

## The Transcendentalists in Action

**In the 1830s, Ralph Waldo Emerson broke away from traditional religious thinking in New England. He founded a new religious, philosophical, and literary movement called Transcendentalism.**

In the late 1700s, a group of Christians split away from New England's Puritan Congregational Church. Calling themselves Unitarians, these religious reformers rejected the traditional Christian "trinity." This is the belief that there are three divine elements of God: the father, the son (Jesus), and the holy spirit. They also rejected the Puritan belief that God had already decided who was predestined for heaven and hell. The Unitarians believed that individuals had the free will to work for their salvation.

Three decades later, religious division erupted within the Unitarian Church of Boston. Different factions disagreed over the divinity of Jesus. Others disliked what they called the "corpse-cold" forms of worship. Some leading Unitarian ministers, like Ralph Waldo Emerson, finally left the church to seek a more meaningful religious experience.

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After resigning his Boston ministry in 1832, Emerson moved to nearby Concord and began to lecture and write about religion and the individual. In 1836, he formed a discussion group with dissenting Unitarians and others. These men (and a few women) debated topics of the day. They often disagreed with one another, but seemed to accept Emerson's core idea that truth "transcends" (goes beyond) what people observe with their senses in the physical world.

Called the Transcendental Club, Emerson's group of Boston and Concord followers soon established a new religious, philosophical, and literary movement. At first focusing on the "inner self," many Transcendentalists eventually become deeply involved in social reform.



*Ralph Waldo Emerson (1803–1882), a clergyman, writer, philosopher, and orator, founded the school of thought known as Transcendentalism. (Library of Congress)*

### Emerson's "New Views"

In 1838, Emerson delivered a shocking speech to new Unitarian ministers who were graduating from Harvard College. Emerson attacked the Unitarian Church for

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## Standards for the Time

In times of change, standards are questioned. This issue of *Bill of Rights in Action* looks at three instances of such questioning. The first article examines Transcendentalism, the pre-Civil War movement that began by questioning Puritanism and Unitarianism. The second article looks at Petrarch, the 14th-century writer who experimented with new styles of writing and attempted to reconcile his Christian faith with his love of ancient Roman culture. The final article explores the issue of whether the absolute ban on torture makes sense in an age of terrorism.

**U.S. History:** The Transcendentalists in Action

**World History:** Petrarch, the Father of Humanism

**Current Issues:** Is Torture Ever Justified?

promoting a lifeless form of Christianity. He also questioned the miracles of Jesus, preferring to concentrate on Jesus' moral teachings. Emerson argued that individuals could discover truth and God within themselves without belonging to a church or holding a particular set of religious beliefs.

The Unitarian establishment in Boston reacted with horror and accused Emerson of blasphemy and atheism. Harvard banned him from making any more speeches to its students.

Emerson continued to expand his "New Views" through lectures, essays, and poetry. He incorporated ideas from European thinkers like Immanuel Kant as well as from Hindu, Persian, and Chinese writings. By 1840, he had developed the main ideas that defined Transcendentalism.

**Universal Spirit:** Emerson found divine energy in all living things. At different times, he called this energy the universal spirit, universal consciousness, over-soul, or God. In his way of thinking, this universal spirit gave all life meaning and purpose. From it came all truth, beauty, and goodness. In nature, Emerson said God appeared "in every moss and cobweb." In humans, God dwelled in everyone: man and woman, rich and poor, free and slave.

**Self-Reliance:** Emerson counseled his followers to seek God by looking inward. "Through me, God acts; through me, He speaks," Emerson wrote. Thus, individuals should rely on their own heart and moral "inner light" to guide their lives. To grasp the truth, he advised, "Trust your intuition," since the source of this insight was God.

**Self and Society:** Emerson rejected the old Puritan doctrine that humans were born as sinful creatures. He held a much more optimistic view that all men and women possessed a natural capacity to do good and for society to progress. Emerson taught, however, that individuals would first have to reform themselves before they could change society. The Transcendentalists disagreed over this. Some argued that persons of conscience had an immediate moral duty to improve society and fight injustice. These were the Transcendentalist reformers.

### Alcott and Education Reform

Bronson Alcott was one of the first Transcendentalist reformers. (His daughter was the writer Louisa May Alcott.) A self-educated farmer's son and school-

master, he believed all children had equal moral and intellectual potential.

In 1834, Alcott opened a school for 30 boys and girls in a Boston Masonic Temple. He designed his "Temple School" in ways to draw moral and spiritual truths from his students through their intuition and reasoning. He discarded memorization and appealed to the interests of children. He and his teachers read aloud stories and poems and discussed their meaning with the students.

Alcott involved the children themselves in maintaining classroom discipline and provided time for physical exercise. The Temple School lasted only a few years and closed after Boston ministers condemned Alcott for teaching Christianity from a Transcendentalist point of view.

### Fuller and the "Women's Sphere"

Margaret Fuller, one of Alcott's Temple School teachers and a member of the Transcendental Club, was also a writer, linguist, literary critic, and journalist. She believed women should discover themselves through learning and reflection.

Fuller called upon men to "remove arbitrary barriers," like barring women from college, which prevented them from achieving their full potential. Her motto was, "What were we born to do? How shall we do it?"

Between 1839 and 1844, Fuller led seminars on the role of women in society and on other social reform topics. Meeting mainly in the Boston bookstore of a female friend, Fuller called her seminars "Conversations." Her purpose was not to teach, but to promote understanding through readings and discussions among the women (and occasionally a few men) who participated.

Fuller rejected the prevailing view of the "women's sphere," which limited the role of females to that of housewife and mother. She argued that women should be involved in any activity they were capable of performing. Above all, Fuller insisted, women should have ways to exercise their minds.

Margaret Fuller heavily influenced Emerson, who spoke at a women's rights convention in 1855. He called for the full equality of women in education, employment, the professions, the ownership of property, and marriage. He also argued for women to have the right to vote and run for public office. If the government denied women these



*Margaret Fuller (1810–1850), a writer and orator, was a leading Transcendentalist. She often spoke and wrote about women's rights. (Library of Congress)*

rights, he said, they should not have to pay any taxes. These were radical ideas.

