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EDITOR'S NOTE:

While at breakfast at my supervisor's home, our conversation soon delved into our favorite aspects of history. My supervisor enjoys the European Industrial Revolution, an era that he believes was more culturally transformative than contemporary technological advancements. Native Americans, particularly the variations between tribal groups, interested his friend, and I chimed in with my interest in the American Civil War. One lady mentioned that she had recently encountered in a crossword puzzle a clue relevant to our theme: "Gossip well told." The answer was "history."

Since then, I have been pondering the various connotations of the word "history." To some, it evokes scenes from the classroom, of students deeply entrenched in their textbooks to memorize dates of significant events. To others, it is simply "gossip well told," stories passed from one individual to the next and through generations intent on keeping their past alive. But as my fellow editors, writers, and history buffs exemplify, it is our passion.

This year's volume of the *James Blair Historical Review* celebrates that love. From the African Americans living in Appalachia to the Muslims ruled by Akbar the Great to the congressional politicians debating food subsidy programs to the civilians fighting for the statehood of West Virginia, this issue illustrates the diversity of historical interests and scholarship. To us, history is not simply our degree concentration but an amalgamation of stories waiting to be told. These writers indicate the importance of this task. I join my fellow editors in congratulating our four writers on a job well done.

Furthermore, I would like to thank Professor Hiroshi Kitamura, the Publications Council, the Lyon G. Tyler Department of History, both the 2012-2013 and 2013-2014 editorial boards (especially Deborah Wood and Amy Schaffman, respectively the new Editor-in-Chief and Managing Editor of *JBHR*), and our peer reviewers for their support. I vividly recall the first meeting of the *JBHR* nearly four years ago, and it is gratifying to see how much has been accomplished since then. As I bid farewell to my four years with this publication, I wish all the best to the future editors, writers, and peer reviewers of this journal.

Sincerely,
Kyra Zemanick
Editor-in-Chief

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We are very grateful.

ABOUT THE AUTHORS:



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SILENCING THE OPPOSITION:

West Virginia's Quest for Statehood and the Suppression of Confederate Dissent

Christine Camp

In December of 1861, still only a few months into the Civil War, President Abraham Lincoln found himself mulling over an extraordinarily unexpected request: the division of the Confederate state of Virginia and the preservation of its northwestern territory, modern-day West Virginia, for the Union. The petition, from the Unionist Reorganized Government of Virginia, was unprecedented, and its proposal, counseled many statesmen, unconstitutional. Yet Lincoln found himself inclined to honor the request for pragmatic and political reasons, not least because “her brave and good men regard . . . [West Virginia’s] admission into the Union as a matter of life and death. They have been true to the Union under very severe trials.”¹ This sentiment has been echoed in Civil War literature for more than a century, but its implication—a homogenous, federally-minded West Virginian populace—belies a much more conflicted reality: a polity at war with itself, a Civil War in microcosm, one which could have unified in independent statehood under only the most exceptional circumstances.

The northwestern counties of Virginia had legitimate and longstanding grievances with Virginian economics and politics that division promised to remedy—but the border drawn around what would become West Virginia included slave-holding, southern-minded counties in the Trans-Allegheny and Shenandoah Valley more sympathetic to the Confederate cause and Virginian integrity than Lincoln’s musing suggested. Indeed, many proponents of West Virginian statehood warned that these Confederate counties’ arbitrary inclusion within the proposed state’s boundaries would jeopardize the entire statehood movement. When the elections determining West Virginia’s statehood and its borders were held, however, the rebel sentiments of approximately half of

West Virginia's population seemed nigh nonexistent; in fact, seventeen counties which had voted for Virginia's secession from the Union at the start of the war voted in 1861 and 1863 for the even more radical secession of West Virginia from Virginia and the inclusion of two dozen Confederate counties within its borders, respectively.² Ideology played little part in this dramatic turnaround; instead, Confederate soldiers and sympathizers in the Trans-Allegheny and Shenandoah Valley found themselves coerced into compliance or denied a vote entirely by political sleight of hand and intervention by the occupying Union Army. Although many Confederate regions of West Virginia did eventually vote in favor of statehood, this decision represented less of a transformation in allegiance or worldview than a pragmatic acknowledgment that an end to the bloody war in northwestern Virginia trumped any abstract triumph of ideology—particularly when rebel West Virginians lacked the political voice to do anything but acquiesce.

Traditional West Virginian literature and historians such as Virgil A. Lewis, Charles H. Amber, and George E. Moore reiterate Lincoln's assessment of a thoroughly pro-Union West Virginia.³ The Union sympathies of western Virginia were "an unquestioned fact," argued Moore in 1963, echoing the theses of historians before him.⁴ Writing in the 1960s, Richard O. Curry was among the first to challenge this idea of political unity with an extensive analysis of the antiwar Peace Democrats, or "Copperheads," in northern West Virginia and the methods of secessionist guerrillas—bushwhackers—throughout. "Unionism," writes Curry, "was ... not a universal phenomenon in Trans-Allegheny Virginia."⁵ More recently, historians John W. Shaffer and Kenneth W. Noe have expounded upon the political division that made the border region of West Virginia such a hotbed for military occupation and guerrilla warfare during the Civil War.⁶ This paper continues investigation in the vein of this more recent scholarship, probing the politico-military actions and reactions of West Virginia's southeastern counties and the role its civilians played—or did not—in the formation of modern West Virginia.

The northern and southern counties of western Virginia

shared much in common, such as a reluctance to enter the Confederacy before the catalytic attack on Fort Sumter and a devout belief in white superiority. A northwesterner might have occasionally directed a slaveholder to “go to hell” and keep his business out of West Virginia, but he would have done so with the assertion that West Virginians could “take care of themselves.” Such statements were thus less a condemnation of slavery than an endorsement of white self-sufficiency. Indeed, during West Virginia’s statehood debates, many staunch proponents of division abandoned the movement altogether when the Willey Amendment, a gradual emancipation proviso, was attached to the statehood bill.⁷ Yet the vastly different economic systems of northern and southern counties in the west did result in intractable differences in how they related to Virginian government.

The counties of the Trans-Allegheny southwest and the Shenandoah Valley employed slave labor and profited handsomely from state policies that reflected the interests of the slaveholding east. The mountainous terrain of the northwest, however, was not conducive to slavery; its people profited more from salt, coal, and lumber extraction and from iron and textile production, resulting in a need for banks, internal improvements, and political reforms—such as representation based on white population in both houses of the General Assembly, eradication of tax biases which favored slave property, and judiciary reform—which the disinterested east had little interest in meeting.⁸ Northwestern newspapers such as *The Wheeling Intelligencer* frequently featured outraged responses to this status quo. “We have been ‘hewers of wood and drawers of water’ for Eastern Virginia long enough!” wrote Marshall M. Dent. “Will you [men of West Virginia],” asked another northerner, “demand . . . political power in proportion to your white population! Will you demand that all kinds of property shall pay taxes in proportion to its value!”⁹ Such letters, however, were printed before Virginia’s secession from the Union and indicate less of a desire for severance from eastern Virginia than a legislative reconciliation between Virginia’s two

halves. Such reconciliation might ultimately have saved a united Virginia as a member of the United States; greater representation of those “unequivocally opposed to secession” in the General Assembly would have certainly lent greater weight to their “vote against any ordinance, resolution or motion, that has for its object the withdrawal of the State from the Federal Union.”¹⁰

Virginia’s ratification of the Ordinance of Secession in April of 1861, however, prompted serious contemplation of a wholesale departure of the northwestern counties from the state. Proponents predicted, erroneously, that preserving western Virginia for the Union would “save Western Virginia, from being dragged into the awful vortex of ruin” which the Confederacy epitomized and “secure us against the horrors and disastrous consequences of a hostile war upon our borders.”¹¹ An obvious question then poses itself: why would a people intent on removing themselves “from that section of the State” that had “wantonly disregarded their interests and defied their will” include within their borders Trans-Allegheny and Shenandoah Valley counties which, for all intents and purposes, aligned themselves politically with eastern Virginia and the Confederacy?¹²

The decision makes the most sense as an attempt to mollify and ultimately overcome the obstructionist techniques employed by debaters of West Virginia’s statehood at the Second Wheeling Convention. Representatives from secession counties were numerous at this convention; if they were to prevent the dismemberment of their state, they would be well served to pose a legitimate legislative obstacle to statehood rather than bowing out of the debate, thereby surrendering the opposing vote. Chapman J. Stuart proved an exceptionally capable opponent to the movement, proposing—and winning approval for—an amendment to the statehood bill establishing a boundary for the new state which included almost every county west of the Blue Ridge in addition to Potomac River counties near Washington, regions so averse to the division of the state that a legitimate vote for statehood within the proposed area would have resulted in the certain failure of the movement.¹³ John S. Carlile, a leading proponent of state-

hood during the early years of the war, condemned this amendment: "They all knew that territory was thus included which must vote down a proposition for separation, and he [Carlile] presumed that it was so intended."¹⁴ (History would justify Carlile's suspicions: When Stuart came to chair the boundary committee of the new state's Constitutional Convention in November of 1861, he proposed a territorial enlargement of the state which would have consisted of twenty-four Union counties with a voting population of 211,643 versus forty-five Confederate counties with a voting population of 316,308.¹⁵) In order for Unionists to pass a statehood bill with even a marginal chance of success, its opponents needed first to be brought on board; the ultimate compromise was a state composed of thirty-nine counties—majority Unionist—with provision for the addition of Greenbrier, Pocahontas, Hampshire, Hardy, Berkeley, Morgan, and Jefferson counties if a majority vote in these counties approved.¹⁶ Carlile quickly and accurately, however, pointed out a flaw in even this compromise: Many of these counties were "largely secession, and would have to be coerced, if brought in at all."¹⁷ In fact, Union soldiers had already made their foray into the territory of modern West Virginia, granting Carlile's statement immediate credence.

Initially, the demand for Union assistance in the region had been a matter of practicality rather than politics; western Virginians were murdering one another. Wrote Colonel Thomas M. Harris to H. H. Withers in June of 1861, "I understand that in Braxton, a Union man dare not open his mouth. If there is a new State declared, & Braxton, Gilmer and Calhoun, are included in it, you will find it necessary to send a sufficient force in those counties to keep the rebels under control. There will be no other way to get along."¹⁸ Not only had the counties of Braxton, Gilmer, and Calhoun voted for the Ordinance of Secession in May, giving them incentive to preserve their Confederate allegiance, the counties bordered Unionist strongholds to the northwest, a situation which promised imminent conflict and violence. Even in areas without an official Confederate presence, bushwhacking Virginians were known to target "their own neighbors, who peaceably

and quietly sustain[ed] the cause of the Union ... [making them] the victims of their malice and blood-thirsty hate. They pillage, burn, destroy, and kill.”¹⁹ Another insight of the violence that began in 1861 and lasted throughout the war paints a more complete picture, however: “We have the war in our midst and in some sections it is waged, not by army against army, or by any organized band against another, but by neighbor against neighbor.”²⁰ This description of West Virginian warfare implies a more reciprocal conflict, one in which guerrilla violence perpetrated by both Union and Confederate sympathizers resulted in brutality necessitating official intervention; it is certainly worth noting, as did Lieutenant-Colonel Rutherford B. Hayes, that “bloody deeds are done in these hills” though “not all on one side.”²¹

The Union may not have been so quick to intervene, however, had it not ample political and strategic motivation for doing so. For the same reason that President Lincoln delayed a declaration of universal emancipation—because it could alienate vested interests among his desperately-needed constituency—the federal government could not afford to sacrifice any region professing its loyalty to the Union. Moreover, western Virginia’s inclusion of the federal arsenal at Harpers Ferry, the Ohio River, and the Baltimore and Ohio Railroad gave it logistic significance. Even the region’s abundance of natural resources made it worth the military investment, as one Virginia secessionist, Henry J. Fisher, lamented after the Union made its bid for the territory:

I would have risked a general battle to have got into the valley of the Ohio, to have prevented the vote being taken tomorrow on the question of the new State of Kanawha [West Virginia], which territory is militarily occupied by the Federal Army ... If that vote shall be overwhelmingly in favor of it, which is likely to be from the circumstance of the friends of the South being overawed ... it will be very highly prejudicial to the State in a civil and commercial point of view ... It is the great coal field of America ... [and would] supply the whole Confederacy with salt.²²

General George B. McClellan's Ohio regiments crossed the Ohio River and began their trek into western Virginia in May and went onto victories at the Battles of Phillipi, Rich Mountain, and Beverly, which curtailed future Confederate occupation in the northwest.²³ The Union kept many troops stationed in the region to achieve this end, and though the effort failed to stifle the internal civil war that continued to rage in the west, it had a profound effect on West Virginia's bid for statehood.

