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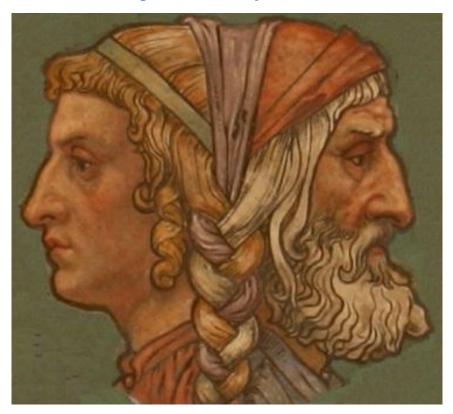
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Contextualizing Spain's Anti-Roma Legislation From 1619 to 1745 by Alexys Lopez

As Spain's early modern era unfolded, Spanish relations with Roma became increasingly sordid, culminating in an intense act of attempted Spanish dominance. A discriminatory legal system resulted in the worsening treatment of Roma, effectively undermining their existence. Analyzing the legal sanctions published up to 1746 reveals the severity of the future mass-removal event called the Great Round-up. Most critical, however, is a roughly one-hundred-year period during the seventeenth and eighteenth centuries when the Spanish monarchy enacted over a dozen sanctions against Roma populations. During the reigns of Carlos II and Felipe V, the Spanish Crown issued pragmatics to establish hegemony by persecuting Roma using forced assimilation or expulsion, all of which culminated in a large-scale effort to expel the population. The Great Round-up, also known as the Great Gypsy Round-up, was Spain's mass imprisonment effort carried out against the Roma on July 30, 1749.[1] Despite years of subjection to Spain's intense legal persecution, Roma successfully settled in Spain by finding work and establishing their families. Yet, the Spanish legal system gradually repealed their rights to weaken their communities. Based on the frequency with which pragmatics were issued, and the varying levels of success, the anti-Roma legislation was ineffective in homogenizing the population. However, The Crown did succeed in creating the conditions needed to pursue a mass Roma imprisonment and removal effort.

Inconsistencies in defining Roma populations have remained a persistent problem since their first movements into Europe until the present. Although Roma are genetically heterogeneous, early concepts of race and ethnicity were understood differently than by modern standards and had less impact on identifying Roma. Cultural diversity within Roma communities in Spain made it difficult to categorize the Roma population under one definition.[2] The minority studies scholar Becky Taylor notes that due to regional, cultural, or linguistic differences, "we also need to be aware that [Roma] might have thought of themselves in a range of different ways," but historians do not typically have access to the perspective of the persecuted population.[3] Usually, Spanish citizens classified Roma based on actual or imagined behaviors, typically associated with negative connotations.[4] Spanish authorities imprecisely defined the Roma in both legal text and census taking. Early pragmatic sanctions frequently refer to Roma using the term *Gitano*, *bohemios*, or sometimes generally, *los criminales*. Typically, the authorities used "language, dress, and customs and style of life" to document Roma populations.[5] These inconsistencies have made it difficult to research early modern social and legal interactions with Roma, population, and migration within Spain. Even today, scholars debate how to define Roma since prior criteria rely on reinforcing stereotypes and creating a "standard image."[6] Due to the irregular classifications in early modern census taking, this paper defines Roma as a nomadic population who may share cultural practices, languages, and ethnic origin, even if those criteria do not apply to Roma today.

Roma and Spanish Relations Before 1619

Despite persistent difficulties in recognizing Roma, the first documented entry of Roma into Spain was at the beginning of the fifteenth century. On January 12, 1425, Alfonso V, King of Aragon, issued a safe conduct letter for Don Johan of Little Egypt. Don Johan requested to "travel unmolested […] with those accompanying him 'with

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[1] Becky Taylor, *Another Darkness, Another Dawn: A History of Gypsies, Roma and Travellers* (London: Reaktion Books, 2014), 184.

[2] Richard Pym, *The Gypsies of Early Modern Spain, 1425-1783* (Basingstoke, England: Palgrave Macmillan, 2007), xii.

[3] Taylor, *Another Darkness, Another Dawn*, 16.

[4] Pym, *Gypsies of Early Modern Spain,* xii.

[5] Alfaro Gómez Antonio and Terence W. Roberts, *The Great Gypsy Round-up: Spain, the General Imprisonment of Gypsies in 1749*, (Paris, France: Gypsy Research Center [University René Descartes], 1993), 13.

[6] Mihai Surdu, *Those Who Count Expert Practices of Roma Classification*, (Budapest; New York: Central European University Press, 2016), 248.

all their mounts, clothing gold, and saddlebags.'"[7] In the request, Don Johan claimed to be leading a group of religious pilgrims through Spain and asked for protection from authoritative questioning or deportation. No one can concretely validate this group's self-identification as Roma; scholars interpret the content of these records based on context clues. From the description of the travelers and their belongings, as well as the title "of Little Egypt," it is inferred these individuals were Roma travelers looking for legal protections under the guise of pilgrimage to move through the Spanish region without persecution.[8] The term "of Little Egypt" as a descriptor was rooted in the belief that Roma originated from the Egyptian communities of Southern Greece.[9] After their early interactions with the Spanish in the early fifteenth century, the loosely categorized Roma slowly filtered into Spain and passed or temporarily settled without hostility. There are around 30 documented safe conduct letters, such as the one mentioned, indicating a generally ambivalent treatment of Roma because Spanish authorities considered them religious pilgrims and not yet a distinct population.[10]

Between the first recorded entry of Roma into Spain in 1425 and the first pragmatic sanction mentioning Roma in 1499, drastic changes in social relations resulted in Roma's being distinguished as a non-European outsider. Spanish citizens grew to regard the nomadic Roma with suspicion, often comparing them to wolves and raptors and considering them to be opportunistic thieves.[11] Most historical records about Roma communities in Spain consisted overwhelmingly of negative stereotypes. The Spanish people also viewed sedentary Roma groups as a threat to their institution once they reached "levels sufficiently troubling to encourage The Crown to legislate to curb their activities."[12] Then, too, did the Spanish interrogate the classification *Egiptano* because Roma "established themselves in different national contexts [and] new names emerged reflecting this."[13] After recognizing the Roma as a unique group, the Spanish population began referring to the Roma as the pejorative *Gitano*, or Gypsy, because of their growing settlement in Spain. *Gitano* was simply a shortened form of *Egiptano*. It is important to note that in early modern Spain, *Gitano* did not carry as much negative weight as other denominations.[14] With their new recognition as a distinct "other," the Spanish government could effectively target Roma with lengthy legal persecution.

Finally, understanding early modern Spain's legal system is necessary before investigating Spanish anti-Roma legislation. Spain's premodern legal system was much different than how we understand the contemporary Western legal system. Although research into Spain's early modern legal framework has proven challenging to access based on variation, the legal processes between can be summarized as follows. Instead of relying on a centralized, uniform code of laws, the king would issue *pragmáticas*, or pragmatic sanctions, as they were needed.[15] Although a parliamentary body of early Spain did exist, known as *Cortes*, it saw a decline in autonomy from the fifteenth to the seventeenth century, relegated to signing off on the king's decisions without protest.[16] However, the King retained advisors, often members of *Cortes*. Royal pragmatics were understood as the supreme legislation, overriding anything *Cortes* had passed. Only kings could overturn, update, or re-enact previously issued royal laws. Local authorities such as mayors, magistrates, and justices of the peace were responsible for enforcing royal sanctions, with responsibilities such as hearing complaints and issuing punishments against criminal offenders.[17] Although there is no exact figure for total pragmatics issued between 1499 and 1783, it

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[7] Pym, *Gypsies of Early Modern Spain,* 5.

[8] Pym, *Gypsies of Early Modern Spain,* 5.

[9] Taylor, *Another Darkness, Another Dawn*, 13.

[10] Pym, *Gypsies of Early Modern Spain,* 5.

[11] Pym, *Gypsies of Early Modern Spain,* 16.

[12] Ibid.

[13] Taylor, *Another Darkness, Another Dawn*,14

[14] Anna Mirga-Kruszelnicka, Miguel Angel Vargas, and Gonzalo Montano Pena, "Gitano, Gitana," https://tinyurl.com/5n7655ds

[15] Mario Góngora, *El Estado en el Derecho Indiano: Época de Fundación (1492-1570)*, (Santiago de Chile: Instituto de Investigaciones Histórico-Culturales, Facultad de Filosofía y Educación, Universidad de Chile, 1951) In Margarita Bornemann Menegus, "Legal History of New Spain, 16th-17th Centuries," 2014, https://www.oxfordbibliographies.com/view/document/obo-9780199766581/obo-9780199766581-0162.xml.

[16] Pym, *Gypsies of Early Modern Spain,* 22.

[17] Pym, *Gypsies of Early Modern Spain,* 21.

is clear that Spanish rulers "tenaciously sought the social reduction of the [Roma]"[18] because more than 250 royal *pragmáticas* were issued regarding Roma affairs in those years.[19]

The first of these sanctions, and the precedent for the future of anti-Roma legislation, was issued in 1499 under the rule of Isabel I and Ferdinand II. The sanction was addressed exclusively to nomadic Roma, under the belief that nomadic groups tended to participate in more frequent criminal behaviors than the increasing sedentary populations. They accuse nomadic Roma of living off alms, theft, deception, and witchcraft. Before addressing any perceived criminality, the digitized translation of the 1499 *pragmática* states, "Do not walk together anymore, wandering our kingdom the way you do now."[20] After this line, The Crown demands that Roma settle down to learn a trade or face exile. Also, the pragmatic outlawed issuing safe conduct letters, which the Roma relied on for protected passage.[21] The Crown approached the issue with some leniency by demanding Roma become sedentary and abide by Spanish rules, and they would face no legal consequence. However, the first punishment for *roaming* included 100 lashes and perpetual banishment. After the second offense, the offender's ears were to be cut off, they would spend 60 days imprisoned, and perpetual exile followed—the third and final offense resulted in execution. However, these punishments were relatively standard for criminals of any origin, and they reoccurred in sanctions through the following years. This pragmatic set the basis for all subsequent laws and marked a distinct shift in the perception–and acceptance–of Roma in Spain. However, enforcing early legislation must have been difficult based on the issuance of dozens more pragmatics after 1499.

