ Pascal Perrineau, "Les étapes d'une implantation électorale (1972-1988)," *Le Front national à découvert*, 49.

⁵⁹ *Ibid.*, 43-58.

⁶⁰ Selections from a SOFRES poll from "Attitudes and Assessments" in *Immigration in Post-War France*, 51.

them and that they threatened to take over the country, sounding very much like Jean-Marie Le Pen.⁶¹

The National Front's electoral successes and both political and social influence attest to the popularity of their nationalist message, specifically its thoughts on the immigrant "other." The immigrant, and sometimes the Jew or the unhealthy, could be blamed for all of France's problems—their economic, security, moral, and health problems. "Symbolic manipulations" of the nation, presented as in danger of destruction or decline, inspired the people to make a "sacrifice" of sorts for their nation by supporting Le Pen and putting the interests of France above their own. The unique political, economic, and cultural atmosphere of the 1980s also contributed to the party platform's success; the Front's nationalism provided comfort for the people in times of innovation and uncertainty, and gave them scapegoats for the difficulties they faced. Le Pen stated in *Les Français d'abord*, "fear is winning"—"la peur gagne"—when discussing the many things threatening to destroy the nation, and indeed, fear did win in the 1980s in the form of the National Front's platform. Fear of the "other," fear of moral and physical decline, and fear for the nation ultimately led the party to victory. Their success also shows the prevalence and power of an ethnic nationalism in a country usually associated with a more civic nationalism.

⁶¹ Chirac on immigrants from Guyotat Regis, "Le débat sur l'immigration Le maire de Paris: 'Il y a overdose'," *Le Monde*, 21 June 1991; Chirac on immigrants and the birth-rate from Paul Webster, "Chirac quits center to woo votes from Le Pen: Gaullist leader shifts stand on abortion and immigration / France," *The Guardian*, 6 November 1984.

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Because Every New Yorker Deserves Justice?

Anti-Welfarism, The Punitive Turn, and the Eclipse of Public Defense: The Legal Aid Society of New York Under Fire, 1981-1983

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Abstract:

In October 1982, attorneys of the Legal Aid Society of New York entered into what would become the longest strike in the organization's history. Lesser labor disputes and persistent financial difficulties, however, preceded the 1982 strike since the late 1970's. Why did the Legal Aid Society experience such crisis in the early 1980's? Was the 1982 strike driven by isolated labor disputes? Were there any particular politics—at the city or federal level—shrinking the Society's budget? Throughout this paper, I consider such questions while arguing that Legal Aid was imperiled by the fusion of hyper-punitive criminal justice policies and ideological anti-welfarism prevalent at the city and federal level in the early 1980's. By examining both Reagan's administration and New York City Mayor Edward Koch's stance toward public defense, I outline how a political atmosphere that pathologized criminals and deemed them as undeserving compromised the constitutional guarantee of New York City indigents to public legal defense. Moreover, through a focused institutional analysis of the Legal Aid Society, this paper brings together distinct historical literatures that trace the impact of hyper-punitive crime control politics and rising conservatism in modern United States. Ultimately, it concludes that both *tough on crime* and *tough on welfare* sentiments must be placed in dialogue to understand the bipartisan contestation of government social services that defined the Reagan Era.

*Is there a better way than Legal Aid? Suicide for Legal Aid? One More Trial for Legal Aid.*¹ Throughout 1982, newspaper headlines chronicled a Legal Aid Society of New York in crisis. Since the late 1970's, The Society—New York City's main provider of criminal defense for indigents—survived under stringent financial constraints.² As President Reagan waged war against the national public defense movement from Washington, the Society's difficulties only intensified. Persistent wage disputes and increasing caseloads inflicted the Society's hundreds of staff attorneys, constantly pushing them towards the brink of strike. Following a ten-week strike in late 1982, Edward Koch, then mayor of New York City, threatened to cancel the city's yearly \$29-million contract with the Society.³ Surrounded by such bleak panorama, in December 1983, Arthur Liman told the *New York Times* that he did not “want to be the last president of the Legal Aid Society,” just two months after being elected as the Society's chief.⁴ While in 1973 the Society's criminal defense attorneys handled approximately 37 cases at a time, by 1983, their typical caseload had hiked to 53. Within these parameters, Liman believed, “the Society [did] not have the resources to deal with all of its problems, and the problems just [kept] coming.”⁵

Why did the Legal Aid Society experience such crisis in the early 1980's? Was the 1982 strike of Society attorneys driven by isolated labor disputes? Were there any particular politics—at the city or federal level—shrinking the Society's budget? To address such questions, this paper examines how discussions about budget allocation and criminality in New

¹ The italicized statements are headlines of newspaper articles that appear later on my annotations.

² While the Society's financial instability peaked in the early 1980's, since 1975, it faced constraints caused by inadequate funding. Then, the Society dismissed 25 of the 450 lawyers in its criminal defense division and 45 staff members, because the city only allocated \$11.7 million for its budget, while full operations required \$13.1 million. See “Legal Aid Society Cuts its Criminal Staff Here,” *The New York Times*, (New York: August 8, 1975), 38.

³ *Ibid.* Although founded in 1876 as a private, not-for-profit welfare organization, the Legal Aid Society of New York was contracted in 1966 by the city government to provide free criminal defense to indigents.

⁴ Philip Shenon, “New Legal Aid Chief Warns of Bad Times: Legal Aid Society Finds an Advocate in Its Time of Troubles,” *The New York Times*, (New York: Dec. 12, 1983).

⁵ *Ibid.*

York City at the dawn of the 1980's were informed by a symbiosis of anti-welfare and tough on crime sentiments. My argument furthers extant understanding of the bipartisan embrace of punitive spending over social spending that marked the Reagan Era, while showcasing the direct effect of ideological currents upon a public interest program like the Society. I ultimately suggest it was not only the *tough on welfare*, but also the *tough on crime* attitude held by public officials, and backed by civilians, which made the 1982 strike unavoidable. To a greater extent, this paper also crafts a history of the Legal Aid Society that reflects perceptions and the contestation of government taking place in the early 1980's.

I first relate my argument to broader historical works describing the punitive turn in U.S. domestic policy and the anti-welfare philosophy, which weakened public interest law, leading towards the first Reagan administration. Doing so sets the basis for my subsequent discussion of how the crisis in N.Y.'s Legal Aid Society was fueled by the bipartisan hyper-opposition of public officials—at both the city and federal level—to welfare and crime.

State of the Field: Histories on the Rise of Anti-Crime, Anti-Welfare America

A burgeoning cadre of scholars has traced the punitive turn that fashioned zero-tolerance criminal justice policies and encouraged mass incarceration. In the seminal *Race to Incarcerate*, Marc Mauer sets the arrival of crime at the forefront of American politics to the late 1960's. Leaving behind the immediate post-war focus on rehabilitation, criminal justice policy was christened by an iron fist as the 1964 Goldwater and the 1968 Nixon campaigns “heralded the theme of law and order for the first time in a national political context.”⁶ The rise of crime as a wedge issue in American politics responded to opinion surveys revealing that 81% of the public believed law and order had broken down, in part because of the “negroes who start

⁶ Marc Mauer, *Race to Incarcerate*, (New York: New Press, 1999), 44. Throughout this paper, I use *iron fist* and *tough on crime* interchangeably in reference to policies that hold increased punishment, either through heightened sentences or more aggressive policing, as key to fighting crime.

riots” and the “communists.”⁷ According to Mauer, this context normalized the “tough on crime” mentality by the 1980’s, and social order became engineered through the “crime control apparatus and at the expense of social investments in communities.”⁸ Some scholars catalogue this expansion of criminal justice infrastructure as the “inward turn of militarization” or the “[waging] of war against inner enemies” during times of no major military mobilization abroad.⁹

Most recently, specialists in carceral studies have deconstructed the growth of mass incarceration through changes in penal policy that followed the rise of crime as an issue of social concern in the late 1960’s. Historians Julilly Kohler-Hausmann and Jessica Neptune align mass incarceration with the hyper-punitive sentences and policing strategies that resulted from the War on Drugs declared by Nixon in 1971. One of the most evident reflections of America’s punitive turn was the 42% increase in expenses, across all government levels, on criminal justice initiatives between 1971 and 1974.¹⁰ Focusing on the Rockefeller Drug Laws enacted in the 1970’s, Kohler-Hausmann argues that—besides creating a pipeline into correctional facilities—“punishing legislation worked to salvage...state legitimacy...[and]...to rationalize...inequities spotlighted by the social unrest of the period.”¹¹ According to Neptune, it was around the question of crime where “large battles over the welfare state, and policies on racial justice and poverty, were fought.”¹² My argument on the Legal Aid Society adds to the conversation initiated by these two scholars. By chronicling the struggle to secure public legal defense, my argument channels how cuts in social spending were legitimized by a belief in the

⁷ *Ibid.*, 53.

