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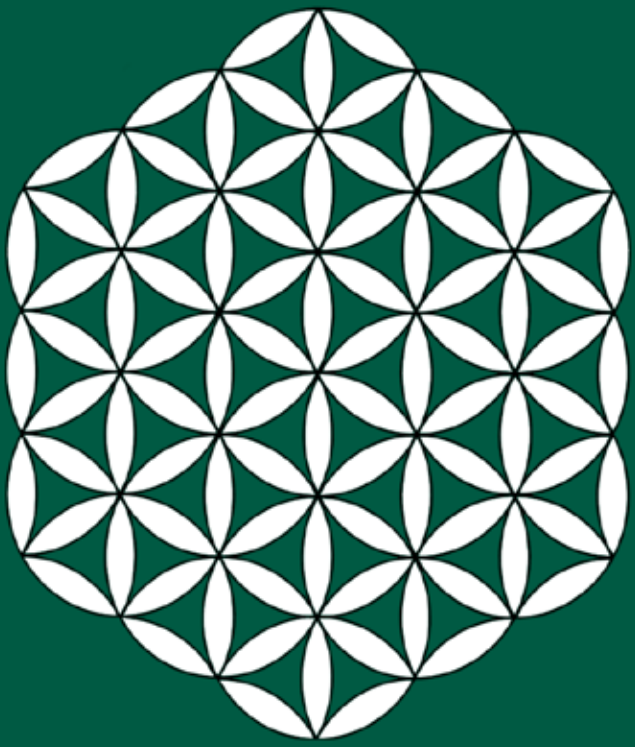

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Letter from the Editors

Dear Readers,

Thank you for taking an interest in the *Binghamton Journal of History* published by Binghamton University's chapter of Phi Alpha Theta, the history honor society. This journal provides students with the opportunity to not only submit their articles and have them published but also work together editing chosen articles and publishing each issue of the journal. This volume of the *Binghamton Journal of History* includes a selection of undergraduate articles that span time periods and geographical regions. We hope that you enjoy reading all of the articles. Please be sure to look at the pages following the articles for more information about Phi Alpha Theta, Binghamton University's Research Days, the History Department's Combined BA/MA Program, and the new Minor in the History of Science, Technology, and Medicine.

We appreciate the support of Phi Alpha Theta and its members, and we would like to thank Ryan Foss for designing our journal cover. We would also like to thank all of the people who have made the publication of this journal possible.

Sincerely,

The Editorial Board

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Mahayana and Mothers: Tailoring Buddhist Ideology to the Uterine Family

Benjamin Cohen

Empress Wu Zetian was one of the most powerful women to have ever lived in China. In over 2,000 years of imperial history, she was the only woman to rule as emperor in her own right. She reigned in the Tang dynasty (684-705), a dynasty where Buddhism flourished especially under her patronage.[1] During this time, she manipulated existing religious symbols from both Buddhism and Daoism to legitimize her reign. For instance, scholar Bernard Faure notes Wu Zetian used "an apocryphal sutra, the *Dayun jing*, in which a bodhisattva manifests as a woman to save sentient beings."[2] Wu Zetian also claimed that she was a Buddhist monarch, or cakravartin king, to further establish herself as the rightful ruler of China.[3] Cakravartin kingship, however, "was one of the five ranks that Buddhism denied to women."[4] In this way, Empress Wu Zetian reconstructed Buddhist thought in ways that benefitted her and legitimized her reign. But, could ordinary women use Buddhism similarly as a force of empowerment? Was such empowerment of women against Buddhist doctrine, or could women find empowerment through Buddhist orthodoxy?

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[1] Stanley Weinstein, *Buddhism Under the Tang* (New York: Cambridge University Press, 1987), 44.
[2] Bernard Faure, *The Power of Denial: Buddhism, Purity and Gender*, (New Jersey: Princeton
University Press, 2003), 189.
[3] Faure, *The Power of Denial: Buddhism, Purity and Gender*, 189.
[4] Faure, 189.

To answer these questions, one has to consider that no women in the Tang dynasty had as much power as Empress Wu. Therefore, no woman could manipulate Buddhist symbols as effectively as she could. That being said, one should not completely discount the effects that Buddhism had on ordinary women throughout China. Scholar Diana Paul states that "religion may give women certain freedom of expression, but there is often a considerable price paid for recognition by a given religious institution."[5] This compromise seems to apply to Buddhism in China, a type of Mahayana Buddhism, especially when looking at Buddhist doctrine like apocryphal sutras from the Tang dynasty. These sutras construct old and new motifs of women and motherhood such as the motif of women being inherently sinful.[6] Ultimately, Buddhist doctrine perpetuated patriarchal Chinese family structures and values to gain support which often denigrated women.[7] Despite this, as the scholar Alan Cole noted, the Buddhist doctrine of the Tang dynasty was so successful because it benefitted mothers, sons, and the Buddhist establishment by attaching itself to the uterine family.[8] Cole argues that anthropologist Margery Wolf's idea of the uterine family, an idea she formed in her ethnography on rural Taiwan in 1972, existed within the ancient Tang family.[9] Although Cole does not observe how Buddhism improved women's lives, many epitaphs exist that do point to women converting to Buddhism for its religious appeal and the improved status it afforded women in the family.[10] Thus, this article examines Tang epitaphs and sutras to explore how the

[5] Diana Paul and Frances Wilson, *Women in Buddhism: Images of the Feminine in the Mahayana*
Tradition (Berkeley: University of California Press, 1985), ix.
[6] Alan Cole, *Mothers and Sons in Chinese Buddhism* (Stanford: Stanford University Press, 1998),10.
[7] Cole, *Mothers and Sons in Chinese Buddhism*, 226.
[8] Cole,10 and 11.
[9] Cole, 40.
[10] Yan Yaozhong, "Buddhist Discipline and the Family Life of Tang Women," *Chinese Studies in History* 45, no. 4 (2012): 33.

Chinese of the Tang dynasty constructed their own form of Buddhism, which differed from some aspects of the larger and broader Mahayana Buddhism. While other scholars such as Alan Cole and Ping Yao have made similar arguments, they did not use a diverse range of sources, focusing only on epitaphs or only sutras as primary sources. Using both types of sources creates a more nuanced picture of the construction of Tang Buddhism and its connection to the uterine family.

To comprehend the formation of Buddhism in China, it is important to understand Mahayana Buddhism in a more general sense. While many Buddhist sects exist, the three largest umbrella groups are Theravada, Mahayana, and Vajrayana. Though all three forms of Buddhism are important and influential in different areas of the world, Mahayana Buddhism became most prevalent in China and, therefore, is the focus of this article.

Despite Mahayana's position as one of the three umbrella groups, within Mahayana, there is a diverse number of practices and trends. One overarching trend within Mahayana Buddhism portrays women as temptresses which the sutra, "The Tale of King Udayana of Vatsa" demonstrates. In this story, a king asks the Buddha for the reason of women's corruption. The Buddha responds, "your majesty should first know a man's faults. Then he'll have insight into those of a woman."[11]At this point, the text seems rather egalitarian since the Buddha notes that the king has faults on his own and he should not blame women for his own faults. From this point on though, Diane Paul notes, the Buddha explains to the king that women are extremely problematic and impossible to deal with.[12] Cole shows that pre-Tang culture constructed the idea

[11] "The "The Tale of King Udayana of Vatsa" from *the Collection of Jewels* in Diana Paul and Frances Wilson, *Women in Buddhism: Images of the Feminine in the Mahayana Tradition* (Berkeley: University of California Press, 1985), 29.

[12] Paul and Wilson, *Women in Buddhism: Images of the Feminine in the Mahayana Tradition*, 26.

of women as inherently sinful and problematic, and the Tang dynasty developed the theme further.[13] In this way, Chinese Buddhists took pre-existing notions of women as temptresses from the larger Mahayana tradition into their own native forms of Buddhism. What is different in Chinese Buddhism, though, is that there are specific references to the sins of mothers which differs from "The Tale of King Udayana of Vatsa," which for the most part considers all women as dangerous.[14] This reference to motherhood underlines an important difference between Chinese Buddhism and the rest of Mahayana Buddhism. While in Mahayana Buddhism, "motherhood is usually not mentioned," in Chinese Buddhism, the relationship of the mother and son is what is most talked about.[15] Regardless, the idea of women's sinfulness was something that Chinese Buddhism kept when formulating its own kind of Mahayana Buddhism.

Despite the consistency about women's sinfulness, Mahayana Buddhism faced conflicting messages within the religious dogma about whether a female could be enlightened in her body. The core beliefs of Mahayana stipulated that anyone could and should strive for Buddhahood.[16] However, many texts stated that anyone with a female body could not achieve enlightenment. Women needed to either wait to be reborn in the next life as a man or sexually transform into a male.[17] For example, the story of "the Naga Princess" in the *Lotus Sutra* recounts the tale of an eight-year-old Naga girl (a Naga is a mythical snake creature), who is brought before the Buddha and an elder named Sariputra because of her merits. The elder Sariputra states that no women can become a Buddha because it is one of the five statuses that is denied to women. In

[13] Cole, *Mothers and Sons in Chinese Buddhism*, 222.m
[14] "The "The Tale of King Udayana of Vatsa" from *the Collection of Jewels* in Paul and Wilson, *Women in Buddhism*, 29-32.
[15] Paul and Wilson, *Women in Buddhism*, 65.
[16] Paul and Wilson, 166.
[17] Paul and Wilson, 171.

response, the Naga girl magically transformed herself with the sutra noting that the "female organs vanished, and the male organ became visible." [18] Only after the transformation did this girl become enlightened, showing that enlightenment required male genitalia. This requirement connects to broader trends in Mahayana Buddhism about women's inherent sinfulness, and because of their female genitalia they, therefore, could not be enlightened.

In contrast, other Buddhists believed that a female could become a Buddha or bodhisattva without a male's body. Those Buddhist's main argument derived from the logic of the *Diamond Sutra* which claimed that one only needed to be "conditioned" to be enlightened.[19] To be "conditioned" meant that one understood that gender and sex were illusions and ultimately "the Dharma and the path are neither male or female."[20] Using this logic, females need not change into a male's body if sex was an illusion. One such example of this logic is in the story of "Jewel Brocade Receives the Prediction" from *the Sutra of Sagara, the Naga King*. In contrast to the *Lotus Sutra,* this story follows a Naga girl who challenged Mahakasyapa—who tells her she cannot attain Buddhahood because she has a female body—by arguing that the truly enlightened know that the Dharma is for either males or females. She continued to expertly explain the Dharma, which prompted the Buddha to state the time when she would eventually become enlightened.[21] As Paul notes, this story is remarkably similar to the *Lotus Sutra* and its story of the Naga girl; however, there was no need for the Naga princess to transform into a male's body to prove that she was truly enlightened.[22] In this way, conflicting thoughts and practices

[18] *Lotus Sutra* in Paul and Wilson, 188-190.
[19] Paul and Wilson, 217.
[20] Paul and Wilson, 217 and 218.
[21] *The Sutra of Sagara, the Naga King* in Paul and Wilson, 235-241.
[22] Paul and Wilson, 233.

emerge within the umbrella group of Mahayana Buddhism, especially regarding women.

The specific cultural conditions at the time when Buddhism first started entering China contributed to the ambivalent views about women. Before Buddhism arrived in China, Confucianism dominated philosophical and political thought, including Chinese family life.[23] One of the most important structures within the Confucian societal framework was the idea of filial piety, requiring the obedience of children and the repayment of the debt that they owed to their parents for raising them.[24] In addition to filial piety, the patrilineal focus of the Chinese family connected the family genealogy through the men and sons. Sons became even more important because the survival of the family depended on them.[25] The patrilineal focus explains why Confucianism almost exclusively observed society from a man's point of view and why the main ideology of China was "written by men for men."[26]

Focusing only on men's relationships with other men, however, obscures dialogue about women and men's experiences with their mothers. Margery Wolf, in her ethnography from 1972, describes this lack of dialogue as problematic because only looking at the men in a patrilineal society misses the "near-fatal weaknesses" of the overarching family structure in China.[27] This "weakness" emerges because the patrilineal society does not look at what Wolf coined as the uterine family, the family that revolved around a mother and her children. Created by mothers, the uterine family revolved slightly outside of the traditional Chinese family structure because of the effects that the patrilineal society had on

[23] Cole, *Mothers and Sons in Chinese Buddhism*, 15.
[24] Cole, *Mothers and Sons in Chinese Buddhism*, 16.
[25] Margery Wolf, *Women and the Family in Rural Taiwan* (Stanford: Stanford University Press, 1972), 32.
[26] Cole, *Mothers and Sons in Chinese Buddhism*, 14.
[27] Wolf, 37.

women.[28] Chinese culture's requirement that married women live with their husband's family cut off from those women the familial ties of their childhood and required them to form new ties by giving birth to children. Although bearing children also benefited the patrilineal family, the birth of a son gave the mother the opportunity him as spokesperson for her within the family.[29] This dependence on the son caused tension, however, because once the son married, the mother had to contend with her son's conflicting loyalties to be the voice of his wife instead of his mother. The divided loyalty often led to struggles between the daughter-in-law and mother, resulting in a never-ending cycle of both a threatened uterine family and the ostracization of the daughter-in-law.[30] For Wolf, these conflicts occurred only within the private sphere. Once the mother died, the uterine family disappeared from existence, remaining only in the son's memory of his mother.[31] In this way, women within the Chinese family constructed and protected a loyal and caring family within the larger patrilineal family to cope with the separation and isolation that moving into a foreign family brought.

It is important to note that Wolf's conclusions and thesis about the uterine family develop from her research in Taiwan which she conducted in the 1960s and 1970s. Although this focus puts her research in a different setting and context than the lives of Buddhist mothers over a thousand years ago, her conclusions still give important insight into the workings of the Chinese family structure.

When Confucianism talks only about men, it leaves out the important childhood experiences that sons have with their mothers. Buddhism's acknowledgement of the uterine relationship partially explains why Buddhism was so successful in China. For Cole, Buddhism tapped into the

[28] Wolf, 37.
[29] Wolf, 35-36.
[30] Wolf, 36.
[31] Wolf, 37.

uterine family, and subsequent, Buddhist doctrine acted as an ideology for the uterine family that reinforced what the mother worked hard to create.[32] In other words, Buddhism was so successful because it gave a voice to the relationships that men had outside of their relationships with other men. Cole's new thesis departed from Wolf's original idea that the uterine family only existed within the private or domestic sphere, arguing that Buddhism doctrine supported uterine families through sutras written for the public.[33] To find this uterine family, Cole examined Buddhist texts and sutras to show that the uterine family did exist within ancient China.

Cole argues that, even before the Tang dynasty, important developments emerged within Buddhist doctrine that helped Buddhism spread. Using sutras and other published documents, Cole shows that the idea of a Buddhist filial piety resembled the Confucian style of filial piety except that the focal point was on the mother instead of the father. For instance, *the Sutra on the Filial Son*, written before the sixth century, emphasizes the importance of repaying one's parents debts.[34] Although the sutra mentions both parents, the text emphasizes the mother's sacrifice for the son instead of prioritizing the role of the father. In the sutra, the mother literally turns "her blood into milk" and does her best to raise the son.[35] At one point the sutra askes "with your parents giving you so much, how are you going to repay it?"[36] Because of the text's Buddhist origins, the answer was quite simple: convert your parents to Buddhism; any failure would be considered unfilial.[37] As Cole notes, even though the text states the importance of both parents, the author of the sutra often evokes the mother's role in breastfeeding when talking about

[32] Cole, *Mothers and Sons in Chinese Buddhism*, 40.
[33] Cole, *Mothers and Sons in Chinese Buddhism*, 143.
[34] Cole, *Mothers and Sons in Chinese Buddhism*, xv and 69.
[35] *Sutra on the Filial Son* in Cole, 69.
[36] *Sutra on the Filial Son* in Cole, 69.
[37] *Sutra on the Filial Son* in Cole, 73.

the debts. [38] *The Sutra on the Filial Son* demonstrates that, even before the Tang dynasty, Buddhists created a mother-son narrative in which the son was greatly indebted to his mother.