Roma, despite their nomadic reputation, did find permanent settlement in Spain, even amid growing anti-Roma sentiment. Although the exact numbers of Roma in Spain remain as unclear as they did in the sixteenth century, other evidence exists of them residing there. Sparse documentation exists about Roma interaction with Spanish people, but there are records of legal proceedings against Roma for being accused of such things as theft, illegal settling, and selling stew.[22] At this point, records of Roma living in Spain typically have to do with perceived criminal acts because there was not yet a push to document the Roma community's living situations. Although Roma were frequently cited for petty–often non-existent–crimes, there were legal repercussions for causing Roma undue harm. In 1529, two Spanish men killed a Roma man in proclaimed self-defense, and the two men were ordered to pay his widow and children a "not inconsiderable sum which would have represented a year's worth of income for a laborer."[23] Attitudes toward Roma were contradictory based on locality or individual interaction, but Roma working and living in Spain were afforded occasional protections.

Notwithstanding the frequent public persecution of Roma in the early seventeenth century, the King and *Cortes* could not reach a unified decision on how to handle the growing Roma population. The Spanish Crown was intrigued by the prospect of expelling Roma because they believed they could repeat the same process that expelled the *Moriscos*. However, even proponents of the idea soon realized they could not afford to depopulate the country further, and a 1610 proposal suggested the government should bring foreign laborers to Spain to fill the newly vacated *Morisco* jobs.[24] Eventually, the King settled on the legislation that Roma men convicted of vagabondage would perform forced labor in unoccupied agricultural jobs.[25] During this uncertain time, women convicted of crimes usually received flogging or banishment as punishment. Interestingly, it is unknown how, or if at all, Roma children fit into this picture of forced labor[26] or expulsion. Finally, in 1619, Felipe III ordered the removal of all

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[18] Antonio Gómez Alfaro, "Introduction," In *Legislación Histórica Española Dedicada a los Gitanos*. (Sevilla: Consejería de Igualdad y Bienestar Social, 2009), 1.

[19] Ibid.

[20] Alejandro Martínez Dhier, "La condición social y jurídica de los gitanos en la legislación histórica española (A partir de la Pragmática de los Reyes Católicos de 1499)." (PhD dissertation, Universidad de Granada, 2007), 122, http://epub.sub.uni-hamburg.de/epub/volltexte/2009/2043/pdf/16795015.pdf

[21] Pym, *Gypsies of Early Modern Spain,* 27.

[22] Ibid.

[23] Ibid.

[24] Pym, *Gypsies of Early Modern Spain,* 63.

[25] Taylor, *Another Darkness, Another Dawn*, 102.

[26] By the early seventeenth century, forced labor typically required manning Spain's galleys, but there is no evidence that this was the only form of forced labor.

Roma with the condition that they could choose to settle in cities with more than 1,000 households or face the punishment of execution for vagabondage.[27] The edict was not brought about by a single event but rather by pervasive scapegoating and the end of the *Morisco* expulsion, which shifted focus back to Spain's Roma.

Roma Conditions Under the Reign of the House of Habsburg

The Crown's scrambling attempts to mitigate Roma's existence proved unsuccessful, and in 1633, King Felipe IV attempted to expand on the 1619 sanction his father issued. In his 1633 pragmatic, Felipe IV demanded harsher physical punishments for migratory Roma, banned the term *Gitano* in official documents, and outlawed Roma cultural practices. To note, legislation attempting to ban the word *Gitano* had already occurred in the 1619 pragmatic and was unsuccessful.[28] Felipe IV's attempt to remove *Gitano* from the Spanish language directly relates to the desire to forcibly eliminate all Roma cultural identity. The belief was that, if unnamed, the Roma could not be perceived as a distinct group of people. Already aware of the lax enforcement of the 1619 pragmatic, Felipe IV included an addendum reminding civil servants to report other civil servants for not sufficiently imprisoning the Roma. Another aspect of the pragmatic outlawed Roma *gitanerías,* communities that Roma had formed that had also acted as a protective measure.[29] The Crown wanted to enact this law to banish any centralized form of cultural activity.[30] The Crown wanted Roma to assimilate while growing increasingly frustrated as no effort had successfully compelled Roma to do so. Based on the earlier attempts to forcibly remove Roma proving unsuccessful, Felipe IV attempted to shift to denying Roma's existence as a unique population.

By 1633, Roma had established themselves within Spanish communities, which took part in Roma culture while relying on their labor force. Although the 1633 pragmatic prohibited Spanish citizens from engaging with Roma culture, communities ignored the rules in favor of participating in Roma dances and watching acrobatic performances. Banning Roma dances and celebrations was a form of cultural suppression designed to force assimilation. However, the sanction did not produce the effect that The Crown expected. One Spanish city, Jaén, typically hired Roma performers for their Corpus Christi celebrations and continued to do so after the 1633 sanction.[31] At this point, Spain's male laboring population was slim, and cities could not afford to abide by the strict rules of expelling Roma for practicing their cultures. Spanish landowners viewed Roma men as an inexpensive labor source, and many Roma had become established in careers like livestock trading, blacksmithing, and basket weaving.[32] Many Roma still resisted sedentarization due to the legal and societal persecution they faced, and even the most established Roma were subject to forms of violence and stereotyping.

Following Felipe IV's death, the Spanish Crown shifted its focus to preventing the country's further decline, and Roma legislation was not The Crown's priority. With the country's golden age ending, the nobility desperately attempted to resolve its international problems before it looked inward. In 1665, four-year-old Carlos II took the throne, and his mother acted as his regent. Before Carlos II could make his own decisions, authorities in cities like Barcelona and Madrid would issue anti-Roma rules. Upon growing up, Spanish nobility criticized Carlos II as too mentally incompetent to rule, which was likely due to the severe inbreeding of the Habsburg dynasty.[33] His reign led to a further fractured country caused by internal noble discontent and the King's inability to maintain dominion outside of Spain. Carlos II's difficult reign resulted in an increasingly disenfranchised population affected by endless wars and a disunified noble house. His contemporaries considered him a failure in ruling Spain, but that did not stop him from attempting to control the long-persecuted Roma. Unlike his father, Carlos II took an aggressive approach toward curbing the Roma population by issuing several sanctions during his reign. The harsher restrictions can, in part, be credited to an increasing number of claims about "Gypsy bandits, vagabonds, and

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[27] Taylor, *Another Darkness, Another Dawn*, 103.
[28] Pym, *Gypsies of Early Modern Spain,* 91.
[29] Trans.: Gypsy communities.
[30] Pym, *Gypsies of Early Modern Spain*, 93.
[31] Ibid.
[32] Ibid.
[33] Christopher Storrs, "The 'Decline' of Spain in the 17th Century," Gale.com, 2011, https://www.gale.com/intl/essays/christopher-storrs-decline-spain-seventeenth-century.

criminals."[34] It is unclear how many of these claims had any truth to them, considering the authorities tended to favor Spanish complainants in most cases. The more significant contributing factor was perhaps the pressure on Carlos II to succeed in resolving Spain's growing list of domestic issues.

In 1692, Carlos II issued his first major pragmatic against Roma, tightening pre-existing restrictions and introducing new, harsher laws. Carlos II began the pragmatic by reminding authorities that Roma could only live in communities with over 1,000 households. This note indicates the unlikelihood there was strict adherence to moving Roma into large cities, especially considering many Roma worked in agricultural jobs that would have required them to live in rural towns. Carlos II also reinforces the rule that Roma are not allowed to dress in their clothing or speak Romani, which refers to those early assimilation sanctions and reminds the civil servants to enforce the pragmatics. Also, Carlos II introduced new requirements for Roma to register their homes and livestock. Now, authorities used paper evidence to track Roma families and movement and limited the jobs they were allowed to hold. Without proof of origin, Roma were not allowed to sell or trade *cabalgaduras,*[35] which was detrimental to livestock traders who had already established themselves. If caught working as a trader without proper documentation, the authorities could seize their animals and imprison the offenders.

Three years later, in 1695, Carlos II attempted to strengthen pre-existing laws by issuing another pragmatic. An unprecedented wave of Roma moved into Spain from Portugal and left Spanish authorities confused as to how to handle it.[36] Now overwhelmed with Roma populations again, Carlos II reissued the core demands of his 1692 pragmatic with stricter additions. All Roma adults were now required to register their families, homes, employment information, and all personal belongings. Carlos II likely required the census taking so the authorities could effectively track Roma to ensure the community's compliance with new legislation. Roma could only live in Spain with resident permits, and failure to register with their local authorities incurred punishments of six years of forced labor for men and one hundred lashes for women. Any Roma who attempted to stay without a permit were to be expelled from the country. Spanish or Roma families accused of harboring Roma in any capacity were subject to hefty fines, while poor families had to perform forced labor. Additionally, Carlos II declared that Roma were only allowed to work as farmers and could not own any animals beyond a single mule for farm labor or transportation. However, other elements of the 1695 pragmatic indicate a distinction between vagabonds and settled Roma, suggesting that The Crown recognized at least some portion of Roma as having become a settled minority group in Spain.[37] Building upon previous attempts from Felipe IV to assimilate the Roma, Carlos II took measures to reduce their autonomy. The intended effect of these measures was unclear. However, it was likely an effort to disenfranchise Roma communities to force them out of the country of their own will through increased persecution and surveillance.

In any case, Carlos II once again found himself heading the unsuccessful endeavor of reducing Roma populations. Carlos II attempted to maintain the requirement that Roma families live in towns with over 1,000 households, but the 1695 pragmatic reduced that number to 200. The reduction was due to the amount of Roma that had settled in rural towns in different positions. In 1695, Roma men were still relatively established blacksmiths across the country, and Roma women had careers where they could use their perceived exoticism to their advantage as fortune-tellers and dancers.[38] Community members in cities across Spain had frequently petitioned for Roma families to be exempt from pragmatic decrees, citing their necessary services as traders and laborers. Typically, these requests were granted, deepening the divide between the acceptable sedentary Roma and the unacceptable migratory Roma. Due to the impossibility of tracking and enforcing rules against a spread-out population, Carlos II had to focus more effort on keeping Spain an intact monarchy.[39] Before childless Carlos II died, his advisers convinced him to declare Philip, Duke of Anjou, the King's great-nephew, heir to the Spanish throne. Although Carlos II could not

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[34] María-Helena Sánchez Ortega, "La Oleada Anti-Gitana Del Siglo XVII," *Espacio, Tiempo y Forma* 4 (4), 1991, 82.

[35] Trans.: mountable. Equine animals that can be ridden, e.g. horses, mules, and donkeys.

[36] Sánchez Ortega,"La Oleada Anti-Gitana," 86.

[37] Sánchez Ortega,"La Oleada Anti-Gitana," 90.