### **Ripley and Brook Farm**

Like Emerson, George Ripley resigned his position as a Boston Unitarian minister. A year later, in 1841, he formed a company to finance a Transcendentalist utopian settlement a few miles from Boston. The goal of the Brook Farm Institute for Education and Agriculture was “to combine the thinker and the worker.”

For the first three years, the hundred or so members of Brook Farm lived in a relaxed cooperative community. They all labored on the farm, including author Nathaniel Hawthorne (who later wrote a novel, *The Blithedale Romance*, satirizing the experiment). The members set up schools for the children, ate in a communal dining hall, and participated in discussions on social reform.

The men, women, and children of Brook Farm also enjoyed a variety of entertainments, such as plays, dances, and games. Ripley tried to recruit Emerson, but he declined and later described the early carefree years at Brook Farm as a “Transcendental picnic.”

In 1844, Ripley suddenly reorganized Brook Farm to reflect the principles of the French utopian socialist Charles Fourier. Ripley organized all workers into numerous agricultural, domestic, and mechanical job groups.

Under the new system, workers chose the jobs for which they had a “passion.” This conformed with Fourier’s attempt to enable workers to labor according to their likes and abilities instead of becoming mere human cogs in an industrial machine. Fourier called his way of organizing work a “Phalanx.”

Ripley combined the separate family houses of old Brook Farm under one roof known as the “Phalanstery.” Unmarried men and women lived close together much like in a college dormitory today, which shocked Brook Farm’s Puritan neighbors. The Phalanstery also included rooms for dining, discussions, entertainment, and other communal activities.

Things ran smoothly for a while. But an influx of poorly educated workers led to social conflict with the more intellectual Transcendentalists. Even with new blood, Brook Farm never included more than 150 adults. Fourier had envisioned 2,000 people for his Phalanx. Finally, after the Phalanstery burned down in 1846, Ripley abandoned his Brook Farm experiment.

### **Thoreau and “Civil Disobedience”**

Henry David Thoreau, the son of a Concord pencil-maker, graduated from Harvard in 1837. He worked a short while as a schoolmaster, but then began writing poetry. He soon joined Emerson’s circle of Transcendentalist friends.

At first, Thoreau agreed with Emerson’s teaching that reform begins with the individual. In 1845, he built a hut at Walden Pond on property owned by Emerson. For the next few years, Thoreau lived simply off the land, meditated, and wrote about nature.

In 1846, the United States declared war against Mexico. Thoreau and other Northern critics of the war viewed it as a plot by Southerners to expand slavery into the Southwest. Thoreau had already stopped paying his taxes in protest against slavery. The local tax collector had ignored his tax evasion, but decided to act when Thoreau publicly condemned the U.S. invasion and occupation of Mexico.

In July 1846, the sheriff arrested and jailed Thoreau for his tax delinquency. Someone, probably a relative, anonymously paid Thoreau’s taxes after he had spent one night in jail. This incident prompted Thoreau to write his famous essay, “Civil Disobedience” (originally published in 1849 as “Resistance to Civil Government”).

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Thoreau's minor act of defiance caused him to conclude that it was not enough to be simply against slavery and the war. A person of conscience had to *act*. In "Civil Disobedience," he proclaimed an activist manifesto:

In other words, when a sixth of the population of a nation, which has undertaken to be the refuge of liberty, are slaves, and a whole country [Mexico] is unjustly overrun and conquered by a foreign army, and subjected to military law, I think that it is not too soon for honest men to rebel and revolutionize.

Thoreau argued that the government must end its unjust actions to earn the right to collect taxes from its citizens. As long as the government commits unjust actions, he continued, conscientious individuals must choose whether to pay their taxes or to refuse to pay them and defy the government.

Thoreau declared that if the government required people to participate in injustice by obeying "unjust laws," then people should "break the laws" even if they ended up in prison. "Under a government which imprisons any unjustly," he asserted, "the true place for a just man is also a prison."

By not paying his taxes, Thoreau explained, he was refusing his allegiance to the government. "In fact," he wrote, "I quietly declare war with the State. . . ."

Unlike some later advocates of civil disobedience like Martin Luther King, Thoreau did not rule out using violence against an unjust government. In 1859, Thoreau defended John Brown's bloody attack on the federal arsenal at Harper's Ferry, Virginia, during his failed attempt to spark a slave revolt.

### **Parker and Abolitionism**

While Thoreau set an example for political action, the Fugitive Slave Act turned many Transcendentalists into active abolitionists. Passed by Congress, this act was part of the Compromise of 1850, which delayed the Civil War for a decade.

The Fugitive Slave Act exacted fines and imprisonment from anyone caught aiding escaped slaves. In effect, this law forced Northern states to enforce slavery by returning runaway slaves to their owners in the South. The law enraged many, including the Boston and Concord Transcendentalists. Even the inward-looking Emerson seemed to agree that civil disobedience

was necessary to oppose the Fugitive Slave Act. "I will not obey it by God," he said.

During the 1850s, Northern social reformers viewed the abolition of slavery as their most important cause. Theodore Parker, a Boston Unitarian minister who had remained in the pulpit, was probably the most radical abolitionist among the Transcendentalists.

Bostonians called Parker "Rev. Thunder and Lightning" for his fiery sermons. He preached that, like all human beings, black slaves possessed the universal spirit. He thought that their enslavement was a monstrous violation of their God-given right to freedom and self-development.

Parker called for civil disobedience against the Fugitive Slave Act. He led the effort in Boston to hide escaped slaves and move them to Canada along the "Underground Railroad." He also helped raise money for John Brown's plot to ignite a slave revolt in the South. When the Civil War finally began in 1861, Parker and many other Transcendentalists viewed it as a great conflict between good and evil.