⁸ *Ibid.*, 55.

⁹ Michael Sherry, *In the Shadow of War: The United States Since the 1930’s*, (New Haven: Yale University Press, 1995), 431; Nils Christie, *Crime Control as Industry: Towards Gulags, Western Style?* (New York: Routledge, 1993), 14.

¹⁰ Tony Platt, “U.S. Criminal Justice in the Reagan Era: An Assessment,” *Crime and Social Justice* (1987), 59.

¹¹ Julilly Kohler-Hausmann, “‘The Attila the Hun Law’: New York’s Rockefeller Drug Laws and the Making of a Punitive State,” *Journal of Social History* (September 2010), 72.

¹² Jessica Neptune, *The making of the carceral state: Street crime, the war on drugs, and punitive politics in New York, 1951—1973*, (Chicago: The University of Chicago, 2012), 17.

idea that criminals were undeserving and inherently corrupted.

Iron fist criminal justice policies developed as opposition to social welfare spending fired up among the general American public and its political elite. There exists a wide spectrum of research outlining the socio-economic transformations that revitalized conservatism and drove Reagan to the White House.¹³ For purposes of my argument, nonetheless, the following section only considers main contours in the trajectory of late twentieth-century anti-welfarism. Instead, I emphasize how anti-welfarism has been discussed in relation to the history of public interest law.

Beginning in 1976, the idea that government action could solve social problems became “unfashionable, and federal spending was increasingly seen as a waste.”¹⁴ Negative perceptions of government spending were facilitated by inflation, unemployment and inert wages.¹⁵ A failing economy conveyed Americans that, far from beneficiaries, they were “victims...of liberal tax and spending policies.”¹⁶ In 1980, Americans’ growing dislike of federal spending was reciprocated from Washington, as Reagan—who had questioned all the basic premises of the welfare state during a speech on national TV for the Goldwater campaign in 1964—assumed the presidency.¹⁷ Reagan set out to reinvent American government and fight the radical legacy of the Civil Rights Era.¹⁸ His administration promised to limit social spending, reduce regulation and cut programs for disadvantaged groups as part of its larger crusade to end the

¹³ For a decades-long trajectory of conservatism, see Kim Phillips-Fein, *Invisible Hands: The Making of the Conservative Movement from the New Deal to Reagan*, (New York: Norton, 2009).

¹⁴ Laurence Lynn, “Social Services and the State: The Public Appropriation of Private Charity,” *Social Service Review*, Vol. 76, No. 1, 75th Anniversary Issue (March 2002), 64.

¹⁵ Molly Michelmore, “‘What Have You Done for Me Lately’: The Welfare State, Tax Politics and the Search for a New Majority, 1968-1980” *Journal of Policy History* (2012), 2.

¹⁶ *Ibid.*

¹⁷ Betty Glad, “Reagan’s Midlife Crisis and the Turn to the Right,” *Political Psychology*, Vol. 10, No. 4 (Dec., 1989), 613.

¹⁸ Nan Aron, *Liberty and Justice for All*, (New York: Westview Press), 19.

threat posed by big government.¹⁹

Robust and vigorous into the early 1980's, the public interest law movement was among the earliest victims of Reagan's conservative agenda that aimed to "defund the left."²⁰ Throughout the 1960's and 1970's, public interest law became a "significant force in the legal profession."²¹ In 1974, Congress founded the federal Legal Services Corporation to provide funds for the civil legal defense of indigents across the country with an initial budget of \$321 million.²² The Corporation, born from President Johnson's Office of Economic Opportunity, was based on the philosophy that legal services should be part of an overall antipoverty effort...[and] that the law could be used as an instrument for orderly and constructive social change, as lawyers for the civil rights movements were doing.²³ However, by the late 1970's and early 1980's, the public interest law movement lost impetus, as its critics became more vocal and financial support halted.²⁴ In 1980, newspaper articles spoke of a "perceptible change in the mood of the country."²⁵ A deteriorating economy and the promise of more liberalized markets made civilians less willing to support issues like environmental protection and civil rights—causes traditionally embraced by proponents of public interest law.²⁶

While effective in outlining the movement's origins and initial successes, extant historiography on the development of public interest law barely touches upon the challenges it faced throughout the 1980's. Literature on the subject discusses the contestation of public legal

¹⁹ *Ibid.*, 14.

²⁰ *Ibid.*, 19. "Defund the left, a phrased popularized in a 1982 *New York Times* column by New Right fundraiser Richard Viguerie, became a rallying cry for the Reagan administration in its early years."

²¹ "Justifying Public Defense", 1436.

²² David Luban, Alan Houseman, Melanie Beth Oliviero, Nancy J. Moore and William A. Bolger "Political Legitimacy and the Right to Legal Services," *Business & Professional Ethics Journal*, Vol. 4, No. 3/4 (Spring/Summer 1985), 44.

²³ Alan W. Houseman, "Legal Aid History," *National Center on Poverty Law Bulletin* (2010), 19.

²⁴ "Justifying," 1437.

²⁵ David E. Rosenbaum, "Aid for Public Interest Lawyers Drops: Trend to Less Regulation Collected \$1.5 Million," *The New York Times*, (5 January 1980), 8.

²⁶ *Ibid.*

defense under Reagan in the immediacy of rising anti-welfare attitudes—disregarding the impact of ideologies born from the punitive turn in criminal justice policy.

Scholars agree the public interest law sector’s expansion climaxed during the Civil Rights Era. While their explanations of changes under Reagan are not identical, they concur anti-welfarism was the ideological thread that enticed opposition to the movement beginning in the 1980’s. For instance, sociologist Robert Sauté claims the Legal Services Corporation’s funding request process “was permanently politicized” and that it came “under threat” with the eclipse of liberalism in the late 1970’s.²⁷ This sentence—which barely hints at anti-welfare policies and makes no direct mention of Reagan’s administration—is the only Sauté devotes to the impact of rising conservatism upon the public defense movement throughout his work. Similarly, in *Liberty and Justice for All*, Nan Aron writes that the public interest law movement proved its resiliency by surviving the 1980’s “inflation, defunding by foundations and government, attacks on its legitimacy from New Right spokespersons, and attempts by the Reagan administration to undermine the charitable status of its activities.”²⁸ According to Aron, the Reagan administration followed a multi-dimensional strategy, consisting of slashing federal budget along with appointing administrators aligned with their government’s larger vision, in order to gradually abolish social programs—like the Legal Services Corporation—which it regarded as undesirable.²⁹

Far from countering them, my following case study of New York’s Legal Aid Society enhances—and establishes a more direct dialogue—between the histories of anti-welfarism, hyper-punitive criminal justice, and public interest law in late 20th century United States. First, I complicate

²⁷ Robert Sauté, *For the Poor and Disenfranchised: An Institutional and Historical Analysis of American Public Interest Law, 1876-1990*, (New York: CUNY, 2008), 216.

²⁸ Aron, *Liberty and Justice for All*, 5.

²⁹ *Ibid.*, 14.

current understandings of why public interest law was contested in the 1980's by considering tough on crime sentiments, and not just blatant anti-welfarism, as suggested in existing literature. Moreover, my intervention with the historiography on the punitive turn of criminal justice considers repercussions of such development for the public defense movement—an institutional analysis that contributes to the expansion of carceral studies beyond mass incarceration. My history of the Legal Aid Society's struggle in the early 1980's reveals that it ultimately was an intertwined *tough on welfare, tough on crime* philosophy that shaped bipartisan discourse and imperiled the constitutional promise of public legal defense for New York's indigents.

Visions of Austerity and Hyper-Punishment: The Legal Aid Society Under Fire, 1981-1983

While founded in 1876 as a private charity by German immigrants, a century later, the Legal Aid Society of New York existed in close connection with city government and politics.³⁰ The Society blossomed following the Supreme Court's 1963 ruling in *Gideon v. Wainwright*, which established the right to counsel in felony cases.³¹ In delivering the Court's opinion, Justice Hugo Black claimed "reason and reflection require us to recognize that in our adversary system of criminal justice, any person hauled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him."³² For New York City, *Gideon* translated into having to provide enough funds for the adequate representation of indigents accused of serious crimes.³³ To comply with constitutional mandate, the city hired the Society in 1966 to represent criminal indigents—becoming the principal supporter of the Society's criminal defense division.³⁴ The city's partnership with the Society reflected the heightened collaboration occurring between governments

³⁰ For a historical survey of the Legal Aid Society from its founding until the 1950's, see Harrison Tweed, *The Legal Aid Society of New York City, 1876-1951* (New York: The Legal Aid Society, 1954).

³¹ Luban et al., "Political Legitimacy" 46.

³² Tom Goldstein, "At 100, Legal Aid Strives to Live Within Budget," *The New York Times*, (6 March 1976).