[38] Taylor, *Another Darkness, Another Dawn*, 142.

[39] Christopher Storrs, *The Resilience of the Spanish Monarchy, 1665-1700,* (Oxford: Oxford University Press), 157.

forcibly remove nor assimilate the Roma, his pragmatics set the conditions for his successors to finally find themselves in an advantageous position against the Roma population.

Roma Conditions Under the Reign of the House of Bourbon

Under the new French rule of the House of Bourbon, Philip V managed a disorganized Spain during the War of Spanish Succession. He is quoted as not wanting to become the King of Spain and disliked Spanish customs and culture, but it did not stop him from ruling the country with an authoritative style.[40] Louis XIV–grandfather of seventeen-year-old Philip V–continually occupied Spanish territory through ceaseless wars and now took on a close advisory role, essentially ruling Spain by proxy. Philip V's assumption of the throne resulted in the War of Spanish Succession, with nations across the Western Hemisphere fighting to claim Spanish territory. Although Philip V is best known for his impactful military reforms,[41] he fulfilled the role of King to the best of his ability despite the ceaseless internal and external conflict.[42] Philip V worked diligently to create a "unitary, monolithic, [...] and uniform state" by establishing high courts and abolishing the Cortes and regional councils.[43] However, Philip V was not only tasked with fighting a war but was also responsible for governing his new kingdom, which he felt was disorganized and scattered.

Despite the adoption of particularly French governing policies, Philip V initially did not adopt French policies of expelling Roma; instead, he maintained the stance of his Spanish predecessors and sustained the policy of forced assimilation. The King's first pragmatic in 1705 was, essentially, a reissue of Charles II's 1695 declaration, with a local addition in Madrid allowing law officers to shoot bandits who refused to lay down their arms or surrender.[44] The Crown regarded the Roma as a source of forced labor through the justice system and as a population in need of assimilation to support his goal of forced homogenization.[45] Laws targeting supposed bandits were not supposed to target the sedentary Roma, yet such legislation did provide excuses to target Roma under a legal declaration of permissibility. In doing so, Spain attempted to conjure up a larger workforce and reduce the threat of alleged criminality.

Philip V's 1717 pragmatic signaled a drastic change from the early sanctions against Roma into a new era of aggressive laws encouraging restrictive practices. Due to the preoccupation with the war, enforcing anti-Roma legislation was carried out inconsistently, if at all. Philip V's 1717 pragmatic reissues most of Carlos II's 1695 pragmatic with a few notable differences. First is the phrasing that referred to Roma as "the ones called *Gitanos*," indicating an unusual shift away from using the term *Gitano* in official documents. Scholars disagree on why this might be the case, but from a linguistic perspective, it suggests an uncertain method of defining Roma rather than an attempt to erase their cultural identity as in earlier sanctions.[46] Along with a change in language, the 1717 pragmatic introduced an explicit mention prohibiting Roma men from working in blacksmithing. Blacksmithing had become a traditional occupation for Roma, and they had not abandoned the practice despite several sanctions ordering them to do so.[47] Finally, the most extreme act of policing Roma movement was the declaration that any Roma could only live in 41 specified towns and had four months to relocate. The previous sanctions mandated that Roma could only live in large towns, yet Spanish citizens were typically lax in reporting their neighbors, indicated by The Crown's need to reissue the requirement repeatedly.

New additions to the later pragmatics had little to do with placing restrictions on Roma movement around Spain; instead, they focused on stripping Roma of what few legal protections they had. In the 1726 reissue, Philip V banned Roma from pursuing legal action beyond local tribunals. Another addition, in 1738, required local authorities to randomly search Roma households for any goods they could not own, like weapons or horses. Officials were allowed to seize the property at their discretion. Yet another 1738 clause stipulated that any Roma

[40] Henry Kamen, *Philip V of Spain: The King Who Reigned Twice*, (New Haven, CT: Yale University Press), 9.
[41] Storrs, *The Resilience of the Spanish Monarchy,* 18.
[42] Kamen, *Philip V of Spain,* 28.
[43] Pym, *Gypsies of Early Modern Spain,* 144.
[44] Pym, *Gypsies of Early Modern Spain,* 145.
[45] Taylor, *Another Darkness, Another Dawn*, 183.
[46] See Pym, *Gypsies of Early Modern Spain,* 145 and Taylor, *Another Darkness, Another Dawn*, 183.
[47] Pym, *Gypsies of Early Modern Spain,* 146.

accused of being away from their homes had 15 days to return, or they were declared bandits and could face prosecution for criminal activities. Even Roma that had proper documentation—mandated travel passes—faced danger if officers accused them of having falsified papers, which required no proof beyond the authority's judgment. However, difficulties remained in enforcing these laws in rural towns, evident in several cases throughout small towns where the officials were unaware that certain practices were against the law. In one instance, the mayor of a small village, called Ceclavín, said he was unaware of the 1717 pragmatic because he was illiterate and could not read the document The Crown had given him explaining the new law.[48] Such cases were not uncommon, considering the low literacy rates and inefficient methods of communication in the eighteenth century. However, in larger cities, law officials subjected Roma to discriminatory practices that left them powerless against the Spanish authorities.

Although Philip V adopted a policy of forced homogenization through intense persecution, his efforts remained as unsuccessful as those of his predecessors. Over 29 years following the 1717 sanction, Philip V reissued the same pragmatic three times, and three times more, each of the final three with amendments. By 1746, Philip V amended the preceding pragmatic and added 34 new towns to the list of permitted locations for Roma. After the 1717 pragmatic, there were a "significant number of cases" of Roma asking and receiving permission to stay in their towns of residence along with testimony from town authorities vouching for their necessity in the community.[49] In the eighteenth century, most Roma in Spain had become sedentary, worked in trades and agriculture, or occasionally married into Spanish families. While nomadic populations still traveled through Spain and many Roma did not settle in the state, Roma had effectively become citizens in their own right. Philip V was not satisfied with the potential for coexistence, nor were Spanish citizens accepting of their established neighbors. Although Philip V failed to enforce the pragmatics, Spain did not abandon their efforts of legalized persecution. Similarly, the gradual assimilation of Roma in specific communities could not sway wider public opinion to accept Roma as legitimate members of Spanish society. At the end of Philip V's two reigns, Roma had effectively lost any legal safeties they may have gained over the last two hundred years.

Beginning with their entrance into Spain, Roma communities faced constant persecution based on their nomadic lifestyles, which Spanish authorities misrepresented as a sign of criminal behavior. In over two hundred years of legal pragmatics issued against Roma, Spain attempted to assert their domination over Roma by restricting where and how they were allowed to live. Before 1619, Roma groups grew more distinct in the public eye while remaining primarily migratory for work and safety. Under the House of Habsburg, particularly during the reign of Felipe IV and Carlos II, Roma communities developed into a distinctly separate but typically sedentary population. During that time, Roma had established themselves in trades and as laborers, finding safety in some towns while facing the persecution handed down by the government. Under the House of Bourbon and Felipe V, Roma faced the most intense legislation designed to restrict their autonomy and legal rights they had earned through hundreds of years of maintaining Spain as their home.

Enforcing pragmatics remained troublesome and perhaps not a priority, based on the events occurring within and outside Spain's borders. The end of the Habsburg Dynasty was marked by a kingdom held together by a series of unsuccessful leaders fighting overseas wars for territory. The beginning of the Bourbon Dynasty resulted in a global war and an overhaul of Spanish governance. Ruling over primarily rural, decentralized Spain presented other barriers to enforcing pragmatics. However, each King did find some success in allowing the persecution of Roma in big cities or on main roads. Despite the inability to carry out the laws in a uniform manner all the time, local authorities undoubtedly persecuted Roma for nonexistent offenses while maintaining their lawful right to enact violence against the already persecuted Roma.

In every era of Spain's early modern history, pragmatics attempting to police Roma movement and identity eventually compounded into The Crown's ability to pursue the Great Round-up of 1749. After a revitalization of Spanish rule following the entrance of Philip V, The Crown felt emboldened by new forms of centralization and unification. The Crown finally reached a point where the government could orchestrate a mass removal after facing years of failures in removing or assimilating Roma. As it would turn out, the Great Round-up produced mixed results and proved unpopular in many towns and communities. Essentially, Spain's attempted cultural (and, in some manner, physical) genocide existed and ended as the conditions preceding the Great Round-up effort. That is not to

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[48] Pym, *Gypsies of Early Modern Spain,* 147.
[49] Ibid.

say there were no victims; Roma suffered unjust persecution before, during, and after the events in 1749. There is a plethora of study about the global implications of carrying out a coordinated event in a large, relatively decentralized country, but less on the impact of the Great Round-up on Roma in Spain. It is necessary and worthwhile to connect the enduring persecution against Spanish Roma to the years of anti-Roma legislation and the events of the Great Round-up.

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India's Emergency and the Undercurrents of Revolution by Diya Shah

It was 8 A.M. on June 26, 1975, when the government-controlled radio station, All India Radio, the most listened-to station in the country, crackled to life.[50] "The President has proclaimed an emergency," spoke the detached voice of Prime Minister Indira Gandhi to the millions and millions of ears tuned in across the country.[51] With one statement, Indira Gandhi effectively altered the course of India's history, subsequently plunging the nation into the two-year period that is popularly referred to as one of the darkest times in India's independent history. The Emergency was a 21-month period from June 25, 1975, to January 18, 1977, when Indira Gandhi used her constitutionally derived political powers to bypass legislatures and rule by decree. During this time, elections were canceled, civil liberties as simple as bodily autonomy and the right to a roof over one's head were revoked, political opponents were silenced, the press was censored, and the whole of India was governed by Mrs. Gandhi and her central government. Within the first few days of the Emergency, news was in disarray–power had been cut in the offices of major publications, dispatches abroad were being censored, word on the street cried that hundreds of political opponents were being arrested without cause, and the only stable stream of information was coming from All India Radio, yet citizens couldn't even trust its highly biased output.[52] India's democracy was breaking down. The question is, why and how did this happen? For although the Emergency is often relegated to just a small dark spot in India's historical timeline, its implementation was a direct response to the revolutionary character of social movements that occurred in the decade prior.