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As a movement, Transcendentalism had great influence. It deeply affected American literature. Writers as diverse as Walt Whitman, Emily Dickinson, Herman Melville, Harriet Beecher Stowe, and Henry Miller explored themes and ideas first broached by the movement. For example, in *Leaves of Grass*, Whitman celebrated the power of self and its connection to the spirit driving America. And in Melville's *Moby Dick*, Captain Ahab's quest for the great white whale symbolized both the power and destructiveness of mankind's connection to nature.

But Transcendentalism's influence went beyond literature. After the Civil War, Ralph Waldo Emerson had secured his reputation as "The Sage of Concord." "Be an opener of doors to those who come after us," he advised his Transcendentalist followers.

Theodore Parker helped push open the door for abolitionism in the years leading up to the Civil War. After the war, Susan B. Anthony and others built upon the work of Margaret Fuller to lead a new women's rights movement, centering on the right to vote. New utopian communities drew inspiration from Ripley's Brook Farm. At the turn of the 20th century, John Dewey advocated "progressive education," borrowing ideas from Bronson Alcott's Temple School. In the 1960s,



Martin Luther King and anti-Vietnam War protesters revived Thoreau's arguments for civil disobedience. Thus, the Transcendentalist reformers took Emerson's advice and opened doors for many others to discover their own paths to a better America.

### For Discussion and Writing

1. How did Emerson's Transcendentalist "New Views" differ from traditional religious thought in New England?
2. "Under a government which imprisons any[one] unjustly," Thoreau wrote, "the true place for a just man is also prison." What do you think he meant? Do you agree with him? Explain.
3. Which one of the Transcendentalists discussed in the article do you admire the most? Why?

### For Further Reading

Myerson, Joel, ed. *A Historical Guide to Ralph Waldo Emerson*. New York: Oxford University Press, 2000.

Thoreau, Henry David. "Civil Disobedience." *The Thoreau Reader*. 2004. Iowa State University. URL: <http://eserver.org/thoreau/>

## A C T I V I T Y

### An "Action Plan" for Today

- A. Form small groups to each develop an "Action Plan" for a social problem. The list below includes some general problem areas.
  - Education
  - Energy
  - Racial discrimination
  - Economy
  - Crime
  - Immigration
  - Environment
  - Recreation
- B. Group members should first choose a general problem area and brainstorm problems in this area.
- C. Next the group should choose a particular problem and develop an action plan that addresses it. The action plan should consist of three parts:
  1. **Goal:** What do you want to accomplish?
  2. **Importance:** Why do you think your goal is worth achieving?
  3. **Methods:** How do you intend to achieve your goal?
- D. Each group should report its action plan to the rest of the class. Class members should then have a chance to ask questions and critique the plan.

## Standards Addressed

### Transcendentalism

**National High School U.S. History Standard 12: Understands the sources and character of cultural, religious, and social reform movements in the antebellum period.** (3) Understands the ideas of Transcendentalism (e.g., views of Transcendentalists about good and evil, authority, tradition, and reform; similarities and differences between Transcendentalists and evangelical Protestants).

**California History-Social Science Content Standard 8.6: Students analyze the divergent paths of the American people from 1800 to the mid-1800s and the challenges they faced, with emphasis on the Northeast.** (7) Identify common themes in American art as well as transcendentalism and individualism (e.g., writings about and by Ralph Waldo Emerson, Henry David Thoreau, Herman Melville, Louisa May Alcott, Nathaniel Hawthorne, Henry Wadsworth Longfellow).

### Petrarch

**National High School World History Standard 20: Understands the redefinition of European society and culture from 1000 to 1300 CE.** (5) Understands the spread of philosophy to Europe (e.g., . . . how classical works such as those of Aristotle and Plato became part of medieval philosophy in Western Europe, and the attitude of the Church toward those non-Christian philosophies).

**California History-Social Science Content Standard 7.6: Students analyze the geographic, political, economic, religious, and social structures of the civilizations of Medieval Europe.** (8) Understand the importance of the Catholic Church as a political, intellectual, and aesthetic institution (e.g., . . . St. Thomas Aquinas's synthesis of classical philosophy with Christian theology, and the concept of "natural law").

**California History-Social Science Content Standard 7.8: Students analyze the origins, accomplishments, and geographic diffusion of the Renaissance.** (1) Describe the way in which the revival of classical learning and the arts fostered a new interest in humanism (i.e., a balance between intellect and religious faith).

### Torture

**National High School Civics Standard 22: Understands how the world is organized politically into nation-states, how nation-states interact with one another, and issues surrounding U. S. foreign policy.** (2) Understands how and why the United States assumed the role of world leader after World War II and what its current leadership role is in the world. (4) Knows how the powers over foreign affairs that the Constitution gives to the president, Congress, and the federal judiciary have been used over time; and understands the tension between constitutional provisions and the requirements of foreign policy (e.g., the power of Congress to declare war and the need of the president to make expeditious decisions in times of international emergency, the power of the president to make treaties and the need for the Senate to approve them). (12) Knows some important bilateral and multilateral agreements to which the United States is signatory . . .

**California History-Social Science Content Standard 12.7: Students analyze and compare the powers and procedures of the national, state, tribal, and local governments.** (8) Understand the scope of presidential power and decision making through examination of case studies . . .

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## “Human Glory Is Enough for Me”: Petrarch, the Father of Humanism

During the century before the Italian Renaissance, Petrarch experimented with new styles of poetry and letter-writing. He also revived interest in ancient Roman heroes and authors. By reconciling Christianity with ancient Greek and Roman culture, he gave birth to the movement of European humanism.

During the fifth century, St. Augustine laid the foundation for much Christian thought. Among other things, he wrote that everyone inherited sin from Adam’s original violation of God’s will. Only by believing in Jesus Christ could any individual hope to overcome “original sin” and achieve salvation from the fires of hell.

### WORLD HISTORY

In the sixth century, a Christian scholar named Boethius wrote, “As far as you are able, join faith to reason.” Thus began a form of scholarship known as Scholasticism that dominated Christian theology (religious philosophy) in medieval Europe. The Scholastic scholars spent much time collecting, classifying, and commenting on the writings of earlier Christian authors like St. Augustine.