³³ *Ibid.*

³⁴ *Ibid.*

and the non-profit sector—seen as oriented to charity, service, participation and cooperation—throughout the 1960’s to provide social services.³⁵ By its centennial in 1976, the Society was the largest law office in the city and the second largest in the country—only surpassed by the Department of Justice—with over 500 staff attorneys and a budget of \$25 million.³⁶ Nonetheless, as opposition rose against government-funded social services towards the late 1970’s, the Society’s heyday was long gone; like many other non-profit organizations that had become increasingly dependent on government resources, it entered a “period of relative famine and reflection,” forcing it to search for alternative revenue sources.³⁷

The Society’s budgetary constraints were not news in the early 1980’s. In August 1975, for instance, the Society laid off 25 of its 450 criminal defense attorneys and 45 staff members because the city only allocated \$11.7million of the \$13.1 million it required for operations.³⁸ Likewise, during the 1976 fiscal year, the Society’s criminal division received \$2 million less than what it had asked, resulting in the dismissal of an additional 30 criminal defense attorneys.³⁹

It was in 1981, however, when the Society began to approximate what appeared as its ultimate debacle. A combination of city and federal politics—informed by anti-crime, anti-welfare sentiments—strangled government support received by public defense offices nationwide, and the Legal Aid Society of New York was no exception. The Society was also vulnerable to federal policies, given that its civil and community divisions were partially supported by the national Legal Services Corporation. In the Society’s 1981 annual report, its executive director and attorney-in-chief, Archibald Murray, told readers that:

Now more than ever before, The Legal Aid Society needs to strengthen its traditional

³⁵Lynn, “Social Services and the State,” 63.

³⁶*Ibid.*

³⁷*Ibid.*, 64.

³⁸“Legal Aid Society Cuts Its Criminal Staff Here,” *The New York Times*, (8 August 1975).

³⁹Goldstein, “At 100, Legal Aid.”

position as a private voluntary institution committed to the representation of the poor. Now more than ever its friends in the private sector must rally to its support and keep it strong.⁴⁰

Murray's words responded to the Reagan's administration proposal to abolish the federal Legal Services Corporation, which allotted \$1.4 million or 30% of the funding for the Society's civil defense division during that fiscal year.⁴¹ This federal support sustained a majority of the operating budget for the Society's civil defense neighborhood offices in Bronx, Queens and Staten Island.⁴² Howard Phillips, director of the Conservative Caucus during Reagan's first term, justified the administration's plans to abolish the Corporation, since far from serving indigent needs, "Legal Services [was a program] of subsidies for liberal causes."⁴³

Nonetheless, opposition to the Corporation transcended simple partisan ideological dichotomies. Federal hostility towards the initiative was rooted in beliefs that welfare programs were inherently corruptive and that criminal behavior called for increased punishment, not higher social spending. A memo circulated by the Reagan White House in defense of its proposal to eliminate the Corporation burned with implicit anti-welfare clamor. The document argued that "poor people might be better off paying modest fees for legal representation," and attacked the organized bar for evading responsibility, "expecting the federal government to subsidize lawyers for the poor."⁴⁴ These views reverberated with a growing consensus, especially among political elites, that welfare dependency had demoralized a vast sector of the polity, and that it was matrix to American poverty itself.⁴⁵

Reagan's disdain for the Legal Services Corporation and the ideal of government-funded

⁴⁰ Legal Aid Society of New York, *1981 Annual Report*.

⁴¹ *Ibid.*

⁴² *Ibid.*

⁴³ Stuart Taylor, "Lawyers' Group Seeks to Prevent Ending of U.S. Legal Aid for the Poor," *The New York Times*, (8 June 1981).

⁴⁴ Fred Barbash, "Administration Strongly Defends Abolishing Legal Services Corporation," *The Washington Post*, (9 June 1981).

⁴⁵ Marisa Chappell, *The War on Welfare*, (Philadelphia: University of Pennsylvania, 2010), 152-153.

public defense was also imbedded in his conception of criminality. In a message announcing federal initiatives against drug trafficking and organized crime, Reagan spoke about the emergence of “a new privileged class in America...of repeat offenders and career criminals who think they have the right to victimize their fellow citizens with virtual impunity.”⁴⁶ These criminals, Reagan said, did not fear punishment, since, until his administration, the American legal system had been based on a utopian philosophy of human nature

that [sees] man as primarily a creature of his material environment. By changing this environment through expensive social programs, this philosophy holds that government can permanently change man and usher in an era of prosperity and virtue...Individual wrongdoing is seen as the result of poor socioeconomic conditions or an unprivileged background. This philosophy suggests that...society, not the individual, is to blame.⁴⁷

For the President, however, Americans rejected this philosophy as they entered the 1980’s through their support of stringent sentencing laws to reassert their belief in that “right and wrong do matter...that evil is frequently a conscious choice, and that retribution must be swift and sure for those who decide to make a career preying on the innocent.”⁴⁸ The improved resources provided by his administration to law enforcement agencies aimed to counter the emphasis on protecting the rights of criminals that carried on since the 1960’s.⁴⁹ The Reagan administration perceived injecting funds into the public safety apparatus as a balancing act against the constitutional guarantees acquired by felons during the Civil Rights Era. Under these terms, Reagan’s fiery discourse estranged criminals from the polity, positioning them as enemies of law-abiding citizens. Beyond “defunding the left,” abolishing the Legal Services Corporation, would also signify the institutional alienation of criminals from civilian life and compromise the

⁴⁶ Ronald Reagan, "Remarks Announcing Federal Initiatives Against Drug Trafficking and Organized Crime," (14 October 1982), online by *The American Presidency Project*.

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*

⁴⁹ Ronald Reagan, "Radio Address to the Nation on Proposed Crime Legislation," (18 February 1984), online by Gerhard Peters and John T. Woolley, *The American Presidency Project*.

ability of these citizens to exercise their constitutional rights.

Nonetheless, Reagan's cry for *iron fist* criminal justice did not exist in a vacuum. The President's views were closely molded after those of Conservative policy pundit, James Q. Wilson. In the seminal *Thinking About Crime*, Wilson, then a professor of government at Harvard, argued that crime can only be tackled through more aggressive punishment and not by remediating structural factors, such as socio-economic depravation. According to him, criminals, like everyone else, are rational actors who act according to continuous cost-benefit analysis, or their assessment of "rewards and penalties."⁵⁰ Wilson's examination of distinct policies suggested that comprehensive government investments in social progress had little effect on lessening crime rates.⁵¹ Moreover, he observed that it was "far from clear that giving more opportunities or higher incomes to offenders will lead them to commit fewer crimes...and even less clear that programs designed to make society...better off will lower the crime rate."⁵² If crime is to be deterred, he claimed, the government just needs to assure that sanctions for criminal behavior—in terms of both arrests and sentencing—become more likely than the would-be benefits of committing felonies.⁵³ Wilson's construction of criminal behavior as a pathology provided policy makers with a praxis to rationalize social-spending cuts and legitimize fervent anti-welfarism. Thus, approached through this lens, for ideologues in the Reagan administration, initiatives like the Legal Services Corporation became nothing but superfluous efforts to assist individuals who were inherently flawed.

Despite the White House's insistence, the Legal Services Corporation ultimately

⁵⁰ James Q. Wilson, *Thinking About Crime*, (New York: Vintage Books, 1983), 121. For a more detailed argument on the practical impact of theories developed by academics like Wilson, see Tony Platt, "U.S. Criminal Justice in the Reagan Era: An Assessment," *Crime and Social Justice* (1987), 67.

⁵¹ *Ibid.*, 5.

⁵² *Ibid.*, 126.

⁵³ *Ibid.*, 122.

prevailed. While the House's Judiciary Committee vetoed the Corporation's closure by a bipartisan vote of 22 to 6, Congress did slash its budget by 25%.⁵⁵ For the 1982 fiscal year, the Corporation was allotted \$241 million in federal support, down from \$321 in 1981.⁵⁶ Diminished resources translated into the closure of almost 300 field program offices between 1980 and 1982.⁵⁷ With the Corporation's bleak prospects in sight, Archibald Murray reminded Society supporters that there existed urgency for

both a governmental and a private response to the legal needs of the poor. The two must work together in complementary fashion to serve the needy. Government cannot responsibly abandon the field to the private sector.⁵⁸

Little did Murray foresee about the impasse forced by city-level politics upon the Society beginning in 1982.

On October 22, 1982, the Legal Aid Society's 550 attorneys went on strike over stagnant wages and deteriorating working conditions.⁵⁹ The walk out lasted until January 5, 1983—making it the longest strike in Society history, and affecting more than 30,000 clients.⁶⁰ In explaining the union's motifs, Carol L. Gerstl, then president of the Association of Legal Aid Attorneys, protested the gradual decrease in real income experienced by Society lawyers, in light of salary increases granted by the city to assistant district attorneys.⁶¹ Crammed under a peaking annual caseload of 150,000 criminal suits, Society attorneys asked the city for a 12% bump in wages, which was denied under the \$26.2 million budget allocated during the 1982-1983 fiscal

⁵⁵ Houseman, "Legal Aid History," 19.