Federal troops struggled to suppress rebel Virginians in part because the Confederate sympathizers of western Virginia's southeastern counties were so powerfully driven by both patriotic ideology and simple human greed. Ideologically, many in the Trans-Allegheny and Shenandoah Valley considered their fates linked to their homeland. "I was a Virginian as were my people, and when my state went to war, I saw no other course open but to follow the fortunes of the Old Dominion," wrote one secessionist.²⁴ "I am a son of Virginia, and her destiny shall be mine," wrote another. Such sentiments become significant when a crucial demographic difference between the northwestern and southeastern counties of modern West Virginia is analyzed: compared to northwestern Virginians, who were often immigrants to the region or the children of such immigrants, southwestern Virginians tended to have long family histories in the area and clearly, judging by statements like those above, this pedigree resonated powerfully with them, giving them incentive to defend their state's integrity.²⁶

There were, however, also those compelled to fight for more material reasons. A. I. Boreman—the first governor of West Virginia—among many others complained of men who "rove about in gangs, taking from the people, at their homes and on the highways, horses, money, or other valuables."²⁷ More familiar with the rugged landscape of their western homeland than many of the Union soldiers who sought to weed them out, these bandits could enjoy the fruits of plunder with only moderate fear of apprehension. While both groups posed a threat to both Federal soldiers and Unionist civilians, the fact that so many Union officials and West Virginia locals complained of bushwhacking activity rather

than the movement of Confederate troops leads to one important conclusion: there was little formally-organized opposition to the Union in much of the northwest. Indeed, although thousands of West Virginian men were recruited for the Confederate cause, most of the conflict that took place within West Virginia itself existed only in the form of guerrilla warfare. Although “there are more rebels, or rather marauders, in the following counties, viz. Webster, Braxton, Gilmer, Calhoun, Roane, Jackson and Wirt, than there ever has been since the difficult commenced,” wrote one Ritchie County Unionist to *The Wheeling Intelligencer* in November of 1861, “there is no regularly organized rebel army.”²⁸

Though the violence and fear instigated by bushwhacking should not be undermined, the failure of southeastern resistance in what would become West Virginia to organize effectively had two major implications. First, civilians who opposed—with bodily violence—the idea of West Virginian statehood being debated in the Wheeling Congresses could expect little in the way of legal or military defense and even less of a voice in the decisions made in 1861 regarding Virginia’s division and in 1863 regarding West Virginia’s ultimate borders; with the *de facto* rule in the northwest that of the Unionist Reorganized Government of Virginia, bolstered as it was by the occupying Union Army, who would speak on behalf of the opposition, and who would invite their votes? With impunity, federal officials meted out punishments of imprisonment, exile, and execution for bushwhacking activity—or for civilian facilitation of such activity.²⁹ And it took little to draw the officials’ ire; letters like the earnest plea written by Camp Chase inmate R. I. Lucas to Governor Pierpont insisting that he had taken “the oath of allegiance [sic] to the Constitution of the United States and [vowed] to support the constitution of the provisional Government of Western Virginia” suggest that, in the face of suspicious activity, Union officials detained first and asked questions later.³⁰ And certainly, any men who were imprisoned, shipped away from the counties in which they were registered to vote, and/or dead would have had obvious difficulty participating in state and county politics.

The minimal organization of Confederate opposition in western Virginia resulted in a second and perhaps even more significant consequence, as implied by the following petition by Gilmer county residents to Boreman: “Unless we have troops stationed here it will be impossible to organize the county into Townships, and participate in the *fall elections*” (emphasis added).³¹ That is to say, because the political process in western Virginia was controlled by a provisional Unionist government, areas that had totally evaded Union control never even saw the ballot box. Guerrilla warfare waged by those with Confederate sympathies in this way actually *hurt* the Confederate cause, and such warfare was rampant in western Virginia. Boreman described the situation in 1862:

We [in northwestern Virginia] are in a worse condition than we were a year ago—These people come to me every day and say they can’t stay at home. ... They must either have protection or abandon the country entirely. ... If they attempt to stay at home—they must keep their horses hid—and they dare not sleep at home, but in the woods—and when at home in the day time they are in constant fear of their lives.³²

Anarchy characterizes such conditions well—violence-prone and devoid of the political process. While in small doses these anarchical conditions might have inadvertently helped the cause of statehood, as will be shown, the statehood movement could not have progressed without at least a nominally democratic vote. Establishing enough order in the region that at least a handful of civilians could vote yea on the question of West Virginian statehood and its induction into the United States became a priority for Union officials in the area, necessitating a crackdown on guerrilla violence—though this was easier said than done.

Part of the problem, as worded colorfully by Brigadier General R. H. Milroy, was that the Union’s “large armies” were “useless” on western Virginia’s topography and could “not catch guerrillas in the mountains anymore than a cow can catch fleas.”³³

West Virginia's steep crags, winding hills, and deep gorges, it must be assumed, gave small bands of bushwhackers the decided advantage, and such bands were attested to operate with the utmost "secrecy and celerity."³⁴ But if federal and state troops were never able to eliminate the bushwhacker threat entirely, they nonetheless managed to control lines of communication, strategic mountain passes, and centers of population often amenable to the Union cause.³⁵ Control of the latter ultimately proved enough to enable the elections that would win West Virginia statehood and entry into the Union. Indeed, the limited number of polls opened worked in the Unionists' *favor*, as can be seen from the example of Jefferson County.

Jefferson County citizens had voted in favor of the 1861 Secession Ordinance by a ratio of 813 to 365, and a Union officer later declared the county to be "the worst Secession hold that I have ever been in," suggesting that perhaps Unionists were even more outnumbered than the above figure indicates.³⁶ Two years later, however, when Jefferson County was offered the vote to determine whether or not it would be admitted to the newly formed state of West Virginia, the result was overwhelmingly in favor of the Union. The looming question is: *why*?

The selective nature of voting is one obvious reason why West Virginia was able not only to achieve statehood but annex several additional—and Confederate—counties into its territory after the fact; in 1863 in Jefferson County, polls were opened in only two, Union-occupied cities, and only 250 ballots were cast.³⁷ But because one cannot assume that *only* Unionists cast votes—especially in dramatically Confederate counties—two other explanations are necessary to explain the extraordinarily pro-Union elections.

First, many western Virginians with Confederate leanings endured legitimate coercion at the hands of Federal soldiers. Technically, the Union Army received orders to "religiously respect" houses, families, and property rights, but gross abuses of such policies by both Union and Confederate soldiers were common throughout Union and Confederate territories alike. Western Vir-

ginia proved no exception.³⁸ William S. Rosecrans, who assumed control of the Department of Ohio after McClellan departed for Washington to assume command of the Army of the Potomac, wrote that “numerous claims for damages caused by the wanton destruction of private property ... have been presented to me almost daily since I assumed the command of this Department.”³⁹ Letters from Federal soldiers reveal how violent this process could be and with what degree of contempt for rebel-minded locals such acts could be committed. “One old bitch said she wished all the union army were in hell,” wrote one soldier to his brother, “but she soon got over that. They took all her honey 11 scaps & hogs & chickens. She was union then thats the only way you can fix them.”⁴⁰ Commander Ebenezer B. Andrews wrote after a successful raid of a Confederate encampment at Meadow Bluff, “The people of Greenbrier County seemed generally disposed to admit their helplessness as secessionists, and showed a disposition to make friends with Federal authorities as the stronger power.”⁴¹ Although Andrews writes with more eloquence, both letters suggest that Union soldiers saw intimidation as a legitimate means of parting rebellious western Virginians with their Confederate sentiments—though it is unlikely that violence encouraged many true political conversions.

Nevertheless, evidence demonstrates that precisely this tactic was employed at the polls themselves. Because Union officials monitored the polls, only the particularly brave or particularly contemptuous dared to vote against Unionism. In Shepherdstown, for instance, a staunchly Confederate town under Union occupation at the time of the 1863 vote for inclusion in the state of West Virginia, only one individual dared to vote *no*.⁴² It is unlikely that a broader, freer vote would have resulted in either West Virginia’s ascension to statehood or the inclusion of its most rebellious counties within its borders, and Unionist civilians perceived as much. “Nothing Sir [Pierpont],” wrote one Barbour citizen, “will hold these traitors to their good behavior, when the Federal troops shall have left us.”⁴³ Such a fear was not unfounded, as a Gilmer County citizen attested in 1862: “the County has been in

a state of Anarchy since the Federal Troops have been withdrawn from this place.”⁴⁴ One should not assume, however, that only Unionists feared anarchy.

As many early historians incorrectly typecast West Virginians as uniformly pro-Union, it can be easy to typecast the federal soldiers as invading brutes who won influence only via fear. True, few western Virginians experienced a shift in ideology due to Union occupation—as much can be surmised from the power of the Democratic Party in West Virginia following Reconstruction.⁴⁵ But many Confederate-minded westerners became willing, after months or even years of devastating total war, to cast a vote for statehood or inclusion within that state. Their desire for a southern victory and an undivided Virginia was eventually trumped by their desire for security from roving bands of guerrillas and, in border counties, incursions with Confederate troops. Many western Virginians, no matter how ideologically Confederate, were forced within a short period of time to admit that peace and prosperity might be nothing more than pipe dreams without an end to the conflict that consumed the region.⁴⁶

This reality—confronted by many, though certainly not all, West Virginian rebels—echoed that confronted by the Confederacy at large. Although bushwhacking and Confederate activism in West Virginia persisted throughout the war, civilians in Trans-Allegheny and Shenandoah Valley counties found themselves outmaneuvered politically and militarily, accepting if not embracing the fact that an end to the war—or at least removal from the conflict, as many presumed inclusion in the state of West Virginia would guarantee—offered a more promising prospect than a grueling and bloody war of attrition based on differences more economic and political in nature than truly ideological. And for those prepared to fight it out to the end—the end, eventually, came, and the voices and verdicts of men more powerful than the zealous rebels who never laid down their weapons carried the day. When Lincoln declared in his rationale for signing into law the West Virginia Statehood Bill that “we cannot fully retain their [western Virginia Unionists’] confidence, and cooperation, if we

seem to break faith with them,” he may have been hinting at more than his statement overtly let on.⁴⁷ Without federal intervention, Lincoln likely realized, it seems almost sure that the Virginia-born and Virginia-proud residents of the Confederate counties would have defeated northwestern Unionists’ attempts at dividing and violating a state in which southern sentiment predominated. But conviction—or a lack thereof—did not lose that battle for rebel civilians, just as it did not turn the tide for the Unionists. Only certain friends in higher places, political and military canny and fortune, and some degree of serendipity divided Virginia’s two thoroughly heterogeneous halves and their respective fates in the Civil War.

Endnotes

¹ President Lincoln’s Rationale for Signing the West Virginia Statehood Bill, 31 December 1862, Abraham Lincoln Papers, Library of Congress, quoted in Richard O. Curry, “Ideology and Perception: Democratic and Republican Attitudes on Civil War Politics and the Statehood Movement in West Virginia,” *West Virginia History* 44, no. 2 (1983): 142.

² Richard O. Curry, *A House Divided: A Study of Statehood Politics and the Copperhead Movement in West Virginia* (Pittsburgh: University of Pittsburgh Press, 1964), 86.

³ Virgil A. Lewis, ed., *How West Virginia Was Made* (Charleston: New-Mails Company, 1909); Charles H. Ambler, *Francis H. Pierpont: Union War Governor of Virginia and Father of West Virginia* (Chapel Hill: University of North Carolina Press, 2012); George E. Moore, *A Banner in the Hills: West Virginia’s Statehood* (New York: Appleton-Century-Crofts, 1963).

⁴ Moore, *Banner in the Hills*, 189-190.

⁵ Curry, *A House Divided*, 5-6.

⁶ John W. Shaffer, *Clash of Loyalties: A Border County in the Civil War* (Morgantown: West Virginia University Press, 2003); Kenneth W. Noe, “Exterminating Savages: The Union Army and Mountain Guerrillas in Southern West Virginia, 1861–1865,” in *Civil War in Appalachia: Collected Essays*, ed. Kenneth W. Noe and Shannon H. Wilson (Knoxville: University of Tennessee Press, 2004).

⁷ Edward L. Ayers, *In the Presence of Mine Enemies* (New York: W. W. Norton, 2004), 107; Rufus Maxwell to William C. Curry, 17 February 1852, Maxwell-Bonnifield Papers, West Virginia University Library; Curry, *A House Divided*, 10.

⁸ William W. Freehling and Craig M. Simpson, eds., *Showdown in Virginia*:

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⁹ *The Wheeling Intelligencer*, January 14, 1861; *Ibid.*, January 26, 1861.

¹⁰ *Ibid.*, January 4, 1861.

¹¹ Samuel Peden to Waitman T. Willey, 30 April 1861, Willey Papers, West Virginia University Library.

¹² *Journals, Acts and Proceedings of a General Convention of the State of Virginia Assembled at Richmond, 1861* (Richmond: Wyatt M. Elliot, 1861), 104, <http://archive.org/details/journalofactspro00virg>.

¹³ Lewis, ed., *How West Virginia Was Made*, 278.

¹⁴ *Ibid.*, 279.

¹⁵ Charles H. Ambler, Frances. H. Atwood and William. B. Mathews, eds., *Debates and Proceedings of the First Constitutional Convention of West Virginia, 1861-1863* (Huntington: Gentry Brothers, 1939), 1:74-76.

¹⁶ Lewis, ed., *How West Virginia Was Made*, 284-288.

¹⁷ *Ibid.*, 291-292.

¹⁸ Harris to Withers, 18 June 1861, George B. McClellan Papers, Library of Congress, quoted in Curry, *A House Divided*, 48.

¹⁹ "The War in Western Virginia," *Cincinnati Times*, October 1861, Roy Bird Cook Collection, West Virginia University Library, quoted in Curry, *A House Divided*, 74.

²⁰ Henry I. Samuels to Francis H. Pierpont, 22 August 1862, Executive Papers of Governor Francis H. Pierpont, Virginia State Library, Richmond.

²¹ Hayes to his wife, 17 August 1861, in *Diaries and Letters of Rutherford B. Hayes*, ed. C. R. Williams (Columbus: Ohio State Archeological and Historical Society, 1922), 2:71, <http://ww2.ohiohistory.org/onlinedoc/hayes/index.cfm>.

²² Fisher to George W. Mumford, 23 October 1861, in *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington: Government Printing Office, 1880-1901), 5.917, <http://ehistory.osu.edu/osu/sources/records/>.

²³ Noe, "Exterminating Savages," 106.

²⁴ John Henry Cammack, *Personal Recollections of a Soldier of the Confederacy* (Huntington: Paragon Printing, 1920), 5, <http://archive.org/details/personalrecollec01camm>.

²⁵ *Virginia Free Press*, June 13, 1861.

²⁶ Shaffer, *Clash of Loyalties*, 45-46.