Indira Gandhi as a political figure was and continues to be larger than life in the history of India. Not only was she the daughter of the first prime minister of India, but she was also known for her intransigence and her tough political rule. Between 1967 and 1971, she was able to amass large-scale control over much of India's central government and the Indian National Congress Party. But on June 12th, 1975, the Allahabad High Court found Indira Gandhi guilty of electoral malpractices and consequently declared her election to the prime minister position null and void, disqualified her from her seat in Parliament, and barred her from holding any elected post for the next six years.[53] While the more serious charges, such as bribing voters, were dropped, Mrs. Gandhi still challenged the high court's decision. This meant that although her governmental privileges were revoked, Indira Gandhi was still allowed to continue as the prime minister while awaiting the resolution of her appeal. Two weeks after the high court's decision, the Emergency was declared and civil liberties as the Indian citizens knew them were stripped away.

The traditional historical narrative of the Emergency states that it was declared on the grounds of internal threats to national security. The lingering tensions from the Indo-Pakistani War of 1971, the poor economy from the 1973 oil crisis, and rampant strikes across the country are all presented as 'valid' arguments for the implementation of an 'internal emergency'.[54] According to the mainstream narrative of the Emergency–supported by many historians such as Uma Vasudev and Katherine Frank–the Emergency exists only as a short-lived abnormality in the timeline of India's successful democracy and occurred due to the authoritarian and paranoid personality of Indira Gandhi. As historian Aaron S. Klieman states, people are "inclined to dismiss it for the most

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[50] Pace, Eric. "MANY OPPONENTS OF MRS. GANDHI ARRESTED IN INDIA," *New York Times*, June 26, 1975.
https://www.nytimes.com/1975/06/26/archives/many-opponents-of-mrs-gandhi-arrested-in-india narayan-and-desai.html
[51] "Speech and Proclamation: Mrs. Gandhi's Speech," *New York Times,* June 27, 1975.
https://www.nytimes.com/1975/06/27/archives/speech-and-proclamation.html
[52] Sharma, Kalpana. "The Journey since 1947-II: Radio Times." The India Forum, August 23, 2022.
https://www.theindiaforum.in/article/journey-1947-ii-radio-times.

[53] Prakash, Gyan. *Emergency Chronicles : Indira Gandhi and Democracy's Turning Point.* Princeton, New Jersey: Princeton University Press, 2019

[54] Prakash.

part as an unfortunate episode."[55] However, one must take into account the sociopolitical history of India and remember that the "successful democracy" that Indira Gandhi inherited was young, only born from India's independence in 1947. Society was deeply hierarchical and a rapidly increasing population was no match for the inadequate economy. The people were restive–now becoming impatient with the unfulfilled promises the government had guaranteed since the time of independence.

The decade and a half prior to the Emergency was defined by socio-political unrest that stemmed from a variety of reasons. The late 1960s and early 1970s in India gave rise to 'revolutionary' movements such as the communist *gheraos* in West Bengal, *Nav Nirman Andolan* (Reconstruction movement), large-scale railway strikes, and the most prominent of them all, the political leader Jayaprakash Narayan's call for "Total Revolution"–all sociopolitical movements that centralized the wants of the people as opposed to the wants of the government.[56] The Emergency was not just a transitory episode, but a turning point in the history of India's democracy. The Emergency cannot be reduced to the personality of Indira Gandhi; the Emergency exists as a fundamental structural conflict between the popular desire for social equality and the reality of pervasive inequality.[57] The aforementioned movements are just a few of the major mobilization efforts that aimed to combat the failings of governmental promises, yet they are not often mentioned in relation to the Emergency. Although the traditional narrative views the Emergency as an event of little importance that faced no resistance and was meant to serve the interests of Indira Gandhi, the Emergency was provoked due to the revolutionary nature of the social movements from the years prior to its declaration, and throughout its suffocation of the country, revolutionary sentiments maintained their struggle.

The rage on the streets did not begin out of nowhere–popular unrest in India had been building and rising since the mid-1960s. Gyan Prakash, in his comprehensive account of the Emergency aptly summarizes the pre-Emergency circumstances in India when he states:

> "The postcolonial state, having come into existence through a "passive revolution"—a political transformation without fundamental social change—did not win the full consent of the people. Popular yearnings for a radical makeover of India's caste and class hierarchy that accompanied the transfer of power never faded away. The state did little to address the people's grievances and aspirations."[58]

The Indian people desired change, and this desire was exemplified early on by the situation in West Bengal.

When the Partition in 1947 divided the state of Bengal into West Bengal and East Bengal (now Bangladesh), millions of people were displaced and forced out of their homes in a mass refugee exodus.[59] By the 1960s, the ruling Congress Party was floundering in a state that was facing a terrible food crisis, rising unemployment, and a stalling economy.[60] With migrants desperate for food and shelter and the Congress-ruled state government firm in its inaction, the Communist Party of India (Marxist), also known as CPI(M), stepped up and assumed leadership of the various unions in the state. This led to the party gaining a wider influence and eventually culminated in a win in the 1967 general elections in West Bengal.[61] It was from the CPI(M)'s leadership that the concept of *gherao* was born. A 1969 manifesto explained that the tenets of the movement describe *gherao* as "a state of siege laid by the workers against the employers in the very premises of the factories" and that "workers

[55] Klieman, Aaron S. "Indira's India: Democracy and Crisis Government." *Political Science Quarterly* 96, no. 2 (1981): 241–59. https://doi.org/10.2307/2150338.
[56] Prakash.
[57] Prakash.
[58] Prakash.
[59] Prakash.
[60] Prakash.
[61] Franda, Marcus F. "Electoral Politics in West Bengal: The Growth of the United Front." *Pacific Affairs* 42, no. 3 (1969): 279–93. https://doi.org/10.2307/2753899.

resort to this weapon to win immediate redress of grievances."[62] Fed up with their working conditions, unexplained dismissals, and ignored demands for pay raises among other economical issues, workers banded together to confine their supervisors within their offices until they yielded to the demands. Although the *gherao* movement in West Bengal was not entirely successful in obtaining every demand made, the movement was unprecedented in that it was defined by the direct action of the people. Described as "working class militancy," the leftist-led *gheraos* inspired even further revolt in later years.[63] Expanding on the initial movement that only involved factory workers, the working population in not only West Bengal but East Bengal and neighboring regions as well, joined hands with students and teacher unions to demand progress from their employers, which consequently disturbed the stability of the 'democratic' administrations in place. The 1969 *gherao* manifesto appropriately sums up the emerging attitude of the region when it states, "Dissatisfied with what happens to their grievances when they are processed through this machinery, the workers are increasingly leaning toward direct action."[64] The *gherao* movement was just the beginning of the string of revolutionary upsurges that were sweeping the nation.

The state of Gujarat started the year 1974 off with a bang–wave of riots, protests, and political agitation that swept through every city, town, and village, leaving not one citizen unaffected.[65] The unrest began with students striking in protest of the rising prices of room and board at their universities and escalated as clashes between the police and students provoked students, workers, professionals, and middle and lower-class people alike into action across the state. The movement came to be known as the Andolan, short for *Nav Nirman Andolan*, which translates to "the movement for constructive reforms."[66]The first focus of the movement was to get Chief Minister Chiman Patel out of office, for it was believed that the rise in food prices stemmed from corruption in the Congress party and the Chief Minister's failure to advocate for the needs of the Gujarati people. After a month of protests, the Chief Minister resigned, marking a victory for the Andolan and sending a clear message to the government: the people have power. The ensuing protests, mobilization efforts, and continued pressure from citizens to get the members of the legislative assembly to resign finally culminated in the dissolution of the state assembly as a whole. The Andolan movement did not accomplish its original goal of social reconstruction–the price of food remained high–yet the significance of the movement is in the way it encapsulated the anger of the people at the actions of their government and finally demonstrated that the people had the power to enact change. Moreover, the Andolan movement was highly influential to the political leader Jayaprakash Narayan's 'Total Revolution' movement in addition to the future actions of Indira Gandhi.

In May of 1974, railway workers of the Indian railroad went on strike in what is known as the largest recorded industrial action in the world. The Indian railway system was the largest employer in the entire country, with its workforce being one of the oldest and most unionized.[67] The railways were considered a government department, and therefore railway employee wages were determined by the central government.[68] In the two decades prior to the strike, employee wages had been steadily declining, while the pay of other government-owned sectors had been increasing.[69] Smaller-scale railway strikes in the past had been conducted in an effort to implement an eight-hour working day, something which still had not come to fruition by the time of the 1974 strike. On May 8th, following failed talks between the government and the railways, and the arrest of "more than

[62] Jhaver, Sharad. *The Gherao Movement*. Intercontinental Press, June 30, 1969.
https://www.marxists.org/subject/india/fourth-international/gherao-movement.pdf
[63] Nitish R. De. "Gherao as a Technique for Social Intervention." *Economic and Political Weekly* 5, no. 3/5 (1970): 201–8. http://www.jstor.org/stable/4359551.
[64] Sharad.
[65] Jones, Dawn E., and Rodney W. Jones. "Urban Upheaval in India: The 1974 Nav Nirman Riots in Gujarat." *Asian Survey* 16, no. 11 (1976): 1012–33. https://doi.org/10.2307/2643482.
[66] Bhagat-Ganguly, Varsha. "Revisiting the Nav Nirman Andolan of Gujarat." *Sociological Bulletin* 63, no. 1 (2014): 95–112. http://www.jstor.org/stable/43854955.
[67] Sherlock, Stephen. "Railway Workers and Their Unions: Origins of 1974 Indian Railways Strike." *Economic and Political Weekly* 24, no. 41 (1989): 2311–22. http://www.jstor.org/stable/4395459.
[68] Ananth, V Krishna. "Remembering May 1974: The Historic Railway Workers' Strike." *Economic and Political Weekly* 51, no. 22 (2016): 16–19. http://www.jstor.org/stable/44004316.
[69] Sherlock.

