

TEMPUS

The Harvard College History Review



24.1
Fall 2022

About *Tempus*

Tempus: The Harvard College History Review is the undergraduate journal of the Harvard History Department. The journal was founded by Adam G. Beaver and Sujit M. Raman in 1998 to publish original historical scholarship by undergraduates so that all students can learn from their peers. In the spring of 2009, *Tempus* transitioned to an online format. After a brief return to print from the spring of 2013 to the spring of 2019, and a second digital stint during the COVID-19 pandemic, *Tempus* is now a hybrid publication with both digital and print issues.

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We appreciate the Harvard History Department and the Undergraduate Council for their support. Special thanks go to Laura Johnson. We are also grateful to all who submitted papers for the high quality of their work.

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Editors' Note

Dear Reader,

This Fall, our board of editors enjoyed reading many works of fine historical scholarship written by members of our institution. Choosing which papers to publish is always a difficult process. Every paper is reviewed anonymously, scrutinized to the highest standard, and debated by the board before it is voted upon for selection.

This edition of *Tempus* contains three papers. Our first paper, "Translation Nation: Nationalism and Literary Translation in Nasserist Egypt," was written by Jacob Ostfeld '23. The paper puts the theoretical and empirical in conversation, examining the ways in which the act of translation can be used as both a tool of subversion and of submission to colonizing forces. Ostfeld looks closely at the ways in which English-to-Arabic translation was conducted amidst the socio-cultural "Babel" of post-colonial Egypt, keeping these frameworks in mind.

Our second paper is titled "Crossroads of Education, Nation, and Individual Circumstances: Indians in the Indian Civil Service (ICS), 1863-1913," written by Sophia Charles '24. This paper investigates the small group of Indian candidates who were able to successfully pass the ICS Examination. Charles considers both what allowed this group to surmount the structural barriers they faced, as well as the role their successes played in the greater Indian nationalist movement.

Our third paper, "Bunny Behind Bars: Playboy and Obscenity in 1960s America," was written by Elizabeth Propst '23. This paper tackles the confusing, sometimes contradictory legal attitudes held towards obscenity in the '60s. Propst exposes Playboy's relatively untroubled relationship with censorship law, casting a light on the ways in which cloaking obscenity in an aura of sophistication could alter its treatment before the law.

Our board hopes that this edition serves as a reminder of the extraordinary possibilities of student scholarship and promotes the continued serious study of the humanities among the student body.

Sincerely,

The Editors

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Translation Nation

*Nationalism and Literary Translation in Nasserist
Egypt*

Jacob Ostfeld

T

he history of literary translation in Egypt cannot be separated from the history of imperial ideology and political domination. Translation itself is not a neutral, intellectual process by which a text written in one language is transferred into another.¹ Rather, any act of translation occurs in a specific historical and

social context. The translation is informed by the social, political, and aesthetic structures present during its time of composition, including the local culture, the class structure of the state, contemporary styles and movements, and the nature of the political regime. Yet the act of translation, both from European languages into native languages and vice versa, occupies a uniquely significant position in post-colonial settings, in which language access was frequently used by colonial regimes to disenfranchise or assimilate colonial populations. The British and French regimes in Egypt required institutions of higher learning to conduct instruction in English and French.² Children of the Egyptian upper class, if they desired greater prospects at bourgeois employment or social advancement, needed to be fluent in the language of their colonizers. Egyptian intellectuals were required to study European literary texts in their original language; there was little interest at established universities in contemporary Egyptian literature, nor had many European texts been translated into Arabic.³ Not even the Arabic language itself was taught in a standardized way. Children of Egyptian upper class families studied classical Arabic in religious schools. Poorer children, who were lucky to go to school at all, tended to speak whatever local dialect they were taught by their families and peers.

For many scholars of nationalism, the articulation of a common language and cultural heritage are the two primary bases of the national community.⁴ Yet in the Egyptian context, the question of what linguistic and cultural traditions could unify a post-colonial Egyptian nation was a

¹ Richard Jacquemond, *Translation and Cultural Hegemony: The Case of French-Arabic Translation, Rethinking Translation* (Routledge, 2018), 139, <https://doi.org/10.4324/9780429432385-9>.

² Jacquemond, 138.

³ Albert Habib Hourani, *Arabic Thought in the Liberal Age, 1798-1939* (Cambridge [Cambridgeshire]; New York: Cambridge University Press, 1983), 192.

⁴ Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (Verso, 2006); Partha Chatterjee, *The Nation and Its Fragments: Colonial and Postcolonial Histories* (Princeton University Press, 2020).

subject of considerable debate. In 1928, author and Egypt's future Minister of Education Muhammad Haykal dubbed Egypt a "Tower of Babel," bemoaning what he viewed as Egypt's chaotic ethnic, linguistic, and religious makeup.⁵ According to Tageldin, Haykal's reference to Babel simultaneously referred to Egypt's cultural diversity (such as the historical peaceful cohabitation of Muslims and Coptic Christians) and its "mix of 'traditional and 'modernizing' idioms."⁶ Indeed Egypt, following its formal independence from Britain in 1922, was a nation in flux. It lacked a coherent national policy specifying the relationship between the political structures of the nation state, which were imposed upon it by Britain, and its own Egyptian heritage.⁷ Translation, therefore, represented the natural solution to the sociocultural "Babel" that plagued post-colonial Egypt. Translation, for Haykal, was a metaphor for a unified Egyptian nation, in which all the troublesome differences of "Babel" would give way to a single, national paradigm.⁸ Haykal and numerous other contemporary intellectuals believed that translation was a universalizing rather than transactional force.⁹ This was because translation, specifically from European languages into Arabic, would allow all literate Egyptians to consume a universal canon of texts. By translating the Western canon, Haykal believed, Egyptians would not only gain access to sources of cultural capital but to a claim to cultural unity. Translation represented a way to establish sovereignty while simultaneously articulating the singularity of the Egyptian nation. The question was, then: how would the idea of universalizing translation manifest itself in the policy of the post-colonial Egyptian state?