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THE DELAY OF IMPLEMENTATION OF THE
WIC PROGRAM

Meagan Smith

In the wake of the United States 1968 presidential campaign, three British journalists concluded that “the gap between rhetoric and reality” constituted “the most disturbing problem in American politics.”¹ This indictment of political promises and ugly realities echoed the complaints that many politicians, activists, and community leaders voiced in the late 1960s and early 1970s about the issue of hunger in America. Though national food programs had existed since the Great Depression, American hunger became a national issue only after Senators Joseph Clark (D-PA) and Robert F. Kennedy (D-NY) visited the Mississippi Delta in April 1967. Clark and Kennedy compared the hunger of the poor Mississippians who languished in run-down shacks to the more familiar and easily explained hunger in Third World countries. Clark and Kennedy’s “discovery of hunger” shocked the nation. The paradox between the overproduction of food in America’s wheat and corn fields and severely malnourished American citizens stirred the hearts of many individuals, and anti-hunger rhetoric soon permeated every level of government. Documentaries, hearings, exposés, and newly-formed organizations inundated the public sphere, and mayors, governors, and Presidents Lyndon B. Johnson and Richard Nixon vowed to end hunger in America. In 1970, Senator Ernest F. Hollings (D-SC) lamented the reality gap that the British journalists had identified. Hollings complained that politicians and the American media had “flattered” the hungry “with six thousand pages of testimony, countless books and articles, hundreds of witnesses, many miles of trips...even a White House Conference. Everything except a meaningful amount of food.”²

In 1972, Senator Hubert H. Humphrey (D-MN), chairperson of the Senate Select Committee on Nutrition and Human

Needs from 1968 to 1977, committed himself to narrowing the reality gap. The growing awareness among policymakers and medical specialists that pregnant mothers and infant nutrition represented an investment in national health spurred several committees and conferences, most notably the 1969 White House Conference on Food, Nutrition, and Health and the President's Committee on Mental Retardation. Out of these hearings came the consensus that poor expectant mothers without access to proper nutrition were "dooming their babies to mental retardation, spreading disease...and costing states and municipalities billions of dollars in maintaining jails and institutions and financing remedial education."³ The link between childhood malnutrition and learning disabilities, chronic poor health, and general social disadvantages galvanized Humphrey to sponsor an amendment to the Child Nutrition Act of 1966 that created the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

The WIC legislation outlined a two-year, twenty-million-dollar (per fiscal year) pilot program under the direction of the Department of Agriculture (USDA) with help from the Department of Health, Education, and Welfare. The program would provide low-income, at-risk mothers and their children with nutritional supplements but would also assess the medical benefits of such a food supplement outreach. The legislation sailed through Congress by a wide majority because not only was the 93rd Congress (both the House and Senate) dominated by Democrats, but the political appeal of feeding pregnant mothers and infants also trumped partisan splits. Despite congressional backing, however, the program hit a stumbling block when it reached the USDA. The program lay quietly for ten months in the Food and Nutrition Service—"an entire fiscal year," the irate Humphrey complained—before a U.S. District Court judge ordered the department to move forward with the program's implementation in the summer of 1973 in *Dotson v. Butz*.⁴ Five months later, the plaintiffs of the original case filed charges against the USDA again because "the USDA still had yet to feed one mother or infant."⁵ Finally, Senator George McGovern

(D-SD) organized the congressional hearing *Maternal, Fetal, and Child Nutrition* “to deal with problems related to the implementation and continuation of federally funded supplemental food programs.”⁶ The question on every anti-hunger politician’s lips: Why had the USDA delayed implementation of the program? A second and closely-related question also emerged: Why was the USDA only planning to spend a portion of the appropriated funds for the program?

Three distinct explanations emerged, though not all of them were necessarily mutually exclusive. The first explanation came from the USDA itself. The Department argued that the delay was for purely practical purposes: they wanted to create the best possible program with fiscal responsibility and scientific integrity. The second explanation for the delay was far less kind to the Department of Agriculture as many politicians and activists opined that the Department’s prioritization of farmers unfairly dismissed the poor and hungry. People of this opinion cited the millions in farm subsidies the USDA doled out every year and the USDA’s push to separate food programs into a different Department as proof that the USDA’s agenda did not include the WIC program. Finally, some historians have argued that officials in the USDA genuinely did not believe that the WIC program had any feasibility and blocked its implementation on these grounds alone. According to this argument, USDA officials believed that the program wasted tax dollars and that the government should focus on proven programs like the Food Stamp Program.

Few, if any, historical analyses of the WIC program give each explanation credence; most authors have a clear protagonist and antagonist in the battle over WIC. The narrative is always the same: while Congress slaved to create programs to distribute food to the needy, the conservative USDA refused to fork over cash or food. Rarely has the USDA had a voice in the story. For example, Loretta Schwartz-Nobel, journalist and author, argues that the USDA delay of the WIC program demonstrated an integral philosophy in the department to impede legislation that helped the hungry. She writes that “the Department of Agriculture’s official

and ongoing reaction to the creation of the program for hungry pregnant women and their young children was to try to destroy it,” and she argues that this apathy was the typical reaction of the Department.⁷ Other historians have also made explicit value judgments about the USDA’s behavior, most casting the USDA as a ruthless bureaucracy committed to keeping mothers and babies hungry. These examinations do not entertain the notion that the USDA might have prioritized farmers and had different ideas about government spending, but could also genuinely commit itself to serving its farmer clientele and the hungry because such a conclusion would not allow for the compelling drama of the villainous USDA and heroic Congress. This paper will attempt to reconcile the disparate explanations and show how the USDA’s delay was not merely a callous dismissal of the nation’s hungry, but the coalescing of several philosophical, economic, and political forces on one small program. The narrative of the WIC program was not a struggle between good and evil, but rather a series of typical disagreements between the legislative, executive, and (to a far lesser extent) judicial branches. As one witness at the congressional hearing observed, “It appears that the scientific, political, administrative, and social considerations which frequently are divergent—certainly not complementary in this instance—are creating a great deal of misunderstanding and confusion.”⁸

The judiciary had its say very early on in the implementation of WIC. Even before Congress demanded an explanation in the *Maternal, Fetal, and Infant Nutrition* hearing, a coalition of non-profit organizations and potential beneficiaries of WIC sued the USDA “to compel the expenditure of appropriated funds.”⁹ The plaintiffs argued that although the first fiscal year of the program was over, the compulsory language of the law (“the Secretary *shall* use”) required the Department to spend all forty million dollars for the program. The USDA argued that it had the discretion to use as much or as little of the appropriated funds it deemed necessary and put forth three arguments: (1) that the pilot program did not intend “to feed large numbers of persons in the designated categories of beneficiaries but rather to assemble

medical data which will enable Congress to evaluate the worth of the program;” (2) that experts had advised the department that the program required only six million dollars per year, not twenty; and (3) that no funds earmarked for fiscal year 1973 could carry over to 1974.¹⁰ The Supreme Court disagreed on every score. Believing that Congress intended the program both to assemble medical information and feed the hungry, it cited how the compulsory language denied the Secretary of Agriculture his share of discretion. In particular, since “Congress intended to make forty million dollars available for the Section 17 program until its expiration on June 30, 1974... this intent cannot be frustrated by delay in implementation.”¹¹ Speaking for the hungry, the Court ordered Secretary of Agriculture Earl Butz to spend all of the money Congress appropriated before the pilot program expired in 1974.

Because the court ruled against the USDA in *Dotson v. Butz*, many historians and journalists tend to obscure the USDA’s rationale, instead opting to sensationalize the Department’s delay. The arguments that the USDA put forth are, however, rather compelling. The Department’s contention that the medical research aspect of the program superseded the feeding component might sound nefarious and underhanded and has been portrayed as such in the historiography, but the USDA’s reasoning was actually quite sound and informed many of the USDA’s decisions about the pilot. The legislation authorized a pilot program that would provide the Congress with

[s]ufficient medical data to medically identify and define the benefits provided through this program in combatting and abating any physical and mental damage that otherwise might be caused to infants due to malnutrition; and to make recommendations to the Congress on the wisdom and practicality of legislation for a more permanent and widespread program.¹²

The language here certainly suggests that the pilot program’s research component subordinated the feeding aspect, particularly

the clause about a “more permanent and widespread program” after the pilot program’s efficacy had been established. During the congressional hearing, Assistant Secretary of Agriculture Clayton K. Yeutter justified the alleged delay by citing the research component. He argued that the Department “proceeded with care and thoroughness in order to produce a sound pilot” that would provide “the full scientific evaluation that Congress intended.”¹³ USDA officials did not want to spend all twenty million dollars because they believed that a smaller program would have better structure and scientific credibility than a dispersed, grandiose project. Yeutter responded to congressional criticism: “There is no point in spending \$40 million if the job can be done with \$10 million...it was a pilot program and was not intended to feed all the needy children in the United States; it was a pilot program designed to learn answers to some very important questions.”¹⁴

Even activists who fully supported the WIC program and criticized the USDA’s management agreed that the legislation’s dual purpose complicated the program’s execution. Dr. David Paige, a witness whom Senator Humphrey brought forward to denounce the USDA, admitted that obtaining sufficient medical data could not be “tied to a mass social experiment” and that a successful medical experiment pivoted on “valid scientific methodology.”¹⁵ The smaller program that the USDA envisioned would have the experimental validity that a widespread, dispersed food program lacked. In a report before Congress, the Food and Nutrition Service (FNS), the subdivision of the Agriculture Department in charge of the WIC program, concluded that the “practical effect of this [*Dotson v. Butz*] ruling was to considerably expand the WIC program beyond the modest pilot project USDA-FNS had planned.”¹⁶ Essentially, the USDA believed its smaller project adhered to the express intent of the law much more than Congress’s imagined program and that potential beneficiaries were rushing a careful process. According to social and political scientists Bertram M. Gross and Michael Marienargue, “one of the most baffling difficulties in applying the test [pilot] approach to social problems” is that “the announcement of pilot projects to be under-

taken in a few selected areas usually creates demands of ‘spread the money more equitably’ from those without project money.”¹⁷ The USDA believed that the WIC program suffered from this difficulty: while the USDA tried to create a viable social experiment, politicians and activists clamored prematurely for the expenditure of funds. Whether USDA officials genuinely believed that the research component superseded the food distribution aspect or just cleverly misconstrued congressional intent is hard to say. Nonetheless, the USDA’s reasoning—as anti-USDA witnesses grudgingly admitted—was valid. The research component and trial-run nature of the pilot made the USDA’s small project economical, responsible, and reasonable, even if it did not feed all of the needy children in America.

Criticism of the USDA’s implementation also concentrated on the USDA’s prioritization of the nation’s farmers at the expense of pregnant women and their babies. Much anti-hunger rhetoric focused on the paradox of plenty. Senator McGovern opined that “to have billions spent to stop food from being grown and finance surplus storage while other Americans languish under the blight of malnutrition” disturbed Americans’ sense of fairness and logic.¹⁸ Even more explicitly, Humphrey maintained that the USDA had prioritized expenditures without regard for congressional law, easily doling out “a bonanza of about \$500 million... to wheat farms” when Congress and the USDA had wrangled over the WIC program—“a \$20 million program”—for over a year.”¹⁹ He drew attention to the Department’s wheat subsidies to underscore his argument that the USDA made deliberate decisions to undermine the success of WIC. As he observed cynically, “The Department could not find the time, nor the means, nor the manpower, nor the will, to initiate a \$20 million program...It just depends on what you want to do around this town, apparently, to see what gets done. Apparently, the infant and the mother take second place to many others.”²⁰

Humphrey’s accusations present a grain of truth. Secretary of Agriculture Ezra Taft Benson established the USDA priority in the early 1960s when he explained: “We [the USDA] are

most sympathetic to the plight of the needy persons. We must, however, not lose sight of the fact that the primary responsibility of the Department is to carry out the farm programs that benefit the farmer.”²¹ Alongside this explicit confession of the USDA’s priorities, the Nixon administration admitted plans to separate the Department of Agriculture from all non-farmer related issues like food welfare by creating a Department of Human Resources and/or a Department of Community Development. Coupled with the fact that the USDA spent five months in negotiations with the Department of Health, Education, and Welfare (DHEW) about passing on responsibility for WIC, Congress was justifiably suspicious of the USDA’s dedication. Senator Charles H. Percy (R-IL) questioned Yeutter extensively about the Department’s commitment to food programs in this context and asked the Assistant Secretary if the USDA planned to foist off food programs to DHEW while the administration pressed for new departments. Yeutter responded that the commitment to food programs would not and could not be higher in any other department, even if food programs were not “exactly in the direct line of [the USDA’s] overall major thrust and responsibility.”²²

Yeutter’s statements exacerbated the problem rather than quelling concerns. Though Yeutter assured Congress that the USDA’s commitment was unwavering, he had admitted that the USDA had wrangled with the DHEW about “who within the U.S. government would carry the lead role, whether it would be DHEW or USDA.” He even identified these negotiations as the “principal segment of the delay.”²³ With this confession, critics argued that USDA clearly wanted to run away from the program. This condemnation forced the USDA on the defensive, and they spun the story otherwise. According to a FNS report, the USDA’s delay in executing the project was purely pragmatic. The USDA argued that its limited capacities precluded the proper administration of the medical side of WIC and that DHEW had more experience with such a program: “Congress required a medical evaluation of the Special Supplemental Food Program and...the Department of Agriculture was not organized to carry out this type of techni-

cal study.”²⁴ After the DHEW refused to undertake the endeavor, however, “the Department of Agriculture proceeded to set up the mechanisms to implement the program and the medical evaluation.”²⁵ The USDA’s presentation of the facts differed grossly from that of those members of Congress who suspected ulterior motives for the department’s dawdling. From the USDA’s portrayal, the department was merely seeking out the best venue for the program and the moment USDA officials realized that their department was the only one for the job, they drafted a viable program. Yeutter claimed that DHEW only “concluded that they should not play the key role in [the] program” in February of 1973, but that since February, USDA officials had been “very actively involved...in determining all the parameters of the program, developing the regulations for proceeding, and so on.”²⁶ According to the USDA, the primary reason for delay was its limited capacity. This argument, though eloquent and clever, proves to be the USDA’s weakest because the USDA had already carried out a food supplement program for women, infants, and children with a medical research component. In fact, the results of that project informed the USDA’s attitude toward WIC and truly accounted for its reluctance to execute the program.