The center of Scholasticism was at the University of Paris, founded in the 12th century by the Roman Catholic Church. The Scholastics engaged in debates to prove different religious points by employing reason and logic. Over time, however, these theological debates became more theoretical and further removed from human concerns. For example, Scholastics debated how different angels could be distinguished from one another.

European scholars did not have access to many ancient Latin and Greek writings. For exam-



*Petrarch (1304–1374), an Italian poet and scholar, was a devout Christian who loved the culture of ancient Rome.*

ple, most of the works of the Greek philosopher Aristotle had been lost after the Roman Empire collapsed in A.D. 476. Fortunately, Muslim scholars translated Aristotle’s Greek writings into Arabic. In the 13th century, these Arabic texts were translated into Latin, the written language of the Scholastics.

Aristotle’s brilliant books on philosophy, ethics, politics, science, and other subjects presented the Scholastics with a different view of the world. But it was a non-Christian view. Aristotle had lived hundreds of years before the birth of Christ. Aristotle was a pagan, a non-Christian.

A new debate gripped the Scholastics over whether Aristotle’s ideas were relevant to Christian theology. At first, his views were so threatening that the church banned all his works.

Around 1270, a scholar at the University of Paris, Thomas Aquinas, attempted to reconcile Aristotle with Christian faith. Aquinas argued that Aristotle’s method of using reason and observable facts from nature to arrive at truth led to God. According to Aquinas, humans must use reason to understand “natural law,” which comes from God.

Many Scholastics adopted Aquinas’ new, revolutionary Christian theology. (The Catholic Church later made Aquinas a saint.) Soon after Aquinas’ death in 1274, however, the church condemned many propositions derived from Aristotle, some of which Aquinas had developed.

At the beginning of the 1300s, the church grew increasingly alarmed at Scholastics who seemed to depend more on reason than faith to make their arguments. William of Occam, an English Scholastic, disagreed that the pope was infallible in matters of faith. Occam used natural law as well as the Bible to reason that all humans were born free.

The time of Scholasticism, devoted entirely to religious matters, was fading. A new age of scholarship

and literature, centering more on human affairs, was beginning.

### **The Poet and Scholar**

Petrarch (Francesco Petrarca) was born near Florence, Italy, in 1304, but soon moved with his family to Avignon in southern France. Petrarch's father was a lawyer and sought work at Avignon, the new seat of the Catholic popes. During Petrarch's lifetime, the popes were French and preferred residing in France instead of Rome.

As a young boy, Petrarch learned to love the Latin language and ancient Roman history. His father, however, insisted he study law, which he did both in France and at the University of Bologna in Italy. When his father died in 1326, Petrarch quickly abandoned his law studies at Bologna and returned to Avignon.

Petrarch wanted to be a poet and had already composed verse in both Latin and Italian. On an Easter Sunday, 1327, the 23-year-old poet spotted a beautiful woman at an Avignon church. She captured his heart, and he began to write love poems in Italian about this woman he called "Laura." Here are the first four lines from one of his most famous sonnets about her:

And if this be love, what is it then?  
But if it is love, God, what can love be?  
If good, why mortal bitterness to me?  
If ill, why is it sweetness that torments?

Laura was apparently married with children. It is unclear if Petrarch ever even spoke to her. The sight of Laura, however, inspired him to write poetry about her for the rest of his life. In doing so, he perfected and popularized the Italian sonnet as a vehicle for love poetry.

Cheated out of his inheritance, Petrarch began to study for the Catholic priesthood. He took the vow of celibacy, but he never became a fully ordained priest. In 1330, an important official in the Catholic Church at Avignon employed Petrarch as a household chaplain. With this income, he continued his Latin studies and poetry.

In 1333, Petrarch traveled to northern Europe on a mission for his employer. While in the Netherlands, he discovered two lost manuscripts of Cicero, the ancient Roman orator. This discovery so excited him that he visited Rome for the first time to tour the ruins where Cicero and the other ancient Latin writers once walked. Petrarch spent the rest of his life prowling the

libraries and monasteries of Europe searching for other lost writings of famous Roman authors.

Back in Avignon, the almost-priest had an affair with an unknown woman and fathered two illegitimate children. He never married.

Around 1337, Petrarch began to read the works of ancient Roman historians like Livy and Sallust. He read them in order to write an epic poem about Scipio Africanus, the Roman hero who defeated Hannibal in the Second Punic War (218–202 B.C.). Petrarch also started writing biographies of famous Romans (later including Christian figures).

He worked on these two writing projects all his life, but never finished them. Even so, he established himself as a new kind of scholar. He looked back to the exploits of those he believed were glorious heroes, even if most of them were pagans.

Although he remained a devout Catholic, Petrarch viewed as immoral the Curia, the group of officials who ran the Catholic Church at Avignon. He also condemned the Scholastics as "oblivious to reality." He once wrote, "Among the many subjects that interested me, I dwelt especially upon antiquity [ancient times], for our own age has always repelled me."

In writing about heroic men of the past, Petrarch grew obsessed with fame. He dreamed he would someday equal his personal hero Virgil, the Roman poet. At age 36, Petrarch was overjoyed when the City of Rome crowned him its poet laureate.

### **The Man of Letters and Patriot**

On a trip to Italy in 1345, Petrarch discovered more documents from Cicero. In a church library, he found many letters written by the Roman orator. The elegant style of Cicero's letters coupled with his focus on human concerns inspired Petrarch to become the first modern literary letter-writer, or man of letters.

Rather than writing on obscure religious topics as the Scholastics did, Petrarch often wrote about himself: his thoughts, feelings, and failings. He wrote about his travels and the people he met. He composed letters on the art of writing poetry and the value of pagan authors like Cicero as models of eloquence. He corresponded with other poets and writers like his close friend Boccaccio, debating what made good literature.

Petrarch also wrote letters about politics. He constantly lobbied the popes at Avignon to move back to

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Rome, which he believed was the true capital of the Catholic Church. He wrote to Emperor Charles IV, who resided in what is today Germany. He implored him to move to Rome as Italy's "new Caesar Augustus" and restore the glory of the Roman Empire. Petrarch wrote to the people of Rome, urging them to intervene in the trial of a Roman patriot accused by the church of heresy. "There is nothing less Roman than fear," he told them.