Gamal Abdel Nasser's 1952 Free Officers Revolution, which overthrew the Egyptian monarchy and established Nasser as the singular ruler of the Egyptian state, began the consolidation of the Egyptian national linguistic and cultural paradigm. Nasser, who enjoyed consuming and performing in theatrical productions, immediately began encouraging the production of "high quality" plays in Arabic.¹⁰ He also

⁵ Shaden M. Tageldin, *Disarming Words: Empire and the Seductions of Translation in Egypt* (University of California Press, 2011), 200–201.

⁶ Tageldin, 201.

⁷ Hourani, *Arabic Thought in the Liberal Age, 1798-1939*; Richard Jacquemond, *Conscience of the Nation: Writers, State, and Society in Modern Egypt* (American Univ in Cairo Press, 2008), 23.

⁸ Tageldin, *Disarming Words*, 203.

⁹ Tageldin, 200–205.

¹⁰ Margaret Litvin, *Hamlet's Arab Journey: Shakespeare's Prince and Nasser's Ghost* (Princeton University Press, 2011), 46.

commissioned translations of plays by Shakespeare, Moliere, Sophocles, Chekov, and others.¹¹ In 1955, author and translator Taha Hussein launched the Thousand Books Project (مشروع الألف كتاب), an ambitious enterprise intended to sponsor the translation of one thousand works from world literature into Arabic. Though the project was put on hold following Egypt's defeat in the 1967 Six Day War, it nonetheless succeeded in translating hundreds of works within its first decade. Indeed, Nasser's cultural policies, combined with expansive economic reforms and the expulsion of colonial institutions, broadly succeeded in establishing Egypt's cultural and economic independence from colonial occupiers. Yet in pursuing the national universality implied by translation, did the cultural project of Nasserist Egypt adopt the ideology of empire? In other words, as Tageldin argues, does the very act of translation require the adoption of European conceptions of nationhood and national culture?

In this paper, I examine the ideological justification and function of translation projects in the construction of national identity in early Nasserist Egypt, paying particular attention to the Thousand Books Project. Using the Thousand Books Project as a case study, I investigate the relationship between how Egyptian intellectuals conceived of literary translation and how actual translation projects function as universalizing instruments. First, I review theories of translation and nationalism in the Middle East, situating my argument in current scholarly work. Second, I discuss historical debates among Egyptian intellectuals surrounding translation. Next, I discuss the figure of Gamal Abdel Nasser and his unique ideological persuasions. Finally, I discuss how Nasserism combined with currents in Egyptian intellectualism to produce the Thousand Books Project. I apply Tageldin's theory of "translation as national sovereignty" to the Project, critically examining its ideological assumptions and effects. Ultimately, I propose that the Thousand Books Project, like other early Nasserist translation projects, contributed to the development of an Egyptian national identity separate from former colonial powers, while simultaneously contributing to the adoption of European standards of nationhood and sociocultural unity. I propose that the Thousand Books Project had a contradictory, twofold effect: on the one hand, it contributed to an Egyptian national identity defined in opposition to its colonial past, while on the other, it contributed to the acceptance of European terms of national legitimacy. In this case, the translation of texts from European languages into Arabic, though an

¹¹ Litvin, 48.

assertion of Egyptian cultural sovereignty, represented a tacit acknowledgement of European standards of culture and nationhood.

Theories of Nationalism and Translation in the Middle East

In his essay on translation and national identity, Lawrence Venuti argues that nationalism feeds on translation. “Translation practices,” Venuti writes, “form national identities through a specular process in which the subject identifies with cultural materials that are defined as national and thereby enable a self-recognition in a national collective.”¹² In other words, the practice of translation helps the national citizen identify what is “theirs” and what is “foreign.” Ideas and themes within texts can also be repurposed through translation to correspond to national ideals. To take an Egyptian example, a 1964 production of *Hamlet* in Arabic translation portrayed the titular character as “... a visionary activist, a fighter for justice brutally martyred by an oppressive regime.”¹³ Nasserist Egypt at the time was immersed in numerous overlapping historical moments and ideologies, including anticolonialism, Pan-Arabism, the Cold War, and the Non-Aligned Movement. The “Arab Hero Hamlet,” as Litvin puts it, repurposes Shakespeare’s character as means of legitimizing the Egyptian nation in the face of delegitimizing colonial forces.¹⁴ In Egyptian productions of the play, Hamlet, who is portrayed as an Arab Egyptian, struggles against the usurper Claudius, who represents the occupying British. Arab Hero Hamlet simultaneously articulates Egyptian national uniqueness through the subversive implication that Arab Hero Hamlet is the victim of European colonization, while asserting Egypt’s status on the global stage through a production of a significant work of world literature. The process of translation constitutes a means of establishing a national identity that is both universal, insofar as translation lays claims to works of other cultures, and unique, insofar as translation helps the reader articulate the differences between their culture and the culture of the translated work.