⁵⁶ Mary Thornton, "Reagan Wants Conservatives to Direct Legal Services," *The Washington Post*, (21 November 1981).

⁵⁷ Houseman, "Legal Aid History," 19.

⁵⁸ Legal Aid Society, *1981 Annual Report*

⁵⁹ Carol L. Gerstl, "What the Legal Aid Attorneys Want," *The New York Times*, (22 November 1982).

Society attorneys had previously gone on strike in 1970, 1973 and 1974.

⁶⁰ E.R. Shipp, "New York Considers Replacing Legal Aid Society," Dec. 7, 1982.

⁶¹ Gerstl, "What the Legal Aid Attorneys Want."

year.⁶² Throughout the strike, attorneys also sustained that rising casework and administrative demands impaired adequate client representation.⁶³ An outspoken critic of criminal justice structures, New York City mayor Edward Koch—a Democrat who became increasingly conservative throughout his political career—convened a task-force to provide recommendations on how the city could reconfigure its relationship with the Society as the strike entered its tenth week in late December.⁶⁴ The task-force suggested Koch to end the city’s contract with the Society and replace its attorneys with a public defender office staffed by lawyers directly hired by the government.⁶⁵ Supporters of the Society feared that a public defender office could compromise the delivery of justice for indigents as “city employees would control [their] arrest, prosecution and defense.”⁶⁶

At the time, both outside commentators and Society staffers attributed the office’s problems to labor disputes.⁶⁷ Nonetheless, a closer examination of Koch’s personal politics suggests that his disregard of attorney demands, and lack of will to negotiate with the union, transcended archetypical labor clashes. Parallel to dynamics occurring at the federal level with regards to the Legal Services Corporation, Koch embraced punitive spending over social spending, and believed in the effectiveness of hyper-punitive criminal justice policies. Koch’s actions were driven by a conception of crime, welfare and justice that lowered the Society’s rank within his list of budgetary priorities in times of major financial distress.

Echoing Reagan, Koch’s conservative diatribe on crime diminished the importance of indigent legal defense. In 1981, Koch told the *Wall Street Journal* that he did not “accept the

⁶² E.R. Shipp, “Is there a better way than Legal Aid?,” *The New York Times*, (26 December 1982).

⁶³ E.R. Shipp, “Defending the Poor,” *The New York Times*, (5 January 1983).

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*

⁶⁶ Shipp, “New York Considers Replacing.”

⁶⁷ *Ibid.*; Arthur Liman, *Lawyer: A Life of Counsel and Controversy*, (New York: Public Affairs, 2003).

premise that crime is basically caused by poverty.”⁶⁸ Koch’s isolation of crime from socio-economic structures implied his negation of social welfare’s utility in battling crime.

Moreover, this “personal philosophy” oriented Koch to advocate for a criminal justice system that protected the right of defendants, yet held the rights of society as paramount.⁷⁰ Along the same interview, he accounted New York City’s rising crime rates to that “the odds of getting away with the crime are better than they are at the track and we have got to cut those odds down”—a claim that resounded with James Q. Wilson’s rational model of rewards and penalties.⁷¹ In light of these beliefs, Koch hoped to reform the city’s criminal justice apparatus by reinforcing police presence and securing speedy trials.⁷²

Koch’s support of heightened punishment and distaste for social spending materialized through his policy agenda. In his budget for the 1982 fiscal year, the Mayor included hiring of 1,300 additional police officers—the first proposed increase to the city’s police force since the fiscal crisis of 1975.⁷³ Around the same time, Koch led advocacy efforts to name 22 new judges for local tribunals as an attempt to increase the efficiency of the city’s justice system.⁷⁴ Koch’s championing of iron fist criminal justice was welcomed by New Yorkers, who were increasingly fearful about violent crime. In 1981, a record 1,384 murders were reported across the city’s five boroughs, while property crimes related to drug usage continued to increase amidst the aggressive Rockefeller Drug Laws.⁷⁵ A survey by the *New York Daily News* in mid-1981 revealed that, although most New Yorkers agreed life in the city was getting worse, 60% of

⁶⁸ “An Interview With Mayor Edward Koch: A City Turnaround?” *The Wall Street Journal*, (10 March 1981), 34.

⁷⁰ Angel Castillo, “Koch Seeks Policy Role to Toughen Administration of Criminal Justice,” *The New York Times* (16 November 1980), 42.

⁷¹ “An Interview with Mayor Edward Koch,” 34.

⁷² Castillo, “Koch Seeks Policy Role,” 42.

⁷³ Clyde Haberman, Koch Calls for Expanding Services in \$14.8 Billion Fiscal ’82 Budget,” *The New York Times*, (7 January 1981), 1.

⁷⁴ Castillo, “Koch Seeks Policy Role,” 42.

⁷⁵ Neptune, *The making of the carceral state*, 425; Platt, “U.S. Criminal Justice in the Reagan Era,” 65.

them considered Koch as a “good or very good mayor.”⁷⁶ Koch’s main critics, however, were Black and Hispanic leaders, like Representative Charles Rangel and former Deputy Mayor Herman Badillo, who believed he had polarized the city along racial lines unlike any other mayor.⁷⁷

Although Koch’s administration reached accords with the attorneys in early January—ending the union’s strike and preserving the city’s contract with the Society—troubles in Legal Aid prolonged throughout 1983. According to Arthur Liman, who became the Society’s president in October of that year, in mid-1983, Legal Aid asked Mayor Koch to allocate funds for the hiring of 60 new criminal defense attorneys in order to handle a growing case influx.⁷⁸ Nonetheless, Koch only agreed to provide funds for the contract of 15 additional criminal defenders. While he expanded the scope of resources provided to the city’s punitive apparatus, ranging from the NYPD to the judicial system, Koch consistently failed to meet the demands of the Legal Aid—contradicting his very own aspiration of creating a more effective system of justice. This persistent disregard for the Society was in direct dialogue with the *anti-crime, anti-welfare* logic that informed his policy agenda. The turmoil experienced by the Legal Aid Society in the early 1980’s is exquisitely encompassed by a brief excerpt from Liman’s autobiography, *Lawyer: A Life of Counsel and Controversy*. Looking back at his time as president of Legal Aid, Liman observed that “no society can claim to practice equal justice when it grants its citizens rights and entitlements by legislation, only to withhold from them the resources to enforce those rights through the legal system.”⁷⁹

⁷⁶ Joyce Wadler, “The Big Apple Mostly Loves Its Mayor Mouth, Even When He Bites,” *The Washington Post*, (19 April 1981), A4.

⁷⁷ *Ibid.*

⁷⁸ Philip Shenon, “New Legal Aid Chief Warns of Bad Times: Legal Aid Society Finds an Advocate in Its Time of Troubles,” *The New York Times*, (New York: Dec. 12, 1983).

⁷⁹ Arthur Liman, *Lawyer: A Life of Counsel and Controversy*, (New York: Public Affairs, 2003), 215.

The Eclipse of Public Defense and the Changing Role of American Government

“*Gideon* is a great decision, part of what makes us a civilized society, but it’s not a decision that would win a referendum.”

- Arthur Liman to the *New York Times*, August 4, 1985

As the politics of law and order took reign in the late 1970’s, the Constitutional guarantee to public legal defense became both a laboratory and arena of contestation for ideas about criminality and social welfare. The social upheaval generated by the Civil Rights movement, along with Cold War fears about the destruction of civilized society, gave birth to a bipartisan band of academics and politicians—like James Q. Wilson, Ronald Reagan and Edward Koch—who politicized crime and mystified the roots of anti-social behavior.⁸⁰ Throughout the Reagan Era, the concurrent condemnation of crime and social welfare manifested at all government levels and affected various elements of civilian life, from public discourse to social institutions. Consensus among political scientists and historians is that, far from ending big government, punitive projects spearheaded during this wave of conservatism “were actually state building enterprises.”⁸¹ The apparent failure of liberalism posed state intervention in the economy and social services as illegitimate, while justifying the government’s expansion of its punishing apparatus to restrain unregulated market actions like those of felons.⁸² Lessening funds for public defense offices, nonetheless, presented politicians with an opportunity to kill two birds with one stone: through meager support for public defense, they both reduced costs and punished those who they considered as “inherently criminal” by hindering their legal representation. Moreover, the history of public defense offices like New York’s Legal Aid Society in the early 1980’s demonstrates, on a concentrated and vivid stage,

⁸⁰ Platt, “U.S. Criminal Justice in the Reagan Era,” 67.