In the Tang dynasty, the *Pure Land Ghost Festival Sutra* builds further upon some of the existing Buddhist ideas of uterine piety. This story of Karmic connections was first referenced in 664.[39] The text builds upon stories written before the Tang dynasty but connects them in crucial ways to create an even stronger mother-son narrative. The new narrative fused the ghost festival texts with Mu Lian and the story of *Uttara's Mother*.[40] The character Mu Lian's mother dies, and Mu Lian achieves magical powers to search for her. Although unsuccessful, the Buddha does tell Mu Lian that, even though his mother is in the hungry-ghost realm, he can save her by offering gifts to the Buddha and Sangha, the Buddhist monastic order. He must do this during the fifteenth day of the fifth month—the date often given for the Buddhist ghost festival in China. By giving offerings to the Buddha and the Sangha, Mu Lian saved his mother and got to see her. Lastly, the text explains that Mu Lian's mother's sinfulness during her life caused her placement in the ghost realm.[41] In this way, the text connects the donation of gifts to the Buddhist church with the filial piety of a son doing his duty to repay his mother by saving her from an unfortunate existence in the afterlife.[42] Another important aspect, one that is left out by Cole, is that the text completely disregards Mu Lian's father. This omission reveals that relatively early in the Tang dynasty, Buddhists adopted the mother-son relationship as the main, or in this case the only, relationship for filial piety. This trend differs from the *Sutra on the Filial Son*, which acknowledged both parents as important and deserving of respect and repayment. Therefore,

[38] Cole, 73.
[39] Cole, 93.
[40] Cole, 99.
[41] *Pure Land Ghost Festival Sutra* in Cole, 96-98.
[42] Cole, 100.

as time passed, the focus of Buddhist filial piety rested almost solely on the mother.

Throughout the Tang dynasty, the mother-son narrative intensified through changes in the overarching Mu Lian narrative outlined by the *Pure Land Ghost Festival Sutra.* The *Illustrated Tale of Mu Lian Saving His Mother from the Netherworld,* found in the Dun Huang caves and written during the ninth or tenth centuries, best displays the increasing urgency of the need for the mother to be saved.[43] In this tale, Mu Lian's mother, Qing Ti, sinned and neglected the Buddhist establishment while alive, and her death caused Mu Lian to become a monk. Later, Mu Lian's father informs him that Mu Lian's mother, who he thought was innocent, was in hell for her sins. The news causes Mu Lian to travel into hell which is depicted in detail with an assortment of different tortures and pains that the denizens all faced. The only thing that can alleviate their sufferings were Buddhist funeral rites. With the help of Buddha, Mu Lian found his mother nailed to a bed with forty-nine spikes. Here she confessed her sins, most which, as Cole notes, were not egregious but resulted from a life outside of Buddhism. From here, Mu Lian gave numerous donations and gifts to the Buddhist Sangha and the Buddha himself both during festivals and outside of them so that Qing Ti could finally be reborn in the next life and into the Pure Land.[44] This story strengthens the idea of greater association with the uterine family and confirms the need for Mu Lian, and other Chinese sons like him, to save their mothers from increased danger. The emphasis on only Buddhist rites, instead of Confucian or Daoist rites, as the way to save Qing Ti from hell demonstrates the connection between Buddhism, the uterine family, and filial piety. In this way, the *Illustrated Tale* continues the main trends of the *Pure Land Ghost Festival Sutra.*

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[43] Cole,159.

[44] *Illustrated Tale of Mu Lian Saving His Mother from the Netherworld,* in Cole, 166-176.

Although written in the twelfth century and outside of the Tang era, *The Blood Bowl Sutra* displays the intensification of the mother-son relationship.[45] The sutra argues that all women went to a Buddhist hell because of menstruation. The dutiful son bore the responsibility to save his mother from this hell.[46] The story demonstrates an increase in the sins of women and mothers, as well as the need for sons to save their mothers both through, and well beyond, the Tang dynasty.

Regardless, when comparing the *Illustrated Tale of Mu Lian Saving His Mother from the Netherworld,* the *Illustrated Tale*, and the *Pure Land Ghost Festival Sutra*, Buddhist doctrine evolved dramatically during the Tang dynasty. For instance, the *Illustrated Tale* thoroughly explained the mother's sins and vividly detailed the tortures that filled her life in hell.[47] This account starkly contrasts the *Pure Land Ghost Festival Sutra* which only states the mothers sins at the very end of the text.[48] While the intensification over time served as a way for the Buddhist Sangha to get more resources and wealth from the populace (which seems to be a rather credible factor), Cole notes that the changes also replicated and strengthened the idea of the uterine family. Placing the burden of the mother's salvation on the next generation strengthened the "vertical relations" or bonds between mother and son, keeping the son loyal to his natal family instead of his wife and her family.[49] These apocryphal sutras focused on consolidating the mother-son relationship to strengthen the uterine family that the mother created and maintained. Other Tang texts such as the *Sutra on the Profound Kindness of Parent,'* written around 695, also emphasized how dangerous a son's wife could be to his natal

[45] Cole, xvii.
[46] Cole, 202.
[47] *Illustrated Tale of Mu Lian Saving His Mother from the Netherworld,* in Cole, 170-171.
[48] *the Pure Land Ghost Festival Sutra* in Cole, 98.
[49] Cole, 180.

family.[50] These different texts support Cole's thesis that a uterine family existed within ancient Chinese families and that a public Buddhist ideology supported this uterine family.[51]

From this base, Cole establishes hypotheses for different reasons why both mothers and sons accepted Buddhist ideology. For mothers, Cole gives four reasons: an appreciation for child rearing, legitimate leverage over their sons, salvation in the afterlife (albeit achieved through the son), and lastly, a distrust of daughter-in-laws which aligned with the mother's interests. These ideas meant that mothers could use Buddhist ideology to strengthen the uterine family.[52] In contrast, Sons gained a way to express their mother-son love, became heroes and saints, legitimized their authority through the Buddhist establishment, and achieved the satisfaction of knowing they were right while their mother was wrong. In short, Buddhism bestowed a feeling of superiority on sons both in their power to save their mothers and in their inherent purity compared to their mothers.[53] For these reasons, Cole provided compelling evidence for Buddhism's appeal and establishment in Tang China.

While Cole's thesis and hypothesis certainly has merit, many scholars disagree with his approach. Both Bernard Faure and Chun-fang Yu note that Cole does not differentiate the social mother from the biological mother or from the other types of mothers that Tang elites could have.[54] When examining the uterine family and the family structure of twentieth-century Taiwan, there is often only one mother for a son. In the Tang dynasty (or imperial China in general), however, it was not unusual for a son to have multiple mothers.

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[50] *The Sutra on the Profound Kindness of Parents'* in Cole, 141.
[51] Cole, 143.
[52] Cole, 232-233.
[53] Cole, 234-235.
[54] Faure, *The Power of Denial: Buddhism Purity and Gender, 150* and Chun-fang Yu, Review of *Mothers and Sons in Chinese Buddhism, Harvard Journal of Asiatic Studies* 60, no. 1 (2000): 335.

For instance, if a son's mother died, one of the father's concubines often became his new "mother," and the son afforded her the same respect as the biological mother.[55] This example shows Cole's lack of contextualization in Tang China, stemming from the biggest weakness in Cole's book—his source material. As Yu notes "the failure to consult other sources is in fact a central weakness of Cole's methodology."[56] To elaborate, because Cole only focuses on apocryphal, or as Yu calls them "Chinese indigenous sutras," key historical developments and data are completely absent from the book. Instead, Cole's perspective about the sutras—not how these sutras were seen by the Tang Chinese or how they influenced the development of China—dominates the text.[57] Although initially convincing, the paucity and lack of diversity of the primary sources undermines Cole's argument.

Although Cole did not sufficiently support some of his theses and hypotheses, further analysis of different types of primary sources proves that Cole's thesis still holds merit to explain Buddhism within the Tang dynasty. One of the best primary sources for redeeming some of Cole's work is epitaphs from Buddhist mothers that lived during the Tang dynasty. Leaving the metaphysical and rhetorical realm of sutras, something Cole never did, the epitaphs reveal historical realities, especially about the efforts of mothers to convince their sons to provide them with proper Buddhist burials. While epitaphs often prove problematic as a source, they still impart important information about real individuals and the lives of these Buddhist mothers.

Many of the epitaphs highlight the agency of these mothers, showing that they were active agents in both their families as well as their own lives. This agency is especially true when these mothers became widows. In the epitaph, "Tomb Inscription of Former Commandant of Cavalry Lord

[55] Yu, Review of *Mothers and Sons in Chinese Buddhism,* 335.
[56] Yu, Review of *Mothers and Sons in Chinese Buddhism,* 340.
[57] Yu, 340-341.

Ren of Le'an," the protagonist Lady Lu, a recent widow, attempted to convert her family to Buddhism, and in doing so, practically turned her house into a Buddhist shrine.[58] These actions often led sons to become monks, as Yao notes, "the children of Buddhist mothers were themselves quite likely to become Buddhist followers as well."[59] This influence demonstrates the mothers' active agency to convert both their sons and husbands. In a certain sense, even becoming Buddhist displayed agency because one had to follow precepts such as not wearing perfume or carrying money.[60] The epitaphs demonstrate that women followed and incorporated these precepts in their daily lives.[61] For instance, the inscriptions praise many women for not eating meat, using moisturizing oils, valuing fine silk clothes, or fasting. In fact, one woman died from fasting for too long.[62] While these precepts limited the women's subjectivities, they also displayed the women's agency to seriously pursue a Buddhist life. In this way, Buddhist mothers actively practiced Buddhism themselves and attempted to convert their sons.

Burial rites, however, inhibited the establishment of Buddhism, a tension displayed both in the Tang legal code and Buddhist epitaphs. In the Tang legal code (*Tanglu shuyi*), cremation, which was part of Buddhist funeral rites, had the penalty of either banishment or death. The fulfilment of a

[58] Yaozhong, "Buddhist Discipline and the Family Life of Tang Women," 30.
[59] Ping Yao, "Good Karmic Connections: Buddhist Mothers in Tang China," *NAN NU -- Men, Women & Gender in Early & Imperial China* 10, no. 1 (2008): 61.
[60] Yaozhong, "Buddhist Discipline and the Family Life of Tang Women," 27.
[61] Yaozhong, "Buddhist Discipline and the Family Life of Tang Women," 27.
[62] Yaozhong, "Buddhist Discipline and the Family Life of Tang Women," 28.

dying wish provided the only exception to this rule.[63] The allowance for the exemption not only illustrated increased acceptance of Buddhism but highlighted the tension with those who still considered cremation as a huge violation. Despite the punishment for cremation, most family members followed their mother's wishes for a Buddhist burial when it came to arranging her funeral rites.[64] One scholar, Ping Yao, observed that many family members "called upon traditionally Confucian standards of filial piety to explain why they felt obliged to follow their mother's instructions and bury her separately from her husband."[65] An epitaph engraved towards the end of the Tang dynasty for a women named Shanwu, who became a Buddhist nun after being widowed, describes her son's long journey from Yangzhou to Xinzhou during a time of war to fulfill his duty to his mother.[66] The epitaph states the reason for the devotion by questioning, "is this not because the ultimate filial piety transformed him?"[67] Epitaphs like these show that many sons and family members did in fact choose to follow their mothers dying wishes—even at great cost to themselves.

The example of Shanwu's epitaph connects very closely to Cole's idea of Buddhist filial piety. The son performed "the highest act of filial piety (*zhixiao*)," by fulfilling the dying wish of his mother by providing a Buddhist stupa shrine for her.[68] The great lengths the son went to for his mother showcases Cole's idea of Buddhist filial piety. The example also reinforces the existence of uterine family in the Tang dynasty, and the son's devotion to his mother's dying wish also connects the uterine family to Buddhism. Even if this

[63] Ping Yao, "Good Karmic Connections: Buddhist Mothers in Tang China," 59.
[64] Yao, "Good Karmic Connections: Buddhist Mothers in Tang China," 82.
[65] Yao, 80.
[66] "Epitaph for Shanwu" in Yao, 80 and 81.
[67] "Epitaph for Shanwu" in Yao, 81.
[68] "Epitaph for Shanwu" in Yao, 80 and 81.

epitaph provides only an extreme example, the fact that most sons followed their mothers' preference in burial style because of filial piety legitimizes some of Cole's claims. In this way, epitaphs further strengthen the argument that a Buddhist filial piety existed that might have connected to a premodern uterine family.

However, the written declaration of Lady Su challenges the hypothesis of the uterine family. In the declaration, Lady Su asserted that she wanted to be cremated for Buddhist reasons.[69] Her remaining relatives rejected her wishes and decided that she should be given a Confucian funeral and be buried next to her deceased son.[70] The epitaph in her tomb describes Lady Su as a good mother and wife, but it gives no information about the cremation of her body. According to Ping Yao, it is likely that, to compromise with the Lady Su's death wish, she was cremated, but there is no evidence to support the assertion.[71] Therefore, the epitaph illuminates one situation where the family decided to go against the wishes of a female family member. The fact that her son was already dead and did not bury his mother might not go against the idea of the uterine family. As Yao points out, if a son defied his mother's wishes, he would most likely keep his disobedience private.[72] This example shows that, although a mother or a woman's opinion did matter for funeral rites, it did not mean that her family always followed her wishes.

The epitaph of Lady Zheng written by her son Pei Jing seems to go against Cole's argument of an explicit, Buddhist, filial piety. In this epitaph, like almost all epitaphs, Pei Jing focused on praising the merits of Lady Zheng as a mother and teacher to her children.[73] Unlike the Buddhist sutras, Lady Zheng's epitaph alludes to the melding of Confucianism and

[69] "Epitaph of Lady Zheng" in Yao, 83.
[70] Yao, 83.
[71] Yao, 83.
[72] Yao, 83.
[73] "Epitaph of Lady Zheng" in Yao, 70.

Buddhism, especially in raising children. Pei Jing notes that, a month before giving birth, his mother "hand-copy(ied) Buddhist sutras and exhausted her effort and money on Buddhist offerings."[74] In addition, she also taught some of the classics like the *Book of Songs* and the *Book of History* to ensure that her children would be successful.[75] The epitaph demonstrates that Buddhism and Confucianism intermingled within the Tang dynasty. The *Illustrated Tale* notes that Confucianism and Confucian rites did not help in the afterlife.[76] This blending is something that Cole never addressed, which is not surprising considering that apocryphal sutras looked down on Confucianism. In fact, Lady Zheng, although having practiced Buddhism, later became a paragon of Confucian virtues.[77] Thus this epitaph, and many others like it, portrayed Buddhism and Confucianism as compatible with each other and potentially useful to the uterine family—a possibility that Cole never considers.