In her book *Disarming Worlds* (2011), Shaden Tageldin places Venuti’s theory in dialogue with Chatterjee’s theory of nationalism in the Egyptian context. She argues that, in the Egyptian post-colonial period, the language of literary translation represented a particular way of

¹² Lawrence Venuti, “Local Contingencies: Translation and National Identities,” in *Local Contingencies: Translation and National Identities* (Princeton University Press, 2005), 180, <https://doi.org/10.1515/9781400826681.177>.

¹³ Litvin, *Hamlet’s Arab Journey*, 36.

¹⁴ Litvin, 36.

articulating national sovereignty. Reflecting on the writings of author Ibrahim Abd al-Qadir al-Manzini, Tageldin compares the translation of European text into Arabic to the translation of European sovereignty into Egyptian sovereignty. “Sovereignty,” writes Tageldin, “takes the form of (post)colonial translation: it posits a relationship of equivalence between two or more terms... yet slashes the equal sign to declare one term greater than another, indeed the greatest of all.”¹⁵ Translation begins with a declaration of the equivalence of two concepts: a text’s original language and the language of translation. Yet, through the process of translation, the translated concept becomes master over the original. The process of translation, in fact, inverts the relationship between the translation and the original. The translated text is subsumed by the language into which it is translated. Sovereignty, which Tageldin argues is implicit in the act of translation, thus becomes a means of asserting Egypt’s superiority and autonomy over European colonizers.

Nationalism, which Tageldin describes as “a response by the colonized to the loss of self-determination that takes the historically ‘necessary’ form of the nation in order to be heard by empire but just as purposely diverts that form to its own ends,” is itself a “domesticating” translation of the vocabulary of colonialism.¹⁶ Yet Tageldin goes beyond a comparison between translation and nationalism; she argues that the ideas of “translation” and “nation” share a common logic: the logic of empire. For Tageldin, the logic of empire relates to the belief in the “transcendental signifier,” or a signifier that is universally recognizable and has always existed.¹⁷ Signifiers are the physical forms of individual units of meaning. A signifier can be written, spoken, or drawn. However, it must correspond to a signified, or concept. For example, the meaning of “tree” is constituted both by the writing of word and the evocation of the concept of *tree*. In the context of translation, the transcendental signifier represents the universal applicability of a given language. “So long as the Arabic signifier still stands,” argues Tageldin, “new signifieds cannot alter it.”¹⁸ The process of Arabic translation involves attaching signifieds from the translated language to signifiers in the Arabic language. The transcendental Arabic signifier, therefore, claims that all signifieds can be incorporated into the Arabic system of signifiers. Nationhood, similarly, implies the universal origin of a given people. The presumption of the existence of the Egyptian nation justifies the nation’s

¹⁵ Tageldin, *Disarming Words*, 197.

¹⁶ Tageldin, 198; Chatterjee, *The Nation and Its Fragments*, 89.

¹⁷ Tageldin, *Disarming Words*, 207.

¹⁸ Tageldin, 207.

claim to sovereignty in any context. If the nation has and will always exist, it can lay claim to a particular set of privileges and rights that being a nation entails. The Egyptian transcendental signifier, therefore, posits that European signifieds relating to sovereignty can be incorporated into the signifiers of the unique Egyptian nation. Logics of nationalism and translation, according to Tageldin, are not merely related but complementary.

Translation, however, is not an abstract process but work done by individuals. In the Middle East, the figure of the translator is one of much historiographical debate. Selim and Jacquemond write that the asymmetrical relations of power between Arab and Western societies “determine or saturate the figure of the translator.”¹⁹ The translator, regardless of whether they translate independently or in the service of a state program, is not a neutral actor. To translate necessitates making decisions about how elements of the original text will appear in the translation, which in turn requires making judgements about language and the value of the original text. In the context of the Middle East, particularly in the first few decades of the post-colonial period, the figure of the translator is necessarily bound up in discussions of power relations, historical trauma, and Orientalism. One must also distinguish independent translators from state sponsored translators. An effort by the state to translate a work or number of works, as the Thousand Books Project was, carries different implications of agency than the independent decision to translate a particular work. Indeed, Ghazoul argues that the figure of the independent translator and their translations are too often erroneously associated with the ideology of the regime under which they worked.²⁰ For this reason, my focus here is not on the work of the individual translator but on state-sponsored translation projects and the ideology behind them. A study of the qualities of a particular set of translations is certainly warranted, but beyond the scope of this paper. Instead, I consider the dynamics between Egyptian state-sponsored translation projects and Egypt’s claim of cultural sovereignty on the global stage.

¹⁹ Samah Selim, “Nation and Translation in the Middle East,” *The Translator* 15, no. 1 (April 1, 2009): 75, <https://doi.org/10.1080/13556509.2009.10799268>; Richard Jacquemond, “Translation Policies in the Arab World,” *The Translator* 15, no. 1 (April 1, 2009): 125, <https://doi.org/10.1080/13556509.2009.10799269>.

²⁰ Ferial J. Ghazoul, “The Arab Translator as Hero,” *Translator (Manchester, England)* 21, no. 2 (2015): 29, <https://doi.org/10.1080/13556509.2015.1069040>.