⁸¹ Kohler-Hausmann, “The Attila the Hun Law,” 73.

⁸² Kohler-Hausmann, “The Attila the Hun Law,” 74; R.S. Ratner, “Social Control and the Rise of Exceptional State,” *Crime and Social Justice*, No. 19, (Summer 1983), 36.

how battles over the role of government developed across different institutions. This intertwined impact of *anti-welfare*, *anti-crime* views ultimately posits understandings of criminality as useful proxies to historicize late 20th century welfare retrenchment.

In more conceptual terms, the victimization of both the Legal Aid Society of NY and the federal Legal Services Corporation provides another snapshot of the United States long history of institutionalized inequality and of the far-reaching power of ideology. Under the pretense of ‘law and order,’ anti-welfarism and hyper-punishment, politicians in Washington and New York City deliberately compromised the rights of the country’s most vulnerable by de-funding public defense in the early 1980’s. Being judged according to perhaps the worst deeds they ever committed, criminals became the scum of American society and were estranged from the polity. Writing in the mid-80’s, advocates of indigent defense thought distant the day when, once again, Americans prioritized social justice over law and order.⁸³

In an impassionate plea for the *Washington Post*, Gerald Caplan—then outgoing president of the federal Legal Services Corporation—argued in late 1982 that the national program of indigent defense served a fundamentally conservative function in assisting the poor through organized appeals to government officials, judges and lawmakers.⁸⁴ The Corporation, he said, was not “the stuff of revolution,” as painted by the Reagan administration, but rather a “fodder of democracy.” Caplan considered the Corporation’s survival—as well as that of the national public defense movement—should be guaranteed by their integration of the poor into the body politic, as agents asking for change. Fortunately, Caplan’s hopes prevailed. Today, a vigorous public defense movement across the country secures the balance of social justice with law and order. In New York City, for instance, the Legal Aid Society joined forces with think-

⁸³ Platt, “U.S. Criminal Justice in the Reagan Era,” 68.

⁸⁴ Gerald Caplan, “Should Reagan Kill Legal Services?,” *The Washington Post*, (9 December 1982).

tanks and other public defense offices, like The Bronx Defenders, to combat the inequities perpetuated by local criminal justice strategies, such as the NYPD's infamous "stop-and-frisk" program.⁸⁵ At the national level, the public and politicians alike are reconsidering the merits of mass incarceration. After four decades of incessant growth, the retrenchment of mass incarceration has commenced.⁸⁶ Hopefully, this will translate into an era where politics does not trump constitutional rights and where ill-conceived ideologies of law and order do not supersede social justice.

⁸⁵ For more information on current efforts surrounding the Communities United for Police Reform Campaign (both Legal Aid Society and the Bronx Defenders are members) in New York City, visit <http://changethenypd.org/>.

⁸⁶ For a very recent example of the heightened media attention currently placed upon mass incarceration and surrounding issues of criminal justice, see Richard Branson, "War on Drugs a Trillion-Dollar Failure," *CNN News*, (7 December 2012), <http://edition.cnn.com/2012/12/06/opinion/branson-end-war-on-drugs/index.html>.

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**A Broken Promise:
The Situation of the Kurds in Mosul, 1917-1925**

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Abstract:

For many years, historians have accepted the League of Nations, an intergovernmental organization drawn together in the wake of the First World War, as a complete failure, an international fiasco that dissolved in 1946. Yet significant knowledge gaps exist regarding the impact of the League of Nations' mandate system on the ex-Ottoman Empire, a cradle of diverse ethnic and religious groups in the Middle East. The mandate system was meant to be a transitional form of control and guidance, but what happened to the "stateless" peoples in the region who fell between the cracks?

This paper will address how the League of Nations dealt with the Kurdish people, the largest ethnic group without a state in the world, situated among the foothills of the Turkish-Iraqi border. Drawing from various primary sources, including transcripts from the Treaty of Sevres (1920), the Cairo Conference (1921), and the Lausanne Peace Conference (1922), as well as publications in London's *Times*, I examine the impact of British and League of Nations intervention on Kurdish movements for independence. In less than a decade, the League of Nations had abandoned their promise of self-determination to the Kurdish people. *What went wrong?* My research suggests that social Darwinist principles coupled with the fear of Turkish invasion pervaded British intervention at the time, thereby justifying their ultimate conclusion, and presentation to the League of Nations, that a Kurdish leader could not be found to unite the Kurdish cause.

Introduction

Today, the Kurds are accepted as the largest ethnic group in the world without a state. There are over 4 million Kurds in the state of Iraq alone, which is more than double the population of Chicago, Illinois (Yildiz 9). Yet their placement in Mosul, among the foothills and oil fields of the Turkish-Iraqi border, has been a source of contention since the collapse of the Ottoman Empire (Amery 3). This paper will explore how, in a few short years, Great Britain, under the watchful eye of an international body so committed to the principle of self-determination, could break their promise of liberation to “the peoples so long oppressed by the Turks” in favor of their own territorial interests (United Nations 17).

The League of Nations’ replacement of the Ottoman Empire with an unstable collection of nation states at the end of World War I is pivotal to understanding the Middle East today. On September 25, 1919, President Woodrow Wilson gave an impassioned speech to a crowd in Pueblo, Colorado concerning the covenant of the League of Nations. “Article ten is the heart of the whole matter,” he argued. The article “provides that every member of the league covenants to respect and preserve the territorial integrity and existing political independence of every other member of the league as against external aggression... There was not a man at that table who did not admit the sacredness of the right of self determination, the sacredness of the right of any body of people to say that they would not continue to live under the Government they were then living under” (Wilson). While Wilson failed to convince Congress to join the League of Nations, his words, and the importance he placed on self-determination, would inform the actions of the League’s member states in subsequent years.

The creation of the League of Nations, carrying with it the sacred Article Ten, offered renewed hope for self-determination and national sovereignty. According to historian Martyn

Housden, “although the nineteenth century had seen some attempts to protect national minorities the League of Nations made a more concerted effort to do so” (51). Among those hopefuls were the Kurdish people. Point 12 of President Wilson's “programme of the world's peace,” stipulated that the non-Turkish nationalities of the Ottoman Empire should be “assured of an absolute unmolested opportunity of autonomous development” (Edmonds 56). Furthermore, when a joint declaration was signed by France and Britain at the end of the war stating that they had no other aim but “the complete and final liberation of the peoples so long oppressed by the Turks, and the establishment of national governments,” it seemed natural for the Kurds to expect independence (United Nations 17). Historian M. R. Izady wrote that “by 1918 and the conclusion of the War, the prospect of Kurdish independence seemed likely--even taken for granted” (95) among many of the Kurdish people.

Despite the size of their population, though, the Kurds were rarely invited to participate in the hearings that ultimately decided their future. Instead, the British used the Kurds as bargaining chips to be “kept in play” (Cox 56). By 1925, the British had prevailed in making Mosul a permanent part of the Iraq mandate (Aziz 59). Casting aside the League’s commitment to self-determination, Britain convinced the League of Nations and the international community that containment in the Middle East, as well as the political and economic stability of Iraq, relied upon the continued occupation of Mosul.

In order to elucidate my argument I have divided this paper into three sections. Part One follows the years leading up to the Cairo Conference, when a glimmer of hope for an independent Kurdistan still existed. As the British weighed the costs and benefits of recognizing an independent Kurdish state, however, the Turkish national movement was rapidly gaining

momentum and ramping up propaganda campaigns in Mosul. The escalation of these events would mark a significant turning point in British handling of the Kurdish question.

Part two highlights the social Darwinist principles that pervaded British intervention in Mosul during this period. While this certainly did not *cause* the British to abandon self-determination, it helped to justify the conclusion that a Kurdish leader could not be found to unite the Kurdish cause, and would ultimately strengthen Great Britain's argument brought before the League of Nations in 1924.

Part three, drawing from the first two sections, explores how Great Britain ultimately ignored Kurdish sentiments and succeeded in convincing the League of Nations that the maintenance of peace and the success of the mandate system relied upon the incorporation of Mosul under the British mandate in Iraq. Beginning at the Lausanne Peace Conference, and ending with the signing of the Turko-Iraqi-British Treaty on June 5, 1926, the hope for self-determination for the Kurdish people living in Mosul was abandoned.

Part One: Hope for Self-Determination

With more than 800 tribes, nearly a dozen dialects, and a diverse religious community, the Kurdish people hardly seemed a nationalist or political threat in the wake of the Ottoman Empire's collapse (Yildiz 7-8). Until the mid-1920s, religious affiliation rather than racial or linguistic identification had shaped the development of local political and social dynamics in Mosul. After the collapse of the Ottoman Empire, however, the imposition of race as a determinant for political borders would encourage the Kurds' awareness of their own separateness, and increase their concern for the maintenance of tribal security under the new mandate system (Fuccarro 134).