Although these epitaphs are useful, they have their limitations. For instance, all these epitaphs only give a small glimpse of Tang life because the scope is limited to either one person or a few people in the family. Epitaphs also give us only idealized images of these mothers because their sons would have wanted their mother's epitaphs to portray them in the best light possible. Epitaphs are also problematic because they include only elite Buddhists who could afford a tomb with an epitaph. Although indigenous Chinese sutras do not solve all these problems, the sutras do give a wider perspective of the formation and influence of ideology across China and beyond. For instance, *The Sutra [Explaining That] the Kindness of Parents is Profound and Difficult to Repay* was widely popular in China and forty-one of the same texts have been found in

[74] "Epitaph of Lady Zheng" in Yao, 70.
[75] "Epitaph of Lady Zheng" in Yao, 70.
[76] *Illustrated Tale* in Cole, *Mothers and Sons in Chinese Buddhism*, 169.
[77] "Epitaph of Lady Zheng" in Yao, "Good Karmic Connections: Buddhist Mothers in Tang China," 69.

Korea.[78] Because of its popularity, the text provides a more reliable picture of the period. Likewise, observing sutras in terms of the publication or circulation date highlights developing trends. For instance, the sutras through the Tang and even up to the Song dynasties demonstrate the intensification of the need for Buddhist sons to save their mothers. In this way, sutras are just as important as epitaphs for source material about Buddhist mothers.

By using both sutras and epitaphs, a more complete picture of Buddhist mothers living in the Tang dynasty and the existence of the uterine family in ancient China emerges. In addition, examining sutras broadens the view of Chinese Buddhism and Buddhism's role in strengthening the "vertical relations" of the uterine family. The study of epitaphs reveals the complexities of how ideology played out in people's lives, or at least the authors' idealized version of their lives. While we will never know how exactly the uterine family existed, or in what form it existed, by looking at a wide array of data one can connect information regarding twentieth-century Taiwan to ancient China. The connections demonstrate the flexibility and endurance of the Chinese family for over a thousand years of change and upheaval—a feat that few if any institutions can maintain.

[78] Yu, Review of *Mothers and Sons in Chinese Buddhism*, 348.

The Russo-Persian Wars of 1804-1828: The Role of Holy War, and Why Qajar Irredentism Failed

Jack Strosser

Introduction

The brutal Russo-Persian Wars of 1804-1828 solidified Russian influence in the Southern Caucasus, in areas known today as Georgia, Armenia, and Azerbaijan, while also pushing Persian borders south to their current delineations. The Southern Caucasus acted as a major strategic chokepoint between the Ottomans, Russians, and Qajar dynasty, with diverse ethnic, religious, and cultural populations. The region hosted kingdoms and khanates with Orthodox Christian, Muslim (Sunni and Shi'a), and Judaic populations. Persian scholars tend to avoid discussing the Russo-Persian wars, and not many Persian clerical texts are translated into English, so this paper references mostly Russo-centric sources. This paper relies on the works of the major authorities of the region for context: historians Muriel Atkin, Nikki Keddie, Rudi Matthee, and others. Moreover, it highlights various forms of justification of these wars by individual Russian and Qajar actors, such as religious figures and military leaders alike. During this period, such actors used religious imagery, reasoning, historical mythic and factual justifications, in order to differentiate themselves from "infidel" enemies, and to justify war. Persian incursions into the Southern Caucasus in this era arose out of irredentist tendencies, while Russia perceived these wars as their own manifest destiny. The argument put forth here is that the wars from 1804-1828 offer a diverse case study to examine the role of "holy war" against perceived infidels, not only by Qajar ulama but also by Russian

generals. In this period individual actors also used religious or historical justification to spur conflict. While scholars attribute Persia's losses to their military ineffectiveness, I attribute it to the fluid, rapidly changing nature of alliances among different khanates and the larger powers, Russia and Persia. Truly, the Qajars could not withstand Russia's military might. However, the most crucial challenge for Persia stemmed from fluid allegiances based on how various Khans perceived local threats. Ultimately, Persia's irredentist attempts were doomed to fail due to the fluidity of relations between individual khanates and the governments they answered to.

First Contact

Russo-Persian relations began when Shah Abbas I (1571-1629, r. 1588-1629) of the Safavid dynasty sent fifteen missionaries to Russia between 1608 and 1613. Historian Rudi Matthee states that Safavid subjects at this time negatively stereotyped Russians, and saw Russian incursions analogous to, "The Biblical and Qur'anic notion of Gog and Magog, Ya'juj and Ma'juz." God and Magog represent a godless people, a trait attributed to Russians, who would come and destroy those who are holy— Muslims.[1] Thus, from this image arose the religious and cultural antagonisms between Russia and Persia.

The expansion of the Russian empire under Peter the Great (r. 1682-1721) greatly increased Russian influence in the Caucasus, further exacerbating the image of Russia as the godless invaders. Both he and Catherine the Great (r. 1762-1796) sought to liberate, "Caucasian Christians from Muslim rule," an ideological platform which informed the violence and thoughtlessness of Russian conquests into the Caucasus for

[1] Rudi Matthee, "Facing a Rude and Barbarous Neighbor: Iranian Perceptions of Russia and the Russians from the Safavids to the Qajars," in *Iran Facing Others: Identity Boundaries in a Historical Perspective*, eds. A. Amanat, F. Vejdani (New York: Palgrave McMillan, 2012), 101.

years to come.[2] Concurrently, Caucasian Christian populations preferred Russian rule and protection to Persia's. Russian rule offered a, "more hospitable environment for Christians," and this caused some populations regardless of creed to desire Russian rule.[3]

The khanates in the Southern Caucasus, facing constantly changing borders and allegiances, often used Russians, Persians, and the Ottomans as buffers against each other. For instance, Armenia and Georgia shared an Orthodox Christian faith with Russia, but fought against both depending on the circumstances. However, Armenia and Georgia generally preferred Russian rule. Armenians perceived Russia as a "refuge and a protecting force," and they waited for the day which the Russians would lift the yoke of "Muslim dominance."[4]

Georgia changed allegiances often, and in the Safavid era (1501-1726) acted as a "bulwark" of Safavid military campaigns in the region, supplying, "large numbers of soldiers, courtiers and bureaucrats," to Persian war efforts.[5] In 1722, the Georgian prince Vakhtang asked Russia to occupy Georgia and support him in a dynastic struggle, but when he fought, the Russians did not come.[6] Nonetheless, this sparked the Russo-Persian War of 1722-23, ending with Russia absorbing the khanates of Derbent, Baku, Gilan, Shirvan, Astarabad, and Mazandaran in the 1723 Treaty of St. Petersburg.[7] Though Russia did not immediately come to Georgia's aid, they conveniently found themselves gaining land. However, Persia

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[2] Muriel Atkin, *Russia and Iran: 1780-1828* (Minneapolis: University of Minnesota Press, 1980), 6.
[3] Matthee, 15.
[4] Ibid, 104.
[5] Michael Axworthy, *The Sword of Persia: Nader Shah, from Tribal Warrior to Conquering Tyrant* (London: I.B.Tauris, 2009), 63.
[6] Michael Axworthy, *The Sword of Persia*, 63.
[7] Rouhollah K. Ramazani, *The Foreign Policy of Iran, 1500-1941: A Developing Nation in World Affairs* (Charlottesville: University Press of Virginia, 1966), 22.

reclaimed these territories in 1733, and these regions would change hands frequently over the course of the next century.[8] In the late 18th century, Giorgi, the king of eastern Georgia, cited "ancient chronicles," and claimed Tbilisi "a part of Iran," using this to force the Russians to give him aid in what would be the Treaty of Georgievsk of 1783.[9]

Although Peter's death in 1725 made Russia pull back their military, Catherine (r. 1762-1796) would reignite Russian military presence in the Southern Caucasus. For instance, while Agha Muhammad Khan (1742-1797), first Shah of the Qajar dynasty, fought a dynastic war, Catherine aided the Khan Hedayatollah of Gilan, who "sought Russian assistance against his rival Agha." As a "condition for vassalage," she demanded the Caspian port city of Anzali, but would never gain it. Hedayatollah quickly lost, and the Russians turned him over to a rival. This instance highlights Russia's preference for power over fulfilling promises, a trend which would stain Russian relations in the Caucasus.[10] According to Matthee, Catherine's rule began a "long-term pattern of patron-client relations," where Russia would offer its military or monetary aid in order to gain influence in the region from its Persian political clientele.[11]

The wars from 1804-1828 started with the Persian sacking of Tbilisi in 1795. Georgia had sworn vassalage to the Russian Empire in 1783, after Eastern Georgian kingdoms unified behind Irakli II, declaring him "King of Kartli and Kakheti." However, this region became difficult for Irakli to maintain. He obtained Russian protection under the Treaty of Georgievsk (1783), by recognizing the Russian Empire as the "supreme protector of Eastern Georgia," in return for Russian

[8] Ibid, 24.
[9] Atkin, *Russia and Iran*, 59.
[10] Matthee, "Facing a Rude and Barbarous Neighbor," 103.
[11] Ibid.

military aid.[12] This exchange clearly took on a religious tone as the majority of Georgians practiced Orthodox Christianity. However, the Russians were not the kindest suzerains, having committed a "stark violation" of the Georgievsk Treaty in 1801, abolishing the Eastern Georgian kingdom and annexing it into the Russian Empire.[13] The Georgians trusted the Russians, and the Russians clearly did not abide by their word.

As the Russian presence in the Caucasus lacked defensive strength, the sack of Tbilisi reminded Russia of the inevitability of a full-scale war against Persia, forcing them to move some of their forces to the Caucasus.[14] Agha Muhammad of the Qajar Dynasty justified the sacking, stating that Irakli should submit as the "late Shah Ismail," claimed Georgia, and that the Persians had, "solidified [their] claim to the throne. [Georgia] ought to be an appendage of the kingdom of Iran once more, in accordance with ancient law."[15] This signified the beginning of Persian irredentist wars, beginning in 1804, as the "irredentist tendencies of the Qajar rulers [surpassed] those of Shah Isma'il," and others.[16]

Internal rivalries among borderland khanates seriously weakened their defenses, allowing for Russian invasion, and forceful annexation and assimilation of their populations, going against the Russian promise to protect them outright.[17] Though failing to aid Tbilisi in 1795, the Russians saved face by invading in 1796, and also found a further *casus belli* to expand

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[12] Grigol Beradze, Karlo Kutsia, "Towards the Interrelations of Iran and Georgia in the 16th-18th Centuries," in *Caucasia Between the Ottoman Empire and Iran 1555-1914*, eds. Raoul Motika, Michael Ursinus, (Wiesbaden: Reichert, 2000), 128.
[13] Ibid.
[14] John Ledonne, "Russia's Eastern Theater, 1650-1850 Springboard or Strategic Backyard?" *Cahiers Du Monde Russe* 49, no. 1 (2008): 34, http://www.jstor.org/stable/40419102.
[15] Atkin, *Russia and Iran*, 93.
[16] Ramazani, *The Foreign Policy of Iran*, 50.
[17] Firouzeh Mostashari, *On the Religious Frontier: Tsarist Russia and Islam in the Caucasus* (London: I.B.Tauris, 2006), 13.

into the Caucasus.[18] As a "reprisal" for the destruction of Tbilisi in 1795, Catherine proclaimed that she intended to "safeguard the Georgians" and also to, "protect all Iranian subjects, including Muslims, from the tyrannical rule of the usurper Agha Mohammad Khan."[19] Ultimately, Georgia desired a "vestige of self-government" under Russian rule. This grant of autonomy was unlikely, given the rejection of previously agreed upon treaties by the Russians.[20]

The Qajars (1796-1925)

The Qajar Dynasty began in 1796 with the crowning of Agha Muhammad Khan. Catherine died the same year, leaving her son Paul I (who openly resented his mother) to assume the throne. The new Tsar chose to withdraw his forces from the Caucasus, but his death in 1801 stopped this. His successor Tsar Alexander I reignited Russian involvement in the Caucasus.

According to historian Nikkie Keddie, an expert of Iranian history and politics, the Qajars relied on khanates such as Yerevan, Ganje, and Baku, for political legitimacy, stability, and supremacy. Therefore, the wars from 1804-1828 represented far more than regional disputes, but threatened the integral strength of the Qajars themselves.[21] The Qajars themselves hailed from these regions, and though the Qajar capital was Tehran, the dynasty depended heavily on military aid from Southern Caucasian khanates in order to fend off threats from the Ottomans to the West, and the Russians to the North. Further, the Qajar system lacked a "conspicuous centralizing ruler," partially due to the rejection of any legitimate leaders by Twelver Shi'ism, as in this belief, only

[18] Matthee, "Facing a Rude and Barbarous Neighbor," 105.
[19] Atkin, *Russia and Iran*, 105.
[20] D.M. Lang, *The Last Years of the Georgian Monarchy, 1658-1832* (New York: Columbia University Press, 1957), 252.
[21] Nikki Keddie, *Iran: Religion, Politics, and Society*, (London: Routledge, 1983), 42.

the returned Twelfth Imam could properly rule.[22] Therefore, the local rulers such as "landlords, tribal khans, … [and] ulama" all had interests in keeping the central Qajar government weak, so to leverage their own influence.[23] These khanates were not a homogenous Shia community: they had a mix of Sunni, Shi'a, Orthodox Christian, and Jewish communities, so Russian incursion affected each one differently.

Russian Xenophobia

During the reign of Alexander I (r. 1801-1825), Russia returned to the Caucasus mainly because Russian generals manipulated information, therefore tying the Empire down in the Caucasus. Historian and playwright Firouzeh Mostashari likens the Russian expansion into the Caucasus to French expansionism, which came due to the "creation of prancing pro-consuls and beribboned generals."[24] They believed they could fulfill Catherine's strategic goal, by carving out of the Caucasus a passage for war against the Ottomans. Therefore, they would prefer dominance over the Georgian population.[25] Moreover, Russian ministers of foreign affairs purposely undersold the required effort and resources it would take to properly annex Georgia.[26]

According to historian Robert Crews, Russian policy in the Caucasus developed in the context of "competitive... empire-building," and due to this, Alexander I and the Ottoman Sultan desired to "accommodate subjects" of minority faiths.[27]

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[22] Ibid.
[23] Ibid, 42.
[24] Mostashari, 12.
[25] Lang, *The Last Years of the Georgian Monarchy*, 249.
[26] Atkin, *Russia and Iran*, 50.
[27] Robert Crews, "Empire and the Confessional State: Islam and Religious Politics in Nineteenth-Century Russia," *The American Historical Review* 108, no. 1 (2003): 55, doi:10.1086/533045.

Alexander believed that treating the Georgians well would make Persian Muslims want to move to the Russian Empire.

Some Russian generals perceived Islam as inferior to Eastern Orthodoxy, and saw Islam as an "obstacle … [to be] tolerated," and at some point, destroyed. [28] However, any precepts of European or Western superiority were null, as many Russians at the time doubted "the authenticity of their own European character," and therefore could not have "absolute moral superiority vis-a-vis the Muslim highlanders."[29]

Russian generals showed xenophobic attitudes in their justifications for war, having used Islam as a "major identifying factor" of Caucasian populations. Persians and Russians at this time perceived each other as uncivilized. Such sentiment extended to Azerbaijan especially, which had a majority Muslim population. In official state documents, General V.N. Ivanenko referred to the Caucasian khanates not as khanates, but "Muslim provinces."[30] One Colonel Romanosov, later an academic, spoke about his military experiences in the Caucasus. He questioned whether Russia could "deny the salutary influence of the West on [its] development," and asked if the Russians did not have to "pay the debt of being civilized" by bringing that same influence "to the East." He towards the end stated that "Russia [had] honestly and conscientiously repaid its great debt to civilization."[31]

Holy War

Both Russia and Persia used concepts of holy war to justify conquest of infidels, but their actions demonstrate the contradictions of their claims. In the sixteenth century, for instance, Shah Ismail (1487-1524, r. 1501-24) claimed

[28] Ibid.
[29] Mostashari, *On the Religious Frontier*, 9.
[30] Ibid, 10.
[31] Mostashari, *On the Religious Frontier*, 9.