Petrarch wrote letters to his dead Roman literary heroes like Cicero and Virgil, sometimes even criticizing their writing. Altogether, Petrarch wrote more than 500 letters, all lively little essays with mostly humanist rather than religious themes.

At about age 50, Petrarch decided he could no longer stand living in Avignon with its church leaders, the Curia, which he called "a hell on earth." The woman he had loved from a distance, Laura, had died in the Black Plague a few years earlier. For the rest of his life, he lived in Italy, the country he considered his true homeland.

### The "Father of Humanism"

Upon returning to Italy in 1353, Petrarch secured a position as a diplomat from Milan's despot (a ruler with absolute power). This shocked Petrarch's friends from more democratic Florence. But it did not seem to bother the humanist scholar and poet that a despot was his patron.

A decade later, a plague epidemic struck Milan. Petrarch moved to Venice. The city leaders gave him a house in exchange for his promise to leave his library to Venice when he died.

The contents of Petrarch's library tell something about his reputation as a humanist scholar. He owned almost all the available works of the great Roman poets and historians and most of the writings of Cicero and Seneca (a Roman statesman). He had Latin versions of Homer's *Iliad* and *Odyssey* as well as Aristotle's main books (but thought the Greek philosopher was overrated). He owned St. Augustine's *Confessions*, but few books by the Scholastics and none by Thomas Aquinas. Of the great Italian literature during his time, he had copies of Dante's *Divine Comedy* and Boccaccio's *Decameron*.

Petrarch wrote notes in his books, giving insight into his thinking. Unfortunately, his intact library never got to Venice after his death, and many volumes were lost.

### Letter from Petrarch to Boccaccio c. 1366

*In the following excerpts, Petrarch ridicules scholars who said the ancient Roman masters of Latin literature were not worth studying.*

O inglorious age! that scorns antiquity, its mother, to whom it owes every noble art,—that dares to declare itself not only equal but superior to the glorious past.

\* \* \* \*

You see that I cannot speak of these matters without the greatest irritation and indignation. There has arisen of late a set of dialecticians [Scholastics], who are not only ignorant but demented. Like a black army of ants from some old rotten oak, they swarm forth from their hiding-places and devastate the fields of sound learning.

\* \* \* \*

What shall we say of men who scorn Marcus Tullius Cicero, the bright sun of eloquence? Of those who scoff at Varro [a Roman writer] and Seneca, and are scandalized at what they choose to call the crude, unfinished style of Livy and Sallust? . . . Arise, O Virgil, and polish the verses that, with the aid of the Muses, thou didst snatch from heaven, in order that they may be fit to deliver into hands such as these!

During the last two decades of his life, Petrarch spent much time trying to complete and revise earlier works. He reorganized the sonnets to Laura (that he continued to write even after her death) into a collection titled, "The Songbook."

Petrarch also collected his letters. This was before the invention of printing, so he or a secretary had to hand-write all copies. His penmanship was flawless, almost as if it had been printed.

Petrarch remained a Christian, and toward the end of his life included religious themes in his works. One, titled "The Secret," consists of a dialog between himself and St. Augustine. Sometimes called "Petrarch's Confessions," "The Secret" exposes his struggles with the state of his soul. He tells St. Augustine, "I do not ask to be God and possess eternity and fill heaven and earth. Human glory is enough for me."

In 1367, Petrarch wrote a defense of the ancient classics after four Scholastics judged him "a good man, but uneducated." About the same time, he completed a new biography of Julius Caesar.



A year before his death, Petrarch wrote a letter to Boccaccio, who had advised him to retire and leave something for young scholars to accomplish. Petrarch replied that if he stopped working, “I should cease to live. . . . I desire that death find me reading and writing.” He died near Padua on July 18, 1374, leaning over a book of Virgil’s poetry.

In his lifetime, Petrarch reconciled his two great ideals—Christianity and the classical culture of ancient Greece and Rome. By showing that the two were compatible, he began the humanist movement. Today, people call Petrarch the “father of humanism” and even the “first modern scholar.” Petrarch’s humanism appears in his many poems, letters, essays, and biographies that looked back to ancient pagan Roman times. His focus on the triumphs and failings of humanity inspired new directions in literature and the arts during the Italian Renaissance, which flowered in the century following Petrarch’s death.

### For Discussion and Writing

1. Who was Thomas Aquinas? Why was he important?
2. What made Petrarch’s scholarship different from that of the Scholastics?
3. What do you think was Petrarch’s most important contribution to Western civilization? Why?

### For Further Reading

Mortimer, Anthony, trans. *Petrarch, Selected Poems*. University, Ala.: University of Alabama, 1977.

Robinson, James Harvey. *Petrarch, the First Modern Scholar and Man of Letters*. New York: Greenwood Press, 1969.

## A C T I V I T Y

### Letters to the Past and Future

- A. Write a letter to a person you have studied in world history. Tell this individual what you like and dislike about him or her and why.
- B. Write a letter to the American people of today. Tell them what sort of country they should be creating to leave to their children and grandchildren.
- C. Read your letters to the class. After everyone has done this, hold a class discussion on the most important things you learned in this letter-writing activity.

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# Is Torture Ever Justified?

International law prohibits nations from using torture under any circumstances. With terrorist attacks continuing throughout the world, however, some argue that this absolute standard should be relaxed or even abandoned.

## “The Case of the Ticking Bomb”

Imagine that U.S. agents arrest a well-known Al Qaeda terrorist. The terrorist admits he has planted a powerful bomb set to go off in New York City, but refuses to say where the bomb is. Using standard interrogation methods, the agents cannot get the terrorist to reveal the location of the “ticking bomb.” Some officials favor using torture to get the terrorist to talk. Others argue that torture violates international and U.S. laws and is not a reliable way of getting information. What should the agents do?