When it became immediately apparent that the Ottoman Empire would likely be disbanded and Mesopotamia would fall under British sovereignty, several Kurdish tribes sent representatives to cooperate with arriving British political officers. Unbeknownst to the majority of the Kurds, the British, faced with a financial crisis at the end of the war, were already imagining the economic, political, and military advantages of incorporating Mosul into the future territory of Iraq, yet they would continue to promote self-determination until they had the proper justification to abandon the plan altogether. Over the next few years, the British continued to try to find a suitable leader for a united Kurdistan, making it a reliable buffer state between Turkey and Mesopotamia, and a friend of the British mandate (Fuccarro 117; 121). As they did in Baghdad, the British carefully weighed the advantages and disadvantages of each candidate, paying particular attention to his role as a potential ally to the Great Powers (Fuccarro 122-124).

After a meeting in May 1917, the British agreed to recognize a provisional Kurdish government led by Sheikh Mahmud Barzinji, a religious and temporal chief, which would “adopt a policy of complete friendliness to the British” (McDowell 119). Two years later, when Sheikh Mahmud, seeing an opportunity for independence during a brief leave of absence of Major E.B. Soane, imprisoned Soane’s officers and declared himself King of Kurdistan, British forces immediately drove him into exile (Lyon 70). The incident introduced an important lesson, one that characterized British occupation over the next decade: if the Kurds wanted independence, it must be achieved on Britain’s terms.

The British wasted no time attributing Sheikh Mahmud’s rebellion to his tribal nature. “It would be a mistake,” British diplomat Cecil John Edmonds said, “to see the activities of the Sheikh as exercises of Kurdish nationalism. At the height of his appeal, he never exceeded the *primordial* bounds of tribalism” (Aziz 63). In 1924, a British newspaper correspondent attributed

the opposition to the “well known” fact that Sheikh Mahmud was an “ignorant fanatic, whereas his wise brother, Sheikh Qadir, had been a member of the Baghdad Assembly” (“Turkish Claim to Mosul” 3). Years later in his memoir, Wallace Lyon, a Provincial Administrator and Administrative Inspector in northern Iraq between 1918 and 1945, blamed the incident on Turkish propaganda and Kurdish unrest (Lyon 69). The British refused to yield to the rationale that the Kurdish people wanted control over their own territory without British assistance. The language of subsequent conferences and reports indicate that the British interest in the Kurdish Question was predicated not on the security of the minority people, themselves, as the language of the League of Nations covenant might suggest, but on their own strategic positioning in the province of Mosul and the appeasement of the new Turkish state.

Kurdish leaders, however, did not stop pressing for the creation of an independent Kurdistan. In 1919, Sharif Pasha headed a Kurdish delegation to the Paris Peace Conference, securing the insertion into the Treaty of Sevres that would give the Kurds of Mosul the right to join an independent Kurdistan. When the Treaty of Sevres was signed on August 10, 1920, article 46 stated, “no objection shall be raised by the main Allied powers should the Kurds living in that part of Kurdistan at present included in the vilayet of Mosul seek to become citizens of the newly independent Kurdish state,” following the independence of the Kurdish people from Turkey (“Treaty of Sevres” 9). Subsequent revisions would give the Kurds one year to unite an independent Kurdistan (“Report of the Cairo Conference” 60).

The following spring, at a Middle East conference with meetings held in Cairo and Jerusalem, the recently appointed high commissioner in Iraq, Sir Percy Cox, was given strict instructions pertaining to the province of Mosul. His role, the British argued, would be to keep Kurdistan under a separate administration and prevent an Arab leader in Iraq that might "ignore

the Kurdish sentiment and oppress the Kurdish minority” (Yildiz 12). The deliberations at the Cairo Conference relating to the Kurdish Question, however, were far more complex than previous scholars have indicated. Although Cox was appointed to oversee the Kurdish people, he was encouraged to do so through direct negotiations with a *separate* Kurdish state (“Report of the Cairo Conference” 56).

According to a summary from the Cairo Conference, the British “realized that any attempt to force purely Kurdish districts under the rule of an Arab government would inevitably be resisted,” yet whether the Kurds should comprise an independent buffer state or a separate mandate under the British empire remained up for debate (5). It is clear from these deliberations, conducted among British political officials and without Kurdish representation, as had been present at the Paris Peace Conference, that the greatest concern to the British was not the endorsement of the Kurdish minority, but continued sovereignty over a border-region that included Mosul’s rich oil fields.

On March 15, 1921, the Cairo Conference’s political committee re-convened to discuss the question of Kurdistan directly (“Report of the Cairo Conference” 59). Sir Percy Cox introduced the conference by outlining the situation in Mosul following the revision of the Treaty of Sevres, a revision that had given the Kurds one year, under Cox’s supervision, to unite an independent Kurdistan. Cox proposed that the British re-evaluate the situation at the end of the year. Major Noel, however, offered a warning. “The Turks had not used the Kurds against us, but, now that the British forces were evacuating this area,” he considered, “the Turks might attempt to detach Sulimanieh from the zone of our influence,” as Sheikh Mahmud had done several years earlier. Major Noel continued by warning that the Kurds were likely to “demur to accepting any responsibility to the Iraq Government,” leaving them vulnerable to Turkish

propaganda were it to be used to intensify resentment against the Arab State. “A Kurdish buffer State,” under the responsibility of the British Government, he concluded, “could be used to counter-balance any strong anti-British movement which might occur in Mesopotamia” (“Report of the Cairo Conference” 60).

Eventually, Chairman Winston Churchill agreed with Major Young’s recommendations, ordering that the British form “a frontier force of Kurds, under the command of British officers,” that could serve British security interests (“Report of the Cairo Conference” 61). The language of the Cairo Conference had ushered in a new era pertaining to the Mosul Question. No longer was self-determination of the utmost concern, but rather that the British, taking advantage of the strategic placement of the Kurds, protect their own interests in Mesopotamia.

Meanwhile, by 1920, the Turkish national movement under Mustafa Kemal Pasha was gaining strength. The movement had plans to revoke the partition established by the Treaty of Sevres, even threatening to extend their control into Mosul. CJ Edmonds, Adviser to the Ministry of the Interior in Iraq from 1935-1945, wrote that, “A difficult situation had been further complicated by the promulgation in January 1920 by the Turkish Cabinet of a manifesto known as the 'National Pact' which, while conceding the right to self-determination of the Arabs south of the armistice line of 1918, refused to contemplate the surrender of the Mosul vilayet” (58).

As the movement waged on, of primary concern to the British was how this might affect the sentiments of the Kurdish people within Mosul. The “feeling in Kurdistan is divided,” Great Britain’s general staff of the War Office reported, and “there is no doubt that the Turks are intriguing to the Kurds” (“The Situation in Turkey” 2). One of the provisions of the Treaty of Peace with Turkey was “the renunciation in favour of the Allied Powers of all the Turkish rights and titles over Kurdistan.” Yet the Turks would not carry the provisions into effect, the British

worried, “unless the Allies are prepared to take military measures to enforce them” (“The Situation in Turkey” 1). Given the uncertainty of Kurdish attitudes, and the fear that the Turks were unlikely to accept this provision, it was proposed that the Allies continue with the “assistance of Kurdish tribesmen” as a justification for maintaining forces along the Northern Mesopotamia border (“The Situation in Turkey” 6).

Later that year, the British brought Shaykh Mahmud back from exile in return for the promise that he would secure the expulsion of the Turks from Mosul. Yet in November, these promises were once again forgotten, and the Shaykh proclaimed himself 'King of Kurdistan.' The British tried once again to gather a “friendly” Kurdish leadership, calling on more moderate Kurds to “resist the aggressor” and “send responsible delegates as soon as possible to discuss boundaries and political and economic relations” of an independent Kurdish government. When the British found nobody capable of taking advantage of the offer, though, it lapsed (Edmonds 58).

Part Two: Western Superiority Prevails

As the situation in Mosul grew tense, Cox began fueling fears of renewed Turkish claims to the area. His proposed solution marked a significant shift in British policy toward the Mosul question. In order to maintain the stability of the region, Cox claimed, Britain should press for the incorporation of Mosul into the Iraqi state. “Turks are hostile to Iraq and as soon as moment seems favorable to them are prepared to break into open hostilities,” (53) Cox wrote in November 1921. As evidence, Cox cited “persistent and definite signs of Turkish activity in intelligence and propaganda within and on borders of Iraq which appear to include encouragement of...anti-Arab prejudice of Kurds” (53). One of these reports came from a

“reliable agent” who asserted that in a September discussion with Kiazim Karabekim, a Turkish general and politician, Karabekim claimed that the vilayet of Mosul was of intrinsic interest to national policy and not to be abandoned. As a result, Cox warned, the Kurds must “be kept in play...We still want every possible assistance should present negotiations with Turkey break down” (53).