During the Johnson Administration, in 1968, Secretary of Agriculture Orville Freeman led a small supplemental food program that distributed, above the food stamp allowance, surplus cereals, juices, milk, corn syrup, canned vegetables, and protein foods to expectant and postpartum mothers and their children.²⁷ Because of the high distribution costs of a commodities-based project, the USDA initiated a voucher system pilot. The Department contracted with Dr. David Call of Cornell University “to evaluate the effectiveness of the program” in Bibb County, Georgia, and Chicago, Illinois.²⁸ The results of the evaluation were disappointing. Dr. Call found that the program “had little or no nutritional impact” and that “overall the participants who used food certificates on top of food stamps fared no better nutritionally than did those relying on food stamps alone to better their diets.”²⁹ The Department concluded that the supplemental program failed to

better the target population's nutrition because there was no way to ensure that the food went only to mother and child, instead of the entire household. Yeutter explained to Senator Humphrey at the congressional hearing:

The experience with the Supplemental Food Program is that when those commodities have been made available they have not gone, in many cases, to the member of the family that should consume them. They have either been consumed by someone else in the family or they have not been consumed at all...the family may merely change its expenditure pattern. The increase that occurs by virtue of these products being made available results in a decrease elsewhere and the total nutrient consumption changes little and perhaps none at all.³⁰

Thus, the USDA officials decided their efforts would yield better results if they focused on bettering the entire family's nutritional well-being by using food stamps, rather than focusing on individual members of the family. Historian Peter K. Eisinger sees this failed experiment as the watershed in USDA-Congress relations on the issue of alleviating hunger in America. The USDA's doubts and delays stemmed from "the belief that WIC was ineffective and unnecessary."³¹ Although Congress insisted that programs like WIC were already in effect and effective, the USDA had already come to its own conclusions: targeted programs did not work. Consequently, the Department committed itself instead to expanding the Food Stamp Program and other family assistance programs.³² This move explains why the early 1970s saw a number of complications with the WIC program, yet an expansion of federal responsibility for the funding and the geographic scope of the Food Stamp Program.

The battle over the WIC program did not recede after the USDA finally implemented it. Congress worked to expand the program aggressively and the Nixon administration scrambled to keep the budget balanced. The USDA and Congress each saw the

other as the villain. The USDA thought Congress wasted taxpayers' money on an untenably expensive program, and Congress and anti-hunger activists portrayed the USDA as a bureaucracy of insensitive, miserly baby-haters. Only one side of the story has survived, likely because, in the end, Congress "won." The winner writes the history book, and in this case, the USDA lost its voice on the issue of the WIC pilot.

Endnotes

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⁶ *Ibid.*, 214.

⁷ Loretta Schwartz-Nobel, *Starving in the Shadow of Plenty* (New York: G. P. Putnam's Sons, 1981), 79.

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¹⁴ *Ibid.*, 159.

¹⁵ Senate Select Committee on Nutrition and Human Needs, *Maternal, Fetal, and Infant Nutrition Part 3: Oversight: WIC*, 219.

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²² Senate Committee on Nutrition and Human Needs, *Maternal, Fetal, and Infant Nutrition Part 2: Governmental Responses*, 150.

²³ *Ibid.*, 157.

²⁴ U.S. Department of Justice, Food and Nutrition Service, *Implementation and status of the special supplemental food program for women, infants, and children*, 2.

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²⁸ Senate Select Committee on Nutrition and Human Needs, *Maternal, Fetal, and Infant Nutrition Part 3: Governmental Responses*, 144.

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RURAL RACE RELATIONS

Rebekah Turnmire

Stretching from northern New England to southern Georgia, the Appalachian Mountains have historically marked the geographical boundary between the East Coast and the Midwestern United States. A vast, unsettled frontier in early America, the Appalachians became an immigrant-based buffer between polite society and Native Americans. Confined by the geographical restrictions their rugged terrain imposed, these mountain immigrants created unique, homogeneous communities that remained virtually untouched by the increasing modernization of the United States. These homogenized societies were, and continue to be, comprised predominately of white Protestants whose ancestors may be found in family graveyards dating back generations. Unlike the majority of the southern United States, the southern Appalachians lacked the significant African American presence that contributed to the diversification and “multitiered society their presence imposed on the rest of the South.”¹ This demographical void created a white racial “innocence” that in turn allowed Appalachian society to develop a unique form of protective racism different from other regions of the American South.

First settled during the eighteenth century, the Blue Ridge section of the Appalachian Mountains offered affordable tracts of land to Ulster Scots, Germans, and a few English settlers. In an attempt to escape their strict Quaker leaders and the increasing lack of mobility in the Chesapeake, these immigrants coped with the uncertainties of “backcountry” life by forming tightly knit, yet remote, communities. Shared experiences, high mortality rates, and rampant poverty fostered a mountain society with intense moral, religious, political, and social values.

As population crowding in the Chesapeake and Tidewater escalated, westward migration began to move further into the Appalachians. Communities began to form small towns as agri-

cultural ventures became more profitable. Though many Appalachian families were subsistence farmers, a few were successful in building and maintaining larger farms, becoming prosperous members of mountain society. Emulating many successful farmers of the South, some even reached the financial affluence necessary to purchase a substantial number of slaves to work the fields.² In areas like Grayson County, Virginia, these slaveholders appear to have become the most prominent families in their respective regions of the county, theoretically monopolizing and controlling slavery in the area.³ Throughout the onslaught of the Civil War, mountain sensibilities towards outsiders and the aforementioned sparse biracial variation became prominent forces in evolving race relations of Appalachian communities.

In his piece "Mountain Victory," William Faulkner illustrates mountaineer wariness of outsiders and the macabre results of the sudden "exposure to members of a second race."⁴ Set in the backwoods of Tennessee in the years immediately following the Civil War, Faulkner details a white Appalachian family's first encounter with a black man. Sceptically welcoming in a Confederate major and his African American body servant who are journeying back to the major's Mississippi plantation, this frontier family is taken aback by the stark difference in the pair's respective skin tones. Fascination turns into distrust, fear, and hatred as one of the daughters becomes attracted to the Confederate major. Though Faulkner's tale comes to a bitter end with the slaying of the major, his black companion, and, accidentally, the youngest son, his depiction of the family's reaction to seeing a black man for the first time illustrates the sort of "racial innocence" that characterized similar secluded mountain regions for subsequent decades.⁵ Just as Faulkner's short story reflects upon and tries to explain the racial hostility of the Appalachian family towards their visitors, a different account of interdependence depicts the bi-racial dependence of white families on their slaves during the war.

Recalling a family legend, Joe W. Phipps of Grayson County, Virginia, spoke of several incidents when his great-grandmother's reliance on a few of the family's slaves kept their

farm running while her husband was fighting for the Confederacy. Common during the Civil War, raids on nearby farms and homesteads by various Yankee and Confederate regiments frequently left families without food, supplies, and other goods needed to survive during harsh times. Frequently in proximity to Yankee encampments, the Phipps homestead and other neighboring farms fell victim to several small raids. One such incident would have decimated the Phipps' winter food supply had it not been for the aid of the Phipps family slaves. With the matriarch of the family gone to Dublin, Virginia, to deliver knitted socks and gloves to a Confederate regiment there, the young children and farm were left in the care of their slaves. Hearing of a Yankee raid up the road, several of the Phipps' slaves hid the cured hogs meat under the floorboards of the abandoned blacksmith's shop down the road. As Mr. Phipps explained, his great-grandmother's trust of her slaves increased dramatically, and though her dependence on them to keep the farm functioning throughout the war was great, after that specific raid she became more fiercely protective of them.

Although this particular family narrative probably contains a few embellished elements, the underlying theme of codependence may explain the more lenient treatment of slaves by their Appalachian masters.⁶ Consequently, it may have also been one of the catalysts for slaves to enter into a form of sharecropping with their former masters at the conclusion of the Civil War. The mountain slaves who elected to remain in the area and work on the farms of former masters were granted tracts of land for their own purposes. Descendants of these former slaves continue to live and work in the counties their ancestors had come to in bondage.

Though black families married and had children in these mountain communities, racial demographics indicate that the Appalachian Mountains remained persistently white; whole counties were frequently devoid of African Americans. Those counties that did had extremely small populations that resided in separate areas of the counties. For instance, in both Grayson County, Virginia,

and Ashe County, North Carolina, black families congregated in small, all black sections of towns.⁷ Many mountaineers colloquially referred to these sectors as “darky town” and “colored town.”⁸

Traditionally, race relations in the American South have been characterized by the events and actions of whites in the Deep South. Though warranted, historians’ focus on these affairs leaves out an important aspect of regional race relations in southern history. Unlike regions in the Deep South and urban centers in the Upper South, the interactions between blacks and whites in the Appalachians have been sorely disregarded. The assumption that there was no racial intermingling in remote areas has fostered an image of intense, overt racism and ignorance by poor mountain whites. As I found through interviews with residents, this was and is most certainly not the case.

Grayson County, Virginia, is nestled deep within the Blue Ridge section of the Appalachian Mountains. Formed in 1793, Grayson County as of the 2000 census boasts a population of roughly 18,000 people, 6.7% of which are African American.⁹ Both the white and black portions of the county are comprised of descendants of the immigrants and slave families who originally settled there. Four hundred forty-six square miles in area, the population of Grayson is spread out with small “pocket” communities sprinkled throughout the different sections. Similar to other Appalachian counties, Grayson’s lack of population density and geographical seclusion created a spectrum of racial contact throughout the county. For certain residents of Grayson County, from an early age their contact and intimacy with members of the black community were acute. Inter-racial experience in Appalachian areas like Grayson County relied heavily on several factors: family occupation and affluence, geography of area in which they lived, and proximity to town center.

Born in 1926, Joe W. Phipps grew up in the Fox Creek section of Grayson County. The Phipps clan, one of the original families in the area, had been affluent farmers during and after the American Civil War. One of the only families in the county to own slaves, they continued to employ their black workers long

after slavery had ended. As a child, Joe Phipps would hoe corn alongside the black workers his father and grandfather employed to work the fields. Like many other white families, his mother also employed a maid to help do household chores and keep the children. Living “down in the holler” from the Phipps homestead, the members of the black community in the Fox Creek area were all in some way connected with the Phipps farm, walking and working there every day.¹⁰ Though their ties were strong, the lives of those black workers and the Phipps family were still distinctly separate.

Unlike the fields where Joe Phipps worked alongside his black neighbors, he never worshiped or attended school with their children. On a three hundred acre piece of land given to former slave Uncle Reed Cox, Joe Phipps’ father and grandfather cleared a small portion to build Uncle Reed a church and school. This multi-functional building served as a “colored-school” for the black community in Fox Creek. Instead of attending Bridle Creek, the local school Joe Phipps went to as a child, the “little black boys had to walk down to his [Uncle Reed’s] school” instead.¹¹ This institutionalized separation and distinction of black and white children who otherwise played together psychologically enforced a social precedent for “knowing one’s place.”

Similarly, Rex Halsey, another Grayson County native, grew up in a family that employed black workers. Like Joe Phipps’ mother, Rex Halsey’s mother employed a black woman, Ms. Lenny Grimmes, who lived in another small “black village” down the road. Ms. Lenny helped his mother do house work and care for the children. Remembered as a fine lady they “thought the world of [her]. She was so kind and good to [us], just anything [we] wanted she would try to make it happen [for us].”¹² In this innocent comment there are possessive undertones as if Ms. Lenny were something to which he, as a child, was entitled. Unintentionally, Mr. Halsey’s recollections of Ms. Lenny were reminiscent of a grandchild speaking of a beloved grandmother yet his depiction of her brings to mind the black mammies of Southern literature and cinema. Her memory begins to resemble white stereotypes

of black housemaids. Such stereotypical descriptions are not singular to Appalachian regions as they crop up throughout white Southern memory, literature, and music.

Common throughout Appalachian history, it was rare to see a black community in the western-most, and usually more mountainous, regions of Appalachian counties. Unlike Joe Phipps and Rex Halsey, Mildred Anderson, born in Grant, Virginia, in 1924, spent the formative years of her life having never encountered an African American. Her first racial interaction came as a teenager while her family still lived in Grant, Virginia. Having only heard stories of “mulattos” as a child, she and her sisters were bewildered when two black men visited her family’s farm. Driving their white employers cattle to market, they had stopped to enlist the services of her father and his cattle scales. Due to the remote location of their home and the lateness of the day, her father invited the two men to stay the night. An anomaly in her secluded way of life, the men’s dark complexions peaked the curiosity of Mrs. Anderson and her sisters. She described their “fascination [to be] so great that [they] could not wait to check and see if the sheets were still white the next morning.”¹³ What seems to be a peculiar inquisition illustrates a far tamer racial “innocence” than the gruesome affair Faulkner describes in “Mountain Victory.” Having had no previous contact with the opposite race, the differences in skin tone confused Mildred Anderson’s understanding of the world in which she lived. Yet this racial naivety does not accurately reflect all racial interactions between mountain people and their black neighbors.

Dona Cox, a ninety-nine-year-old resident of Grayson County, lived in the neighboring county of Wytheville, Virginia, for a short period of time before moving to Independence, Virginia. While in Wytheville, she employed a black maid to help her with household duties and her then small children. Greta, Mrs. Cox’s black maid, had been a lifetime resident of Wytheville and had extensive household experience. Dona Cox described Greta’s state during the maid’s initial interview as a precarious one. Battling with alcoholism, Greta had previously had trouble staying

employed after she was released from prison in her early twenties. A then-wary Mrs. Cox hired her on a strictly trial basis. Becoming rather reliant on Greta as her family grew, Mrs. Cox and her maid grew intimate, trusting each other enough to divulge a multitude of life experiences. Later in her employment, Greta described earlier episodes of her particularly unsavory past to Mrs. Cox:

As a pre-teenager [Greta] had been employed in a rather large home at which, every day at noon, she was required to carry lunch to the master of the house's white workers who worked in the field. As part of that daily ritual some of them would take her to the barn and molest her. Finally having enough and wanting to get out of her degrading situation, she ran away very early one morning and fled to Cincinnati where she found work in another large home that already employed two African Americans, a butler and a cook. Having fallen in love with the cook, they planned to marry once they had enough money to make it on their own.

Sadly, being a very beautiful girl, the master of the house had fallen in love with her too. When she resisted his advances, the master grew angry and murdered the cook with a butcher knife. A prominent man in the community, he told Greta that 'because she was black she therefore did not stand a chance of being free from what he was going to accuse her of.' Due to his status in the community he offered her \$2000 to take the blame and promised to insure she would only be sentenced to two years in jail, after which she would be free.¹⁴

Though the events of Greta's struggles have been passed down orally and, for that reason, altered somewhat, the pervasive need to protect her black maid is apparent in the disgust with which Mrs. Cox describes Greta's past and the loving tones which coat her discussion of their time together. Much like an overprotective parent, Mrs. Cox seems to mistrust any outsiders who potentially may have hurt "her Greta."