The “ticking bomb” hypothetical is often cited in discussions on torture. Many people believe that in such a situation, agents should do anything they can to find the bomb, including torturing the terrorist. Alan Dershowitz, a Harvard law professor, believes that in real life, torture would be used. He argues that a legal process should be adopted to approve torture in extreme cases, because this will prevent it from being used in other cases.

Others strongly disagree. Some believe that torture is absolutely wrong and the end (saving lives) cannot justify the means (torture).

Georgetown law professor David Cole questions whether the “ticking bomb” scenario could ever exist in real life: “There’s an inevitable uncertainty. You can’t know whether a person knows where the bomb is, or even if they’re telling the truth. Because of this, you end up going down a slippery slope and sanctioning torture in general.”

Others point out that torture would be ineffective in the “ticking bomb” case. The terrorist would be dedicated, know how long he had to hold out, and would likely mislead his torturers until the bomb went off.

Still others think that if the situation merits torture, the agents should be willing to risk going to prison. Would a prosecutor dare charge them with crimes if they saved the lives of thousands? If charged, the agents might be able to raise the defense of necessity, that they did something wrong to prevent a far greater wrong. If they were convicted, the president might pardon them.



*In April 2004, the public first saw pictures of mistreated detainees in U.S. custody at Iraq’s Abu Ghraib prison.*

Federal Court of Appeals Judge Richard A. Posner believes the strict ban on torture should be left in place even though torture may be justified in some extreme cases. If rules are made permitting torture in some circumstances, he says, officials will try “to explore the outer bounds of the rules. Having been regularized, the practice will become regular.”

## Torture and International Law

After the atrocities of the two world wars in the 20th century, most nations condemned torture and made it illegal. Several international agreements outlawed torture and cruel, inhuman, and degrading treatment. Two of the most important agreements were (1) the Geneva Conventions and (2) the Torture Convention (the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment).

In 1949, the United Nations adopted the Geneva Conventions, a series of international agreements. These conventions, which the United States signed and ratified, prohibit using any form of physical or mental torture on prisoners of war (POWs).

The Geneva Conventions permit the interrogation of POWs, but POWs are required to give only their name, rank, age, military organization, and serial number. According to the Third Geneva Convention, POWs “must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity.”

To be protected as a POW, a person must be a “lawful combatant.” This is a member of a national army or military force with a chain of command. The individual must wear a uniform, carry weapons openly, and observe the “laws and customs of war” such as not deliberately harming civilians. A captured “lawful combatant” can be held until the end of the war.

The Torture Convention, adopted by the United Nations in 1984, extended the ban on torture to all persons. This international agreement obliges the signing nations to prevent any act of torture against *anyone* within its jurisdiction and to prosecute violators in its courts. Any person charged with torture could not use as a defense that he or she was following orders from a higher authority.

Under Article 1 of the Torture Convention, the person doing the torturing must be acting in an official capacity, such as a law-enforcement officer or military interrogator. Article 1 defines torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person . . . .” The Torture Convention excludes “lawful acts” such as imprisonment and capital punishment resulting from a nation’s criminal justice procedures.

Article 16 of the Torture Convention bans “other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture. . . .” The Torture Convention does not give examples of “cruel, inhuman, or degrading treatment.” The European Court of Human Rights, however, has said that this treatment includes such things as forcing people to stand for long periods, placing hoods over their heads, blasting them with loud noise or music, or depriving them of food, drink, or sleep.

The prohibitions in the Torture Convention are absolute. “No exceptional circumstances whatsoever,” says Article 2, “whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.”

### **Torture and U.S. Law**

In 1990, the U.S. Senate ratified the Torture Convention. In 1994, Congress passed a law incorporating the Torture Convention into the federal criminal code. This law listed some specific examples of torture such as threatening a person with death or using drugs to severely disrupt a person’s senses or personality.

The U.S. Army Field Manual addresses the Torture Convention. The section on interrogation bans the use of force: “The use of force, mental torture, threats, insults, or exposure to unpleasant and inhumane treatment of any

kind is prohibited by law. . . .” The Field Manual also states that using force during interrogation is a “poor technique” that encourages the captive “to say whatever he thinks the interrogator wants to hear.”

The world community developed all the prohibitions against torture and inhuman treatment before the emergence of worldwide terrorist attacks. In addition, Geneva Conventions on POWs largely concern the behavior of nation-states, not worldwide terrorist organizations, like Al Qaeda, intent on killing civilians.

In the new “war on terror,” the top priority is not conquering territory but getting timely intelligence to prevent attacks like those against the United States on September 11, 2001. Therefore, should the United States be bound by all the conventions when interrogating terrorism suspects?

### **The Bush Administration’s Policy on Prisoners**

After the terrorist attacks of September 11, 2001, the United States and its allies responded by attacking Afghanistan. Afghanistan’s Taliban government had refused to turn over members of Al Qaeda, the terrorist group that had carried out the September 11 attacks.

Lawyers within the Bush administration explored the legal status of Al Qaeda members and Taliban fighters. If captured, the lawyers wondered, were these adversaries “lawful combatants” protected by the Geneva Conventions?

Justice Department lawyers determined that members of Al Qaeda were not “lawful combatants.” Al Qaeda was not a nation-state and had not agreed to the Geneva Conventions. The terrorist organization’s members did not wear uniforms, usually did not carry weapons openly, and intentionally killed civilians.

The lawyers also found that Afghanistan’s Taliban fighters were not “lawful combatants.” Afghanistan had signed the Geneva Conventions in 1949, and the Taliban fighters acted as the nation’s army in 2001. But the lawyers pointed out that Afghanistan was a failed state, and the Taliban did not function under a chain of command, wear uniforms, or obey the laws of war. Thus, they argued, the United States could deny them both POW status and the protections of the Geneva Conventions.

The State Department did not object to the Justice Department’s position on Al Qaeda. But State Department lawyers argued that since Afghanistan had signed the Geneva Conventions, fighters for the Taliban government of Afghanistan had to be treated initially as POWs. If there were questions about individual fighters, their status had to be determined by a military board. The lawyers



pointed out that this was the procedure the United States had followed for decades. Secretary of State Colin Powell had another concern about declaring that the Geneva Conventions did not apply to the Taliban. He thought it might confuse Americans on how to treat Taliban prisoners.