Georgia, which was "reasserted by Nadir Shah, Karin Khan Zand and Agha Muhammad Khan."[32] Agha Khan claimed ancient law deemed Tbilisi Persian territory, and yet in 1795, he destroyed it, massacring Christian civilian populations. Conversely, Alexander I wanted to appease Muslims and ease the annexation periods, but then replaced their laws.[33] However, neither Agha Khan nor Alexander completely controlled the state's religious policies, or their implementations and both regimes generally suffered from a decentralization of power in the Caucasus, leaving rule and military endeavors up to generals for the Russians, and Khans and ulama in the Persian khanates.

By the Qajar era, the ulama, Shi'a clerics who ran local communities, regained the influence that they had lost during the reign of Nader Shah (r. 1736-47). Firstly, because Shi'i spiritual leadership lay outside of Persia at the time the, "central government had no direct power of coercion over the Shi'i spiritual leaders."[34] For instance, the first Shi'a scholar recognized as the highest authority in law was Mohammad Hasan Najafi (c. 1788-1850). He authored the great legal work, *Jawahir al-Kalam* (Jewels of Speech), which represented a "triumph of the usuli school and the emergence of the institution of the supreme source for emulation." According to Cole, this represented the ulama regaining "influence they had lost under Nader Shah."[35]

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[32] Gavin R.G. Hambly, "Iran During the Reigns of Fath Ali Shah and Muhammad Shah," in *The Cambridge History of Iran: Vol. 7*, eds. Peter Avery, Gavin R.G. Hambly, Charles Melville (Cambridge: Cambridge University Press, 1991), 145.
[33] Atkin, *Russia and Iran*, 84.
[34] Nikki Keddie, *The Origins of the Religious Radical Alliance in Iran,* in *Iran: Religion, Politics, and Society,* ed. Nikki Keddi (London: Routledge, 1983), 55.
[35] Juan R. Cole, "Imami Jurisprudence and the Role of the Ulama" in *Religion and Politics in Iran*, ed. Nikki Keddie (New Haven: Yale University Press, 1983), 40.

Therefore, Khans and the ulama held this religious frontier together, not the Qajars. Keddie asserts the Qajars simply never had the "religious aura" of the Safavids.[36] The ulama claimed "textual authority" to protect their communities from "error and irreligion," under the auspice of the, "illegitimacy of all governments in times of Occultation."[37] They "collectively" assumed the *de facto* leadership roles alongside the khans, but were more often seen, "as the principal shield between [the populace] and the absolute authority of their monarch [Khan]," and the people appealed to them when "outrage[s] against law and justice" would occur.[38]

The question of holy war persisted throughout both wars, but truly began with the first (1804-1813). In 1810, the war caused the ulama to call for "jihad against the infidels," declaring that anyone who did not fight against the Russians was "an apostate and a follower of Satan."[39] Russian military officials in the Caucasus, Persian clerics and Khans, saw these battles as "essentially religious in nature."[40] This "religious fervor" inspired jihad literature such as the *Ahkam al-Jihad wa Asbab al-Rashad* and the *Jehadiyeh*, published in 1819.[41] Keddie correctly notes that "Iranian religion through the ages has been characterized as one of opposition, martyrdom, and revolt," and that overall, the activity of the ulama was largely "reactionary or xenophobic," but this conservatism and xenophobia was simply their natural response to Western incursions into their lands.[42] These specific *fatwas* were called *jihadiya*, treaties which "sanctioned the use of jihad for

[36] Keddie, *The Origins*, 55.
[37] Crews, "Empire," 69; Mangol Bayat, *Mysticism and Dissent: Socio-Religious Thought in Qajar Iran* (Syracuse: Syracuse University Press, 1982), 16.
[38] Bayat, *Mysticism and Dissent*,19.
[39] Matthee, "Facing a Rude and Barbarous Neighbor," 107.
[40] Crews, "Empire," 51. Also, "Persian" here is used only as a broad term to describe those inhabitants behind the rough borders of Qajar Persia.
[41] Matthee, "Facing a Rude and Barbarous Neighbor," 107.
[42] Keddie, *The Origins*, 109.

protection" of these areas.[43] During the period of these wars, not only did the ulama declare a general jihad, but there was a "spate of *jihadiya* literature" published.[44]

Many ulama perceived Russian incursion into the Caucasus as threatening to the only existing Twelver Shi'i state, to "true religion and to ulama prerogatives."[45] Despite this, not all the ulama supported Persia's wars. For example, Mirza Abd al-Vahhab Isfahani worked from 1821-25 as the Qajar minister of foreign affairs, alongside Halli Mirza Abu'l-Hassan Khan, who also opposed war with Russia in 1826, therefore "incurring the enmity of those *mujtahids* who were urging a *jihad* against the unbelievers."[46]

Moreover, the works of a poet named Mirza Abul-qasim Qa'im-maam Farahani (1779-1835) demonstrate the changing tune of clerics over time. He first supported the wars, calling back to the very image of Gog and Magog. He wrote that, "If Russia attacks in vengeance, act like the wall of Iskander [Alexander the Great]," which calls back immediately to the image of Gog and Magog. Further, the "parallel was not accidental," that the image of Gog and Magog, "is commonly believed by Muslims to be one of the apocalyptic 'conditions of the final hour.' "[47] Farahani soon realized Russia's military capability would overcome Persia's and he began to stress the "futility of *jihad*," in such a situation, believing that Persia should, "adopt a defensive posture that would ensure their peace and security," rather than pursuing further irredentist wars.[48]

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[43] Firoozeh Kashani-Sabet, "Fragile Frontiers: The Diminishing Domains of Qajar Iran," *International Journal of Middle East Studies* 29, no. 2 (1997): 210, http://www.jstor.org/stable/164017.
[44] Ibid.
[45] Keddie, *The Origins*, 55.
[46] Hambly, "Iran During the Reigns of Faith," 153.
[47] Abbas Amanat, " 'Russian Intrusion into the Guarded Domain': Reflections of a Qajar Statesman on European Expansion," *Journal of the American Oriental Society* 113, no. 1 (1993): 41, doi:10.2307/604195.
[48] Ibid, 49.

Gog and Magog

Looking at the 1804-13 war in hindsight, Russian Commander in Chief Alexander Petrovich Tormasov (1752-1819) admitted to the Empire's "inability to defeat" the Persians by "conventional military means," and remarked that although Russia had tried to "win over Iranian subjects," such subjects had become "disappointed by [Russia's] weak showing in the war."[49] On the other hand, the Iranian morale was "fairly good," and they fought with the added incentive of holy war against the Russians, and the promised spoils.[50]

One man, however, made dents in Persian morale and scarred Caucasian perceptions of Russians permanently. General Pavel Dmitriyevich Tsitsianov, a Georgian Orthodox Christian prince, began the first war under the banner of Orthodox Christianity and without alerting the Tsar beforehand. He quickly became associated with utter brutality, referred to as the, " 'shedder of blood' (*saffak*, who spilled the 'blood of innocent people like a flood') [by] historiographer Reza Qoli Khan Hedayat."[51] He soured Persian notions towards Russia by using campaigns featuring, "widespread rape of women, the killing of children, the destruction of mosques, and the wholesale burning of Muslim villages, [which] were also officially mobilized as a propaganda tool during these wars," by the ulama and the Russians alike.[52]

Tsitsianov desired to fulfil a marriage between Georgia and Russia. General Nikolay Alexeevich Tuchkov (d. 1812), thought that he purposefully "provoked confrontations with Muslim rulers because he wanted the opportunity to impress Alexander," and desired to reunite his homeland with Russia.[53] He demonstrated impatient behavior. Immediately after

[49] Atkin, *Russia*, 109.
[50] Ibid, 110.
[51] Matthee, "Rude," 107.
[52] Ibid.
[53] Atkin, *Russia*, 73-74.

reinstatement by Alexander I in 1803, he began to annex parts of western Georgia. Believing Ganje belonged to Georgia, "Tsitsianov invaded that khanate in late 1803," and sparked the first Russo-Persian War.[54]

According to Mostashari, Tsitsianov had a "quintessential authoritarian personality."[55] He had a distinctly cynical conception of warfare and life. In his mind, the only way to affect change was to agitate a population to incite its own self-interests.[56] In this context, forcing change included the massacres of civilians. Tsitsianov himself exemplifies a trend of Russian generals being "unable to logically justify their country's expansion," and who relied on ideas of "Russia's manifest destiny."[57]

The sack of Ganje in January of 1804 demonstrated his brutality, permanently scarring regional perceptions of Russia. Russian forces killed over three thousand civilians and the Khan himself, which resulted in the annexation of the khanate and its renaming to Elizavetpol, an act designed to spite the population.[58] They converted a mosque to an Orthodox church, an egregious insult which added to the religious aspects of this warfare.[59] Mostashari argues that this brutality was a "logical sequence in conquering the frontier," and that since the Russians had tried to offer "amicable measures" to the khans, they had no choice but to use violence in order to coerce.[60] A manipulator and authoritarian at his core, when confronted about the horrors of his campaigns, Tsitsianov stated that he "tried to protect the tsar's tender heart from the realities of the Caucasian conquests."[61] The brutality which Tsitsianov

[54] Ibid. 13.
[55] Mostashari, *Religious Frontier*, 15.
[56] Ibid, 10.
[57] Mostashari, *Religious Frontier*, 17.
[58] Ibid, 15.
[59] George A. Bournoutian, *The Khanate of Erevan Under Qajar Rule 1795-1828* (Santa Ana: Mazda Publishers, 1992), 14.
[60] Ibid.
[61] Mostashari, *Religious Frontier*, 16.

brought to the Caucasus created a strong image of the Russian Empire as incredibly dangerous for Muslims. Clearly the idea of holy war, justified through religious and chauvinistic means, played an integral role in the siege of Ganje.

After besieging Ganje in 1804, Tsitsianov promised to protect Armenian Christians from "Muslim coercion and robbery." Atkin asserts that such protection would likely "be interpreted broadly," perhaps just as Tbilisi was (not) protected in 1795.[62] The same fluidity of allegiance is reflected in some khan's reactions to Russian rule, that it was "no different from their former khans."[63] The war ended in 1813 with the Treaty of Gulistan, allowing Russia exclusive rights to the Caspian Sea, and asserting Russian influence over Qajar imperial succession.[64] [65] This decisive victory inflated the Russian generals' unrealistic ideas of their own capabilities, which they then used to justify more campaigns in Armenia and Azerbaijan.[66]

Russian Colonial Administration

Alexander I attempted to accommodate the customs of newly annexed territories. Russia respected local laws and traditions while gradually introducing Russian law over time, thinking tolerance "beneficial to the local welfare," and that only loyalty would keep the Russian Empire "intact."[67] According to Robert Crews, after annexation, the Russians were not, "exclusively concerned with expelling or converting its Muslim subjects."[68] However, they did not truly respect local laws and customs, or the civilians.

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[62] Atkin, *Russia*, 83.
[63] Firouzeh, *Religious Frontier*, 22.
[64] "GOLESTĀN TREATY," *Encyclopedia Iranica*, Encyclopedia Iranica, accessed October 22, 2017, http://www.iranicaonline.org/articles/golestan-treaty.
[65] Ibid.
[66] Matthee, "Rude," 107.
[67] Mostashari, *Religious Frontier*, 21.
[68] Crews, "Empire and Confessional," 51.

Alexander's administrators used "imaginative translation of religious concepts" to understand local religious customs, an attitude which would distort proper assimilation. Some saw Islam as a "familiar, if imperfect, faith," while Tsitsianov thought differently.[69] Administrators felt that they had "paid dearly to 'civilize' the region," and therefore should be rewarded with annexation.[70] Likewise, they saw Caucasian Muslims as simply tribal, and nothing impressive. Mostashari cites Russian imperial historian V.I. Velichko, writing that in Russia, "tribes are plenty, but it may be that only one nation [Russia] exists, because nationhood is determined by having a flag, that is, the symbol of statehood."[71]

Despite a definitive formula for assimilating territories, such processes failed. The Russians ultimately "failed to attract the local Muslim population and instead gave rise to dissidence."[72] First came subjugation, then the introduction of "Russian political forms," and gradual replacement of "local laws with imperial law," and lastly, "incorporation of this periphery into the Russian center." Mostashari notes that, interestingly, Azerbaijan had been acquired by force, but Muslim leaders viewed the Russians "ambivalently" and "never entirely" trusted or rejected their presence. She goes on to assert that "religion of course played a significant role in this mutual agreement," further demonstrating the complexities of these relations.[73] Ironically, the complex local dynamics combined with an aggravated population contributed to the fluid allegiances, and general anarchy, that allowed Russia to conquer these regions in the first place.

The Tsar and his officials understood Islam only in the simplest of terms. According to Crews, authorities had "novel"

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[69] Crews, "Empire and Confessional," 56-57. Tsitsianov's death during the Siege of Baku in 1806 pleased many.
[70] Mostashari, *Religious Frontier*, 8.
[71] Ibid..
[72] Ibid, 3.
[73] Mostashari, *Religious Frontier*, 13.

interpretations of Sharia and often followed the directive of Saint Petersburg on paper, while allowing "the mufti and judges (*kadis*)," to capitalize, "on official support to pursue their own agenda." They worked with local police forces in order to secure their own version of orthodoxy, which ranged from Hanafi to Naqshbandi Sufi ways of governing.[74]

Administrators often did not understand how "Orthodoxy" applied to Islam or Judaism and could not properly rule an annexed population, or leave them alone. Russian Orthodoxy dictated imperial law, and administrators only desired to empower clerics they deemed Orthodox. Russian bureaucrats would intentionally "intervene in areas that they claimed in the name of the state," when really the state should have had no say. This included, "questions of dogma, ritual, and ecclesiastical organization."[75] For instance, Russian authorities hardly understood Jewish communities. Neither Islam nor Judaism had the same ecclesiastical structure as Orthodox Christianity. In Islamic communities in particular, "[Russian] legislation inspired by Orthodox ecclesiology set apart an ecclesiastical elite from lay society," giving clerics more of an entrenched power over the populations that they previously had. Some assimilating imams took directives from St. Petersburg, highlighting the fluidity of allegiances, and how it took second place to questions of security or geopolitics.[76]

Under Russian rule, Muslims could access domestic institutions, "devoted to cultivating Muslim piety and learning within Russia."[77] Local government empowered the Islamic establishment to thrive. Muslims could look to their community confidently to resolve, "difficult religious questions, oversee appointments to mosques and schools." This religious freedom was upheld by the Russian police force, led

[74] Crews, "Empire and Confessional," 68.
[75] Ibid, 60.
[76] Ibid, 68.
[77] Robert Crews, *For Prophet and Tsar*, (Cambridge: Harvard University Press, 2009), 32-33.

by the Russian administration. Allowing a space for Muslims to live unperturbed had the effect of a tighter, more legitimized Russian autocracy in the region, as well as that for the clerics.[78]

Local populations often exercised limited sovereignty over their own religious lives. Firstly, migration to and from Persia and Russia demonstrates this. Muslim populations in the Russian Caucasus often fixed the mistakes of their religious clerics.[79] In accordance with Tsarist authorities, clerics created, "statistics, archives, examinations, and inspections as measures of internal social control," statistical systems in order to promote a more, "systematic and uniform application," in order to help the government, "[levy]taxes and recruits." Muslims and Jews alike aided in this, but in order to do so, they had to limit the ability for tsarist authorities to intervene in religious matters.[80] At the same time, the populations took it upon themselves to directly influence the way that the law influenced them. Through groups of translators, Muslims would learn and develop "novel rhetorical strategies" to make their own cases, while "integrating tsarist law codes, decrees, and procedure alongside appeals to the tsar and imperial family, the Qur'an, the sayings and acts of the Prophet."[81] However, in the day to day, Crews asserts that, "these concepts entered the vocabulary of officialdom only in the last years of the regime and had a very limited impact on state policies and popular politics."[82] All in all, despite the territorial gains made by the Russians they succeeded in antagonizing Caucasian populations as well as Persians.