At the same time, the British and the League of Nations were operating under a firm belief in a scientific basis for European superiority. When a commission was sent in 1924 by the League of Nations to investigate the situation in Mosul, they reported that (referring to the British presence), the Kurds “recognized the advantages of an enlightened and intelligent trusteeship” beyond their own cultural constraints (“Report Submitted to the Council by the Commission instituted by the Council Resolution of September 30, 1924” 87). Similarly, Cox’s assertion that the Kurds could be “kept in play” ignites an image of reckless children, easily manipulated to act in accordance with outside instructions.

Historian David McDowell, while falling just short of attributing the British actions to Social Darwinism, drew on the same principles to explain Britain’s broken promises to the Kurdish people. “Fancy notions like self-determination were all very well for vague statements of intent,” he writes, “but the administration of Iraq must remain in the hands of the best-qualified personnel available, the Indian Expeditionary Force’s team of political officers” (163). As evidence, McDowell draws from the comments of Major Hay. “The Kurd has the mind of a schoolboy, but not without a schoolboy’s innate cruelty,” Hay wrote in 1919. “He [the Kurd] requires a beating one day and a sugar plum the next” (163). Much like US-Latin American relations in the western hemisphere through the mid-twentieth century, the British justified their strategic intervention on the assumption of Kurdish inferiority and primitivism. If the Kurds were

incapable of uniting around a common leader, then without an outside power to watch over them, British security and national interests might be threatened.

In 1922, English travel writer Rosita Forbes echoed that sentiment in the *Sunday Times*, writing, “the Kurdish people are untrustworthy...Turkish propaganda is widespread in the surrounding district” (Forbes 2). Another British correspondent referred to Kurdistan as “a primitive country where every man is armed and every village at feud with a neighbour” (“A Ride into Kurdistan” 2).

Confidence in Social Darwinism and a hierarchy of the races was not uncommon among members of the League of Nations in the years following World War I. In 1927, Dobbs’ contemporary, Anna Wicksell, was sent by the League of Nations to investigate “coloured schools” in the southern United States for the purpose of influencing educational development in the recently mandated territories of West Africa. In her memorandum, Wicksell reported, “I shall not give a description of these schools, but confine myself to stating what I found of value to the schools in the B- and C- mandated territories...The whole educational development of Africa is still in an experimental stage. That is what makes it so valuable to study the coloured schools of America and learn by their experience” (“Permanent Mandates Commission: Report on the Work of the Eleventh Session of the Commission” 181; 186).

Although Wicksell’s assignment, to develop a specialized educational experience for colored persons, today seems inherently racist, the report indicates that Wicksell wanted her research to benefit not only the League of Nations but also the people of the B and C mandated territories. It is entirely possible that individuals on the ground, such as Wicksell and Cox, held positive motivations for interfering in the mandates, while their country remained motivated by imperialist interests and appeasement. In the years following WWI, more than a decade before

Hitler would wage an all-out genocide predicated on faulty science and principles of Social Darwinism, it was difficult for the League members to identify any contradiction in these judgments. Like Wicksell, the British charged with monitoring the Kurdish people in the vilayet of Mosul had an easier time justifying their continued occupation, because they firmly believed in the middle eastern peoples' cultural and racial inferiority. While the British claimed to promote international ideals such as self-determination and political sovereignty, the administration of these new territories had to be carried out under the most capable leaders, of which Western nations viewed themselves to be.

In his memoir, Wallace Lyon epitomized this contradiction. Lyon had to justify his own presence in Iraq by painting the British in a favorable light. "The Turks proceeded to stir up the tribesmen," following the 1919 Armistice, Lyon wrote, "Propaganda, murder, and insurrection were the means adopted to force us out; and in addition to setting up a civil government to preserve law and order, it was to combat this that we were enrolled" (64). According to Lyon, British intervention was predicated not on national security and self-interest, but on the implementation of "law and order," which the Kurds clearly lacked. The British were explicit in their need to keep Mosul under the British mandate, rather than Turkish jurisdiction, even if that involved continued intervention in Mosul.

According to Yildiz, the unsubstantiated belief that a "Kurdish leader could not be found that would sacrifice either his own or tribal interest for the greater purpose of the Kurdish nation," had by this point overrun the need to promote self-determination, laying the groundwork for British incorporation of Mosul into the Iraqi territory (10). "For the next five years," CJ Edmonds wrote, "the Kurds were subjected to a campaign of intensive propaganda from Turkey" that would be too fierce for them to overcome (58). Despite earlier concerns at the Cairo

Conference that forcing Kurdish districts under Arab rule would “would inevitably be resisted,” the British began pressing for the incorporation of Mosul under the British mandate in Iraq. Having given the Kurds ample opportunity for independence, Britain’s final step would be convincing the League of Nations of the importance of Mosul to Iraq.

Part Three: Self-Determination Abandoned

By 1921, the Turkish had defeated the Greek army in Asia Minor and the British worried that Mosul might be their next stop. “The obviously aggressive attitude of the victorious Turks, who had announced their intention of recovering Mosul Province for Turkey...created a new and menacing situation,” stated Leopold Amery, the British Secretary of State for the Colonies (1). Given the situation, British authorities agreed that the best way to protect Iraq’s economy, thus exploiting Mosul’s rich oil fields, would be to maintain a single Iraqi state, abandoning any previous encouragement of an independent Kurdistan (Aziz 60). The Cabinet Committee exhaustively reviewed the situation, ultimately determining that a withdrawal by British forces “would inflict irreparable damage on British honor and prestige throughout the East, as well as a breach of faith towards the League of Nations.” Furthermore, a withdrawal would “certainly” lead to “the downfall of the Kingdom of Iraq” (Amery 1).

From 1922-1925, as Turkish border raids became more numerous and the need to control the Kurdish people became more urgent, reports of British activities in Mosul surged in the British press. Not only was the Mosul Question at the top of British political and military agendas, but the disorder within the region was of common knowledge to the British public as well. Articles in London’s *Times* represented the prevailing opinions and attitudes of the British regarding the Turks and the Kurdish people. One headline read, “THE TURKISH RAIDS INTO

IRAQ. INTRIGUES AMONG THE KURDS” (“Turkish Border Raids”). Another warned, “TURKS AGAIN OBSTRUCTIVE. CONFERENCE IN DANGER” (“Turks Again Obstructive”). These press releases both strengthened negative sentiments toward the Turks and increased public willingness to believe in Kurdish inferiority, justifying the nation’s ongoing intervention in Mosul. In each article, reporters grappled with how to define “the Kurd.” As in diplomatic negotiations, though, the voices and opinions of Kurdish representatives were absent.

In 1923, the British and the Turks came together at the Lausanne Peace Conference to discuss their ties to the territory of Mosul. Unrest in the border-region had only escalated since the establishment of the Turkish nationalist movement. At the time of the Conference, many Turks still felt that there was a large Turkish population in the province, yet the British were unwilling to budge on allowing the province to fall into Turkish hands (Amery 4; McDowell 142). London’s *Times* reported, “they [the Turks] have been wasting time....They have solemnly appealed to cuneiform inscriptions as a proof that the Kurds are Turks.” Yet the reporter was quick to debunk any ties that the Turks might have to the land. “The Turks had held an uncertain sway over the vilayet for some centuries, but the Kurds and the Arabs have never been assimilated by them, and twice over these people have voted for deliverance from Turkish rule” (“Clouds at Lausanne” 2).

The British strategically avoided offering oil as the sole justification for British interest, even if it did serve as the driving force behind occupation. In a speech delivered at Lausanne and published in the *Times*, Lord Curzon argued, “It is supposed and alleged that the attitude of the British Government in regard to the retention of Mosul is affected by the question of oil. The question of the oil of the Mosul Vilayet has nothing to do with my argument” (1).

Instead, Lord Curzon relied on justifications relating to the ethnic composition of Mosul, with Turks comprising only one-twelfth of the population, and the security of the Kurdish and Arab people (3). He proceeded to lay out proof that the British Government had been “bombarded with representations from disappointed Kurds asking them to take up the matter of Kurdish autonomy,” free from Turkish jurisdiction, when they entered the region. Lord Curzon concluded by asking, “Was it not obvious that a Turkish army placed at Mosul would have Baghdad at its mercy and could make an Arab kingdom well-nigh impossible” (3)?

Notably absent from the Lausanne Peace Conference negotiations, however, were the requirements set-forth by the Treaty of Sevres. The treaty, which in 1920 stipulated a commitment to “local autonomy for the predominantly Kurdish areas” of the former Ottoman Empire, was henceforth deemed irrelevant. While the idea of an independent Kurdistan, uniting the Kurds of Iraq, Turkey, and Persia, had been toyed with, by 1923 the idea was seen as lacking any practical possibility (Amery 3).