Nationalism and Translation in Post-Colonial Egypt: From Independence to Nasser

Nationalism among Egyptian intellectuals during the interwar period, writes Albert Hourani, had two sides.²¹ On the one hand, it was concerned with throwing off European colonial domination, while on the other, it “accepted the supremacy of European civilization.”²² Hourani writes that the case for Egyptian independence was articulated in terms of European ideas: “only if Egypt were self-governing would it be possible for her to become a ‘westernized’ nation in the full sense... to create a liberal, democratic political system and accept willingly the values of European culture.”²³ The dominant political party of the immediate post-independence period, Wafd (وفد), of which Taha Hussein was a member, formulated a political program that adhered to these principles. It sought the creation of an Egyptian sovereign state that did not interfere with British economic interests. The Egyptian intelligentsia, who overwhelmingly supported Wafd, concerned themselves with the nature of the Egyptian national identity.²⁴ What would unify the Egyptian nation state?

Writing in 1938, Hussein argued that the foundation of Egyptian national identity should be the Arabic language.²⁵ He wrote that Arabic was “the common good of Egyptians... not the language of Muslims only, but the language of all who speak it.”²⁶ Hussein argued further that significant cultural reform would be required to establish Arabic as the foundation of Egyptian national identity. In particular, he advocated for the standardization of the Arabic language, secular state-funded schooling, and teaching Arabic translation of European works.²⁷ Here Hussein takes a similar position to that of European liberal thinkers who believed that the national community transcends ethnic or religious divisions. He implies that the Egyptian nation should adopt the ideological position of European nation states: the nation should assert itself as the highest authority of social and political life. It is important to note here that terms like “national community” and “nation state” are themselves of European origin. By articulating any Egyptian “national

²¹ Hourani, *Arabic Thought in the Liberal Age, 1798-1939*, 324.

²² Hourani, 324.

²³ Hourani, 324.

²⁴ Hourani, 326.

²⁵ Ṭāhā Ḥusain, “Mustaqbal At-Ṭāqāfa Fī Miṣr,” 2020, 485–86, https://doi.org/10.1007/978-3-476-05728-0_1524-1.

²⁶ Ḥusain, 486.

²⁷ Hourani, *Arabic Thought in the Liberal Age, 1798-1939*, 335.

identity,” one necessarily adopts the ideological assumptions of European scholars, who understood the “nation” as a coherent social and political unit unified by common (usually linguistic and/or historical) heritage.²⁸

Consistent with his adoption of European understandings of the nation state, Hussein also advocated for the “translation” of European concepts into an Egyptian setting. Translation, both of European works and ideas, writes Selim, “... lies at [the] intersection of social, political and historical interests and concerns.”²⁹ She continues: “From liberal democracy to the novel, western knowledge and western humanism were viewed by both local reformist elites and European specialists as a series of fixed and ideal forms to be acquired and reproduced in the backward target culture through... translation.”³⁰ Hussein, who similarly believed in the superiority of western culture and ideas, saw Arabic as Egypt’s means of emulating Western “ideal types.” For him, Arabic represented a universalizing force capable of fostering a national community out of the “Babel” of the colonial period. Through translation and education reform, Hussein believed, Egypt could successfully fulfill the mandate of the modern state: utilizing freedom as “a means to ends higher, more permanent, and more comprehensive in their benefits.”³¹

Hussein’s position on the unifying potential of the Arabic language was not orthodox, however. Islamist reformers such as Muhammad Abduh believed that Islam represented the most potent unifying force in modern Egypt.³² Abduh’s disciples were aided by the Azharites, a group of Islamic scholars associated with Al-Azhar University, which was founded during the 10th century. Indeed, although the Wafd party was in power for much of the first few decades of independence, it faced resistance from Islamic groups and British officials, both of whom objected to aspects of Wafd’s national project. Wafd’s party platform, which favored a close economic relationship with Britain, secular culture, the Egyptian constitutional monarchy, and liberal parliamentary politics, was opposed by the Azharites for its secularism and by the British for its proposed political and cultural independence.³³ The ultimate success of Hussein’s cultural project

²⁸ Anderson, *Imagined Communities*, 7; A. J. P. Thomson, “The Place of the Nation in the Work of Jacques Derrida,” *The Irish Review* (1986-), no. 28 (2001): 129, <https://doi.org/10.2307/29736050>.

²⁹ Selim, “Nation and Translation in the Middle East,” 4.

³⁰ Selim, 9.

³¹ Husain, “Husain, Tāhā,” 1–2.

³² Hourani, *Arabic Thought in the Liberal Age, 1798-1939*, 161.

³³ Tarek Osman, *Egypt on the Brink: From Nasser to the Muslim Brotherhood, Revised and*

required Gamal Abdel Nasser, a lieutenant colonel from Alexandria, who, more than anyone else, ushered the Egyptian nation into the modern age.