Conclusion

The chaos of the Caucasus highlights the effects that an individual actor can have on a region. Though some actors,

[78] Ibid.
[79] Crews, "Empire and Confessional," 71.
[80] Ibid, 67.
[81] Ibid, 72.
[82] Ibid, 83.

such as Tsitianov or the region's khans, made religious justifications for warfare, they often reversed their own promises and sometimes even altogether ignored the religious aspects of their justifications of conquest. Ultimately, the volatility of the region during from 1804-1828 demonstrates the often-fluctuating importance of religion to military alliance. Despite the seemingly all-encompassing role of religion in this region, calls for holy war played a part only when it could be used towards the larger aims of those in charge.

Female Criminals in the Victorian Era: Guilty until Proven Insane?

Abigail Wood

British citizens in The Victorian Era were no strangers to crime. The people of this time witnessed a wide variety of crimes and a clear-cut separation between men and women. Ideas of gender differences were popular during the Victorian Era, specifically the notion of male superiority. The idea was so embedded in Victorian culture that it "made it especially difficult for the English to believe that women would harbor, let alone indulge, murderous impulses."[1] Society expected women of this time to adhere to traditional gender norms in acting "passive, respectable and virtuous."[2] Acting against these norms could place women in the category of a 'witch' or a 'fallen-woman'. Since the women of this time were denied economic and political power, they were thought to behave in such a way as to avoid being labeled negatively in order to maintain the only status they could earn, the status of respectability.[3]

[1] Knelman, Judith. "Women murderers in Victorian Britain." *History Today* 48, no. 8 (August 1998): 9. *MasterFILE Premier*, EBSCO*host* (accessed March 29, 2018).
[2] Zedner, Lucia Helen. *Women, Crime, and Custody in Victorian England*. Oxford: Clarendon Press, 2002.
[3] Ibid.

Victorian women were not only expected to act a certain way but also to maintain a certain appearance, acting 'deviantly' tarnished both of these Victorian ideals for women. An article from 1866 in *Cornhill Magazine* stated the supposed relationship between a woman's composure and her behavior stating, "When a woman gets to be utterly careless of her personal appearance [or] personal cleanliness, you may be sure that she is careful for nothing else that is good."[4] In a way, a deviant woman of this time was not someone who acted out against the law, but rather went against the way a woman was expected to act. To the people of Victorian Britain, the crime committed did not matter, the public went to extreme lengths to label women criminals with a neurological disorder or simply as pure evil, in order to better fit their views on femininity. Victorians' views of women and their infatuation with female criminals often forced the people of this time label women criminals as mentally ill to better explain this "phenomenon." Labeling these women in such a way did, however, work in the women's favor occasionally. With the establishment of the M'Naghten Rule (1843), a person who was 'mentally unhealthy' at the time of the criminal act could not be held responsible for the crime and thus was found innocent of all charges in the name of insanity. In being able to plead insanity, it often allowed women to avoid jail or potentially the death penalty, and rather be admitted to an insane asylum, or even be released of any punishment.

Female criminals were at the center of both the public's' fascination and incomprehension. To the people of the Victorian Era, the female criminal abandoned the tenets of her femininity and forced society to find a way to label her that supported the prevailing ideas of femininity. Not only was society more infatuated with female over male criminals, but societal views also played a large part in the verdict of cases involving female murderers. Throughout the Victorian Era,

[4] Owen, M.E. *Criminal Women*. Cornhill Magazine 14 (1866), 155.

there were three main categories in which a female criminal typically fell. The first was that she was seen as a deviant woman, "Victorian criminology represented criminal women as utterly depraved and corrupted beyond repair."[5] Second, she could be pitied it was not an uncommon belief that women had committed crimes in reaction to a man's action. And finally, they could simply been labeled mentally insane whether a kleptomaniac, hysterical or acting as a result of the menstrual cycle. All three were results of the powerful stigma surrounding femininity during this time and female criminals apparent disregard for the 'right way' for a woman of this time to act.

When exploring crime, there is always the issue of "the dark figure" of crime, which explains the unreported or undiscovered crimes that have occurred. Women are potentially underrepresented in a number of crimes, but especially murder for this reason. In *Victorian Murderesses*, Mary S. Hartman brings support to this claim. She explains that records of infanticide are unreliable because many women were acquitted and another large portion were concealed. Also, poison was popular among murderesses, but women who had poisoned many were only "apprehended on the 'last' occasion [supporting] the view that many deaths by poison which went undetected were women's crimes." Thus, "it is possible that social attitudes of greater leniency towards women kept some murderesses out of the hands of the law, and also that women's own socially conditioned skill in dissimulation gave some of them an edge. Taking all these factors into account, it may be that women's 'real' figures for murder exceeded those of men"[6] Circumstances such as those expressed by Hartman can make statistics unreliable, and others inadmissible.

[5] Zedner, Lucia Helen. *Women, Crime, and Custody in Victorian England*, 43.
[6] Hartman, Mary S. *Victorian Murderesses*. New York: Pocket Books, 1978, 5.

This ‘dark figure of crime’ is also evident in Victorian Newspapers. The articles were often biased, reporting only the lower class criminals, and omitting the upper-class ones and even exaggerating stories to better sell their publications, especially those involving female criminals. In *Women Murderers in Victorian Britain*, Judith Knelman explains, “from about 1830, newspapers faithfully recorded all the physical and psychological details they could muster of the few women who were persecuted for murder. Before that, newspaper reports of murder cases were fairly short and to the point,” stating solely that an execution date had been set.[7] The fascination with women criminals and the lack of interest in male criminals during this time is not only a clear indication of Victorian Era views on gender but also exemplifies the biased nature of the press.

Historians have explored Victorian Era crime in great depth. Many, if not all, seem to agree that there is a correlation and a social stigma between crime, punishment, and gender. Historian J. Carter Wood explains “attitudes towards violence [in nineteenth-century England were] inextricably connected to issues of identity, class hierarchy, institutional development, codes of behavior, views of recreation, the nature of private and public spaces, and societal arrangements.”[8] In doing so, he further ties the relationships between crime and societal views. Jill Newton Ainsley writes about women criminals being labeled insane stating, “conflation of female violence and insanity may have saved many women from the gallows, but it denied women's agency in violent criminal acts and reinforced the negative stereotype of women as mentally and emotionally

[7] Knelman, Judith. "Women Murderers in Victorian Britain." *History Today* 48, no. 8 (August 1998): 9. *MasterFILE Premier*, EBSCO*host* (accessed March 29, 2018).

[8] Carter Wood, J. Violence and Crime in Nineteenth-Century England: The Shadow of Our Refinement. London: Routledge, 2004, 15.

weak."[9] Meaning, by labeling female criminals insane, women are further exemplified as the inferior sex and pushed further into the private sphere. This notion is further supported in *The Female Malady: Women, Madness and English Culture, 1830-1980,* Showalter argues that in the nineteenth-century insanity was associated solely as a women's disease and demonstrates that women were more often portrayed, and acquitted on these terms.

It is important to note that originally, women who fell to temptations and committed crimes of any nature were portrayed as evil beings. They did not always receive public sympathy or the ability to plea insanity. These women were thought to have completely thrown away all morals and ideals of womanhood during this time. In doing so, "such women, having betrayed the trust of their nearest and dearest, could not be understood as women, and so they were loudly derided as traitors to their sex."[10] These 'unlady-like' actions begged for an explanation. It led newspapers and magazines to depict these women as monsters to play into society's frustrations with fragile individuals being capable of such demonic acts. A publication by M.E. Owen in *Cornhill Magazine* described criminal women as "more uncivilized than the savage, more degraded than the slave, less true to all natural and womanly instincts than the untutored spaw of North American Indian tribe."[11] The people believed these women were monsters because they "had behaved in an extremely unnatural way. She was an outsider who refused to abide by the rules of society."[12] Victorian's believed "the idealization of femininity attempted to raise women to an ideal model of virtue."

[9] Ainsley, Jill N.. "'Some mysterious agency': Women, Violent Crime, and the Insanity Acquittal in the Victorian Courtroom." Canadian Journal of (n.d.): (37.)
[10] Knelman, Judith. "Women Murderers in Victorian Britain."
[11] Owen, M.E. *Criminal Women*. Cornhill Magazine 14 (1866), 155.
[12] Ibid.

Before Victorians were interested in establishing a 'medical' reasoning behind the motive, "the criminal woman was condemned far more harshly than her male counterpart, since he was only seen to be enacting man's natural sense of adventure."[13] So, a criminal act carried out by a man was more easily believable because of the characteristics associated with masculinity. According to the Directors of Millbank, a London prison, the public opinion of this time was that women were "The gentler sex, as a whole, [and] are superior in virtue to the sterner sex; but when a woman falls, she seems to possess a capacity almost beyond man, for running into all that is evil."[14] The female criminal had always been linked to her femininity, there were just shifts throughout the Victorian Era revolving around the ideal female. It has been observed that the "changing explanations of female criminality over the course of the century mirrored shifting views of women and prevailing social issues quite as much as trends in the nascent science of criminology."[15]

Manipulative Men: Women Criminals as Victims of the Patriarchy

Later, the Victorian Era saw a switch from viewing a female criminal as an evil being to a damsel who had acted either in reaction or as an accomplice to, someone who was capable of such acts, a man. Across a number of cases and circumstances, a married woman "was not answerable for offenses committed in the presence of her husband, on the supposition that she acted under his direction."[16] Male criminals commonly took

[13] Zedner, Lucia Helen. *Women, Crime, and Custody in Victorian England*. Oxford: Clarendon Press, 2002, 40.

[14] Reports of the Directors of Convict Prison (RDCP), Millbank for 1859, PP 35 (1860), 486.

[15] Zedner, Lucia Helen. *Women, Crime, and Custody in Victorian England*, 3.

[16] Tobias, John J. *Urban Crime in Victorian England: Introd. by Edwin M. Schur*. New York: Schocken Books, 1972, 93.

advantage of the perceived innocence of the opposite sex. Thus, it was not uncommon for women to be an accomplice to a crime, in fact, they were the ideal part for the role. Societies view of women gave them an advantage, they were less likely to be stopped, searched and questioned by police officers. Male house-breakers would often have women carry their tools "to and from the scene of operations so that if he were stopped and searched by a too-curious policeman the incriminating equipment would not be found on him; for the same reason [the women] would often be entrusted with the stolen property."[17]

Although, "women of the criminal class [in Victorian Britain] did not, of course, restrict their activities to aiding the men; many of them were thieves themselves."[18] Women that were searched were typically arrested on charges of prostitution and there was a high correlation between prostitution and thievery. Although prostitution was legal, it was believed that once a woman threw away their respectability by becoming a prostitute, she was likely to "fall in even greater depths than the male criminal."[19] Prostitutes were often associated with thefts and other crimes. It was believed many of them used prostitution as a way to access well-off men in order to rob them. So, in the rare instance that women were actually searched, it was not as thorough as a search of a man. Women took advantage of this. They became masters at hiding their loot.

In 1837, Ellen Reece was a prostitute sentenced to 14 years transportation would often steal from her 'clients.' She explained she and others hid money and other small loots in "pockets in the underside of the [corsets] towards the lower part. . . Also [by] wrapping it in a piece of rag or paper and putting it in the hair. [Or] putting it where decency forbids to

[17] Ibid, 92.
[18] Ibid.
[19] Zedner, Lucia Helen. *Women, Crime, and Custody in Victorian England*, 2-3.

name."[20] These women would go to such lengths out of fear of being caught, but also because they knew they could get away with it. On the other hand, thieves would often collude with prostitutes. These women would set off a riot to distract and divert the police force from the actual crime, the burglary. If in the off chance, the accomplices were caught it was not uncommon for the woman to be deemed not guilty in the name of being put up to it by her male counterpart and having no other choice but to give into their superior.

The notion of women being manipulated by men brings about another defense women were able to use to their advantage. If a woman was standing trial for murder it was not uncommon for them to play into the public's belief that women were the weaker sex. These women played into their assumed innocence and the Victorian citizens' ignorance that women were incapable of crime and portrayed themselves as victims of abuse and claimed they had acted in self-defense. The citizens would often feel sympathy for the murderesses because they believed these women must have committed the crime because they themselves were "the victim of a situation that she had been put into by a man."[21] Meaning, they believed a woman had acted out in a reaction to constant abuse, the discovery of an affair, anything that a man could do to push a woman to that point. In this way, these women were not criminals but rather battered women who acted out in a fit of rage. Perhaps even going as far to blame it on the menstrual cycle and its supposed effects on the female brain. Thus, this led the courts to look for the 'real criminal', the man who had pushed the woman to act out in such a way.