After Lausanne, however, the Mosul Question remained deadlocked. The crux of the problem rested upon the fact that Iraq would not be politically, militarily, or economically viable without the incorporation of southern Kurdistan. The extent of the Mosul oil reserves were becoming better understood, and the British were becoming more-and-more unyielding to Turkish pressure (McDowell 143). On August 6, 1924, the British officially referred the question to the League of Nations (McDowell 144).

The Mosul Question, meanwhile, continued to draw headlines across Great Britain. Journalist Crawford Price wrote, “British interest in the dispute is both vital and varied” yet “the retention of the province in *friendly* hands is, again, essential to the safe development and

maintenance of our imperial airway to India.” Second, he added, “there is oil....diplomacy certainly cannot ignore its existence” (12).

Despite his summary of British intentions, Price was careful, like Lord Curzon at Lausanne had been, to justify intervention as a means of helping the new Iraqi leadership, an argument that would drive deliberations with the League of Nations. The British could not rely on oil as the sole justification for British interest in Mosul at the risk of losing considerable international support. “With the vilayet in the hands of the Turks,” Price explained, “Baghdad would live under the constant menace of its most probable invader.” And Price did not stop with his portrayal of Turkey as a “menace” and an “invader.” If this were to occur, he continued, “the permanent and peaceful settlement of the Middle East would be jeopardised” (2). According to Price, Sir Percy Cox, with his recent arrival in Constantinople to carry out additional Anglo-Turkish negotiations, held the fate of an entire region in his hands (1).

Price limited his discussion of the Kurdish people occupying the contested region, though, to a short and simple explanation, casting the Kurds as a dark, uneducated, and uniform entity. “They consist mostly of semi-nomadic tribes, among whom discontent with Turkish rule has always been rife, save, perhaps, when it involved the indiscriminate slaughter of hapless Armenian peasants.” In marked disregard of the truth and British deliberations at the Cairo Conference, Price added that “from the Arabs they know they have little, if anything, to fear, and would doubtless accept the shadowy rule of Baghdad in preference to that of Angora” (1).

That same year, London’s *Times* published a report by a newspaper correspondent entitled “Turkish Claim to Mosul: The Real Bone of Contention.” The correspondent opened the piece with a shining picture of the mountains lining Mosul. “A visit to Mosul is a pleasure that must not be missed,” he wrote, “The Kurdish hills...From my billet on the River Tigris at Mosul,

I could see them stretching along the horizon, snow-clad for half the year” (“Turkish Claim to Mosul” 1). With this picture in mind, the British correspondent proceeded to blast the editor of a moderate Turkish newspaper with whom he had discussed their ties to the region. “The turkey is a wily bird and so is the Turk,” the correspondent wrote. “He seems to know little of recent happenings along the frontiers of Iraq. In his anxiety for friendship, he forgets the flood of anti-Iraqi and anti-British propaganda which his agents have distributed through the Kurdish villages.” The prevailing attitude of the British was certainly not one of forgiveness. “Had it not been for Turkish interference the Kurds would long ago have settled down everywhere to cooperate with the Arabs in Iraq, as they have done already in those places whence Turkish influence has been eliminated,” he claimed, straying, like Price, from the reality of Kurdish sentiments for the purposes of the press (“Turkish Claim to Mosul” 1).

While the press served to strengthen public support, the British still needed to justify their position to the League of Nations. In a November 1925 Memorandum, British Colonial Secretary Leopold Amery identified three questions for the British to consider before reconvening with the Council of the League of Nations in December. The first would be “whether the general policy which,” since the Cairo Conference of April 1921, “has governed our position in Iraq under successive Governments still holds good.” Second, the British would need to determine whether “the retention of the present frontier is essential to the success of that policy.” And finally, they had to decide if the general policy would strengthen the authority of the League of Nations.

When Amery had visited the Mosul region in April, he was able to assure himself that the present policy was working successfully. “Relations between the Iraq Government and its British advisers were excellent,” he said (1). And many of the internal disputes that had “still bulked

large in 1921 and 1923” had disappeared. The only difficulty that remained unsolved was the Turkish-Iraqi frontier (Amery 3).

Amery introduced two primary reasons for the abandonment of the Treaty of Sevres and the incorporation of Mosul as the line the British officials would take at the Council of the League of Nations (3). First, Amery argued that the British and the League of Nations must commit to preserving the frontier “as a matter directly affecting the success of our policy of setting Iraq on its feet and enabling us to free ourselves from the financial and military burden which its occupation at present involves” (4-5). Amery’s argument paralleled that of Wallace Lyon’s memoir, in which he argued that the British were sent to Mosul for the purpose of “setting up a civil government to preserve law and order” (Lyon 64).

Second, British control, Amery argued, would directly affect all members of the League of Nations. “It seems clear that apart from our own interest in maintaining the integrity of Iraq, we are vitally concerned in the principle at stake in our reference to the League. And in this respect all the other nations represented on the League are equally concerned with ourselves,” Amery said (6).

When the British referred the Mosul Question to the League in August 1924, the League immediately began making preparations to send their own delegation to the region, charging them with exploring Britain’s claims and the impossible task of drawing a line based on economic and ethnic principles (McDowell 144). In the delegation’s subsequent report, they wrestled with their complex findings, carefully weighing the facts alongside the British and Turkish arguments for incorporation. “If the ethnic argument alone had to be taken into account,” the commission reasoned, “the necessary conclusion would be that an independent Kurdish state should be created, since the Kurds form five eighths of the population” (“Commission Report”

57). Yet the complexity of ethnic considerations and the difficulty the British had faced in trying to find a reliable Kurdish leader, lead the League to abandon that approach and instead focus on economic and strategic factors (McDowell 145).

In these deliberations, the League, more than the British, did take the attitudes and opinions of the Kurdish people into consideration. “Opinion among the Kurds is divided,” the commission reported, outlining the various geographical boundaries and political sentiments. They argued, however, that while a Kurdish national feeling had developed among some tribes, “they recognized the advantages of an enlightened and intelligent trusteeship” (“Commission Report” 87). Perhaps because they were not yet “enlightened” enough for diplomatic discussion, a Kurdish representation still remained utterly absent when the League of Nations re-convened in December 1925. The Great Powers were left to decide their fate.

The persuasive language of the British delegation to the League of Nations, and the visit by the committee to Mosul ultimately proved successful for Great Britain. In 1925, the League formally awarded Mosul to Iraq under the British mandate, submitting to the British claim that Mosul's oil reserves, as well as its positioning as a buffer zone on the Turkish-Iraqi border, would be necessary to ensure the sustainability of Iraq's economy (Aziz 62). While the Turks did not immediately recognize the resolution, they eventually yielded to British pressure, signing the Turko-Iraqi-British Treaty on June 5, 1926 (Barzani 14). The treaty should have marked the end of a nearly decade long struggle, yet by shifting their focus from ethnic considerations and self-determination to those of strategic and economic importance, the League of Nations ignored an important consideration: the satisfaction of the Kurdish people in Mosul.

Conclusion

Massoud Barzani, the son of Mustafa Barzani, the Kurdish liberation movement's most famous leader, knew first hand the degree of betrayal and dissatisfaction that permeated among the Kurdish people in the years following the treaty. "The Treaty of Lausanne and its consequent developments, especially with regard to what has become known as the Mosul question," he wrote, "worked against Kurdish interests" (15). When Sir D. Clayton made it known to the Iraqi government that the British were ready to support the entry of Iraq into the League of Nations, resulting in a 1930 treaty, complaints from the Kurds began pouring into Geneva and London ("Where Iraq Plays a Commanding Role" 18). Many would attempt to boycott the elections that summer. While the border had been drawn, Kurdish unrest and British interference in Mosul were far from over.

Ultimately, the failed independence of the Kurds represented a failure, too, of the League of Nations. In this case, the British were convincing to the League, and they could provide Eurocentric arguments to support the belief that the Kurds were unfit for self-governance. Furthermore, by declaring Mosul part of Iraq, Britain claimed to be able to protect the Kurdish minority as well as their own strategic interests in Mesopotamia.

Meanwhile, the growing influence of the Turkish national movement ushered in a significant turning point in the handling of the Mosul question. As the Turkish threat grew, so, too, did the justification for the incorporation of Mosul, offering a contrast in strong figurehead movements. Kurdish nationalism would never garner the strength or ferocity of the Turkish national movement, making it easier for the British to exile their rulers and abandon Kurdish requests for political independence. McDowell, as cited earlier, summed up this sentiment when he said, "Fancy notions like self-determination were all very well for vague statements of intent,

but the administration of Iraq must remain in the hands of the best-qualified personnel available.” In the end, article ten of the League of Nations Covenant and the 1920 Treaty of Sevres, which offered a final glimmer of hope for independence among the Kurds of Mosul, would be lost among a series of broken promises.

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