In 1952, a group of petty army officers known as the Free Officers overthrew the Egyptian monarchy, establishing a republic in its place. Their leader, Gamal Abdel Nasser, quickly established himself as one of the most charismatic and powerful figures in the Middle East. The Nasserist government emphasized a particular brand of Egyptian nationalism that posited the common ethnic heritage of all Arabs, and, by extension, the common linguistic heritage of the Arabic language. In his 1954 treatise on the Free Officers Revolution, *Egypt's Liberation*, Nasser writes that “there is an Arab circle surrounding us... this circle is a part of us... our history being inextricably part of its history” and that, while Egypt is part of both an African and Islamic circle, the Arab circle remains the most constitutive of national life.³⁴ The Arabic language, which represented a foundational element of Arab ethnic identity, thus became the bedrock of Egyptian national identity for Nasser. In this respect, Nasser’s Pan-Arabism accorded with Taha Hussein’s notion that the Arabic language could unify the disparate elements of post-colonial Egypt. The unifying potential of Arab identity was perhaps best exemplified in the political sphere by the United Arab Republic, which combined the territories of Syria and Egypt into a single sovereign state from 1958 until 1961, after which the two nations split apart again. Yet, according to Nasser, Egypt’s national mission also had a literary quality. Referencing Luigi Pirandello’s “Six Characters in Search of an Author,” Nasser writes that “within the Arab circle there is a role, wandering aimlessly in search of a hero,” with the implication that Egypt was exactly such a hero.³⁵ Nasser writes further that the Egyptian nation is no different from past heroes, both western and not, who create roles for themselves through acts of valor.³⁶ It is notable that Nasser defines anticolonial Egyptian nationalism with reference to an Italian play. It is also notable that Nasser compares Egypt’s national mission to the work of “great men,” an idea that can not only be found in works of Western philosophy and history for centuries but has been used to justify acts of imperialism and colonization. Though Nasser’s nationalism is by no means “Western,” insofar as it advocates for the colonization of other

Updated (Yale University Press, 2013), 55.

³⁴ Gamal Abdel Nasser, *Egypt's Liberation: The Philosophy of the Revolution* (Public Affairs Press, 1955), 85–88.

³⁵ Nasser, 87.

³⁶ Nasser, 87.

peoples (on the contrary, it defines itself in opposition to this very idea), it nonetheless adopts the terminology of the European “national mission,” which was frequently defined in literary terms. Nasser’s philosophy is simultaneously a repudiation of European hegemony, both cultural and political, and a tacit acceptance of the terms through which European hegemony was established. In the following section, I argue that Nasser’s ideology of nationalism was manifested in the Thousand Books Project.

The Thousand Books Project

The Thousand Books Project, which was begun in 1955 by Taha Hussein, resulted in the translation of over 700 philosophical, scientific, and literary works in European languages into Arabic before the program was discontinued in 1968.³⁷ Unlike later translation projects, which produced translations through the Egyptian state publishing company, the Thousand Books Project sponsored translations produced by private publishing houses.³⁸ The Nasserist government left the decision of what works were translated up to the publishing houses themselves, rather than encouraging the translation of particular works. Indeed, Jacquemond writes that the titles translated follow no ideological or temporal pattern.³⁹ Translated works covered a wide range of time periods, languages, and artistic movements, with no apparent preference for any particular ideological leaning. Examples of literary translations include everything from Cervantes’ *Don Quixote* to Dante’s *Divine Comedy*, as well as works by Beckett, Brecht, Kafka, and T.S. Eliot.⁴⁰ The Nasserist government also produced productions of recently translated plays, including a number written by the aforementioned authors. Jacquemond argues that the interest in translating western literature, as indicated by the Thousand Books Project, shows that the Nasserist government was able to mobilize the previous generation of intellectual elites who maintained a familiarity and closeness with western culture and languages.⁴¹ At least for the Thousand Books Project, the anticolonial Nasserist project allied itself with the more Westernizing liberal project of the preceding decades. The difference was that while Hussein viewed translation into Arabic as a means of bringing Egypt

³⁷ Mustapha Ettobi, “Literary Translation and (or as?) Conflict between the Arab World and the West,” *Transcultural (Edmonton)* 1, no. 1 (2008): 18, <https://doi.org/10.21992/T99D06>.

³⁸ Jacquemond, “Translation Policies in the Arab World,” 143.

³⁹ Ettobi, “Literary Translation and (or As?),” 20.

⁴⁰ Ettobi, 18.

⁴¹ Jacquemond, “Translation Policies in the Arab World,” 144.

closer to the West, Nasser viewed it as a means of increasing Egyptian national prestige in opposition to the West.

The Nasserism of 1952 to 1967, as mentioned previously, possessed two contradictory aspects. On the one hand, it was concerned with defining Egypt in opposition to its former colonial occupiers through the emphasis on Arab ethnic and linguistic identity as Egypt's national foundation. On the other hand, it was concerned with establishing Egyptian legitimacy on the world stage. This required, at least for Nasser, adopting European understandings of the common origin of the nation, the doctrine of national sovereignty, and, most importantly, the nation's transcendental nature. The Thousand Books project represented an attempt to reconcile the two contradictory aspects of Nasserism by simultaneously asserting the legitimacy of Arabic as a language of world literature and subjecting foreign texts to translation into Arabic. Likewise, the Project, which "evokes the idea of an 'ideal library' where the treasures of universal thought and literature would be available to the masses," is indebted to Hussein, Haykal, and al-Manzini's liberal cultural project of the previous few decades, which itself was indebted to European understandings of nationhood and national identity.⁴² Indeed, the idea of the "ideal library" in Jacquemond's analysis evokes Hussein's assertion that the purpose of the Egyptian nation is to leverage freedom to achieve "higher ends." This assertion, of course, assumes that social and political life should be submitted to the control of the nation state. The intended effect of the Project, therefore, appears to have provided the Egyptian citizen with not only the freedom to read texts in Arabic translation, but the ability to use the translated texts as a means of achieving self-enlightenment. Yet this enlightenment, like that of 18th and 19th century Europe, had a western skew. Though Nasser sponsored the work of Egyptian authors, the Nasserist "ideal library" consisted mainly of European texts. In addition to massively expanding educational opportunities, Nasser, through the Thousand Books Project, provided his citizens with what he viewed as a wealth of cultural capital.