The case of Madeleine Smith is a key representation of this belief. At 19, Smith became intertwined in a secret romance with Emile L'Angelier. He was a man of a lower class than Smith, something her parents surely frowned upon, hence

[20] Cited in: Tobias, John J. *Urban Crime in Victorian England*, 94.
[21] Hysell, James. "Violent Crime in Victorian England: A Gender Analysis of Sherlock Holmes." *Historia*, 242-49.

the secrecy surrounding their relationship. The two exchanged letters which described the seriousness of their relationship, their eventual plans to marry and eventually Smith's unsuccessful attempts to break off the relationship. Eventually, Smith found herself set to marry another man of her father's choosing and when L'Angelier caught wind of these plans he felt betrayed and threatened to expose Smith and show her father their letters. Soon after their dispute, on March 22, 1857, L'Angelier was found dead and an autopsy confirmed that it was death by arsenic poisoning, a substance Smith had reportedly purchased just days prior. The discovery of this purchase and the letters between the two made Smith's guilt apparent. However, her gender and her hierarchy over L'Angelier called for Smith's acquittal, "and the decision was greeted with loud cheers in the courtroom."[22] Madeleine Smith was pitied and even seen as a victim of a man who had taken advantage of her status, rather than a criminal who had taken a life. The public "either stoutly maintained her innocence or else defended her for taking righteous revenge against a depraved fortune-hunter and seducer."[23]

Women Quite Literally Getting Away with Murder

Victorians fascination with the female criminal led to the search for a deeper explanation for the crimes of women, and they turned to science. As previously discussed, early Victorians believed that women criminals were 'fallen' individuals and this was why there were often repeat offenses among so many of them, because they had turned to crime and they were irreparable. This belief endured until they acknowledged that perhaps the issue was with the stigma surrounding the female criminal. Any woman who had committed a crime of any degree would lose all respectability and many jobs available to women. Housework and servantry

[22] Hartman, Mary S. *Victorian Murderesses*. New York: Pocket Books, 1978, 54.
[23] Ibid.

hinged upon them being trustworthy individuals. Thus, these criminal women found it hard to get a job, and hard to provide for themselves so they would have to again turn to criminal acts like thievery to support themselves. It was this realization that it was the stigma surrounding women criminals that forced them to be habitual offenders linked them to 'moral insensibility' which eventually led to "mental incapacity, or 'feeble-mindedness'" causing the switch from criminal woman as being deviant, impure, and beyond repair, to simply acting out as a result of being mentally unstable in one way or another.[24]

The definition of 'Feeble-mindedness', or rather lack thereof, allowed it to cover a broad category. It could describe "a somewhat blighted mental state in people who were otherwise in every way normal, or it could represent only the most clearly visible characteristic of an entirely distinct group whose very constitutions were pathological."[25] This ambiguity of the term was beneficial in being able to label a broad range of women criminals as such. Thus, the Victorians began linking female criminals' actions to the mental instability of all females and often relied on the female anatomy for an explanation. People of the Victorian Era believed "puberty, menstruation, pregnancy, and menopause were so debilitating that women [were] left barely fit for 'normal life."[26] Much of the credit of the switch from devious to diseased is owed to Cesare Lombroso. He was a criminologist who, in his work, explained the 'science' behind female criminals. He argued that physical attributes were being related to criminal acts. He claimed, for example, while prostitutes frequently had "moles, hairiness, prehensile feet, virile larynx, large jaws and cheekbones, and above all anomalous teeth" those who

[24] Zedner, Lucia Helen. *Women, Crime, and Custody in Victorian England,* 43-47.
[25] Ibid. 271.
[26] Zedner, Lucia Helen. *Women, Crime, and Custody in Victorian England.* Pg. 81

committed infanticides typically had "peculiarities of the ears and hydrocephalic heads."[27] He also explained in great depth that women are less developed biologically than men. In doing so, Lombroso "had stigmatized women as physically diseased, so criminologists came to see the criminal woman as mentally deficit or sick. . . it suggested that female crime was preeminently pathological, with the result that judgment became less pertinent than diagnosis."[28] These women's "madness relieves [them] of responsibility for their actions, denying them moral agency."[29]

In order to avoid a bad image and a worse punishment, women standing trial for murder were often portrayed as mentally insane in order to avoid the death penalty. Instead, they'd be sent to an asylum or completely relieved of all punishment and charges. With a shift of focus to the mental state of the criminal at the time of the murder, "violent women [were] treated more leniently by the courts if they [could] be represented as mad since their alleged pathology separates them safely from ordinary womanhood."[30] Mary Ann Brough is a prime example of the link Victorians believed they had found between femininity, mental status, and murder. Brough stood trial in 1854 for slashing the throats of six of her children and then unsuccessfully attempting suicide. Her trial was not to determine her guilt, because she had confessed, but it was to determine "whether or not she was legally responsible for her actions."[31] With the help of her lawyer, and a psychiatrist stating she had a "diseased brain" she was found "guilty but

[27] Lombroso, Caesar and William Ferrero, *The Female Offender*. D. Appleton and Company, 1895, 85-86.
[28] Ibid, 83.
[29] Myers, Alice. *No Angels: Women Who Commit Violence*. London: Pandora, 1996, xiii.
[30] Myers, Alice. *No Angels: Women Who Commit Violence*. London: Pandora, 1996, xiii.
[31] Ibid.

insane" and was sent to an asylum, where she spent the rest of her days.

Depicting female criminals as insane not only potentially stripped women of their agency but also reinforced societies perception of women as mentally and emotionally unstable, playing into the theory of male superiority.[32] Although, on the other hand, this depiction of women worked to their benefit in some regards. Proportionally, more women's lives were spared from the death penalty by being deemed insane. Statistically, "more men were acquitted on the ground of insanity than women, but far more men were placed on trial for violent crimes. In proportional terms, women were twice as likely to receive an insanity acquittal and, although the best-known homicidal lunatics may have been men, alleged murderesses were declared insane more frequently than alleged murderers."[33] Thus, it was not uncommon for women to use this plea to their advantage, playing into the role of a mentally unfit woman who could not control her actions.

Infanticide is an interesting crime to explore in terms of punishment for it is almost entirely committed by women. Being that the act fell under the category of murder, it held a capital punishment thus, great measures were often taken to "deny the responsibility of the infanticidal mother were primarily motivated by the desire to save her from the death penalty."[34] The reasonings behind acquittal fall into legal, social, and 'scientific' reasonings - all, of course, driven by the idea of women as lesser than their male counterpart. For one, these "women were not seen as a serious threat to the social order," being that their victims were babies, typically, newborns, "who were scarcely full members of society."[35] Lucia Zender offers the probable explanation that commonality

[32] Ainsley, Jill N.. "'Some mysterious agency.'"
[33] Ibid.
[34] Zedner, Lucia Helen. *Women, Crime, and Custody in Victorian England*. Oxford: Clarendon Press, 2002, 89.
[35] Zedner, Lucia Helen. *Women, Crime, and Custody*, 90.

of infant mortality in the Victorian Era lessened the worth of a child's life and thus the severity of the crime. In addition, all women were seen as mentally deranged by biological makeup, but childbirth was thought to throw this already unstable human being into a dangerous state. Thus, "such women were not considered fully responsible for their actions, they were held to be inappropriate objects of punishment."[36] Their actions were associated with the contraction of diseases such as 'puerperal mania' a psychological disorder following childbirth, or 'lactational insanity', which was believed to be a result of breastfeeding and used to defend women who had murdered an infant rather than a newborn. However, there may have been a grain of truth behind this disease because these women were typically malnourished and continued to breastfeed potentially leading to some form of insanity.

Women who committed infanticide were not seen as deviant, but rather the opposite. Their actions seemed to actually align not only with the subordination of women to men but also the perception of weakness and fragility associated with women of this era. The former can be seen in the implementation of the bastardy clauses of the New Poor Laws (1834), under which a man was relieved of responsibility for an illegitimate child. It was originally believed cases of infanticide were typically a result of men placing pressure on their expecting mistress until they finally broke. This rationale led to the belief that the Bastardy Clause would reduce the number of infanticides by alleviating the pressure on women.[37] However, this did not appear to hold true. It was often poverty and the inability to provide for the child that drove women to infanticide. Financial struggles both directly and indirectly led to infanticide. Directly because these women just didn't have the means to be the sole provider for a child and were left with no other option or indirectly because these mothers found

[36] Ibid.
[37] Rose, Lionel. *Massacre of the Innocents: Infanticide in Great Britain 1800-1939*. Routledge & Kegan Paul, 1986, 245.

themselves malnourished but continued to breastfeed leading to, what Victorians labeled as 'lactational insanity,' which was grounds for acquittal in an infanticide case.[38] Thus the clause may have actually caused an increase in the statistics of this particular offense because releasing the man from fatherly duties left poor mothers with little choice. Although infanticide was a prime example of the hardships faced by lower-class women, the courts were more interested in psychological reasonings, which is not surprising considering the Victorians' fascination with mental disorders in female criminals. To the people of this time, it was "preferable to understand [this crime] in physiological terms than to probe too deeply their social and economic predicament which would have much wider ramifications."[39]

Weakness and fragility of women in regards to infanticide were often expressed during the trial. The lack of reliable forensic tests called for the "circumstantial detail of the mother's' actions and their situations necessitated the telling of their stories and thus granted these women a voice."[40] However, whether they were aware of it or not, these women were able to use their voice and societies perception of them to their advantage. Mary Robinson and Sarah Bly were tried for infanticide in 1850 and 1851 respectively. The *Bury and Norwich Post* wrote that Mary Robinson "showed symptoms of fainting and spoke in a tremulous voice." While Sarah Bly, "pleaded guilty in a very feeble tone of voice and was evidently laboring under considerable emotion."[41] Whether intentional or not, carrying themselves in such a way, and the press' portrayal of these women played into the supposed fragility of the female sex. While the newspaper's portrayal of

[38] Zedner, Lucia Helen. *Women, Crime, and Custody,* 89.
[39] Startup, Radojka. *Damaging Females: Representations of Women as Victims and Perpetrators of Crime in the Mid-nineteenth Century*. University of London, 2000, 296.
[40] Ibid, 287.
[41] *Bury and Norwich Post,* April 7, 1850. April 9, 1851.

these women with an "emphasis on their emotionalism and distress" made it hard to believe they were capable of committing "such violent crimes against their own offspring with any degree of rationality or self-control."[42]

Shoplifting was another crime that had high numbers of female involvement. The emergence of the crime and its increase in popularity, like the others discussed, called for the labeling of the women who committed the offense. This led to the adoption of the term "kleptomaniac" which psychiatrists used to explain these women's behavior. The difference, however, was the role of class was also added. A lower class female who stole was a thief. A middle-class woman who stole was a "kleptomaniac"; a sorry woman who didn't know any better because she was not in the right mind at the time of the crime. Eliane Abelson explains, "on the surface of a relatively benign label, the diagnosis of kleptomania was, in fact, a heavily value-laden, demeaning judgment about women and female sexuality."[43] Some kleptomaniacs stole from friends and family, most commonly, however, women stole from department stores. The women who committed this crime were thought to be a victim of the overwhelming allure of these stores and its contents. Since women of this time were already thought to be unstable, these factors combined caused them to throw away any moral values and fall into the crime, which led to the belief that kleptomania was the driving force behind these women's actions.

Another important feature of the 'kleptomaniac defense' was that the "choice of objects stolen made no rational sense; they were useless to the thief, they were often cheap items, and they were seldom unwrapped or used."[44] This was

[42] Startup, Radojka. *Damaging Females: Representations of Women*, 286.
[43] Abelson, Elaine S. *"When Ladies Go A-thieving": The Department Store, Shoplifting and the Contradictions of Consumerism, 1870-1914*. 1986, 174.
[44] Fullerton, Ronald A., and Girish N. Punj. "Shoplifting as Moral Insanity: Historical Perspectives on Kleptomania." *Journal of Macromarketing* 24, no. 1 (2004): 8-16. doi:10.1177/0276146704263811, 11.

an essential factor in the court's decision on whether or not the act could be considered kleptomania because if the woman had no use for the poached goods then she must have acted in a way that was beyond her control, that she was not in the right state of mind at the time of the crime. For some, however, this was not enough. The fact that these goods were of no use to the woman perplexed many and led them to try and find underlying causes of kleptomania. Many tied the behavior to the femininity and sexuality of a woman. Many listed hysteria, menstruation, unfulfilled sexuality and menopause as causes and contributing factors to kleptomania.[45] In the case of Charlotte Annie Fitzgerald, on trial for stealing a gold pencil case, gold necklace, and a diamond ring, Dr. Walter Fergus testified that he "saw her both by day and night, and her state was then such as I have had to designate erotomania, which is a mental disease, analogous with pyromania and kleptomania."[46] Fergus' diagnosis bound together the relationship between science and crime, and thus, Fitzgerald was found innocent on the ground of insanity, and specifically, kleptomania.

Mrs. Ella Castle represents another woman who supposedly had succumbed to kleptomania. She and her husband were American tourists arrested in London for shoplifting. When brought to trial, "her behavior and past history were minutely scrutinized and became the focus of the case," and although she admitted her guilt, "she appeared not as a thief but as a mentally unstable, physically ill woman who, from the onset of puberty. . .had evidenced mental troubles incidental to female life."[47] With kleptomania and her status as a wealthy woman working in her defense, she was relieved of charges and her husband exonerated, for he was merely an accomplice to his mentally unstable wife. Dr. S. Weir Mitchell

[45] Ibid.
[46] Dr. Walter Fergus' testimony in *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 8.0, 02 May 2018), October 1873, trial of CHARLOTTE ANNIE FITZGERALD (33) (t18731027-675).
[47] Abelson, Elaine S. *"When Ladies Go A-thieving"*, 175.

was called to the case and explained, "I think her hysterical, weak, and unbalanced, but not criminal."[48] Once again, the court was not interested in whether or not the woman was guilty of the crime, but more concerned with what drove her to act this way. She was a victim of an illness, not a criminal. Pitied for her biological composition as a woman rather than seen as someone who deserved to be punished.

The exploration of femininity and crime raises interesting questions crime and gender. Male criminals were thought to be acting out in such a way that could potentially align with their gender, while female criminals not only broke the law but also any moral codes surrounding their womanhood. Perhaps this is because of the public's fear and disbelief that a woman was capable of acting in such a way.[49] Being that Victorian society had a distinct idea of the ways in which a woman should act and dress, those who acted out against these beliefs were labeled deviant beings. Whether they could be forgiven for these actions was for the court to decide in the name of insanity. No matter if the female criminals were pitied, 'mentally insane', or viewed as evil, all were a result of the stigmas surrounding femininity and societies inability to fathom that a woman was capable of such an act. It is possible that societies perception of women as weak individuals stripped them of some agency in some instances. But in the case of women criminals, it was not uncommon for these women to use this to their advantage, in a way, secretly gaining agency. They were able to take society's perceptions of them and twist them to their advantage avoiding punishment numerous times, even for serious crimes. Whether these women were convicted or excused, they "were almost never presented as the women they were. They assumed multiple identities fashioned both by themselves and by others." Whether these masks worked to women criminals benefit in

[48] Mitchell, S. Weir. "*Relations of Nervous Disorders*." American Journal of Insanity. April 1897, 35.
[49] Zedner, Lucia Helen. *Women, Crime, and Custody*, 297.

cases of the insanity plea, or not, in the case of harsher punishments, "they served to shield contemporaries from the disturbing countenances of real women."[50] Which was the ultimate goal of Victorian Society.

[50] Hartman, Mary S. *Victorian Murderesses*, 255.

A Nation of Drugs: Opioid Pharmaceuticals & Medicinal Cannabis

Larry Wu

Introduction: A Present History

The war to push back against the ongoing opioid crisis continues and shows no signs of slowing down. On April 12th, 2018, the New York Daily News reported an opioid related drug bust that resulted in the apprehension of three men for the sale of fentanyl laced heroin.[1] One was charged with a firearm possession while almost six hundred thousand dollars in cash was found at the drug dealers' properties in Queens. This bust, in my own neighborhood of Bensonhurst, Brooklyn, was only one of a series of police operations taking place through New York City.[2] An earlier NYPD bust in December arrested nine individuals for allegedly selling fentanyl, heroin, and cocaine in Jamaica, Queens.[3]

Cases like this are not exclusive to New York City but are reflective of the larger opioid epidemic that has plagued

[1] John Annese, "Cops Cripple Brooklyn Pusher 'Palace' Linked to Opioid Deaths," *New York Daily News*, April 12th, 2018.

[2] The effects of the opioid crisis has infiltrated into a wide range of American communities. My neighborhood witnessed first-hand the loss associated with opioid abuse when my high school classmate, Ashely, lost her life to OxyContin overdose in 2014. Ashely's spirit remains with us and further inspired me to bring light to this pressing issue.

[3] Annese, "Cops Cripple Brooklyn Pusher 'Palace' Linked to Opioid Deaths."

countless American cities, towns, and communities. It has infiltrated not only the underworld of dealers and criminals, but the private homes of middle and upper class citizens. The New York Times summarized the severity and far reach of the national epidemic by stating on October 26th, 2017: "The current opioid epidemic is the deadliest drug crisis in American history. Overdoses, fueled by opioids, are the leading cause of death for Americans under 50 years old killing roughly 64,000 people last year, more than guns or car accidents, and doing so at a pace faster than the H.I.V. epidemic did at its peak."[4]

These figures were not an exaggeration. Furthermore, the American Society of Addiction and Medicine stated that in 2016 alone, two million people were reported with opioid use disorders while the total opioid death toll climbed to a reported two hundred thousand.[5] More alarmingly, historic observations of the opioid crisis have shown that the various components of the opioid crisis: opioid prescriptions, opioid addiction, opioid overdose, and opioid related mortality have all grown in unison. From 1999 to 2008, overdose death rate, substance use disorder, and opioid sales have all grown together.[6] The influx of pharmaceutical opioids onto the streets: oxycodone, hydrocodone, morphine, and fentanyl have spread across various demographics, grabbing the attention of public health officials.