A similar paternalistic responsibility towards hired hands is also apparent in a trip Rex Halsey took later in life with his father's black truck driver Clarence Valentine. Living in the "black village" down the road, Mr. Valentine worked for Mr. Halsey's father for roughly twenty-two years. In December of 1957, his father's cousin, who owned an apartment complex in Florida, needed a shipment of lump coal to be brought down from Virginia. At the height of Southern segregation, it was unsafe for Mr. Halsey's father to send Clarence to Florida unaccompanied; Mr. Halsey, being young and unmarried at the time, volunteered to accompany the convoy of coal southward. Detailing the atmosphere of their journey to Florida, Mr. Halsey described the overt racism they combated. Most restaurants and gas stations supported little white signs reading "White Patrons Only," or racially-designated entrances. Not used to such treatment, Mr. Valentine frequently chose to remain in the car hungry instead of having to be turned away. It appears that Mr. Halsey and his cousin made it quite clear at each restaurant at which they stopped that "there was a black man in [the] station wagon and the owner was to take him a tray to the car. Otherwise, their business would go elsewhere."¹⁵ Mr. Halsey makes it apparent that this particular incident was not isolated as both his family and Clarence continued to face the harsh segregation of the lower South on other delivery trips. Yet, as Mr. Halsey stressed, "having grown up with blacks, [he] saw no reason for there to be any bad blood."¹⁶

As the Civil Rights Movement began to take hold of the nation and mandatory integration was instituted, mountain areas like Grayson County experienced little overt backlash from the white community. It appears that integration of the Grayson public schools happened almost flawlessly. Perhaps this smooth transition resulted from a significantly small number of black children who were required to attend the white schools or the "lack of ill will" Mr. Halsey described. Regardless of the reason, the absence of any documented or remembered problems makes one question whether malicious feelings were being repressed or whether there was a lack of contention not present in other regions.

A testament to inter-racial kindness in Grayson County, Julia Valentine moved to this county shortly before de-segregation hit the western portion of Virginia. Previously teaching in Tennessee, Mrs. Valentine had been commuting from her home in Bristol, Virginia, to work in Knoxville, Tennessee. When a job opened at the colored school in Bridle Creek as an elementary school teacher she quickly accepted the position as a way to be closer to her family and save money. A gifted teacher, Mrs. Valentine's tenure at the colored school was quite successful, even catching the eye of the county superintendent. When Grayson County had to integrate he offered her a position at the elementary school in Independence as the first African American teacher in the county. Wary at first, Mrs. Valentine discussed the possible consequences of teaching white students in a predominately white institution with her husband Oscar. Accepting on a probationary period of a year, Mrs. Valentine made it clear that "there was never any opposition, or none that [my husband] or I heard, to my being black and teaching mostly white students."¹⁷ Both Mrs. Valentine and her husband, a Grayson County native, explicitly commented on the "friendly relations between races" and, what they perceived, as a "lack of racial distinction" in general.¹⁸ Mr. Valentine passionately avowed his assurance that had there been any problems, they would have been taken care of by many of the white community leaders with whom he had grown up: "If [he] had heard of an issue [he] could have spoken to one of [his] friends and they would have thoroughly taken care of it."¹⁹ A hint of confrontation in his tone, Mr. Valentine's lecture on wonderful race relations in the county became a dogged need to reaffirm his lifelong association with and almost familial ties to the white families he grew up around. Contrary to Mr. and Mrs. Valentine's fond experiences, Brenda Horton of Ashe County, North Carolina, had a very different integration experience.

Ashe County neighbors Grayson County to the south and, with a very similar demographic, is equally remote and isolated. Born in 1950 Brenda Horton lived in a small all-black village 15 minutes outside of Jefferson for a large portion of her life. Hav-

ing first attended the colored school in Jefferson, North Carolina, she was 16 when North Carolina schools were integrated. Forced to attend Ashe Central High School in Jefferson, Brenda was one of six black students from her village that went to Ashe Central. Having never ridden a desegregated bus before, she was quite nervous about her first experience. No stranger to overt racism, riding the integrated school bus with her white peers for the first time was a small introduction to the harsh realities of Ashe Central. Her recollection of that first bus ride is one of teenage degradation: "If [she] tried to sit with a white student they would jump into the aisle before [she] could get into the seat, as if [she] had lice or some sort of disease."²⁰ On her first day, "[we] pulled up in front of the school and they had 'big shots' to take each one of us around."²¹ As she was led around the facilities white students and other community members were "lined all up and down on both sides of the hall. We would hear them say that 'N' word as we walked by. We would be sitting in the classroom and they would call us that 'N' word."²² It appears to have been the poor white students who were the worst, moving away from black students in the classroom, throwing spitballs at them, making racist comments. The lack of administrative action against blatant incidents of harassment, daily debasement and humiliation, and feelings of hopelessness caused Brenda to drop out of Ashe Central four months later. The lack of protective alliance in the Jefferson section of Ashe County is more reminiscent of similar experiences of black students in urban centers in Appalachia.

In a dual memoir of race in Appalachia, William Drennen Jr. and Kojo Jones recount the trials and tribulations of coming of age in the South Hills section of Charleston, West Virginia, during the 1950s. Their different experiences reflect their respective places in the racial hierarchy of South Hills. As a rather affluent white child, William Drennen's reflections on and experiences with race relations growing up are disconnected, becoming more of an afterthought. Drennen recalls that his preoccupations growing up were of girls, sports, school, and friends and rarely, if ever, did those thoughts directly center upon race. He grew up barely

aware that the differences between the two races “had created a gulf that would require Moses to cross.”²³ Though Drennen had interacted with African Americans from an early age he had rarely been allowed to play with or intimately interact with black children.

Unlike Drennen, Kojo Jones’ life in South Hills seemed always to be a reaction to his white neighbors. What he terms “THE black experience” were the realities of unspoken racial boundaries that could not be crossed without the threat of “serious injury, if not loss of life.”²⁴ Lessons in navigating a white-dominated world were “reported by brothers as well as black mothers and grandmothers who worked in and took care of white peoples’ homes.”²⁵ As Kojo’s experiences taught him, for the “black people [of Charleston] every movement was in some way a reflection of or a reaction to the color of their skin.”²⁶ Desegregation and integration did not necessarily mean cooperation or friendly ties in both Appalachian urban centers and her rural counties.

Though the side effects of integration varied from county to county, public schools in the Appalachians were not the only institutions effected. In the Mouth of Wilson region of Grayson County, Oak Hill Academy, a small private, Baptist boarding school had to navigate the waters of integration in a much different fashion. A transplant into the community, Ed Patton started working at Oak Hill Academy in 1967. After the mandatory integration of Southern public schools, the still-segregated Oak Hill received a surge of white students from areas further south whose parents were attempting to flee from the integrated institutions in their areas. Fearing African American influence, parents sought out the private school as a perceived haven for white supremacy.²⁷

Oak Hill’s integration, unlike many public institutions, was carefully thought out and planned with the utmost sensitivity. Mr. Patton, who was Dean of Students at that time, worked with much of the faculty to talk to and counsel current students about how they were to behave and interact prior to admitting Oak Hill’s first black student. The backlash of Oak Hill’s integration was most noticeable in the immediate drop in enrollment and loss

of certain financial backers. The surrounding community's reaction mirrored that of some of the school's students. Traditionally a Baptist institution, Oak Hill's students were required to attend church services with the nearby congregation at Young's Chapel Baptist Church. Under the same obligations as white students, newly admitted black students began to attend church services as well. As a result, certain local members of Young's Chapel left the church, refusing to worship alongside African Americans.²⁸ Though the majority of members continued to attend, the initial drop in membership challenges the assumption that every white resident in Grayson County was completely racially accepting.

Race relations in the Appalachian Mountains should not be immediately characterized by the traditional stereotype of homogenous white ignorant racism. Instead, it should be carefully examined through the various types of interactions and experiences mountain people had. Living in remote, isolated areas seems to have fostered unique types of race relations. As seen in Grayson County, Virginia, close proximity and intimate connections from early childhood gave way to an intrinsic "owner-pet" relationship between whites and blacks. Exposure played a major role in racial views and stereotypical perceptions. Yet the conception of racial innocence may be too simplistic of a generalization for many bi-racial interactions in the Appalachian South, though its importance to the understanding of white mountaineer reactions to race is still prevalent. Perhaps it was the small black demographic that lessened the threat that some whites felt or the intimate relationship from an early age for some that created more racially accepting communities. The type of white protective racism observed in Grayson County cannot act as the primary example of ALL racial interactions in the Appalachian south. As seen through Brenda Hampton's experiences in Ashe County, North Carolina, some rural circumstances more closely resembled those experiences detailed in William Drennen and Kojo Jones' *Red, White, Black & Blue*. Regardless of location it is evident throughout the Appalachians that both white and black "grew up in a society where [one did not] question [racial] differences."²⁹ Though these

secluded Appalachian regions were not completely devoid of racism, it seems to have manifested in watered down undertones of protective racism.

Endnotes

¹ John Inscoe and others, "Racial 'Innocence' of Appalachia" in *Confronting Appalachian Stereotypes* (Lexington: The University Press of Kentucky, 1999), 93.

² Meant to signify a substantial number for the area. Not necessarily a great amount compared to other areas of the south. Exact number was never mentioned in the Joe W. Phipps interview nor found in documents from the area.

³ Joe W. Phipps, personal interview. November 5, 2011.

⁴ John Inscoe and others, "Racial 'Innocence' of Appalachia" in *Confronting Appalachian Stereotypes* (Lexington: The University Press of Kentucky, 1999), 85.

⁵ *Ibid.*, 85-86.

⁶ *Ibid.*, 92.

⁷ Rex Halsey, personal interview. November 5, 2011.

⁸ Clella Mae Saunders, personal interview. November 24, 2011.

⁹ "Grayson County, Virginia." 2013. Accessed September 29, 2013. <http://www.graysoncountyva.com/>; U.S. Census Bureau, "Profile of General Demographic Characteristics: 2000," Census 2000 Summary File 1 (SF 1) 100-Percent Data, generated using American FactFinder, factfinder2.census.gov (29 September, 2013).

¹⁰ Joe W. Phipps, personal interview. November 5, 2011.

¹¹ The term "Uncle" was used by Mr. Phipps and others in the community though Reed Cox appears to be of no relation; Joe W. Phipps, personal interview. November 5, 2011.

¹² Rex Halsey, personal interview. November 5, 2011.

¹³ Mildred Anderson, personal interview. November 4, 2011.

¹⁴ Dona Cox, personal interview. November 5, 2011.

¹⁵ Rex Halsey, Personal Interview. November 5, 2011.

¹⁶ *Ibid.*

¹⁷ Julia Valentine, personal interview. November 4, 2011.

¹⁸ *Ibid.*

¹⁹ Oscar Valentine, personal interview. November 4, 2011.

²⁰ Brenda Horton, personal interview. November 5, 2011.

²¹ *Ibid.*

²² *Ibid.*

²³ William Drennen and Kojo Jones, *Red, White, Black & Blue* (Athens, Ohio: Ohio University Press, 2004), 147.

²⁴ Ibid., 55.

²⁵ Ibid.

²⁶ Ibid., 147.

²⁷ Ed Patton, personal interview. November 4, 2011.

²⁸ Ibid.

²⁹ Drennen and Jones, *Red, White, Black & Blue*, 186.

TREMBLING BEFORE THE CAMEL:

Popular Religion and the Sunni ‘*Ulama*’ at the
Periphery of Islam

Robin Crigler

“On the day [the scholars] left Timbuktu you could see grown men with beards anxious to mount a camel, but trembling in fear before it. When they mounted the camel, they were thrown off when the beast rose, for the righteous forefathers used to keep their children indoors until they grew up. Hence they had no understanding of practical matters, since they did not play in their youth, and play makes a child smart and gives him insight into many things.”

—*Al-Sa’di, Ta’rikh al-Sudan, ch. 12¹*

“Inasmuch as the increase of temporal duties has thrown a veil over his world-illuminating spiritual beauty, it was not everyone who could bring far-sighted intelligence to the point of understanding His Majesty [Akbar], and there was a bustling market of inappreciation. Especially this was so with paper-worshipping scholiasts, sunk in the mire of routine, and recognizing no knowledge except the garnering of old materials and market-worn beads of small value and writings in ancient folios which had been fabricated by servile decorators.”

—*Abu al-Fazl, Akbarnama, vol. III, ch. 47²*

It has been almost sixty years since the Islamicist Bernard Lewis remarked that the great innovation of twentieth-century Western scholarship—in contrast to previous epochs—was its interest in broad-based economic and social change, attempting to break down the elite cloister in which the discipline had been housed for centuries and reforming it along more inclusive lines.³ As the study of Islamic history pushes further into the twenty-first century, Lewis’s remarks still ring true as ever. In the

intervening decades, scholars such as John Berkey, Colin Imber, and Ahmed Karamustafa have diligently probed the historical record for insights into the often-obscured hand of “popular religion” (as it is, somewhat crassly, termed), and have made many contributions to historians’ understanding of the dynamism of Muslim societies and the ever-changing nature of “orthodoxy” within them.⁴ These works admonish students of seeking hard and unchanging categories of thought and group in Muslim societies and to analyze written accounts—particularly those of the scholarly community, or ‘ulama’—with a grain of salt.

Despite their self-professed interest in “thick description,” such writers have struck upon different ways of conceiving the broad contours of Islamic history.” Since the 13th century,” argues Lewis, “the religious history of Middle Eastern Islam has been chiefly concerned with the interplay of dogmatic religion and popular piety”—the latter of which he conflates with Sufism.⁵ Set alongside battles over *taqlid* (tradition), Berkey seems to agree, while Henderson instead sees Sufism as a “sort of religious Rorschach test,” conducive to neither blanket condemnation nor unqualified acceptance from religious elites.⁶ Madeline Zilfi’s portrait of the Kadizadeli movement in seventeenth-century Istanbul goes still further in reconceptualizing the Islamic intellectual mainstream as a contested space to which various economic and social groups aspired (Sufis against low level mosque-preachers, in the Kadizadeli case), granting agency to people instead of ideologies or academic principles.⁷

This social approach, while undoubtedly fruitful, has unfortunately been focused almost exclusively on the modern “Middle East”—an arbitrary section of territory stretching from Istanbul and the Nile River valley east to the old frontiers of Safavid Persia—cutting off several large and influential swathes of the Islamic world, such as modern India, North Africa, Indonesia, and the Swahili Coast. The reasons for this exclusion are likely diverse, having as much to do with the legacy of European imperialism as simple unfamiliarity, in an academy where the task of an Islamic specialist and a scholar of the Middle East are

all too rarely distinguished.