1,000 union leaders and railway workers," thousands upon thousands of railway workers walked off the job–effectively halting a country that was heavily dependent on the supplies that the trains carried.[70] Twenty days later, the strike ended. In conceding their return to work, the union stated that "the Government fought a miniwar," and that "in a confrontation of that nature, the odds cannot but be against the workers."[71] The strike resulted in an estimated $1.5-2 billion loss in production.[72] In a desperate measure to end the strike, Indira Gandhi made the decision to imprison between 20,000 to 50,000 railway workers–the exact number of people remains unknown.[73] The strike was organized in order to force the government to acquiesce to the demands of the union, and while it failed in part due to the mass arrests that splintered leadership and generated widespread fear among the workers, the 1974 railway strike still enjoyed a small sense of victory in the way it managed to rattle Indira Gandhi, exemplifying the sheer antagonism the people had against the government and heightening government concerns over growing revolutionary sentiments. Retrospectively, it seems to be that the 1974 railways strikes acted as a dress rehearsal for the Emergency, allowing the government a test run of their draconian power to clamp down.[74]

Depending on the narrative of the Emergency, Indira Gandhi is often portrayed as either a hero or a villain. Every hero needs a villain and every villain needs a hero, and Jayaprakash Narayan is typically cast as the main opponent in the battle against Mrs. Gandhi and the Emergency.[75] Jayaprakash Narayan (also known as JP) was an activist during India's independence and later became a socialist leader, most known for his leadership during the 1974 student protests in Bihar and his concept of 'Total Revolution,' the label attributed to his idea of mass social change. However, he was seen as more than just a political leader, he was seen as the *Lok Nayak*, the people's hero. Inspired by the Andolan movement in Gujarat, JP turned towards his home state of Bihar, where student protests demanding the removal of the elected state government were already underway, to lay down the roots of his revolutionary philosophy.

Throughout the June and July of 1974, JP organized a number of protests calling for the dissolution of the Bihar Legislative Assembly because of its history of corruption and misrule of the people. It was at this time that JP began to advocate for his idea of 'Total Revolution'. 'Total Revolution,' as envisaged by JP, encompassed political, economic, social, cultural, educational, moral and structural aspects in their totality. It was aimed at radically transforming the material conditions as well as the moral character of individuals.[76] With the motivating ideals of Total Revolution resonating with the people of Bihar, protesters continued to demand for the resignation of legislative assembly members by setting up *gheraos* and organizing processions, while simultaneously facing violent clashes with the police and mass arrests. JP strongly identified with the goals of both the Bihar and the Andolan movements, but he wanted to mobilize beyond solely fighting against the corruption of state governments. He had a vision for a society in which any individual, no matter their gender, race, or caste, could have the liberty to think freely and act according to their own conscience–tenets which would only be possible in a *true* democratic system that is administered by only the people.[77] Many people at the time–as well as future scholars in constructing their accounts of the Emergency–viewed JP and his concept as directly oppositional to Indira Gandhi due to his disdain for her governmental system in addition to his repeated confrontations and callouts of her actions and behavior. However, as JP wrote, "the movement of 1974 was not started to throw Indiraji out of power… [Total Revolution] was about changing the whole life–all aspects of life of both man and the society i.e. the system of marriage, the caste relations, politics, economy have to be changed and that was the urge in it."[78] Contrary to many narratives of the Emergency, rather than viewing JP as a person as the real threat,

[70] "Strike of Indian Rail Workers Begins." *New York Times*, May 8, 1974.
https://www.nytimes.com/1974/05/08/archives/strike-of-indian-rail-workers-begins-tension-high -with-food.html
[71] Weinraub, Bernard. "INDIA'S RAIL STRIKE ENDS IN COLLAPSE." *New York Times,* May 28, 1974.
https://www.nytimes.com/1974/05/28/archives/indias-rail-strike-ends-in-collapse.html
[72] Weinraub.
[73] Weinraub.
[74] Ananth.
[75] Puri, Balraj. "A Fuller View of the Emergency." *Economic and Political Weekly* 30, no. 28 (1995): 1736–44.
http://www.jstor.org/stable/4402992.
[76] Nayak, Rajesh Kumar, and Manish Kumar. "'TOTAL REVOLUTION:' CONCEPT AND REALITY IN BIHAR."
Proceedings of the Indian History Congress 70 (2009): 1144–54. http://www.jstor.org/stable/44147758.
[77] Nayak et al.
[78] Nayak et al.

Indira Gandhi and her party were more intimidated by the all-encompassing change JP's idea of 'Total Revolution' was pushing. JP saw his movement as providing a "a peaceful outlet for the anger and frustration of the youth."[79] But instead of responding to the unrest, the government set about "crushing the movement with a heavy, repressive hand, for Mrs. Gandhi believed that JP's movement was aimed personally at her.[80] As Mrs. Gandhi said to one of her close friends in defense of her imposition of the Emergency,

> "You do not know the plots against me. Jayaprakash and Morarjibhai have always hated me. They were determined to see that I was destroyed and the government functioning paralysed. How could I permit this?"[81]

In the eyes of the central government, what had begun as merely another case of student agitation had evolved into a bitter fight to depose Mrs. Gandhi.

When analyzing these periods of unrest–marked by so many local mobilization efforts–one must ask the question: were these social movements revolutionary in nature? In documenting these movements, the adjective "revolutionary" is seldom a label that is attributed to them on account of the fact that the majority of the efforts mentioned were not successful in their goals. A "revolution" is commonly defined as an overthrow of not only an established government or regime, but also the socio-economic structure that sustains it.[82] And according to the generally held definition, all of the aforementioned social movements did not necessarily enact any regime overhaul or societal change. So, is social change necessary to qualify an event as revolutionary? While individually they might not subscribe to the traditional label of "revolutionary,"–no government was overthrown and no lasting socioeconomic change was accomplished–the mobilization efforts that took place in India in the 60s and 70s held their power through their combined impact. Each movement took inspiration from those of the past as well as one another, for the underlying theme of them all was a dissatisfaction with the current reality, accompanied by a resolute hunger for change. As standalone events, they were not all able to accomplish their aims, but what they did accomplish was sending a clear message to those in power–a revolution was imminent. As historian Gyan Prakash wrote of the student protests in Bihar, "The victory did not accomplish any basic social change, but what mattered was that the government had been forced to listen to the people."[83] The government heard the message loud and clear–and what was their response to the revolutionary yearnings? The implementation of the Emergency. A two-year shutdown of the country, a period of zero rights or liberties–a total breakdown of democracy.

Mrs. Gandhi's citations of "widespread conspiracy," "agitations," and "forces of disintegration," among others throughout her declaration of Emergency can be seen as a definitive reaction to the numerous revolutionary activities that were spurred against her and the central government.[84] Her proclamation and subsequent speeches use the phrase "internal threats" or "internal disturbances" in justification of declaring the Emergency instead of ever relaying a direct or specific situation that led to the drastic decision. In the initial declaration, she states how "certain powers have gone to the length of inciting [the] armed forces to mutiny and [the] police to rebel" and that "the actions of a few are endangering the rights of the vast majority."[85] This is a direct reference to the sustained actions of the Bihar movement, in which hundreds of people had died at the hands of police firings.[86] Furthermore, soon after the railway strike began, newspapers reported that "The strike is the most severe threat that Prime Minister Indira Gandhi's Government has faced."[87] Nothing makes it more clear that the Emergency was an explicit effort to quell revolutionary sentiments than the statements made by Indira Gandhi a couple of months into the Emergency after being repeatedly questioned on whether the internal safety of the country was actually threatened;

[79] Kapoor, Coomi. *The Emergency: A Personal History.* India: Viking Books, June 2015.
[80] Kapoor.
[81] Kapoor.
[82] Ghansham Shah. "Revolution, Reform, or Protest? A Study of the Bihar Movement: I." *Economic and Political Weekly* 12, no. 15 (1977): 605–14. http://www.jstor.org/stable/4365482.
[83] Prakash.
[84] "Speech and Proclamation: Mrs. Gandhi's Speech"
[85] "Speech and Proclamation: Mrs. Gandhi's Speech"
[86] Shah, Ghanshyam. "Revolution, Reform, or Protest? A Study of the Bihar Movement: II." *Economic and Political Weekly* 12, no. 16 (1977): 642–55. http://www.jstor.org/stable/4365503.
[87] "Strike of Indian Rail Workers Begins."

"We had a movement in the state of Gujarat, we had a movement in the state of Bihar. . . . in Gujarat the members of our legislative assembly were threatened and intimidated and forced to resign. There was violence. Students were not attending college. We had strikes. . . . there was such indiscipline that even government functioning was becoming extremely difficult."[88]

Although the words "revolution" or "revolutionary" are rarely mentioned in relation to the Emergency, unless in the context of JP's 'Total Revolution,' the words of Indira Gandhi make it evident that the revolutionary personalities of the prior social movements were the dominant cause of the Emergency's implementation.

Yet in lieu of heeding these warning cries of revolution, cries that signified a fundamental dissatisfaction with the state of life within the country, Indira Gandhi and the central government made the decision to crack down and forcibly mold the country into the complacent mass they desired. The regime under the Emergency bullied and suppressed trade unions, banned any and all strikes, and imposed wage freezes on government-controlled industries.[89] Censorship was rampant with daily censorship orders being communicated to newspapers across the country "to prevent the publication of anything considered against or embarrassing to the regime."[90] But the most impactful and most memorable tenets of the 21-month Emergency came from Indira Gandhi's Twenty Point Program, and her son, Sanjay Gandhi's Five Point Program. Mrs. Gandhi's program vaunted goals of eradicating poverty and bonded labor, advancing social equality, and improving the economy, while the main components of Sanjay's program were birth control, slum rehabilitation, and urban beautification.[91] Indira Gandhi used her program as a way to justify the Emergency, framing it in a way that portrayed the shutdown of the country as imperative to the success of each of the points, which once completed, would result in social progress and a better state of living for all.

Many of the principles that Indira Gandhi set out to achieve with her program were actually successful–prices of goods were reduced, production indexes rose, and the general economy seemed to be prospering. Nonetheless, popular discontent continued to foster under the Emergency regime; discontent that advanced alongside Sanjay Gandhi's forcible programs. Sanjay was known as "the man who gets things done," and what he wanted "done" was the reduction of India's rapidly growing population and the beautification of its cities.[92] To accomplish these goals, Sanjay introduced highly aggressive family planning/compulsory sterilization drives and slum demolitions. Within two months, he established the infrastructure and found doctors to perform the surgeries for his compulsory sterilization program–all completed quickly thanks to his complete bypassing of any chain of command.[93] Camps were established throughout the country, with the majority of them centralized in a strip of states in northern India–what came to be known as the "vasectomy belt."[94] Sanjay organized quotas and monetary incentives to ensure that government employees guaranteed widespread success of his program. Mostly men, but even women, young and old, were taken from their homes, primarily against their will, and forcibly sterilized in often unsanitary conditions and under the knife of people who were barely qualified to perform the surgeries. This

[88] Jones, Dawn E., and Rodney W. Jones. "Urban Upheaval in India: The 1974 Nav Nirman Riots in Gujarat." *Asian Survey* 16, no. 11 (1976): 1012–33. https://doi.org/10.2307/2643482.