President Bush adopted the position of the Justice Department and decided that the Geneva Conventions did not protect Al Qaeda and Taliban detainees. He asked White House Counsel Alberto Gonzales for a memo on his decision. Gonzales wrote that the Taliban was “in fact, not a government but a militant, terrorist-like group.” He added that the “war on terrorism” required “the ability to quickly obtain information from captured terrorists.” This new reality “renders obsolete Geneva’s strict limitations on questioning enemy prisoners.”

On February 7, President Bush signed an order declaring captured Al Qaeda and Taliban detainees “unlawful combatants.” But he also ordered the U.S. military to “treat detainees humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva.”

Bush’s directives seemed to give military interrogators authority to use more force, but it was unclear how much. On August 1, 2002, the Justice Department submitted a new confidential memo from Jay Bybee, head of the department’s Office of Legal Counsel. The memo described physical torture as equal “in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death.” Mental torture, said the Bybee memo, “must result in significant psychological harm of significant duration, e.g., lasting for months or even years.”

(When the Bybee memo was disclosed to the public in June 2004, it provoked controversy. Many criticized it for defining torture too narrowly. The Bush administration withdrew the memo and replaced it with a memo that expanded the definition of torture.)

In December 2002, Secretary of Defense Donald Rumsfeld authorized more than a dozen new aggressive methods for military interrogators to use with Al Qaeda and Taliban detainees sent to Guantanamo, the U.S. military base in Cuba. These included forcing the detainees to stand for prolonged periods, isolating them up to 30 days, stripping them naked, putting hoods over their heads, depriving them of sleep, pushing and poking them, and using threatening dogs.

Military lawyers, however, questioned these tactics as possibly violating the Torture Convention’s prohibition

against “acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture.” As a result, Rumsfeld revoked his authorization of many of the methods six weeks later.

In March 2003, the United States invaded Iraq, toppling the regime of brutal dictator Saddam Hussein. The Bush administration stated that the Geneva and Torture Conventions applied to POWs in Iraq.

In November 2004, President Bush nominated Alberto Gonzales to be the attorney general. (A couple of months later, the Senate confirmed him.) At his confirmation hearing, he stated that the Torture Convention’s ban on cruel, inhuman, or degrading treatment did not apply to non-U.S. citizens held overseas. He pointed out when the Senate ratified the Torture Convention, it placed the following reservation (alteration) on the treaty: Cruel, inhuman, and degrading treatment “means the cruel, unusual and inhumane treatment or punishment prohibited by the Fifth, Eighth, and/or Fourteenth Amendments” of the U.S. Constitution. Gonzales argued that since the U.S. Constitution does not apply outside our borders, the treaty does not cover “aliens interrogated by the U.S. outside the United States . . . .” Others challenged his interpretation of the reservation. One was Abraham Sofaer, the State Department’s legal advisor who had presented the reservation to the Senate in 1990. He said that the reservation was intended to make sure that the same standard applied both inside and outside the United States.

### **Reports of Prisoner Abuse**

In 2004, the Army began investigating reports from FBI agents that the military was abusing prisoners in Guantanamo. The agents alleged that the military was sometimes threatening prisoners with dogs, blaring loud music at them, chaining them for long periods in uncomfortable positions, and depriving them of sleep, food, and water. An Army investigation of these allegations concluded that most of them were unfounded. “This . . . investigation found only three interrogation acts” as violating interrogation rules.

A U.S. Army investigation into prisoner abuse in Iraq became public in April 2004. Pictures of the physical and sexual abuse of prisoners in Iraq’s Abu Ghraib prison shocked the world. The secretary of defense appointed a special commission to review the investigations of abuse. The commission found that “Abu Ghraib was seriously overcrowded, under-resourced, and under continual attack.” It stated that changing policies on interrogation “led to confusion on what practices were acceptable.” It further found that techniques developed for Guantanamo



had “migrated to Afghanistan and Iraq where they were neither limited nor safeguarded.” The report concluded, however, that the “vast majority of detainees in Guantanamo, Afghanistan and Iraq were treated appropriately . . .”

The Army demoted the general in charge of Abu Ghraib prison, reprimanded more than a dozen other officers, and court-martialed and punished seven lower-ranking soldiers. One soldier received a 10-year sentence.

In September 2005, several U.S. soldiers reported new allegations of prisoner abuse to Human Rights Watch, a non-profit organization. The soldiers were in a combat unit fighting the Iraqi insurgency. They said that prisoners were often beaten by soldiers blowing off steam for “stress relief.” They emphasized that there were no clear rules. The prisoners were not turned over to military police, who are trained to guard prisoners. One soldier said, “We never should have been allowed to watch guys we had fought.” The Army is investigating the allegations.

The Bush administration says that any incidents of abuse are isolated incidents, and offenders will be prosecuted. But others counter that the problem is far more serious, and people higher up in the chain of command need to be held accountable.

### **Accusations Against the CIA**

Evidence has also mounted about a practice called “rendition.” Under this practice, the U.S. Central Intelligence Agency (CIA) takes captured terrorists and sends them into detention in other countries. Critics call rendition the outsourcing of torture. They say that the CIA transports terrorists to friendly countries that use torture for interrogation. Countries such as Egypt, Syria, Pakistan, Uzbekistan, and Saudi Arabia have long been accused of torturing prisoners, using such methods as beatings, pulling out fingernails, and electric shocks. Rendition reportedly began during the Clinton administration, but expanded greatly following the September 11 attacks.

The Bush administration denies that it outsources torture. President Bush has stated: “Torture is never acceptable, nor do we hand over people to countries that do torture.”