This paper seeks to shed light on this neglected area by focusing on the relationship between crown, turban, and masses in two contexts: that of fifteenth- and sixteenth-century Songhay in the western Sudan (modern day Mali) and that of sixteenth-century Mughal India under the reign of Akbar the Great. While at first glance the two cases may seem widely disparate, in fact they share many important similarities through the lens of Islamic history. Both empires were indebted to the pan-hemispheric era of Renaissance ushered in by the end of the Black Death by the beginning of the fifteenth century; both empires became hubs of culture and learning in their respective regions. Both empires also shared the distinction of being on the marches of the Islamic world, far away from traditional centers of Islamic authority, and in both empires Sunni Muslim monarchs held dominion over a population that remained mostly unconverted despite centuries of contact with Islam.

This last point is an important one in distinguishing Mughal Hindustan and Songhay from the Muslim territories of the Middle East. While authors like Ira Lapidus and Karamustafa rightly emphasize the length of time it took for a Muslim majority to arise in territories conquered by the Rashidun caliphs and the Ottomans, in India no Islamic dynasty was ever successful in rendering Muslims as any more than an elite minority, despite periodically persecuting Hindus and holding sovereignty in northern India in various forms as early as 711; Sikandar Lodi, for example—sultan of Delhi in the fourteenth and fifteenth centuries—is said to have killed 15,000 Hindus in one day as a demonstration of his faith.⁸ Likewise, in western Sudan and Sahelian Africa, “the emergence of overtly practicing Muslim majorities” did not occur until the rise of the Sokoto caliphate and the *jihadi* (holy war) movements of the nineteenth century.⁹ While the specific factors at play in the African case lie outside the realm of this article, it is difficult to overstate the regional importance of such large and wealthy polities, as well as their uniqueness in relation to the Islamic metropole.

The story of the Mughal dynasty in Hindustan traditionally begins with the remarkable careers of Chengiz Khan, Timur-i-Lang (“Tamburlaine”), and their followers, who swept through Persia eastward from central Asia in the early thirteenth and late fourteenth centuries, respectively. Both periods of invasion were tremendously jarring for the Muslims, many of whom found themselves subject to these newly-converted nomads from the central Asian steppes.¹⁰ Some of the dynasties that resulted from these tumults developed a sophisticated court culture but most were plagued by political strife and rarely lasted more than a couple of generations. In 1504 Akbar’s grandfather Babur (who claimed descent from Chingiz Khan) led one of many warring factions of Timurid descendants fighting for an ever-shrinking area of influence centered around the city of Samarkand. In a remarkable reversal of fortune, by 1530 Babur had defeated the Sultanate of Delhi and managed to bring much of north India under his sway despite regarding it as “a country of few charms...of genius and capacity none.”¹¹

Many have argued that the religious policies espoused by Akbar as emperor were informed by his dynasty’s central Asian origins. Timur professed Islam; nevertheless his sectarian sympathies are a topic of heated debate.¹² Babur was not a very dynamic administrator, and he largely continued the mild Hindu persecution of the preceding Lodi dynasty; nevertheless Krishnamurti argues that “there was a vein of liberalism and a conspicuous absence of religious and sectarian bigotry in the Timurid family.”¹³ The mother of Humayun, Babur’s successor, was a Shi’i, and this does not seem to have been a major issue. Bairam Khan, Humayun’s best officer, brother-in-law, and regent of the Mughal Empire for the first years of Akbar’s reign, was a Shi’i as well, even if the charge that Akbar’s mother was a Shi’i is now disputed.¹⁴ In the end it is clear that while the courts of Akbar’s immediate predecessors were not groundbreaking in their inclusivity, they were nevertheless quite eclectic, even within the bounds of an officially-propagated Hanafi Sunni paradigm.¹⁵ Indeed it was from his early teacher Mir ‘Abd al-Latif

Quzwini that Akbar received the principle of *sulh-i-kul* (peace with all), which was cited often by his chroniclers as motivating his actions.¹⁶

Akbar, who superseded his regent in 1562, is an intellectual paradox who has fascinated historians for centuries. He ruled the Mughal Empire at its height of power and importance, greatly expanded its borders, and is generally remembered in India as a wise and just leader. The program of religious debates over which he presided in the *Ibadat Khana* (House of Worship) he built at Fatehpur Sikri, his capital, attest to his intellect and curiosity, yet even his fawning court biographer Abu al-Fazl admits that in his youth, “he was constantly weaving the disguise of insouciance,” enjoying “various kinds of hunting and other diversions so that a spectator might suppose that nothing but these amusements touched the hem of his heart.”¹⁷ In contrast to his grandfather, who famously wrote his own memoirs, he was illiterate and advocated families keeping one son unlettered in imitation of the prophets’ supposed illiteracy.¹⁸

Despite his family’s heritage, Sharma argues that the young Akbar “formulate[d] his religious policy in [an] atmosphere of mistrust and suspicion” among the wider Hindu majority.¹⁹ Initially, he seems to have taken the position of an orthodox Sunni. In 1556, at only fourteen, Akbar is believed to have personally executed the rebel Hemu for his Hinduism (despite Abu al-Fazl’s insistence “that his lofty spirit did not permit him to slay a captive”), and in 1567 he saw to the exhumation of the Shi’i saint Mir Murtaza Sharifi Shirazi, an act that ruffled the feathers even of the hard-line Sunni chronicler al-Bada’uni.²⁰ Yet by marrying a princess of the Hindu Rajput warrior class in 1562, he had already begun a process of bringing Hindus closer to the imperial fold.²¹ By 1580, there were forty prominent Rajputs in the state apparatus, and it soon became clear that government appointments were not the limit of the emperor’s broad-mindedness.²² Under the influence of the popular Sufi saint Selim Chishti, in 1571 Akbar began building his capital at Fatehpur Sikri, and in 1575 the *Ibadat Khana* was ready for

debates to begin, that “all orders and sects of mankind...should assemble in the precincts of the holy edifice, and bring forward their spiritual experiences, and their degrees of knowledge of the truth in various and contradictory forms in the bridal chamber of manifestation.”²³ Debates were held on Thursday nights and were initially limited only to various Islamic factions; by 1577 however, Hindus, Sikhs, Jains, Zoroastrians, Jews, and Christians were all encouraged to send representatives to the meetings.²⁴ To the more conservative Sunni ‘ulama’ in Akbar’s court, this was a calamity, as al-Bada‘uni reports:

Persons of novel and whimsical opinions, in accordance with their pernicious ideas, and vain doubts, coming out of ambush decked the false in the garb of the true, and wrong in the dress of right, and cast the Emperor, who was possessed of an excellent disposition, and was an earnest searcher after truth, but very ignorant and a mere tyro, and used to the company of infidels and base persons, into perplexity, till doubt was heaped upon doubt, and he lost all definite aim, and the straight wall of the clear Law, and of firm Religion was broken down, so that after five or six years not a trace of Islam was left in him: and everything was turned topsy-turvy.²⁵

Topsy-turvy or not, these developments represented the culmination of an already unprecedented phase in Mughal history. In 1563, early in his reign, he had abolished the pilgrimage tax levied on Hindus, and in 1564 he abolished the *jizya* (poll tax), establishing a *de facto* single citizenship for both Hindus and Muslims within the empire.²⁶ In 1576 he endowed a Department of Pilgrimage (Daftar-i-Haj) to subsidize Muslim travel to the Hejaz, and in 1577 he halted the practice of the royal hunt, an abrupt about-face for such an avid hunter as he and probably reflective of his contact with Jainism. In 1578 the first Jesuit missionaries arrived at the royal court, and by 1582 he is said to have instituted his controversial religious order, the

din-i-ilahi (divine faith), which the first Western biographers of Akbar viewed as apostasy from Islam, following at least some of Akbar's contemporaries, and which later authors have sought to reconsider. Until his death in 1605, Akbar issued a vigorous stream of further decrees—allowing the propagation of temples and churches, as well as mosques, granting the city of Amritsar to the Sikhs, prohibiting certain kinds of marriage, male circumcision before a certain age, the killing of animals on certain days, and the Hindu practice of *sati* (the self-immolation of widows) among other things.²⁷ While it is not unknown how far most of his prohibitions were obeyed outside the royal court, his eclectic sympathies must have been evident, and, as was rarely the case in Mughal India, he spent his last years in peace and security. Though his successors did not maintain many of his religious policies, he secured a legacy as one of India's greatest rulers.

The most important author by far to the study of Akbar's reign is his official biographer Shaykh Abu al-Fazl "Allami" ibn Mubarak, who penned the *Akbarnama*, a fulsome, florid, and detailed account of Akbar's life, and the *Ain-i-Akbari*, which is an exhaustive account of Akbar's imperial regulations—mainly useful because of its many quotations attributed to the emperor. Another important body of sources consists of the dispatches of the hapless Jesuits who set out from Portuguese Goa to Fatehpur Sikri in three unsuccessful missions to convert the Mughals to Christianity. Their accounts are hampered by their poor command of Persian and their narrow fixation on converting the emperor to Christianity. Roy Choudhury, writing in the mid-twentieth century, held that while European scholars of his day "generally treat these materials as invaluable sources of history," the Jesuit records are plainly inaccurate in all sorts of ways and not useful without corroboration.²⁸

By far the most interesting of the major sources on Akbar is second volume of the *Muntakhab al-Tawarikh* of 'Abd al-Qadir "Qadiri" ibn Muluk Shah al-Bada'uni, who was a Hanafi *'alim* (legal scholar) and a childhood peer of Abu al-Fazl. Much has been made of the the trio of al-Bada'uni, Abu al-

Fazl, and the future poet laureate Abu al-Fayz, all of whom had studied under the famous Shaykh Mubarak as youths, and whose fortunes diverged afterwards—Abu al-Fazl and Abu al-Fayz to prestige and imperial favour, and al-Bada‘uni to the ranks of the Sunni ‘ulama’, of whom Akbar was not terribly fond. Al-Bada‘uni’s account is notable for its attacks on Akbar’s religious policy, as well as its remarkable pettiness in other matters, alluding often to the travails of the author and referring to figures like Abu al-Fayz (who at least once interceded on behalf of al-Bada‘uni when the emperor had dismissed him) by the name “bastard” or “hellish dog.”²⁹

The historiography of Akbar’s Hindustan similarly bridges a wide gulf. The earliest European historians of India were justifiably awed by the grand profile that Akbar struck but were far too eager to take al-Bada‘uni and the Jesuit accounts at face value. Hence Vincent Smith’s characterization of the *din-i-ilahi*:

The whole scheme was the outcome of a ridiculous vanity, a monstrous growth of unrestrained autocracy...The new faith was but a testimony of his grasping ambition, his pompous desire to be the emperor, Pope, and Prophet rolled into one...It was the love of power that induced Akbar to deny the authority of the Prophet and start a new religion.³⁰

This was a view shared by H. Beveridge, translator of the *Akbar-nama*, who in his introduction to volume three recounts several instances of Akbar’s “Timurid cruelty” on display. By contrast, the key Akbar scholars of the mid-twentieth century, like R. Krishnamurti, were Indian, Hindu, and eager to cast Akbar in a favorable light, as a civilizing force and a man ahead of his time. Modern scholarship is sparse on the subject of Akbar, but recent analyses like that of Iqtidar Alam Khan suggest that there is some pushback against this trend.

Sunni 'Ali and Sudanic Islam

The history of Islam in the western Sudan is hard to piece together, obscured as it is by a paucity of consistently reliable sources. The first thing to emphasize is that prosperous trading societies clustered around the Niger River significantly pre-date the coming of Islam. The site of Old Jenne (Jenne Jenou) dates back to 250 BC, and archaeological studies suggest that it was not the only lively urban center in the area at the time.³¹ The predominant characteristic of the Niger River corridor throughout its history has been its diversity. According to J. Spencer Trimingham, “thousands of political groups at all stages of development coexisted within the sphere of Mali”—from hunter-gatherers and Zorko fisherfolk to Mande and Zerma sedentarists to Sanhaja Tuaregs and Berbers.³² These groups were organized politically, but not in the sense that the Mughal Empire was organized:

The real rulers of the Sudan were not kings and emperors but patriarchs of families, councils of elders, and chiefs of villages on the one hand, and the heads of superimposed clans on the other... ‘Empires’ were spheres of influence, defined not by territorial or boundary lines but by social strata, independent families, free castes, or servile groups of fixed status regarded as royal serfs. The ruler was not interested in dominating territory as such, but in relationship with social groups upon whom he could draw to provide levies in time of war, servants for his court, and cultivators to keep his granaries full.³³

The more nebulous quality of political organization in the western Sudan by no means hampered the growth of large and prosperous, distinctly African polities, growing ever wealthier through the taxation of gold production and passing caravans.³⁴ When ‘Uqba ibn Nafi’ conquered the Maghreb coast for Islam in the late seventh century—later becoming the inspiration

by which many Sudanic groups came to claim Arab descent and *sharif* (noble) status—the animist Soninke state of Ghana was already well on its way to prominence.³⁵

Not much is known about early Ghana except through the second-hand account of the eleventh-century Andalusian trader Abu ‘Ubayd al-Bakri, who describes twin cities at the center of the empire—Koumbi for animists and Saleh (ten kilometers away) for visiting Muslim traders.³⁶ According to al-Bakri, Muslims were apparently “deeply involved in the life of the state...as government officials, scribes and...other roles in which their literacy was useful to the Ghanaian rulers.”³⁷ Such a *modus vivendi* is remarkable during this period, when belief in the absolute necessity of living within the *umma* (that is, the area of the world ruled by Muslims) was still strong, and especially considering the persistence of Khariji groups in the area until at least the late twelfth century.³⁸ Trimmingham and Davidson both attribute Ghana’s downfall to a crippling eleventh-century invasion by the Sunni fundamentalist Almoravids, but Hiskett expresses deep doubts over whether such an invasion really occurred, positing alternatively that as the ruling dynasty declined, desert Almoravids peacefully integrated with the Soninke and brought about their conversion. The first theory seems best supported by chroniclers, while the second is more in keeping with David Robinson’s acculturationist theory of Islamization.³⁹