As the human cost of opioids has become increasingly visible, the Trump Administration declared the opioid crisis a public health emergency and responses were addressed to the issue in early 2018. The guideline laid out by the National

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[4] Maya Salam, "The Opioid Epidemic: A Crisis Years in the Making," *The New York Times*, October 26th, 2017.

[5] American Society of Addiction and Medicine. "Opioid Addiction 2016 Facts & Figures." https://www.asam.org/docs/default-source/advocacy/opioid-addiction-disease-facts-figures.pdf

[6] American Society of Addiction and Medicine. "Opioid Addiction 2016 Facts & Figures." https://www.asam.org/docs/default-source/advocacy/opioid-addiction-disease-facts-figures.pdf

Institution of Health consisted of stricter regulations on opioid supply and distribution, increased funding for opioid research, increased access of medical treatment to addicts, creation of new task forces/organizations, and an overall emphasis on expanding broader medical services.[7] While contemporary context is needed to bring updates to the present state of the opioid crisis, the focus of this essay is not targeted at the current politics of the issue. Instead, this is an essay based on the historical context of drug laws; more specifically the recent history of the prosecution marijuana and how it pertains to and intertwines with the opioid crisis.

The traditional discourse of American drug policies has placed opioids and marijuana in different statues, conversations, and standards. The federal government has been (and still is) responsible for the parties involved in the construction of these dialogues and their implications on public health and safety. However, as overwhelming amounts of evidence suggest that the government's past cooperation with pharmaceutical conglomerates allowed for the opioid crisis to happen, drug related legislation has historically only included the voices of those at the very top of our ecopolitical structures. By unveiling the origins of the opioid crisis and its various overlaps with marijuana persecution, these historical dialogues demonstrate and problematize how American drug policies continuously and consistently ignored scientific truth and application in their implementation. This utter lack of scientific faith now demands the attention of both public health officials and the general public as the social and medical relationships between marijuana and opioids forged by the opioid epidemic have become increasingly visible. The aim of this essay is not just to examine these relationships and their effects on the opioid crisis, but also to argue that the repeated absence of

[7] "The Opioid Crisis: Trump Administration's Response," The White House (website), Accessed August 16th, 2018, https://www.whitehouse.gov/wp-content/uploads/2017/12/Trump-Administration-Actions-on-the-Opioid-Crisis.pdf.

scientific truth in both marijuana and opioid laws within this context has consequently damaged American public health at large.

The Opioid Crisis: Origins and Development

On October 5th, 2017, the director of the National Institution of Health (NIH) Dr. Francis Collins, delivered a speech called the "Federal Response to the Opioid Crisis" to the United States Congress. Within this speech, which included the testimonies of Department of Health and Human Services (HHS) leaders, Dr. Collins addressed the severity of the issue by presenting statistics that are consistent with third party findings. This included the sixty four thousand reports of opioid related deaths in 2016, 2.1 million cases of opioid use disorder, as well as eleven million Americans who have misused legal opioid prescriptions.[8] Collins then blamed the opioid outbreak on two things; the first being the well intended but accidental over prescriptions of the pharmaceutical industry in the 1990s.[9] The second was the failure of the healthcare system to carry out proper addiction treatment and provide medication. The rest of the presentation was dedicated to their five point solution: treatment, prevention, public health data improvement, increased opioid research, and patient pain reduction.

Dr. Collins' directness sets the serious tone of the federal government in addressing the opioid crisis. However, there are many researchers, scientists, and legal teams that would challenge Dr. Collins' claim that the opioid crisis was caused accidentally. Numerous legal cases were brought to the multilevel court system seeking justice and reparations from pharmaceutical companies . The most significant was a lawsuit

[8] Francis Collins, "The Federal Response to the Opioid Crisis," The White House (website). Published October 5th 2017, https://www.drugabuse.gov/about-nida/legislative-activities/testimony-to-congress/2017/federal-response-to-opioid-crisis.

[9] Collins, "The Federal Response to the Opioid Crisis."

first filed by the Kentucky Speaker of the House Greg Stumbo, which resulted in Purdue Pharma paying about $600 million in fines in addition to reparations to dismiss criminal charges of intentionally misbranding Oxycontin in 2007.[10] Three of Purdue's top executives, including its president at the time Richard Slacker, also plead guilty and paid a sum of $34.5 million in fines.[11] Currently, the legal fight to bring justice to families affected by the opioid crisis is lead by former DEA agent, Joe Rannazzisi,[12] who is on a mission to expose the pharmaceutical companies in which he feels fueled the opioid crisis.

The biomedical and life science archive provided by the U.S. National Institutes of Health and National Library of Medicine, Public Medical Central, contributed to the legal disputes by mentioning Purdue Pharma's 1996 mass advertising campaign for the promotion of Oxycontin (brand name Oxycodone). These advertising campaigns were successful not just in generating profit from Oxycontin sales but converting the prescription culture of physicians. From 1996 to 2000, Oxycontin sales increased from $48 million to $1.1 billion.[13]During this same time period, Purdue Pharma also hosted thousands of physicians at their numerous pain management conferences in California, Florida, and Arizona where doctors were incentivized and encouraged to prescribe Oxycontin to their patients.[14] Expenses for these convention trips were paid for by Purdue and doctors were given bonuses

[10] Victoria Kim and Harriet Ryan, "Maker of Painkiller Oxycontin Loses Legal Battle to Keep Lawsuit Records A Secret," *The Los Angeles Times,* May 11th, 2016.
[11] Barry Meier, "In Guilty Plea, Oxycontin Maker Agrees to Pay $600 Million," *The New York Times,* May 10th, 2007.
[12] "Meet 60 Minutes DEA Whistleblower," *CBSNews,* October 15th, 2017, https://www.cbsnews.com/news/meet-60-minutes-dea-whistleblower/.
[13] Art Van Zee, "The Promotion and Marketing of OxyContin: Commercial Triumph, Public Health Tragedy," *NCBI,* no.2 (February 2009): 222.
[14] Zee, "The Promotion and Marketing of OxyContin: Commercial Triumph, Public Health Tragedy," 223.

for prescribing Oxycontin. In 2001 alone, Purdue Pharma granted a total of $40 million to doctors in bonuses; each individual bonus ranged anywhere from $15,000 to $240,000 annually.[15] Purdue also created huge databases comprised of individual doctor profiles. These profiles focused on the number of patients doctors had that were prescribed pain medication, what medications prescribers were given, and patient demographics by region. Doctors with the most pain medication prescriptions were explicitly targeted during Purdue's marketing campaigns. These actions directly contributed to over prescription and opioid addiction.

Oxycontin's sales provided a substantial growth period for Purdue Pharma from the mid 1990s into the early 2000s as Oxycontin was prescribed commonly and inappropriately to patients with non-cancer related pain. From 1996 to 2002, Oxycontin prescriptions increased about ten times from 670,000 to 6.2 million. Cancer related pain medication sales within the company also quadrupled in growth.[16] Simultaneously, the oxycontin market expanded greatly, growing from a worth of forty four million in 1996 to almost three billion in 2002.

As Oxycontin became widely accessible, the risk of addiction was seriously overlooked. Purdue downplayed the likelihood of addiction from the beginning, claiming that addiction resulting from Oxycontin use was no greater than 1%.[17] However, this claim was based only on one study that did not factor the effects of daily, long term opioid use on addiction formation. PMC then listed various other studies that did take this variable into account and found much higher rates

[15] Zee, "The Promotion and Marketing of OxyContin: Commercial Triumph, Public Health Tragedy," 224.
[16] Prescription Drugs: OxyContin Abuse and Diversion and Efforts to Address the Problem. Washington, DC: General Accounting Office; December 2003. Publication GAO-04-110, 13-14.
[17] Zee, "The Promotion and Marketing of OxyContin: Commercial Triumph, Public Health Tragedy," 224.

of addiction.[18] This under emphasis of addiction could directly explain why statistics show a consistent and consecutive increase in opioid related deaths across the United States from 2000 to 2016.[19] Although the levels of increase/decrease in opioid death vary from state to state, the national average of opioid death has only risen; five times as many people died of opioid overdose in 2016 than in 1999.[20] Within this timeframe, the epidemic outgrew its roots in oxycodone abuse and slowly transitioned into more dangerous levels Fentanyl and heroin abuse.

Deregulation and Government Profits

Coincidentally, government deregulation of the pharmaceutical industry and the growth of opioid production both took place in the 1990s. In 1992, Congress passed the Prescription Drug User Fee Act (PDUSFA).[21] This act allowed drug companies to overcome drug regulations by reorganizing the Food and Drug Administration's (FDA) drug inspection process by granting drug companies the right to pay user fees

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[18] Norman G. Hoffman, Olle Olofsson, Bo Salem, and Lynn Wickstrom, . Prevalence of abuse and dependence in chronic pain patients. *International Journal of Addictions*, 30 (1995): 919–927. This study found 23% of patients got addicted. For more, see Chabal C, Erjaved MK, Jacobson L, et al. Prescription opiate abuse in chronic pain patients: clinical criteria, incidence, and predictors. *Clinical Journal of Pain* 13, no.2 (1997):150–155.This study found 34% of patients became addicted, and Katz NP, Sherburne S, Beach M, et al. Behavioral monitoring and urine toxicology testing in patients receiving long-term opioid therapy. Anesth Analg 2003;97:1097–1102 found 43% of patients became addicted.

[19] "Opioid Data Analysis," *Center for Disease Control and Prevention: CDC 24/7 Saving Lives Protecting People*, Accessed April 13th, 2018, https://www.cdc.gov/drugoverdose/data/analysis.html.

[20] "Opioid Data Analysis," *Center for Disease Control and Prevention: CDC 24/7 Saving Lives Protecting People*, Accessed April 13th, 2018, https://www.cdc.gov/drugoverdose/data/analysis.html.

[21] Jonathan Cohn, "Politics, Profits, and Pharma," *Frontline PBS*, published November 13th, 2003, https://www.pbs.org/wgbh/pages/frontline/shows/prescription/politics/.

to help finance FDA authorization of a substance. PDUSFA was originally designed to speed up the reviewing processes but its implications were quickly abused. While drugs did get approved at a much faster rate, this act essentially allowed drug companies to finance the safety procedures of their own products. This gave the pharmaceutical industry much greater influence over their federal regulators, legislative policy, and further disincentivize proper safety mechanisms to ensure the protection of public health.

PDUSFA blatantly disregarded the role of proper scientific measure in public health protocol. This trend followed through the opioid crisis as seen by the more recent passing of the Ensuring Patient Access and Effective Drug Enforcement Act of 2016. The act protected the sale of opioids by making it harder for the Drug Enforcement Agency (DEA) to legally prove that a substance is an "imminent threat to public health and safety" and further restricted DEA powers to the literature of the Controlled Substances Act.[22] The passage of this law was directly affected by political action committees that donated an estimated $1.3 million to the twenty three lawmakers who co-sponsored all drafts of the bill. This included $177,000 paid directly to Republican Utah Senator, Orrin G. Hatch, who was the primary sponsor of the bill.[23] While majority of lawmakers claimed to have not know the true implications of the bill, the federal government collectively made it harder for the DEA to crackdown on illegal opioid distribution while simultaneously making it easier to obtain opioids legally. This was all done in the midst of the epidemic as 33,091 American lives were taken by opioids in 2015 alone.[24]

[22] Ensuring Patient Access and Effective Drug Enforcement Act, S.483, 114th Congress, (2016).
[23] Lenny Bernstein & Scott Higham. "The Drug Industry's Triumph Over the DEA." *The Washington Post*, October 15th, 2017.
[24] "Continued Rise in Opioid Overdose Deaths in 2015 Show Urgent Need for Treatment," The White House (website), Published December 8th, 2016.

The vast amounts of money poured into political lobbying was undoubtedly the major factor in the neglect of scientific drug research in public health policy. From 1990 to 2002, the Public Broadcasting System (PBS) estimated that total pharmaceutical lobbying increased nine times, tallying to $22 million in 2002 alone.[25] Within the 21st century, PhRMA was easily the largest contributor and dominator of this market. From 2014-2016, PhRMA spend a total $40.8 million on lobbying.[26] From 2000 to 2016, PhRMA consistently was the top donor for all years expect 2000. With each passing year, PhRMA consecutively donated more money than they did the previous. In 1998, PhRMA was ranked fourth on the donor list by paying $3.1 million in donations.[27] By 2016, PhRMA was ranked first with over $19 million paid in donations, placing PhRMA far above any other drug industry in political lobbying expenses.[28]

Marijuana, an Epidemic, and Government: Forgotten Commonalities

While the opioid crisis has shed light on the troubling lack of scientific truth in recent drug legislation, this very same absence of scientific application has fueled prosecutorial policies towards marijuana for decades. In 1970, President

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https://obamawhitehouse.archives.gov/the-press-office/2016/12/08/continued-rise-opioid-overdose-deaths-2015-shows-urgent-need-treatment

[25] Jonathan Cohn, "Politics, Profits, and Pharma," *Frontline PBS*, published November 13th, 2003, https://www.pbs.org/wgbh/pages/frontline/shows/prescription/politics/.

[26] Lenny Bernstein & Scott Higham. "The Drug Industry's Triumph Over the DEA." *The Washington Post*, October 15th, 2017.

[27] "Pharmaceuticals/Health Products: Industry Profile 1998," *Opensecerts Center for Responsive Politics*, Accessed April 11th, 2018, https://www.opensecrets.org/lobby/indusclient.php?id=h04&year=1998.

[28] "Pharmaceuticals/Health Products: Industry Profile 2016," *Opensecerts Center for Responsive Politics*, Accessed April 11th, 2018, https://www.opensecrets.org/lobby/indusclient.php?id=h04&year=2016.

Richard Nixon passed the Controlled Substances Act that classified marijuana as a Schedule I drug with no safe or accepted medical use.[29] However, the passage of this act was not in sync with the scientific realities nor public opinions about marijuana during this decade. By the 1960s, many of the stereotypes assigned to marijuana were already disproven. This included the belief that marijuana was physically addictive, that marijuana use caused criminality, and that marijuana was a "gateway" to harder drugs.[30] Studies aimed at proving the psychologically addictive properties were deemed inconclusive. During the social liberation of the 1960s, demographics of marijuana users began to change as marijuana use became more common. College students, housewives, and other members of the middle class increasingly used marijuana; this changed social attitudes and started to debunk the stigmas associated with the drug.[31] However, this growth of social tolerance and modern scientific understandings of marijuana were not reflected in federal policy.