Encouraging translation for translation's sake, as the Thousand Books Project did, rather than translations of particular texts, suggests the Nasser government's attempt to establish the Arabic language as a "transcendental signifier." The logic is such: if any text can be translated into Arabic with equal effectiveness, the Arabic language must therefore be able to absorb all potential signifieds within the translated texts. The sign, which refers to the combined meaning of signifier with signified,

⁴² Jacquemond, *Translation and Cultural Hegemony*, 20–21.

remains intelligible for the nation because the nation shares a common and intuitive understanding of the system of Arabic signifiers. As long as the Arabic signifiers remain, therefore, the comprehensibility of the sign remains. The underlying intuition is that if Arabic represents a transcendental signifier, any text's signifieds can be rendered in the Arabic system of signifiers. The Arabic language is transcendental because it is assumed to exist regardless of circumstance. In addition, because the Arabic language is the foundation of Egyptian national identity, any text read in Arabic can be "made Egyptian." This appropriation of the Other, along with the belief in the transcendental nature of the Arabic language, and by extension the transcendental nature of the Egyptian nation, is an example of what Tageldin calls the logic of empire. The Egyptian nation, unified by the Arabic language, can lay claim to any text in another language so long as the text is made Egyptian; in other words, translated into Arabic. By translating works of literature into Arabic, however, the Thousand Books Project also translates western hegemony and nationhood from a western to an Egyptian formulation.⁴³ The idea of the transcendental nation and, by extension, the transcendental *signifier*, grants the West its own transcendental *signified*.⁴⁴ In other words, regardless of the form it takes, the idea of the unified nation remains the same. The Egyptian nation is, as mentioned previously, a translation of the signified "nation," which is European in origin, into a series of uniquely Egyptian signifiers. Likewise, although the Thousand Books Project constituted an attempt to attach signifieds from texts written in other languages to Arabic signifiers, the signified conveyed by canonical western texts, is not attacked and, therefore, remains transcendental.

Conclusion

In spite of its limitations, the Thousand Books Project was a tremendous feat. It helped establish both the Egyptian publishing industry and the Arabic translation industry. It also contributed to the education of millions of Egyptians, many of whom would not have been able to read the texts otherwise. Finally, the project demonstrated that mass translation from European languages into Arabic was possible, a concept doubted by Egypt's British and French colonial occupiers. The benefits of the project for Egyptians and for Arabic translation should not go unnoticed. Nonetheless, as I have argued, the Thousand Books Project rests on a series of ideological assumptions that accept European

⁴³ Tageldin, *Disarming Words*, 209.

⁴⁴ Thomson, "The Place of the Nation in the Work of Jacques Derrida," 147.

understandings of the nation state, national language, and national culture. By conceding these “transcendental signifieds” to the West, and in order to define itself in opposition to its British and French occupiers, Egypt thus resorted to protecting and advancing Arabic, the Egyptian “universal signifier.” The Thousand Books Project was also supported by the assumption that any text could be translated into Arabic. In this respect, the project represented an assertion of Egypt’s national status. It also constituted defiance of the traditional western understandings of translation, which sanctified texts written in European languages and opposed their translation. Like any translation, the Thousand Books Project was not a neutral effort. In the same way that the individual translators of European texts into Arabic necessarily made choices about how to represent the meaning of the text in another language, Taha Hussein and Gamal Abdel Nasser made choices about how translation would contribute to the construction of Egyptian national identity.

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2

Indians in the Indian Civil Service (ICS), 1863-1913

*Crossroads of Education, Nation, and Individual
Circumstance: Indians in the ICS, 1863-1913*

Sophia Charles

W

hen Satyendranath Tagore passed the Indian Civil Service examination in 1863, he became the first—and, for six years, would remain the only—Indian to do so.

¹ In 1854, British Parliament had replaced the original system of nomination to the Indian Civil Service (ICS) with a system of open competitive examination. A fully “open” exam, however, was not exactly what Parliament had

intended. Between the London exam location, an age window that favored British graduates, exam material aligned with Oxford’s honors programs, and a variety of other factors, the road to the ICS for Indian students was narrow and rocky, if open at all.² Fed by British antagonism—both from universities and from government—towards potential “Indianization” of the ICS, those barriers only grew over the following decades.³ Yet Tagore’s case was unique for six years only, and in 1869 four more Indian candidates passed.⁴ By the end of the century, this number had risen to forty. Against prevailing British wishes, increasing numbers of Indians were making it through a narrowing path—many among their year’s top scorers.

One cannot help but wonder: How did they manage it? With respect to the 1863-1913 period,⁵ what obstacles were in place, and what factors—environmental and personal—allowed these first Indian civil servants to overcome them? Moreover, their story lies at an interesting crossroad of resistance and assimilation to British rule in India and has been interpreted both ways.⁶ In that context, how might their unlikely

¹ J. N. Gupta and Sayaji Rao Gaekwar, *Life and Work of Romesh Chunder Dutt, C.I.E. ... with an Introduction by His Highness the Maharaja of Baroda. Four Photogravure Plates and Ten Other Illustrations* (London; E.P. Dutton & Co.: New York, 1911).