The immediate predecessor of the Songhay state was Mali, a Malinke entity with its capital at Niani that first emerged in the early thirteenth century under the leadership of the legendary Sundjata. It grew larger than Ghana had, and most of its rulers were at least nominally Muslim—the most famous being Mansa Musa (*mansa* being a ruler’s title), who is remembered as a deeply virtuous Muslim outside Mali because of his lavish *hajj* in the 1320s.⁴⁰ His Islamic zeal, however, should not be overstated, for despite his construction of the Great Mosque at Timbuktu, Trimmingham notes that “Islam was not allowed to interfere with the collection of gold” in non-Muslim areas, sorcery was widely feared, and Islamic conventions in marriage

and inheritance were often flouted.⁴¹ Ibn Battuta's famous travel narrative is regarded as the best contemporary source for understanding the way Malian society functioned—on his trip there he finds himself both charmed by the number of virtuous Muslim scholars he finds, while at the same time he is disgusted by the non-Islamic excesses of the mansa's court and the common people.⁴²

Two things should thus be clear: that by the rise of Songhay in the fifteenth century, Islam already had an extensive history in the western Sudan, and also that, at the same time, the Maliki orthodoxy of the scholarly class was rarely (if ever) dogmatically enforced upon the population. Ruling families balanced Islamic observance with their traditional claims to legitimacy, which were invariably derived from non-Muslim traditions, and they had no desire to upset the *status quo* in either sphere.⁴³

It was in this context that the infamous Sunni 'Ali, "the great oppressor and notorious evil-doer," burst onto the scene in 1468, leaving the Songhay state's traditional seat at Gao to capture Timbuktu from the Tuareg and subdue the remains of a declining Mali empire.⁴⁴ His life from 1468 until his mysterious death in 1493 was spent in continual campaigning, and at his death Songhay was one of the largest political entities the Niger River corridor had ever seen. While nominally a Muslim his entire life (indeed, al-Bakri had reported as much about the ruler of Gao four centuries earlier), the conflict between the oral and written accounts concerning his reign could not be more extreme. His "strong and very popular" image in oral accounts among non-Muslims is vigorously opposed in chronicles like 'Abd al-Rahman ibn 'Abd Allah ibn 'Imran al-Sa'di's *Ta'rikh al-Sudan*, which demonizes him for persecuting Islam in his empire and labels him "a tyrant, a miscreant, an aggressor, a despot and a butcher who killed so many human beings that only God Most High could count them."⁴⁵

In the *Ta'rikh al-Sudan* it is significant that among dozens of ambitious, religiously-deficient rulers he is the only king

singled out for such abuse. His successor Askiya al-Hajj Muhammad, who deposed the Sunni Abu Bakr after 'Ali's death in a coup, is lauded as a model of Islamic piety and kingship, and by the nineteenth century was considered a *mujaddid* (renewer) of the faith, despite having undertaken only one jihad.⁴⁶ While he personally may have pursued a more vigorous orthodoxy than his predecessors (and was certainly more friendly to the scholars), there is little evidence that his Islamic renewal went much further than that. Blum and Fisher, for example, suspect that many of his pro-Islamic ordinances were revoked before the end of his reign.⁴⁷ It is clear as a consequence of this that Sunni 'Ali and Askiya Muhammad present a distinct dilemma to students of Islamic history in the Sudan.

Source material for this period in Sudanic history is not lacking but is less detailed and more opaque than the chronicles of Mughal India. The aforementioned *Ta'rikh al-Sudan* of al-Sa'di is the best of the two Timbuktu *tawarikh* that cover this period; however, it was written a century and a half after the fact by a Moroccan whose critical concern was justifying the Sa'di dynasty's early seventeenth-century conquest of Songhay.⁴⁸ The *Replies* of al-Maghili to Askiya al-Hajj Muhammad are a fairly contemporary source and treat many relevant legal topics but were written by an Algerian scholar. It is difficult to ascertain, therefore, how far his rulings were actually accepted by the *askiya* (ruler). Failing this material, a variety of more minor sources exist, as well as the aforementioned oral tradition and accounts of earlier and later Sudanic states. As for modern historiography, opinions on Sunni 'Ali's rule and the role of Islam in Askiya Muhammad's state oscillate between those of Lansine Kaba, who argues that the askiya was a vigorous advocate of a normative Sunni Islam which had threatened the legitimacy of his demonized predecessor, and the analysis of Levtzion, Blum, and Fisher who believe that the askiya's eventual alliance with the Timbuktu 'ulama' was a way to co-opt political opposition and represented the final stage of a political and spiritual journey on the askiya's part not attained until well within his reign.⁴⁹

Legitimacy and Religious Contention in the Islamic Periphery

The question of legitimacy must be central to any discussion of Muslim ruler and ‘ulama’ in the peripheral context. Legitimacy (and conflict between the pretenders to it) has been one of the Islamic religion’s greatest and most persistent dilemmas, dating back to the death of the Prophet himself—and it shows no sign of abetting in the present age. The great Sunni-Shi‘i schism that developed through the first centuries of Islam was originally centered on a simple (if intractable) dispute over caliphal succession; over time however, the two sides developed competing ideologies, with the Shi‘i minority maintaining their belief in a ‘rightly-guided’ *imam* to act as a conduit between the temporal and the divine and the Sunni majority adopting the doctrine of *ijma*‘ (consensus), which eschewed the idea of an *imamate* in favor of the sovereignty of the Sunni *madhahib* (school of law). Significantly however, this only applied to religious matters, and the emerging Sunni establishment continued to endorse the notion of a universal caliphate as a purely political office. Theoretically at least, in the early centuries of Sunni Islam, rulers had no legitimacy outside of their submission to the caliph. To live under the dominion of another ruler was to live outside Islam itself.⁵⁰

In the Sunni periphery, this principle of caliphal pre-eminence soon broke down. Akbar was no sharif, nor could he distinguish himself as protector of Mecca and Medina as the Ottoman Turks had. Furthermore in Hindustan, where the Muslim population was in the minority and not expanding, such pretensions would have meant little to the majority of his subjects. Far more important to his legitimacy in India was his family’s claim to Timurid and Mongol heritage, which rendered his claim to sovereignty arguably more secure than that of the Safavids in Persia, who were originally mere Sufi *shaykhs* (elder or leader). As Akbar’s prestige grew, he took titles such as *imam-i-‘adil* (“just imam,” normally a Shi‘i epithet) and *sultan-i-‘adil* (“just

sultan”), which recalled the pre-Islamic Sassanid dynasty in Persia.⁵¹ Early on he also won the Islamic title of *gaza*, but being a “warrior for Islam” was only a part of his legitimizing program.

By the same token, while some rulers in the Niger River corridor claimed ‘Alid roots, this assertion never constituted the core of their claim to rulership, which remained rooted in local myth. While various colorful stories exist to explain the ascendancy of Muslim dynasties, there is no reason to believe they were anything but instrumental to securing the goodwill of Muslim traders and scholars. The hajj was a more salient tool for Islamic legitimacy—as attested by the success of Mansa Musa and Askiya al-Hajj Muhammad in their efforts, but Blum and Fisher suggest that the pilgrimage might have been carried out in those cases by motives other than a desire for legitimation and caliphal blessing.⁵² For the sake of fostering trade relations, Sudanic rulers were certainly apt to traffic in “pious fictions,” but the importance of such actions should not be overstated.⁵³ This being the case, there does not seem to be much basis for Kaba’s characterization of Sunni ‘Ali’s rule as a “clash of civilizations” that threatened his legitimacy. Al-Sa‘di himself states that even though ‘Ali was by no means a righteous Muslim, his animus against the ‘ulama’ of Timbuktu was rooted in “their friendship with the Tuareg and membership in their elite.”⁵⁴ According to al-Sa‘di, even Sunni ‘Ali used to say (referring to his own, friendly, ‘ulama’) that “without the scholars, life would not be pleasant or agreeable.”⁵⁵

As Muslim rulers in the periphery worked to tie themselves to the nations they oversaw, the ‘ulama’ found themselves weakened through their distance from the center. The Mughal Empire and the Songhay state were each dominated by a single *madhab* (the Hanafi school and the Maliki school, respectively), and their distance from the key centers of Middle Eastern jurisprudence resulted in vigorous but stunted traditions in both areas. Their chief rivals were more likely to belong to a different religion than a different madhhab or sectarian affiliation, and because in both Africa and India the Muslim population constituted

a minority, spiritual prestige was to be gained either by integration into the local community (anathema to the more hard-line Sunnis) or alliance with the royal house. Thus, whereas Lapidus traces the progressive divergence of madhhabi scholarship from palace writ and its maturation as the pre-eminent source of Islamic authority in the Middle East, in the periphery neither phenomenon could occur.⁵⁶

The result in Akbar's India was a ghettoization of the Sunni religious establishment, where the Islamic sphere adopted a principle of *ejus regio, cujus religio* even as tremendous diversity existed in the empire at large and, indeed, in Akbar's court. As a result the emperor possessed a tremendously free hand in directing the spiritual atmosphere of his empire. Al-Bada'uni reports that all the emperor's 'ulama', "some willingly and the rest against their convictions," signed his controversial "Infallibility Decree" of 1579, which proclaimed Akbar the final court of appeal for disputed matters of religion.⁵⁷ Al-Bada'uni finds himself constantly constrained by the fact that despite his criticism of Akbar (and expression of abject hatred for the members of Akbar's court), the *Muntakhab al-Tawarikh* exists through Akbar's patronage, and al-Bada'uni's prestige is predicated on maintaining royal favor. Despite all of his misgivings with Akbar's religious practices, al-Bada'uni's first reference to him is followed with a hearty "may he ever be firmly seated on the throne of the Caliphate," and this jarring bipolarity pervades the work at large.⁵⁸

The situation of Muhammad ibn 'Abd al-Karim al-Maghili in Songhay, while different, hits upon the same themes. Born between 1425 and 1440 in Tilimsan, present-day Algeria, al-Maghili made a name for himself by persecuting Saharan Jews who did not conform to his understanding of the protected non-Muslim's permanent condition of "humiliation and abasement."⁵⁹ At some point in the late 1480s, perhaps frustrated with the lack of support at home for his fire-eating rhetoric, al-Maghili traveled to the Sudan and at some point may have settled in Gao.⁶⁰ His discussions with the newly-enthroned *skiya*,

Muhammad, are recorded in the *Replies*, in which he unequivocally declares Sunni ‘Ali and all those who supported him *kuffar* (unbelievers) and prescribes jihad against many of the practices about which previous Arab writers had complained including the free mixing of men and women, the use of amulets and talismans, and non-Islamic inheritance practices. While Hunwick, Kaba, and others have interpreted the *Replies* as an example of the upright image Askiya Muhammad sought to project, Blum and Fisher note that many of its injunctions would have been out of line with the position of most of the askiya’s local ‘ulama’. In their view, criticism of the status quo in Songhay is as much criticism of the current scholarly paradigm in the western Sudan as it is Sunni ‘Ali’s immediate legacy. Thus, for Blum and Fisher, al-Maghili represents a mere stage of the askiya’s religious policy, which finally settles in the bosom of the very scholars al-Maghili criticizes. To the state-dependent ‘ulama’, they argue, al-Maghili’s stern admonitions were an unwanted jolt to the establishment which the askiya came to view, by the end of his reign, as a fitting middle ground between the problematic religion of his predecessor and the austere belligerence of his foreign consultant.

To men less dogmatically minded than al-Bada‘uni or al-Maghili, the path of integration was wide open. In India, this path was pioneered by figures such as Moin al-Din Chishti, founder of the Chishti Sufi order (not to be confused with Selim Chishti, who lived three centuries afterwards), the poet Kabir, and the practitioners of the Saini sect. Bairam Khan’s own son, Abd al-Rahim Khan Khanan, produced Hindi poems that “read like the outpourings of a great Vaishnava saint,” and in the diverse *milieu* of Akbar’s court, such cultural cross-pollination was encouraged—reaching a perverse climax when the hapless al-Bada‘uni was commissioned to translate the *Ramayana* into Persian.⁶¹

In Africa, Nehemia Levtzion and Robinson have described how the integrationist impulse manifested itself. In his

study of the Islamization phenomenon in West Africa, Levtzion describes three main Islamic groups: the sedentary ‘ulama’, who lived sheltered from the community at large and owed their existence to royal favor; the ruling warrior class, who professed Islam while being exempt from many of its obligations (such as marriage and alcohol regulations); and the clerical class, who attached themselves to trading parties and lived in the non-Muslim countryside. This last class was endogamous and maintained a consistent Islamic identity, yet over time clerics became so comfortable in the hinterland as to be found inhabiting the remote forestlands south of the Niger River, “officiating at local shrines,” and acting as impartial mediators in the arbitration of local disputes.⁶² Robinson characterizes this fitful *modus vivendi* as representing the “Suwarian tradition,” named for the sixteenth-century Sudanic scholar al-Hajj Selim Suwari, who argued that it was perfectly permissible for Muslims to live outside the dominion of a Muslim ruler provided their non-Muslim ruler allowed them to practice their faith unhindered. According to Suwari, jihad was not an obligation for such Muslims, whose charge was rather to set a good example for their non-Muslim neighbors in the hope of their eventual conversion.⁶³ Suwari’s words were a far cry, truly, from the *hadith* al-Maghili chooses quotes his fourth reply: “whoever dies with no oath of homage (*bay’a*) around his neck dies a *jahili* [ignorant, pre-Islamic] death.”⁶⁴

While the Suwarian vision prevailed among most west African Muslims in the intervening centuries, in some ways it was a victim of its own success. By the eighteenth century the city of Kano, in the north of present-day Nigeria, had become majority Muslim. In 1787 the Muslim reformer ‘Uthman dan Fodio declared a jihad in Kano, to reform what he saw as a corrupt and un-Islamic ruling order—striking a remarkable victory for the hard-line faction of the historically beleaguered Islamic ‘ulama’.⁶⁵ The “Maghilian revival” that he initiated continues to reverberate throughout the region, most recently in the Tuareg Islamist rebellions that grip Mali in the present day. Meanwhile

in India, the integrationist era of Akbar failed to initiate any fundamental change to religious demography, despite adding so much to the richness of the Mughal cultural milieu. Nonetheless, one cannot deny that the position of the 'ulama' on the periphery of the Islamic world differed in important ways from the Middle Eastern norm.