Throughout the 1970s and 1980s, many challenged the Schedule I status of marijuana in court. The National Organization for the Reform of Marijuana Law (NORML)'s legal campaign began in 1972 when they petitioned for marijuana to be downgraded to Schedule II through the DEA. The fight for the Schedule II gradation went through multiple court cases until it was finally shut down by a verdict issued by the US Court of Appeals in 1994.[32] Although marijuana is still federally illegal, medical marijuana is currently legal in

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[29] Controlled Substances Act, 21 U.S.C § 811, 91st Congress, (1970).
[30] Richard J. Bonnie and Charles H. Whitebread, *The Forbidden Fruit and the Tree of Knowledge: A Legal Inquiry Into the Legal History of American Prohibition,* (Virginia Law Review, 1970), 1105.
[31] Bonnie and Whitebread, *The Forbidden Fruit and the Tree of Knowledge: A Legal Inquiry into the Legal History of American Prohibition,* 1125-1137.
[32] "History of Marijuana as Medicine," *ProCon.org*, Published January 30th, 2017, https://medicalmarijuana.procon.org/view.timeline.php?timelineID=000026#1970-1989

twenty-nine states and permitted for recreational use in nine states. As these legalization processes are happening alongside the opioid crisis, the connections between marijuana and opioids have been largely absent in public health conversations. This is critical as there is sufficient evidence showing that opioid hospitalization, opioid use, and the spread of opioid users are lower in states that have legal medical marijuana institutions.[33]

There are numerous studies conducted showing how medical marijuana access and legality eases the impact of the opioid crisis on the state level. A study published by Public Medical Central in 2017 analyzing the relationship between marijuana and opioid pain relievers (OPR) found that in states where medical marijuana was legalized, hospitalization rates for OPR abuse/dependency were reduced twenty-three percent as compared to those that did not. Hospitalizations due to OPR overdose were also reduced thirteen percent.[34] In addition, after controlling and quantifying various variables, this report also showed that the "operation of medical marijuana dispensaries" in states were responsible for a thirteen percent reduction in OPR hospitalization due to abuse or dependency, along with an eleven percent reduction in hospitalization for OPR overdose.[35]

The numbers used for this study were taken from State Inpatient Databases (SID) that gave researchers the access to state level hospitalization records. SID was projected to include ninety-seven percent of all state level hospital records and covered the span of twenty-seven states. The time range of the

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[33] For a brief overview into the debates, controversies and developments of medicinal marijuana and the ongoing opioid crisis, see German Lopez, "Medical Marijuana May Help Combat the Opioid Crisis But There Are Other Solutions," *Vox*, Published April 30th, 2018, https://www.vox.com/policy-and-politics/2018/4/30/17302692/opioid-epidemic-medical-marijuana-painkiller.

[34] Yuyan Shi, "Medical Marijuana Policies and Hospitalizations Related to Marijuana and Opioid Pain Reliever," *NCBI.* Published April 1, 2017. https://www.ncbi.nlm.nih.gov/pubmed/28259087.

[35] Shi, 144-146.

collected data was from 1997 to 2014. The main factors of the experiment: marijuana abuse, opioid abuse, and opioid overdose were all studied separately and compared. This study did not suggest marijuana as a possible solution to the opioid crisis as the author, Yuyan Shi, was quick to state that the effectiveness of both opioids and marijuana as medicine is subjective to individual use and medical instruction.

Studies published by the scientific journal, JAMA Internal Medicine, also showed the relationship between medical cannabis laws (MCL) and opioid prescriptions. In a population based study conducted from 201l to 2016, researchers aimed to examine the relationship between MCL passed after 2010 and the amount of opioid prescriptions ordered by adults enrolled on Medicaid. This study showed that opioid prescriptions were 5.88 percent lower in states with medical marijuana laws. Opioid prescriptions were also 6.38 percent lower in states that enforce adult use laws for medical marijuana.[36] Presently, all states that have legalized marijuana uphold these adult use laws. Another longitudinal study conducted from 2010-2015 sought to examine the relationship between MCL implementation and overall opioid prescriptions for children and adults enrolled in Medicare D.[37] Within those five years, an average of 23.08 million [of any] opioid subscriptions were filled daily amongst Medicare D enrollees. In states with active marijuana dispensaries, there was an average of 3.742 million less daily opioid fills. States that allowed for home cultivation of cannabis saw an average reduction of 1.792 million opioids refills. In addition, states

[36] Jason M. Hockenberry and Hefei Wen, "Association of Medical and Adult-Use Marijuana Laws With Opioid Prescribing for Medicaid Enrollees," *JAMA Intern Medical* 178, no.5 (2018), 178.
[37] Bradford AC, Bradford WD, Abraham A, Bagwell Adams G. "Association Between US State Medical Cannabis Laws and Opioid Prescribing in the Medicare Part D Population," *JAMA Intern Med* 178, no. 5 (2018).

with MCL and active dispensaries saw a daily reduction of hydrocodone refills by 2.320 million (17%).[38]

There has been great controversy in allowing marijuana use in treating opioid addiction. Scientists and researchers have been on both sides of the argument, some believing that the detoxification period should be best done completely sober and others believing that marijuana can help soften the extremities of withdrawal symptoms. More research is needed to determine anything conclusively, although evidence has shown great potential for marijuana to assist in opioid addiction recovery. A study published in 2009 by the Journal of Neuroscience found that cannabidiol (CBD) had demonstrated potential in aiding to heroin addiction.[39] CBD is the non-psychoactive ingredient found in cannabis and is just one subgroup that composes the larger category of cannabinoids.[40] In an experiment that successfully trained 137 male rats to get themselves addicted to heroin through "heroin self-administration" tested the effect that CBD had on heroin addiction.[41] The results showed that

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[38] NORML, "Relationship Between Opioids and Marijuana," *National Organization for the Reform of Marijuana Law*, 2018. http://norml.org/marijuana/fact-sheets/item/relationship-between-marijuana-and-opioids

[39] Jasmine L. Hurd, Alejandro Higuera-Matas, Claudia V. Morris, Yanhua Ren, and John Whittard, "Cannabidiol, a Nonpsychotropic Component of Cannabis, Inhibits Cue-Induced Heroin Seeking and Normalizes Discrete Mesolimbic Neuronal Disturbances," *The Journal of Neuroscience*, 29, 47 (2009).

[40] There are 480 known natural components of cannabis with cannabinoids making up 66 of these natural components. Tetrahydrocannabinols (THC) and cannabinols (CBN) are two of the more commonly known cannabinoids. Delta9-tetrahydrocannabinol is the chemical that induces the sensory impairment that users would describe as the "high". For more information:
ADAI, "Cannabinoids," *Alcohol & Drug Abuse Institute at the University of Washington*, Published June 2013, *http://learnaboutmarijuanawa.org/factsheets/cannabinoids.htm.*

[41] Hurd, Jasmine L., Alejandro Higuera-Matas, Claudia V. Morris, Yanhua Ren, and John Whittard. "Cannabidiol, a Nonpsychotropic Component of Cannabis, Inhibits Cue-Induced Heroin Seeking and Normalizes Discrete

CBD was able to normalize the disruptions done to the AMPA GluR1 and cannabinoid type 1 receptors in the glutamatergic and endocannabinoid systems of the brain caused by heroin self-administration.[42] This is a critical finding as the glutamatergic system is part of the hippocampus, the part of the brain that controls emotion and memory. The endocannabinoid system is responsible for controlling endocrines and the release of hormones into the bloodstream during times of stress. Both systems are significant factors in controlling the behavior of a drug addict.

During the experiment, the lab rats were injected with CBD during times of heroin exposure and periods of withdraw. Lab rats were exposed to active levers that gave them heroin when pressed and inactive levers that did not dispense heroin when pressed. While CBD exposure did not decrease the number of active lever presses, it did decrease the number of inactive lever presses.[43] This would suggest that CBD could help heroin user ease off their addiction if introduced to detox periods with managed use of CBD injection/consumption. Researchers hypothesized that the success of CBD lies in its ability to induce a stimulus in the rat's brain similar to the stimulus produced when actually exposed to heroin. Unfortunately, scientist cannot yet answer completely how this is stimuli is produced. While this a field of knowledge is still growing, CBD's ability to rebalance neural receptors already shows a great promise in the push back against the opioid epidemic.

Mesolimbic Neuronal Disturbances." *The Journal of Neuroscience*, no. 47 (Fall 2009): 14764-14769.

[42] Hurd, "Cannabidiol, a Nonpsychotropic Component of Cannabis, Inhibits Cue-Induced Heroin Seeking and Normalizes Discrete Mesolimbic Neuronal Disturbances," 14765.

[43] Hurd, "Cannabidiol, a Nonpsychotropic Component of Cannabis, Inhibits Cue-Induced Heroin Seeking and Normalizes Discrete Mesolimbic Neuronal Disturbances," 14766.

The state level relationships between marijuana and opioids, along with the medical potential of CBD in addiction treatment, are phenomena that experts are still trying to unravel. The science, in addition to the resulting social and medical ramifications, are factors still not fully understood. It is unreasonable to assume the true impacts of medical marijuana on the opioid crisis positively as these events are still happening. However, with the given evidence, it is reasonable to state that the vast potentials of medical marijuana in treating pains and illness, including opioid addiction, have been greatly hindered by the continued neglect of science in American drug policy. But there is still room for optimism. While the federally illegal statue of marijuana still places restrictions on medical marijuana research, there is still federal funding for medicinal research. For example, in 2015 and 2016 the NIH granted $9 million and $12 million to cannabidiol research, respectively. In the same two years, cannabinoid research was granted $112 and $115 million, respectively.[44] In 2015, 281 projects, including fifteen that specialized in CBD studies were created and distributed across the United States.[45]

Conclusion

Despite being treated very differently by the American government throughout the past five decades, opioids and marijuana have increasingly merged into one public health conversation. The opioid crisis has overlapped with the gradual emancipation of marijuana laws making it appropriate to study the intertwinement of drug laws, along with their medical and social consequences on public health, collectively and dependently. These cross sectional relationships must be

[44] NIH, "Estimates of Funding for Various Research, Condition, and Disease Categories (RCDC)," *National Institute of Health*, published July 3rd, 2017, https://report.nih.gov/categorical_spending.aspx.
[45] "NIH Research on Marijuana and Cannabinoids," *National Institute of Health*, published August 2017, https://www.drugabuse.gov/drugs-abuse/marijuana/nih-research-marijuana-cannabinoids

critically examined and understood as this represents a chance for public officials to base public health policies and reform on an accurate basis of scientific study. The recent history of unscientific American drug policy has already taken a great human toll. Government negligence has been paid with American life.

The prosecutory history of marijuana has not hindered the potential of medicinal study but has greatly stagnated the reach of its applications. One can only imagine what medical marijuana research would look like now if legislation in 1970 had reflected an accurate portrayal of public opinion and marijuana's threat to public health and safety. If so, it is in the realm of possibility that we could be experiencing a totally different opioid related crisis today.

Ultimately, both the opioid crisis and the legal/medical marijuana debates are topics that are not only becoming increasingly connected, but two histories that are still being written. At surface value, the current government response to the opioid crisis is one that is holistic and well-intended. As the crisis continues to rip communities apart, government actions represent an attempt to take responsibility for their role in the opioid crisis. However, the American government's tendency to not incorporate accurate and well-rounded scientific study in the formation of their drug policies has remained a historical contingency. These policies have traditionally been based on the private interest of large corporations. The understanding of drug policies, as well as the parties and factors that influence them, must occur in order to prevent tragedies like the opioid from devastating the public in the future. As these manners of public health have chain reactions that greatly affect people's lives and well-beings, scientific truth *must* shape the adaption of future drug policies.

Welcome to Phi Alpha Theta

Phi Alpha Theta is a professional society whose mission is to promote the study of history through the encouragement of research, good teaching, publication, and the exchange of learning and ideas among historians. We seek to bring students, teachers, and writers of history together for intellectual and social exchanges, which promote and assist historical research and publication by our members in a variety of ways.

The Alpha Theta Epsilon chapter at Binghamton University was chartered in 1996. Membership is open to anyone with a vital interest in history who has demonstrated high achievement in history courses. Undergraduates may join after completing at least four history courses with a grade point average of at least 3.5 (on a 4.0 scale) in those courses and a grade point average of at least 3.3 overall. It is not necessary to be majoring in history. Graduate students need a 3.7 GPA in four or more history courses and a 3.5 GPA overall to become a member.

Anyone interested in joining should contact the chapter's faculty advisor:

Professor Meg Leja
megleja@binghamton.edu

Phi Alpha Theta Inductees and Executive Board

2018 Inductees

Dana Ansons

Benjamin Cohen

Steven DeNardo

Katharine Ello

Emily Ann Fallon

Kaila G. McLaughlin

Nadia A. Mirza

Kelly Ng

Madeleine J. Schulz

Meghan E. Willis

2017–2018 Executive Board

Veronica Acevedo
Benjamin Gilberg
Ching Long Leon Lam
Constantine Markotsis
Daniel Sternbach

Research Days

During Binghamton University's Research Days, the History Department and Phi Alpha Theta host an undergraduate research conference. This provides undergraduates and honors thesis writers who have undertaken substantial independent research with an opportunity to share their work with one another and the History community. The first Undergraduate History Research Conference was held in 2012. The 6th Annual Undergraduate Research Panel was held on April 19, 2018, with three undergraduate presentations.

2018 Participants

Jared Goldfarb- "Defining Late Antiquity Through Religious Violence"

Sara Hobler- "*Horizontalidad*: Non-hierarchical Organizing and its Challenges in Labor Struggle in Argentina"

Emily Spina- "The ICTR, the ICTY, and Sexual Violence in International Law"

Combined BA/MA in History Program

At Binghamton University, students have the option of combining a Bachelor of Arts with a Master of Arts in history, completing both degrees in just five years. Students take graduate-level courses that satisfy both graduate and undergraduate degree requirements. The combined BA/MA program provides an excellent foundation for applying to top doctoral programs in history or pursuing careers in journalism, public service, historical parks, museums, and many other areas. Students develop skills that prepare them for occupations that require research, analysis, organization, and reporting. Specific skills include planning and prioritizing work, making persuasive arguments that influence others, processing information, decision making and problem solving, and verbally communicating ideas.

Students chose between the major fields of the United States, Europe, East Asia, Latin America, and the Ottoman Empire and between such thematic areas as women, gender, and sexuality; imperialism and colonialism; environmental history; and science, technology, and medicine.

For more information about the program, please visit the department's webpage:
www.binghamton.edu/history/graduate/combined-ba-ma.html.

Interested students should contact the Director of Undergraduate Studies in History and/or the Director of Graduate Studies in History for more information.

Minor in the History of Science, Technology, & Medicine

The minor in the History of Science, Technology, and Medicine supplements the studies of students majoring in other fields with a coherent, thematic program in History. The minor introduces students to the history of science, technology, and medicine in a variety of time periods, geographic regions, and religious and cultural systems. It grounds developments within science, technology, and medicine in a specific historic context, and it encourages students to consider these developments in relation to broader political, social, cultural, and intellectual trends. It seeks to expose students to historical methodology and historical questions, enhancing and deepening their understanding of the developments of related fields in the life and natural sciences, engineering, medicine, nursing, and environmental studies. Each student completing the minor in the History of Science, Technology, and Medicine develops a program to satisfy the minor requirements in consultation with the department's advisors.

In order to complete the minor (24 credits), students must take a minimum of 16 credits in courses that explore the theory and method of the History of Science, Technology, and Medicine. Students may also include up to 8 credits of coursework that examines specialized context and applications—e.g., courses exploring topics such as race or sexuality—of profound relevance for the history of science, technology, and medicine.

For more information: please visit the undergraduate Advising Office Library Tower 712 or email uhistory@binghamton.edu.

Acknowledgment of Professors

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Dr. John Chaffee
Dr. Heather DeHaan
Dr. Arnab Dey
Dr. Sean Dunwoody
Dr. Fa-ti Fan
Dr. Jonathan Karp
Dr. Gerald Kutcher
Dr. Meg Leja
Dr. Richard Mackenney
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Dr. Diane Sommerville
Dr. Wendy Wall
Dr. Yi Wang
Dr. Heather Welland
Dr. Leigh Ann Wheeler