[89] Rudolph, Lloyd I., and Susanne Hoeber Rudolph. "To the Brink and Back: Representation and the State in India." *Asian Survey* 18, no. 4 (1978): 379–400. https://doi.org/10.2307/2643401.

[90] Prakash.

[91] Prakash.

[92] Prakash.

[93] Gupte, Prajakta R. "India: 'The Emergency' and the Politics of Mass Sterilization." *Demographics, Social Policy, and Asia, Part I*, vol. 22, winter 2017, https://www.asianstudies.org/publications/eaa/archives/india-the-emergency-and-the-politics-of mass-sterilization/#:~:text=His%20only%20qualification%20was%20that.

[94] Gupte.

meant that countless people were left with mangled operations and septic infections that frequently led to death.[95] Between 1976 and 1977, Sanjay Gandhi oversaw over 8 million sterilizations, doubling his target, but consequently fracturing the essence of people and families on an unfathomable scale.[96] Similar staggering statistics were seen with his urban beautification program. Sanjay viewed beautification as not only the demolition of "ugly" and illegal buildings, but also the removal of the poor and homeless from cities, which meant that over 150,000 demolitions took place in the city of Delhi alone, leading to over 700,000 people being displaced from their homes, left with nowhere to go.[97] The measures undertaken by Indira Gandhi, and more prominently her son, were charged with the intention to support and improve the lives of their country's citizens, but instead, they fostered and furthered the already omnipresent discontent.

There is a common misconception–due to the fact that many narratives of the Emergency try to downplay the devastating impact it had–that there were no resistance efforts made during the course of the 21 months of the Emergency. Contrarily, the revolutionary attitudes that persisted in the years before the Emergency sustained themselves, albeit in a more subtle manner, chiefly in the form of underground literature. While active forms of protest did transpire, they were unsustainable under the atmosphere of the Emergency. For example, in states that faced the brunt of Sanjay Gandhi's forced sterilizations, large-scale resistance movements cropped up, but were swiftly and violently squashed with police forces laying siege on villages and state officials cutting off power supplies for weeks on end. Unfortunately, the majority of physical protest and resistance to the Emergency-era measures were immediately paralyzed by government-officiated arrests. But the defeat of above-ground resistance allowed for the underground movement to flourish.

One of the most famous pieces to emerge from the underground Emergency literature was JP's prison diary. JP was one of the first people to be arrested at the onset of the Emergency, and while in prison, he kept a diary in which he expanded on his political thoughts in relation to the Emergency. In the last appendix of the diary, JP writes a "Message to the Nation" in which he relays how despite the "corruption, nepotism, and inefficiency" of the government, the voice of the people must always prevail.[98] He writes to the people of India, calling upon them to continue to resist, whether it be "alone or in cooperation with others," to sustain the "cry of total revolution."[99] After the Emergency ended in 1977, some of those involved in producing resistance literature gathered an assortment of pieces and compiled them in a collection titled *The Pen in Revolt: Underground Literature Produced During the Emergency*. The collection included works such as spoofs of the Gandhi's multiple point programs and journalistic accounts of what life on the streets of Delhi resembled during the Emergency, but what they all held in common was an unyielding defiance to the reality the Emergency had imposed on their societies and a strong commitment to the continued circulation of revolutionary words.[100] One notable work came from George Fernandes, a political activist and the unofficial leader and organizer of the 1974 railway strike. Fernandes's words make the revolutionary nature of the Emergency resistance and the prior social movements undeniable. He admits that the actions coordinated by the various underground opposition groups had not come to fruition, but in the very beginning of his essay he makes the goal of the resistance movement quite glaring; "Let us finally be clear on this one point. Indian democracy was butchered on June 26, 1975 by a woman called Indira Nehru Gandhi, and none alive can now raise it from the dead. Our struggle is to overthrow the dictatorship. Only when we have accomplished that can we lay the foundations of the Second Republic."[101] Though harsh, his words echo the passion-filled actions that were omnipresent preceding the Emergency.

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[95] Dayal, John, and Ajay Bose. "How Sanjay Gandhi and His Coterie Implemented a Programme of Conveyor-Belt Sterilisations." *Scroll.In*, 22 June 2015, https://scroll.in/article/735458/how-sanjay-gandhi-and-his-coterie-implemented-a-progamme-of conveyor-belt-sterilisations.

[96] Gupte.

[97] Prakash.

[98] Narayan, Jayaprakash. Prison Diary, 1975. Edited by A. B. Shah. Seattle: University of Washington Press, 1978.

[99] Narayan.

[100] *The Pen in Revolt: Underground Literature Emerged during Emergency.* N.p.: Souvenir, n.d.

[101] *The Pen in Revolt.*

The Emergency ended in January 1977 with Indira Gandhi releasing some opposition leaders and calling for fresh elections. After a long twenty-one months, the darkness that the Emergency had brought was finally lifted. At the polls, the public was warned by JP and other former political prisoners that it was their last chance to choose between "democracy and dictatorship,"–Indira Gandhi was voted out of office in a landslide vote.[102] Gradually, the thousands of people who were imprisoned were released and the censorship of the press started to wean. However, the Emergency had caused irreversible effects on the country and countless people lost their liberties and even lives due to the provisions that were put in place. As written in India's *Economic and Political Weekly* journal twenty years later, "the impact of the Emergency was all-pervasive, on the psychological and moral behavior of the people, politics, economy, culture, administration, academic, and educational institutions and social life."[103]

The Emergency cannot be viewed through the lens of the traditional narrative–as a fleeting event one should skim past as if it were only a blot on the pages of India's history. Historically, Indian politics have rarely shown concern for turning democracy into a philosophy of achieving social equality. The Emergency displays just that. Decades of grievances from the Indian people culminated in the passion-fueled revolutionary movements that dominated the years prior to the Emergency. But instead of trying to address the wants and needs of the people, the government, scared of revolution, took the opposite route and shut down the country in the hopes that the growing revolutionary sentiments would be shut down as well. In spite of that, the ideals of revolution are powerful and resistance endured throughout the Emergency. To conclude with the words of Amiya and B.G. Rao, two Delhi citizens responsible for the origins of the underground literature movement, and whose writings exemplify the revolutionary ideals of the Indian people who persevered for better realities: "Today's fighters will command tomorrow not for power but for justice, not for politics but for ethics; not for the domination of India but for her grandeur."[104]

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[102] Prakash.

[103] Puri.

[104] *The Pen in Revolt.*

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Changes in AFL-CIO Rhetoric on National Health Insurance, 1945-63 by Mac Smith

A 2019 poll of public opinion on Democratic presidential hopeful Bernie Sanders' plan for universal health coverage found that, while a majority of Americans were in support of the policy proposal of 'Medicare-For-All', 54 percent had a negative reaction to the same proposal when it was referred to as 'socialized medicine.'[105] For a nation in which 27 million citizens were lacking health insurance as of 2022,[106] national healthcare reform is recognized as necessary by many, but the strength of this conviction can apparently be swayed by a simple shift in rhetorical framing. The effectiveness of anti-collectivism in the virulently individualist United States is unsurprising, but what may be a surprise is how often these particular words have been used to undermine welfare reform. Beginning in the New Deal era, rhetorical attacks against proposals of welfare reform have utilized the American public's fear of 'socialized medicine' to undermine efforts to expand healthcare in the United States.[107] During the near-century long dominance for the ideal of individualist solutions to healthcare, the decade following World War II stands out as a rare instance in which the labor movement actively defended national health insurance against these accusations of 'socialized medicine.'

From 1945 to 1955, both the American Federation of Labor (AFL) and the Congress of Industrial Organizations (CIO) advanced their own arguments in favor of legislation that included plans for national health insurance. By contrast, between 1957 and 1963, the AFL-CIO, having formed out of a merger of the two organizations in 1955, abandoned its rhetorical support for such expansive social reform. Analysis of the AFL-CIO's public statements in these periods can provide a countervailing perspective on the issue of 'socialized medicine,' but can these documents tell us anything about why the AFL-CIO's position on healthcare reform changed so dramatically? What the pamphlets show is that the AFL-CIO's rhetorical break with national health insurance advocacy is a reflection of the labor movement's shift away from broad-based social reform in favor of the privatized welfare system established through the negotiation of collective bargaining agreements between unions and employers.

Prior to the 1930s, health insurance was a marginal issue in the wider medical landscape, until the Wall Street Crash of 1929 and the consequent economic downturn radically shook up the terrain. The rise of private health insurance options in the 1930s, specifically Blue Cross, Blue Shield, and various health maintenance organizations (HMOs), was a direct result of the inability of hospital patients to pay for healthcare during the Great Depression.[108] While some New Deal leaders were in support of incorporating national health insurance into Social Security, the Roosevelt administration concluded, in the words of Secretary of Labor Frances Perkins, that this "would have killed the whole Social Security Act."[109] Importantly, the Wagner Act, passed in 1938, required companies to engage in collective bargaining, but, as the sociologist Paul Starr notes, "it left unclear whether conditions of employment included such benefits as health care."[110] Thus, the United States entered World War II with an unstable welfare regime that necessitated federal intervention. When a wartime freeze on wage increases by the National War Labor Board heightened labor unrest, the Board's only recourse was to supplement wages in a roundabout manner through 'fringe benefits,' including "pensions and health plans [negotiated with] corporate

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[105] Kaiser Family Foundation, "Public Opinion on Single-Payer, National Health Plans, and Expanding Access to Medicare Coverage," KFF, October 16, 2020.

[106] Katherine Keisler-Starkey, Lisa N. Bunch, and Rachel A. Lindstrom, "Health Insurance Coverage in the United States: 2022," Current Population Reports (U.S. Government Publishing Office, Washington, DC: U.S. Census Bureau, September 2023), 2.

[107] Jeff St. Onge, "Health Care Reform as 'Socialized Medicine': The Formative Years of a Political Myth," *Western Journal of Communication* 79, no. 3 (May 27, 2015): 348–64; American Medical Association, "The Voluntary Way Is the American Way" (1948), AFL, CIO, and AFL-CIO Committee on Political Education, Research Division records, Box: 34, Folder: 1, Special Collections and University Archives, College Park, Maryland.

[108] Laura A. Scofea, "The Development and Growth of Employer-Provided Health Insurance," *Monthly Labor Review* 117, no. 3 (1994): 6.

[109] Quoted in Jaap Kooijman, "Soon or Later On: Franklin D. Roosevelt and National Health Insurance, 1933-1945," Presidential Studies Quarterly 29, no. 2 (1999): 336.