² Tamara Chin, “Anti-Colonial Metrics: Homeric Time in an Indian Prison, ca. 1909,” *ELH* 81, no. 3 (2014): pp. 1029-1053, <https://doi.org/10.1353/elh.2014.0037>.

³ Sukanya Banerjee, “Bureaucratic Modernity, the Indian Civil Service, and Grammars of Nationalism,” in *Becoming Imperial Citizens: Indians in the Late-Victorian Empire* (Durham, NC: Duke Univ. Press, 2010), pp. 175-176.

⁴ Bimanbehari Majumdar and B. B. Majumdar, “Indian Members of I.C.S. in the Nineteenth Century,” *Proceedings of the Indian History Congress* 30 (1968): pp. 367–74, <http://www.jstor.org/stable/44141506>.

⁵ I have chosen 1913 as my endpoint, since circumstances related to Indian nationalist demands and British responses changed with World War I, and in 1922, the opening of an examination site in India directly altered the path to ICS membership.

⁶ For example, Arurdra Burra’s “The Indian Civil Service and the Nationalist

entrance in the ICS fit into the larger story of early Indian nationalism?

The value of investigating these questions is at least twofold. To begin with, as Farina Mir has argued, “mapping the limits of colonial dominance in British India” is a valuable task in and of itself.⁷ Though largely barred from the highest echelons of power, these individuals *did* achieve positions of authority that British leadership never intended them to have. Indians in the ICS thus represent points on the boundary of that map. Their paths to success at the ICS exam are significant also for the multiple ways in which they touch on early threads of Indian nationalism that sought greater autonomy by working within the imperial system.

A fairly large body of scholarship exists surrounding the ICS, its entrance exam, and its Indian members. Some work has focused on the creation and evolution of the ICS exam as a reflection of Britain’s social, political, and ideological landscape at the time. For instance, Sukanya Banerjee has examined the place of the successful competitor (the “competitionwallah”) in British society as a window onto competing visions of bureaucracy and liberal government.⁸ Meanwhile, J. M. Compton has examined the degree to which the competitive exam was, in fact, “open” to individuals of varying educational and social backgrounds (especially in Britain, but also in India).⁹ By contrast, Deepak Gupta has provided a full-scale overview of the ICS, from its origins, through its transition to the Indian Administrative Service, and into its present-day existence.¹⁰ Like Gupta, Tamara Chin mentions several of the Indians who passed the ICS exam in its first several decades, but only briefly and as part of an otherwise largely unrelated essay.¹¹ Arudra Burra has studied Indian membership in the ICS in

Movement: Neutrality, Politics and Continuity” highlights the role of Indian ICS members in suppressing the nationalist movement, while P. N. Mathur’s “The Civil Service in India” focuses more on Indian entry into the ICS as an early step in the nationalist movement.

⁷ Farina Mir, “The Social Space of Language: Vernacular Culture in British Colonial Punjab,” in *The Social Space of Language: Vernacular Culture in British Colonial Punjab* (Berkeley: University of California Press, 2010), pp. 4.

⁸ Sukanya Banerjee, “Bureaucratic Modernity, the Indian Civil Service, and Grammars of Nationalism”

⁹ J. M. Compton, “Open Competition and the Indian Civil Service, 1854-1876,” *The English Historical Review* 83, no. 327 (1968): pp. 265-84, <http://www.jstor.org/stable/564911>.

¹⁰ Deepak Gupta, *The Steel Frame: A History of the IAS* (New Delhi: Roli Books, 2019).

¹¹ Tamara Chin, “Anti-Colonial Metrics: Homeric Time in an Indian Prison, ca. 1909”

depth, but his work mainly covers 1919-1950.¹² Ann Ewing and Amit Das Gupta likewise focus on the ICS and its Indian members, but only in the period after World War I.¹³ P. N. Mathur, Arudra Burra (in a different work), and Kantilal Kalani have also examined the ICS, including Indian membership, but instead through the lens of early nationalist demands.¹⁴

In short, little of the existing scholarship seems to focus on the individuals who first passed the exam and the circumstances—British and Indian, social, national, and educational—in which they did so. My goal is to understand the obstacles they faced, the educational and personal resources on which they drew, and the intersections of their academic journey with the nationalist dialogue of the time. To understand the barriers created by British policy, I have looked to present-day scholarship, although I have consulted nineteenth-century training manuals for information on the examination itself. To understand the Indian educational context, I have drawn on modern scholarship and the One-Hundred-Year Report released by the University of Calcutta in 1957. For personal backgrounds of the scholars, I have turned to their memoirs and, when these were not available, to third-person accounts. Present-day scholarship, the one-hundred-year report, and nineteenth-century newspaper articles (especially from Bengal) have helped me fit these scholars' academic journeys into the emerging nationalist framework of the time.

In this context, I would like to argue that despite many barriers, both logistical and educational, factors like evolving family context (especially early English-language instruction and sufficient resources), the growth of Western education in India, and the strong personal capacities of the test-takers made passing the exam possible for this small

¹² Arudra Burra, *The ICS and the Raj: 1919-50* (New Haven, CT: Yale Law School, 2007).