*Senator John McCain, a Navy pilot in the Vietnam War, is pressing for a bill that bans “cruel, inhuman, or degrading treatment or punishment” of anyone in U.S. custody. (U.S. Senate)*

Michael Scheuer, a former CIA agent who claims to have started the rendition program, says that the main purpose of rendition is getting terrorists behind bars. He thinks there is little value in interrogation and none in torture: The CIA, he says, “has long held that torture gets you virtually nothing.”

In November 2005, the *Washington Post* reported that the CIA had secret prisons. Established after September 11, the so-called “black sites” hold a total of about 100 top suspects. The prisons reportedly have been at various sites around the world, but now are in Eastern Europe. The *Post* stated: “Virtually nothing is known about who is kept in the facilities, what interrogation

methods are employed with them, or how decisions are made about whether they should be detained or for how long.”

U.S. National Security Advisor Stephen Hadley refused to confirm or deny the existence of the prisons. He did, however, state that President Bush’s order banning torture applied to all prisoners, even those held in secret. The Council of Europe plans to investigate because secret prisons could violate European human rights laws.

### **Congressional Proposals**

In the summer of 2005, Senator John McCain (R-Arizona), himself a victim of torture during the Vietnam War, backed a new bill in Congress to clarify the rules for interrogating terrorist detainees. The bill requires adherence to the U.S. Army Field Manual and prohibits “cruel, inhuman or degrading treatment or punishment” (language from the Torture Convention).

In supporting this bill, McCain said he was troubled that, “Confusion about the rules results in abuses in the field.” McCain believes his bill is necessary to end continuing detainee abuses that have harmed the reputation of the United States as a world leader in human rights. He states that American values should win against all others in any war of ideas, and we cannot let prisoner abuse tarnish our image.

*(Continued on next page)*

President Bush has threatened to veto the McCain bill. The Bush administration worries that such restrictions may undermine efforts to secure vital information from detainees in the war against terrorism. Vice President Dick Cheney has suggested that the Senate amend McCain's bill so that it will not apply to secret counter-terrorism operations outside the United States, terrorists who are not American citizens, and non-military personnel such as CIA agents.

Senator Ted Stevens (R-Alaska) favors Cheney's amendment. "We're in a war against terrorists," he said, "and I don't think they're entitled to the same type of treatment that we give to prisoners of war."

Senator Bond (R-Missouri) also supports the Cheney amendment. He emphasizes that the amendment "does not condone, permit, or accept torture." It simply allows CIA agents greater flexibility in interrogations. He points out that the Army Field Manual is a public document, which terrorists can and do read. "We cannot outline in advance what the terrorists are going to be subjected to because that becomes the first chapter in the Al Qaeda operations manual."

Senator Richard Durbin (D-Illinois) supports the McCain bill and opposes the Cheney amendment. He believes the prisoner abuse scandals have tarnished the image of the United States, which has always supported democratic values and the rule of law. He states that "American values . . . do not countenance the use of torture, cruel, inhuman or degrading treatment of prisoners, period. There is no exception that's written in there for the Central Intelligence Agency."

### For Discussion and Writing

1. What are the Geneva Conventions on POWs and the Torture Convention? What do they mandate regarding the treatment of prisoners? What people do they protect?
2. How does U.S. law require that prisoners be treated?
3. The Bybee memo contained a number of controversial positions not mentioned in the article. One

was that the president did not have to follow the law against torture. The memo argued that as commander in chief, the president—not Congress or the courts—had sole authority over the detention and interrogation of enemy combatants. Why might this authority be helpful in the war against terror? What dangers might it pose? Do you think this part of the memo is correct? Explain.

4. Do you think there are any circumstances that would justify torture? Why or why not? If so, explain the circumstances. Do you think the absolute ban on torture should remain? Explain.
5. What is the McCain bill? What is its purpose? What is the amendment to this bill that Vice President Cheney favors?

## A C T I V I T Y

### Which Proposed Law Do You Think Congress Should Pass?

In this activity, students role play members of Congress and decide whether to support the McCain proposal or the Cheney amendment.

1. Form small groups. Each group will play the role of a congressional committee that is studying the question above.
2. Discuss the McCain and Cheney proposals. Then take a committee vote on which one, if any, to recommend.
3. Use information in the article to write a report, listing the reasons for your committee's recommendation. If the committee splits on the question, prepare a majority and minority report.
4. Each committee should then report its recommendation and reasons to the other committees.
5. After all committees have reported, identify and debate the best arguments for each proposal.
6. Take a vote on which proposal Congress should enact into law.

### About Constitutional Rights Foundation

Constitutional Rights Foundation is a non-profit, non-partisan educational organization committed to helping our nation's young people to become active citizens and to understand the rule of law, the legal process, and their constitutional heritage.

Established in 1962, CRF is guided by a dedicated board of directors drawn from the worlds of law, business, government, education, and the media.

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# PostScript

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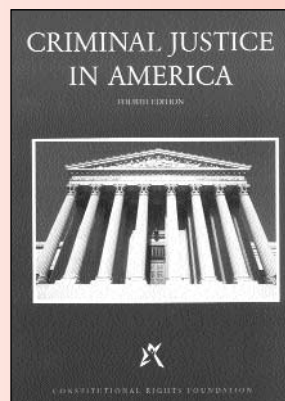
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# Gene Kaplan

With great sadness, Constitutional Rights Foundation notes the passing of Gene Kaplan.

Gene Kaplan was one of the founders of the Constitutional Rights Foundation in 1962 and served as a loyal and articulate spokesperson for the many education programs sponsored by the foundation. Gene was the second president of CRF and continued active on CRF's board of directors. She was the first recipient of CRF's Lloyd M. Smith Award for her years of outstanding and distinguished service.

Gene also served on the Los Angeles Housing Commission and Los Angeles Grand Jury. She was the first woman ever appointed to the Los Angeles Harbor Commission and served as its president in 1980. She was also a member of the Advisory Board of the Senior Health and Peer Counseling Service in Santa Monica and with the clinical education program at the UCLA School of Law.

Gene was married to entertainment lawyer Leon Kaplan and was the mother of two sons.

Articulate, funny, intelligent, and a joy to be around, Gene Kaplan will be deeply missed.



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