[110] Starr, *The Social Transformation of American Medicine*, 312.

managers."[111] Once unions recognized that these fringe benefits were now on the bargaining table, they realized that the private health plans of Blue Cross, for example, could be made available to all union members through labor contracts negotiated with employers.[112]

It would not be until 1948, in the case of *Inland Steel Co. v. National Labor Relations Board*, that the Supreme Court would confirm the constitutionality of collectively-bargained benefit plans.[113] By that point, however, Philip Murray, the president of the CIO, had already declared that health insurance plans took priority over wages in bargaining sessions.[114] As a result of this, Rosner and Markowitz claim that between September of 1944 and September of 1945 "more than 340 collective-bargaining agreements secured Blue Cross protection for more than 175,000 workers and their families."[115] In the following decade, approximately 12 million more workers, and 20 million dependents, would be added on to these collectively-bargained health plans.[116] In this climate of success for the labor movement, national health insurance may seem like an afterthought, but it was in fact the preference for many labor leaders in the postwar period. However, as the CIO's *Economic Outlook* argued in 1949, until national health insurance could be achieved, "the American worker was … faced with the question of awaiting Congressional action or attempting to win some of these benefits through collective bargaining," both of which would be profoundly impacted by rising anticommunist fervor.[117]

Prior to the anticommunist purges of left-wing unions during the Second Red Scare of the late 1940s to early 1950s, support for society-wide reforms was strong within the American labor movement. However, McCarthyism and the concomitant rise of business unionism, which, according to David Carroll Jacobs, "stresses the particularistic interests of narrow groups of organized workers," reduced the labor movements commitment to broad-based social reform in the 1950s.[118] According to the early twentieth-century Wisconsin school of labor history, which the economist Bruce Kaufman describes as "the first academic program of study in industrial relations at an American university," this victory of business unionism was inevitable due to the presence of 'job-consciousness' and lack of 'class-consciousness' among American workers which narrowed the labor movement's objectives to increased wages and greater workplace autonomy.[119] A founder of the Wisconsin school, Selig Perlman, argued in 1928 that reform programs such as national health insurance could only come "from intellectuals who would impose their schemes on labor."[120] In contrast to this, scholars such as Paul Starr and Vicente Navarro argue that the rise of business unionism was more closely tied to both the success of collective bargaining and the effectiveness of anti-communism, with some controversy over which cause had a greater effect.[121]

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[111]   Brown, "Bargaining for Social Rights," 651.

[112]   Beth Stevens, "Blurring the Boundaries: How the Federal Government Has Influenced Welfare Benefits in the Private Sector," in *The Politics of Social Policy in the United States*, ed. Margaret Weir, Ann Shola Orloff, and Theda Skocpol (Princeton, N.J.: Princeton University Press, 1988), 136.

[113]   Starr, *The Social Transformation of American Medicine*, 313.

[114]   Brown, "Bargaining for Social Rights," 653.

[115]   David Rosner and Gerald Markowitz, "The Struggle over Employee Benefits: The Role of Labor in Influencing Modern Health Policy," *The Milbank Quarterly* 81, no. 1 (2003): 64.

[116]   Quadagno, "Why the United States Has No National Health Insurance," 32.

[117]   Congress of Industrial Organizations, "CIO Pension Gains Mean Victory for All," *Economic Outlook*, 1949.

[118]   David Carroll Jacobs, "The United Auto Workers and the Campaign for National Health Insurance: A Case Study of Labor in Politics" (Ph.D., United States -- New York, Cornell University, 1983), 10; Ellen Schrecker, "Labor Encounters the Anticommunist Crusade," in *Major Problems in the History of American Workers: Documents and Essays*, ed. Eileen Boris and Nelson Lichtenstein, 2nd edition (Boston: Houghton Mifflin, 2003), 383.

[119]   Bruce E. Kaufman, *The Origins & Evolution of the Field of Industrial Relations in the United States*, Cornell Studies in Industrial and Labor Relations, no. 25 (Ithaca, N.Y: ILR Press, 1993), 10.

[120]   Jacobs, "The United Auto Workers and the Campaign for National Health Insurance," 12.

[121]   Paul Starr, *The Social Transformation of American Medicine* (New York: Basic Books, 1982), 334; Vicente Navarro, "Medical History as Justification Rather Than Explanation: A Critique of Starr's The Social Transformation of American Medicine," *International Journal of Health Services* 14, no. 4 (October 1, 1984): 11.

What scholars can agree on is that national health insurance proposals have repeatedly failed throughout United States history, but explanations for this recurrence differ. Cambridge scholar Jill Quadagno identifies these explanations as belonging to the following categories: the popularity of antistatist, or pro-small government, values in American culture, the weakness of the labor movement, the fractured state of the federal government, and path dependency, or "the effect of early policy choices on subsequent policy options."[122] In relation to the labor movement itself, Jennifer Klein highlights the 'two-tiered' approach to unions' advocacy for improved welfare for workers and their families, involving advocacy for national health insurance at the federal level and negotiations for employment-based insurance at the local level.[123] Michael K. Brown grounds these tiers in the differing material conditions between the national union offices, which had a greater conviction towards "the idea that the labor movement represented all workers, whether organized into unions or not," and the union locals, where members' needs took priority.[124] However, Quadagno identifies 1956 as a turning point for the national leaders of the AFL-CIO, when they shifted their efforts towards "a public health insurance program for the aged" rather than national health insurance for all.[125]

The importance of the year 1956 in the development of AFL-CIO policy on national health insurance can also be identified by a careful study of the rhetoric utilized in AFL-CIO pamphlets before and after that date. The Special Collections and University Archives of the University of Maryland in College Park contain a wealth of documents published by the AFL, CIO, and AFL-CIO in this time period. Of the nine relevant pamphlets dated between 1945 and 1955, 100 percent advocated for a form of national health insurance. Those pamphlets which mentioned collectively-bargained health insurance typically treated it as a temporary solution until federal legislation could be passed. In contrast, of the 18 AFL-CIO pamphlets published between 1957 and 1963, none pushed for national health insurance. In these documents, the effectiveness of collective-bargaining in obtaining adequate healthcare for unionized workers was either declared or assumed. A majority of the pamphlets had shifted their focus towards health insurance for the elderly, as Quadagno asserted.[126] This statistical comparison clearly indicates a change in rhetoric, but the substance of that change requires further context and comparative analysis.

In the postwar years, both the AFL and CIO shared hope for Congressional action in the shape of the Wagner-Murray-Dingell (WMD) bill.[127] By 1947, collectively-bargained health plans still made up a minority of the healthcare system, which was a useful talking point for a CIO pamphlet which pointed out that "voluntary [private] health insurance plans paid less than 10% of [the] nation's medical bills."[128] According to the AFL in 1946, these plans were only "an interim program pending the enactment of comprehensive social insurance legislation."[129] This 'comprehensive legislation' was the WMD bill, which the AFL's "Plan for Improved Health Insurance for All," published by Labor's League for Political Education, claimed "would provide health insurance for our people

[122]   Jill Quadagno, "Why the United States Has No National Health Insurance: Stakeholder Mobilization against the Welfare State, 1945-1996," *Journal of Health and Social Behavior* 45 (2004): 26–28; Theodore R. Marmor, *The Politics of Medicare*, 2nd ed, Social Institutions and Social Change (New York: A. de Gruyter, 2000); Vicente Navarro, "Why Some Countries Have National Health Insurance, Others Have National Health Services, and the United States Has Neither," *International Journal of Health Services* 19, no. 3 (July 1, 1989): 383–404.

[123]   Jennifer Klein, *For All These Rights: Business, Labor, and the Shaping of America's Public-Private Welfare State* (Princeton: Princeton University Press, 2010), 160.

[124]   Michael K. Brown, "Bargaining for Social Rights: Unions and the Reemergence of Welfare Capitalism, 1945-1952," *Political Science Quarterly* 112, no. 4 (1997): 673.

[125]   Quadagno, "Why the United States Has No National Health Insurance," 32.

[126]   Ibid.

[127]   Brown, "Bargaining for Social Rights," 647.

[128]   CIO Department of Education and Research, "National Health Insurance: What Does It Mean to You?" (1949), AFL-CIO Support Services Department, Publication collection, Box: 37, Folder: 41, Special Collections and University Archives, College Park, Maryland.

[129]   American Federation of Labor, "Health Benefit Plans by Collective Bargaining" (1946), Box: 13, Folder: 10, AFL-CIO Support Services Department, Publication collection, Special Collections and University Archives, College Park, Maryland.

regardless of race, creed, color or economic status."[130] This pamphlet was published in the aftermath of the WMD bill's defeat in the 80th Congress, which the AFL referred to as the 'Worst Congress' due to the deadlock between the Republican majority and the Democratic president, Harry Truman, which precluded almost any meaningful legislation from passing.[131] Despite this, the WMD bill was still attacked as promoting 'socialized medicine' by the foremost proponents of privatized welfare, the doctors of the American Medical Association (AMA). In response to this accusation, the AFL defended national health insurance as "an American Plan of Insurance."[132] By the end of the 1940s, both the AFL and the CIO still maintained national health insurance as part of their platform of social reform, but the political possibility of the WMD bill and similar legislation had waned.