In essence, these differences boil down to an altered legitimacy dynamic between ruler and scholar. In the peripheral context, both are deprived of the kind of legitimacy they could claim in the metropole, but unlike the 'ulama', Akbar in Hindustan and Sunni 'Ali and Askiya Muhammad in Songhay drew upon alternate means of establishing legitimacy outside of Islamic principles. The Sunni 'ulama', while still influential, became weak and incapable of mounting independent challenges to the religious policies of the sovereigns under which they labored. As a result, rulers like Akbar wielded enormous freedom—at least within the sphere of the court—to pursue policies widely at variance with the *zeitgeist* of mainstream Sunnism.

Was resistance possible for the 'ulama'? Perhaps, but their clout was sapped all the more significantly by the fact that for empires that did not root their legitimacy in Islam, contravention of Islam did not necessarily suggest illegitimacy. Dissenting scholars found themselves pushed either toward the embittered quietism of al-Bada'uni or the freewheeling integration espoused by Indian Sufis and west African clerics of the Suwarian tradition. This consequence may explain part of the reason why these peripheral areas are so often excluded from studies of Islamic history. Over time the edifice of Islam seems to collapse into a sea of local culture, and thus the history of such areas seems more often the province of local specialists than Islamicists.

Ultimately this investigation suggests that such an approach is misguided. To ignore the Islamic periphery is to neglect an exceedingly wide range of groups and phenomena which have much to add to the Western academy's understanding of Islam's development, its social dynamics, and the ways in which elite and scholarly Islam have interacted alongside local

cultures and “popular” religious traditions. Obviously, much work remains to be done, and the subjects within the scope of this analysis require much more extensive study. But for those latter-day “paper-worshipping scholiasts” frustrated with interminably reexamining the accepted medieval canon of Islamic history, a figurative journey to Akbar’s Ibadat Khana may be just the ticket.

Endnotes

¹ John O. Hunwick, *Timbuktu and the Songhay Empire: Al-Sa‘di’s Ta’rikh al-Sudan Down to 1613 and Other Contemporary Documents* (Boston, Massachusetts: Brill, 2003): 93.

² Shaykh Abu al-Fazl “‘Allami” ibn Mubarak, in *The Akbarnama of Abu-l-Fazl Translated From the Persian*, vol. III, trans. H. Beveridge, (Calcutta, India: Baptist Mission Press, 1939), accessed December 8, 2012, <http://persian.packhum.org/persian/main>.

³ Bernard Lewis, “Some Observations on the Significance of Heresy in the History of Islam,” *Studia Islamica* 1 (1953): 46.

⁴ See Jonathan P. Berkey, *The Formation of Islam: Religion and Society in the Near East, 600-1800* (New York, New York: Cambridge University Press, 2002): 248-257; *Ibid.*, *Popular Preaching and Religious Authority in the Medieval Near East* (Seattle, Washington: University of Washington Press, 2001); Colin Imber, “Ideals and Legitimation in Early Ottoman History,” in *Suleyman the Magnificent and His Age: The Ottoman Empire in the Early Modern World*, eds. Metin Kunt and Christine Woodhead (New York, New York: Longman, 1995): 139-153; Ahmet T. Karamustafa, *Unruly Friends of God: Dervish Groups in the Islamic Later Middle Period 1200-1550* (Salt Lake City, Utah: University of Utah Press, 1994).

⁵ Lewis, *The Significance of Heresy*, 50.

⁶ Berkey’s qualification to Lewis’s argument is that while the latter conflates ‘Sunni court Islam’ with the Islam of the *madhhabi* scholars, Berkey argues convincingly for the separation of the two concepts, a point which this paper will consider below (Berkey, *Popular Preaching*, 88-96). John B. Henderson, *The Construction of Orthodoxy and Heresy: Neo-Confucian, Islamic, Jewish and Early Christian Patterns* (Albany, New York: State University of New York Press, 1998): 55.

⁷ Madeline C. Zilfi, “The Kadizadelis: Discordant Revivalism in Seventeenth-Century Istanbul,” *Journal of Near Eastern Studies* 45.4 (1986): 251-269.

⁸ Ira M. Lapidus, *A History of Islamic Societies*, 2nd ed., (New York, New York: Cambridge University Press, 2002): 98-119; Annemarie Schimmel,

Islam in the Indian Subcontinent (Leiden, The Netherlands: Brill, 1980): 4; Makhan Lal Roy Choudhury, *The Din-i-Ilahi, or The Religion of Akbar*, 3rd ed., (New Delhi, India: Munshiram Manoharlal: 1985): 1.

⁹ John H. Hanson, "Islam and African Societies," in *Africa*, 3rd ed., eds. Phyllis M. Martin and Patrick O'Meara (Bloomington, Indiana: University of Indiana Press, 1995): 108.

¹⁰ Stephen F. Dale, *The Muslim Empires of the Ottomans, Safavids, and Mughals* (New York, New York: Cambridge University Press, 2010): 45-47.

¹¹ *Ibid.*, 70-74; Zahir al-Din Muhammad Babur, *Babur Nama: Journal of Emperor Babur*, trans. Annette Susannah Beveridge, ed. Dilip Hero (New York, New York: Penguin Classics, 2006): 275.

¹² Roy Choudhury sums it up best: "He is claimed as an orthodox Sunni, and no less a Shia; some credit him to be a Ghazi [holy warrior]; others shun him as a schismatic; he is hated in Europe as a scourge of God and man. He is cursed by others as a pagan too. And there is more or less truth in every one of the epithets applied to him" (Roy Choudhury, *The Din-i-Ilahi*, 19).

¹³ Sri Ram Sharma, *The Religious Policy of the Mughal Emperors* 3rd ed. (New York, New York: Asia Publishing House, 1972): 24-25; R. Krishnamurti, *Akbar: The Religious Aspect* (Baroda, India: Maharaja Sayajirao University of Baroda Press, 1961): 1.

¹⁴ Cf. Krishnamurti, *Akbar*, 2-3; Iqtidar Alam Khan, "Akbar's Personality Traits and World Outlook: A Critical Reappraisal," *Social Scientist* 20:9-10 (1992): 17.

¹⁵ It is worth mentioning that Krishnamurti actually credits Humayun with building a predecessor to the Ibadat Khana (which is mentioned below), called the Din-Panah or Asylum of the Faith, "meant to be a refuge for the wise and learned from all countries and all denominations" (Krishnamurti, *Akbar*, 4).

¹⁶ Krishnamurti, *Akbar*, 5; Roy Choudhury, *The Din-i-Ilahi*, 32.

¹⁷ Beveridge, *Akbarnama*, vol. II, ch. 38; 61.

¹⁸ From a saying of Akbar: "The prophets were all illiterate. Believers should therefore retain one of their sons in that condition," [Shaykh Abu al-Fazl "Allami" ibn Mubarak, *The Ain i Akbari*, vol. III, bk. 5, trans. H. Blochmann and H.S. Jarrett (Calcutta, India: Baptist Mission Press, 1907)].

¹⁹ Sharma, *Religious Policy*, 32.

²⁰ *Ibid.*, 30; Beveridge, *Akbarnama*, vol. II, ch. 11; Khan, "Akbar's Personality Traits," 20.

²¹ Beveridge, *Akbarnama*, vol. II, ch. 39.

²² Dale, *Muslim Empires*, 98-100.

²³ Krishnamurti, *Akbar*, 12; 15; Beveridge, *Akbarnama*, vol. III, ch. 21.

²⁴ Roy Choudhury, *The Din-i-Ilahi*, 43-50.

²⁵ 'Abd al-Qadir "Qadiri" ibn Muluk Shah al-Bada'uni, *The Muntakhabu-rukḥ*, vol. II, trans. George S. A. Ranking, Wolesley Haig and W. H. Lowe (Calcutta, India: Baptist Mission Press, 1884): 255.

²⁶ Beveridge, *Akbarnama*, vol. II, ch. 47; 51; Sharma, *Religious Policy*, 36-37.

²⁷ Roy Choudhury, *The Din-i-Ilahi*, 142-171.

²⁸ *Ibid.*, 105.

²⁹ *Ibid.*, xiv-xvi.

³⁰ *Ibid.*, xiii-xiv.

³¹ Hunwick, *Ta'rikh al-Sudan*, xxiv.

³² J. Spencer Trimingham, *A History of Islam in West Africa* (New York, New York: Oxford University Press, 1970): 35; Hunwick, *Ta'rikh al-Sudan*, xxvi-xxxv; Trimingham, *Islam in West Africa*, 20.

³³ *Ibid.*, 35.

³⁴ Basil Davidson, *West Africa Before the Colonial Era: A History to 1850* (New York, New York: Longman, 1998): 30-31.

³⁵ Lamin Sanneh, *The Crown and the Turban: Muslims and West African Pluralism* (Boulder, Colorado: Westview, 1997): 13; Hunwick, *Ta'rikh al-Sudan*, 5.

³⁶ Davidson, *West Africa*, 28.

³⁷ Mervyn Hiskett, *The Development of Islam in West Africa* (New York, New York: Longman, 1984): 22.

³⁸ *Ibid.*, 6.

³⁹ Robinson identifies three stages in the Islamization of unconquered territories: the quarantine phase, in which Muslims are separated from the local community (as they were in Saleh); the court phase, in which local rulers and trading elites form a beach head for local conversion; and the majority phase, where elites spread Islam through their influences through the substrata of towns and into rural areas, Islamizing the country [David Robinson, *Muslim Societies in African History* (New York, New York: Cambridge University Press, 2004): 28].

⁴⁰ Kevin Shillington, *History of Africa* (New York, New York: St. Martin's Press, 1989): 94-97.

⁴¹ Trimingham, *Islam in West Africa*, 70-71.

⁴² Abu 'Abd Allah Muḥammad ibn 'Abd Allah al-Lawati al-Tangi ibn Battuta, *Ibn Battuta in Black Africa*, trans. Said Hamdum and Noel King (Princeton, New Jersey: Markus Wiener, 1975).

⁴³ I attempt as far as possible here to avoid the term "syncretism," whose problematic connotations are amply described in Rosalind Shaw and Charles Stewart's introduction to *Syncretism/Anti-syncretism: The Politics of Religious Synthesis*, eds. Charles Stewart and Rosalind Shaw (New York, New York: Routledge, 1994). Robinson is correct in describing instead the "Islamization of Africa" and the "Africanization of Islam" as context-specific and simultaneous phenomena (Robinson, *Muslim Societies*, 27-28).

⁴⁴ Hunwick, *Ta'rikh al-Sudan*, 91; "Sunni" refers here to both a dynastic line and a ruling title, like "mansa," and does not allude to any sectarian sympathies on the part of 'Ali.

- ⁴⁵ Lansine Kaba, "The Pen, The Sword, and the Crown: Islam and Revolution in Songhay Reconsidered, 1464-1493," *The Journal of African History* 25.3 (1984): 249; Hunwick, *Ta'rikh al-Sudan*, 91.
- ⁴⁶ John O. Hunwick, *Shari'a in Songhay: The Replies of al-Maghili to the Questions of Askia al-Hajj Muhammad* (New York, New York: Oxford University Press, 1985): 116.
- ⁴⁷ Charlotte Blum and Humphrey Fisher, "Love for Three Oranges, or, the Askiya's Dilemma: The Askiya, al-Maghili, and Timbuktu, c. 1500 A.D.," *The Journal of African History* 34.1 (1993): 67.
- ⁴⁸ Hunwick, *Ta'rikh al-Sudan*, lxiii-lxv.
- ⁴⁹ "Islam in West African Politics: Accommodation and Tension Between the 'Ulama' and the Political Authorities," in Nehemia Levtzion, *Islam in West Africa: Religion, Society, and Politics to 1800* (Brookfield, Vermont: Variorum, 1994): 333-345.
- ⁵⁰ The question of inhabiting territory ruled by non-Muslims was also faced by the Wahhabiyya of the eighteenth and nineteenth centuries, see Elizabeth Sirriyeh, "Wahhabis, Unbelievers, and the Problem of Exclusivism," *Bulletin (British Society of Middle Eastern Studies)* 16.2 (1989): 123-132.
- ⁵¹ Dale, *Muslim Empires*, 80: 101-102.
- ⁵² Blum and Fisher, "Love for Three Oranges," 85-87.
- ⁵³ Hunwick, *Shari'a in Songhay*, 8-9.
- ⁵⁴ Hunwick, *Ta'rikh al-Sudan*, 93; a section that also implies that the 'ulama' would not have been particularly dangerous as a military threat.
- ⁵⁵ *Ibid.*, 95.
- ⁵⁶ Ira M. Lapidus, "The Separation of State and Religion in the Development of Early Islamic Society," *International Journal of Middle East Studies* 6.4 (1975): 363-385.
- ⁵⁷ Ranking, Haig, and Lowe, *The Muntakhabu-'rukh*, vol. II, 270; Krishnamurti, *Akbar*, 29-35.
- ⁵⁸ Ranking, Haig, and Lowe, *The Muntakhabu-'rukh*, vol. II, 8.
- ⁵⁹ Hunwick, *Shari'a in Songhay*, 32.
- ⁶⁰ *Ibid.*, 29-48.
- ⁶¹ Roy Choudhury, *The Din-i-Ilahi*, 5-13; Krishnamurti, *Akbar*, 169-170.
- ⁶² "Sociopolitical Roles of Muslim Scholars and Clerics in West Africa," in Nehemia Levtzion, *Islam in West Africa: Religion, Society, and Politics to 1800* (Brookfield, Vt.: Variorum, 1994): 95-107.
- ⁶³ Robinson, *Muslim Societies*, 55-58.
- ⁶⁴ Hunwick, *Shari'a in Songhay*, 81.
- ⁶⁵ Robinson, *Muslim Societies*, 139-152.