While the first tier of healthcare reform had stalled out, the second tier was seeing rousing success, as demonstrated by the tens of millions of Americans that were now covered by healthcare plans attained through collective bargaining.[133] A key factor to this development was the fact that "70 percent of the strikes in the first half of 1950 were over health and welfare issues in labor contracts."[134] Unions, especially in key industries such as steel, were strong enough that these strikes, or even the threat of a strike, enabled them to negotiate comprehensive healthcare plans with employers. According to the CIO Department of Education and Research, for example, "98 percent of [the International Union of Electrical, Radio, and Machine Workers'] membership [was] covered by insurance and health and welfare programs of varying kinds" in 1949.[135] This was a bragging point in a 1953 AFL pamphlet entitled "Union Action for Health," which still advocated for national health insurance on the basis of protecting all members of society from illness and injury. However, the rhetoric in relation to collectively-bargained health plans had taken on a distinctly congratulatory tone by this point in time, with the caveat that "union members have been disappointed by the limitations of negotiated plans."[136] In 1953, Truman's presidential term was coming to an end, and his decision not to run for re-election indicated that national health insurance was off the table, especially considering the Republican candidate, Dwight Eisenhower's, opposition to the policy. As Jill Quadagno argues, the "policy vacuum" created by the next eight years of Republican administration allowed the private healthcare sector to solidify its position, with the cooperation of increasingly bureaucratically-minded union leaders.[137]

In 1955, the AFL and CIO merged into the AFL-CIO, ending the two decades of independence for the CIO. In the intervening period, Communist Party members played key roles as organizers in many CIO unions, signaling the CIO's openness to more radical workers.[138] As such, it might seem appropriate to assume that the CIO would have been more active in its support for national health insurance, but the opposite was in fact the case. This is corroborated by the disproportionately greater number of AFL pamphlets advocating for healthcare reform between the years 1945 and 1955 which can be found in the archives. Whereas seven AFL publications were located, only two could be found from the CIO or a CIO subsidiary. Beth Stevens provides an explanation for this in *Blurring the Boundaries*, where she discusses how "the burden of the drive for private-sector benefits was shouldered by the CIO," which was "a vigorous promoter of the two-tiered system of welfare."[139] J. David Greenstone, in *Labor in American Politics*, attributes this to the "influence of intra-party politics" between the unions and the Democratic party which caused the "CIO to gr[o]w more moderate and the AFL more liberal," a contributing factor to their

130   Labor's League for Political Education, "Plan for Improved Health Insurance for All" (1949), 4, AFL-CIO Support Services Department, Publication collection, Box: 14, Folder: 2, Special Collections and University Archives, College Park, Maryland.
131   Labor's League for Political Education, 3.
132   CIO Department of Education and Research, "National Health Insurance: What Does It Mean to You?"
133   Quadagno, "Why the United States Has No National Health Insurance," 32.
134   Stevens, "Blurring the Boundaries: How the Federal Government Has Influenced Welfare Benefits in the Private Sector," 141.
135   Economic Outlook, "Union Action for Health" (1953), 26, AFL-CIO Support Services Department, Publication collection, Box: 4, Folder: 8, Special Collections and University Archives, College Park, Maryland.
136   Economic Outlook, 25.
137   Quadagno, "Why the United States Has No National Health Insurance," 31.
138   Harvey A. Levenstein, *Communism, Anti-Communism, and the CIO*, Contributions in American History ; No. 91 (Westport, Conn: Greenwood Press, 1981), 31.
139   Stevens, "Blurring the Boundaries: How the Federal Government Has Influenced Welfare Benefits in the Private Sector," 137.

eventual merger. Greenstone further implies that the AFL-CIO's commitment to societal reform was in large part a tactic for gaining electoral support among minority groups for the Democratic party.[140] The upshot of this is that, by 1956, the newly formed AFL-CIO had reached a consensus on universal public welfare programs as a lost cause.

By 1957, the labor movement's preference for collectively-bargained welfare benefits was a foregone conclusion. In a pamphlet critiquing a specific form of private health insurance, catastrophic illness insurance, which "is supposedly designed to give protection against the more expensive medical costs a family is apt to encounter," Raymond Munts, the Assistant Director of the AFL-CIO's Department of Social Security, writes that this framework was not "a constructive basis for a national health program."[141] Notably, according to Brown, the Department of Social Security was operating "as an adjunct to the Democratic party" in these years.[142] What Munts proposes as a solution for the failures of catastrophic illness insurance is not national health insurance, but the further expansion of "non-profit direct-service group health plans" such as Kaiser Permanente, which Munts argues had been the most successful at "avoiding inflation of costs and providing comprehensive medical care."[143] In 1961, Lisbeth Bamberger, Munts' successor, described how these direct service group practice plans operated when "a welfare fund or an employer—with or without employe [*sic*] contributions—instead of purchasing insurance, pays premiums to buy medical services from a health plan."[144] In this pamphlet, reviewing a 1958 book which provided an overview of the state of healthcare in the 1950s, Bamberger's rhetoric begins to resemble that of the employers or the AMA. She argues that "the opposition to full insurance coverage defies normal comprehension unless you bear in mind that it is rooted in the values of commerce," thus asserting that national health insurance violates the free-market spirit of American capitalism.[145] Both Munts and Bamberger, ostensibly supporters of the same Democratic party that had been pushing for national health insurance legislation prior to 1953, had internalized the critiques of broad social reform that the AFL and CIO previously rejected and argued against.

With the dissolution of the two-tiered approach to healthcare reform, the national unions required a new objective to supplement the success of collective bargaining. It was easy for Americans to recognize the key weakness in their increasingly privatized welfare regime, since it was the same flaw that national health insurance advocates had pointed out many times before. In 1961, George Meany, president of the AFL-CIO, clearly stated the problem: "No group plan that includes the aged can be sure of maintaining a broad enough membership to absorb the extra costs they entail."[146] One solution to this was promoted in an AFL-CIO poster from 1958, which contained suggestions for issues locals should focus on, such as "Health Insurance for Social Security Beneficiaries."[147] The poster instructed workers to support the Forand bill, which would have "provided payments for medical care for retired people and for families whose breadwinner has died" through an expansion of Social Security.[148] Despite the fact that this bill did not resemble national health insurance and was merely proposing to expand an already-existing program, the old opponents of healthcare reform once again cried 'socialized medicine.' In response to this, Meany pushed back against claims that the Forand bill was "'socialized medicine' and a threat to American liberty."[149] The

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[140]   J. David Greenstone, *Labor in American Politics*, Phoenix ed (Chicago: University of Chicago Press, 1977), 8–18.

[141]   Raymond Munts, "Catastrophic Illness Insurance: A Barrier ... on the Road to Health" (1957), 3, AFL-CIO Support Services Department, Publication collection, Box: 2, Folder: 3, Special Collections and University Archives, College Park, Maryland.

[142]   Brown, "Bargaining for Social Rights," 672.

[143]   Munts, "Catastrophic Illness Insurance," 18.

[144]   Lisbeth Bamberger, "Medical Care Dollars for Better Health" (1961), AFL-CIO Support Services Department, Publication collection, Box: 5, Folder: 13, Special Collections and University Archives, College Park.

[145]   Lisbeth Bamberger, "This Doctor Business" (1958), AFL-CIO Support Services Department, Publication collection, Box: 3, Folder: 14, Special Collections and University Archives, College Park, Maryland.

[146]   George Meany, "Health Care with Dignity" (1961), 6, AFL-CIO Support Services Department, Publication collection, Box: 5, Folder: 20, Special Collections and University Archives, College Park, Maryland.

[147]   American Federation of Labor and Congress of Industrial Organizations, "This Is a Good Check List to Work On..." (1958), AFL-CIO Support Services Department, Publication collection, Box: 3, Folder: 8, Special Collections and University Archives, College Park, Maryland.

[148]   Nelson H. Cruikshank, "Doctors and the Forand Bill" (1960), AFL-CIO Support Services Department, Publication collection, Box: 4, Folder: 30, Special Collections and University Archives, College Park, Maryland.

[149]   Meany, "Health Care with Dignity," 2.

'American Plan of Insurance' was now defined by the AFL-CIO as private healthcare with the support of supplementary public benefits, rather than a universal program of national health insurance.

In a 1963 pamphlet reflecting on the history of the labor movement's involvement in medical care, Nelson Cruikshank, Director of the AFL-CIO's Department of Social Security, spins a narrative that retroactively asserts the inevitability of the privatized welfare regime that emerged out of the 1950s. Cruikshank claims that the labor leaders of the 1940s had been mistaken in their assumption that "removing the economic barrier to needed health care would be impossible to realize for the vast majority of Americans without a program of universal national health insurance."[150] This argument is justified on the basis of the success of the spread of voluntary insurance to cover "most working people and their families" up to that point, with the assumption that further expansion of collectively-bargained health plans and the passage of the Forand bill would solve the nation's health issues "in a uniquely American way," the 'voluntary way.'[151] With the same power of hindsight that made it possible for Cruikshank to judge the erroneous assumptions of prior labor leaders, it is now easy to see just how wrong Cruikshank himself was about what was to come in the following decades.

Cruikshank's prediction was confirmed in one respect, just two years later, when Medicare was passed, in part due to "proponents of the bill … repeatedly distinguish[ing] Medicare from a national health insurance scheme."[152] By this time, however, the AFL-CIO pamphlets have less to offer, since the most important shifts in rhetoric occurred close to a decade before these deliberations occurred. There is no specific date that represents the critical turning point towards business unionism, but the year 1956 does at least represent a moment in time when that shift away from public welfare in favor of the private interests of union members manifested itself in noticeably distinct rhetoric from the AFL-CIO. National health insurance, a New Deal promise that was never fulfilled, could only survive as a political possibility so long as the perfect conditions existed to overcome the deeply ingrained individualism within American culture.

In the postwar environment of the 1940s, the combination of militant unionism and a favorable presidential administration made national health insurance seem attainable, but the very success of that militancy in the second tier of healthcare reform, through collective bargaining, undermined the framework for broader social reform. The weakening of the labor movement in the Second Red Scare left unions desperate to protect what gains they had made, leaving no room for national health insurance on labor's platform. For a time, however, this appeared to be a worthwhile sacrifice, considering the expansion of private health insurance and the passage of Medicare. Unfortunately, the second aspect of Cruikshank's prediction would be proven false in the following decades as health care costs skyrocketed in the 1970s and '80s.[153] The growth in access to union welfare benefits that Cruikshank hoped for actually reversed direction in these years as a result of the decline in union power and membership against an increasingly hostile business class.[154] In a world where American laborers had won national health insurance, the negotiating power of unions in these years of economic stagnation might have been strong enough to maintain the momentum of the labor movement. Such a world did not exist for the workers of the late twentieth-century, but it could still exist one day, perhaps sooner than we might think. With the labor movement currently on the rise in the United States, now is the moment to strengthen unions' bargaining position with the support of national health insurance.

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[150]   Nelson H. Cruikshank, "Labor and Medical Care" (1963), 6, AFL-CIO Support Services Department, Publication collection, Box: 7, Folder: 14, Special Collections and University Archives, College Park, Maryland.
[151]   Cruikshank, 19.
[152]   David J. Rothman, "A Century of Failure: Class Barriers to Reform," in *The Politics of Health Care Reform: Lessons from the Past, Prospects for the Future*, ed. James A. Morone and Gary S. Belkin (Durham, N.C.: Duke University Press, 1994), 282.
[153]   Scofea, "The Development and Growth of Employer-Provided Health Insurance," 8.
[154]   Lane Windham, *Knocking on Labor's Door: Union Organizing in the 1970s and the Roots of a New Economic Divide*, Justice, Power, and Politics (Chapel Hill: The University of North Carolina press, 2017).

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