¹³ Ann Ewing, "The Indian Civil Service 1919-1924: Service Discontent and the Response in London and in Delhi," *Modern Asian Studies* 18, no. 1 (1984): pp. 33–53, <http://www.jstor.org/stable/312382>; Amit Das Gupta, Introduction, *The Indian Civil Service and Indian Foreign Policy, 1923-1961* (London: Routledge, 2021).

¹⁴ P. N. Mathur, "The Civil Service in India (A Study of the Genesis of the Demand for Reform)," *Proceedings of the Indian History Congress* 30 (1968): pp. 351–58, <http://www.jstor.org/stable/44141504>; Arudra Burra, "The Indian Civil Service and the Nationalist Movement: Neutrality, Politics and Continuity," *Commonwealth & Comparative Politics* 48, no. 4 (2010): pp. 404–32, <https://doi.org/10.1080/14662043.2010.522032>; Kantilal L. Kalani, "Penetration of Indians in the British-Indian Civil Service," Dissertation, Wayne State University, 1963.

group of Indian candidates. Moreover, early nationalist threads intertwined with their stories, expanding the meaning of these stories beyond just the unlikely feats of a fortunate and perseverant group of achievers. Individual motivations and circumstances aside, the handicaps embedded in these students' academic journeys became wider points of protest within their society, and the realization of their goal—entry into the ICS—took on nationalist significance.

I. Obstacles: The Exam & Its Context

From its inception, the ICS exam answered to the needs of British university graduates via an evolving design that aligned with their educational trajectory while keeping out Indian candidates. C. J. Dewey has shown that the reforms of 1854, under which the ICS exam began, stemmed from an alliance between “Whig grandees and intelligentsia in mid-Victorian England.”¹⁵ The character of the exam was determined by voices in the cabinet, in the educational establishment, and those with connections to both. Drawing on “personal experience as English or Indian civil servants,” this third dual-hatted group, argues Dewey, defined the educational and social standards for ICS members, and those standards aligned with the Oxbridge training that they often received. Dewey also identifies a “general crisis of identity” that underlaid the educational establishment’s support for the exam. Losing credibility to a sectarian reputation and losing value as graduate unemployment grew, voices in the educational establishment sought what Balliol’s Jowett called a new “manifest utilitarian purpose.”¹⁶ Acting as feeder institutions to the ICS could serve that purpose, particularly for Oxford and Cambridge.

Both subject matter and age bracket were therefore attuned and, when necessary, re-attuned to the exam’s intended candidates. As Phiroze Vasunia notes, exam papers were offered in several subjects, but all along “the most marks [were] given to English, mathematics, and Greek and Roman subjects... [The] weight given to classical subjects...sent a clear signal to candidates.”¹⁷ The classics favored

¹⁵ C. J. Dewey, “The Education of a Ruling Caste: The Indian Civil Service in the Era of Competitive Examination,” *The English Historical Review* 88, no. 347 (1973): pp. 262–85, <http://www.jstor.org/stable/564285>.

¹⁶ C. J. Dewey, “The Education of a Ruling Caste: The Indian Civil Service in the Era of Competitive Examination”

¹⁷ Phiroze Vasunia, “Greek, Latin and the Indian Civil Service,” *The Cambridge Classical Journal* 51 (2005): pp. 35-71, <https://doi.org/10.1017/s1750270500000397>.

Oxford, while mathematics favored Cambridge, and early exam results showed it: “Seventy percent of the successful candidates were Oxbridge-educated [in 1855] and the average for the first five years was almost sixty percent,” writes Dewey.¹⁸ Meanwhile, offered only in London and with a maximum age of 25, it appears to have been only nominally open to Indian candidates. The age limit allowed British students time to graduate before taking it but still constrained the time that Indian candidates had to master English and catch up in other subjects. For a variety of reasons, the age limit fell several times over the following decades. However, the decrease that occurred in 1864, argues Vasunia, was not coincidental; it fell immediately following Tagore’s success at the exam.¹⁹ Indeed, several years later, around the time that four more Indians passed, the age limit was lowered again. Meanwhile, when the percentage of successful candidates who were Oxford or Cambridge graduates declined in the 1870s, the syllabus was revised to accommodate them: “Classics retained its share of the total marks...while the other languages, including Sanskrit and Arabic, were diminished.”²⁰ Despite some dissenting voices in Britain throughout the period, this pattern continued through the end of the century and did not change markedly until 1922, when ICS examinations began in India.

Both Indian curricula and late-century British efforts to change these curricula reflect additional obstacles to entering the ICS that were systemic—and growing—within the Indian educational system. To begin with, India’s few degree-granting institutions of the 1863-1913 period had been modeled not on Oxford or Cambridge but on University College London, deemed “better-suited to the needs” of Indian students.²¹ Had the choice of model been different, these institutions might have offered stronger classical instruction, but instead they offered only minimal Greek and Latin.²² As a result, Indian students were

¹⁸ C. J. Dewey, “The Education of a Ruling Caste: The Indian Civil Service in the Era of Competitive Examination”

¹⁹ Phiroze Vasunia, “Greek, Latin and the Indian Civil Service”

²⁰ Phiroze Vasunia, “Greek, Latin and the Indian Civil Service”

²¹ Syed Nurullah and J. P. Naik, “Establishment and Growth of Universities (1854-1902),” in *History of Education in India During the British Period* (Bombay: Macmillan, 1943).

²² Tamara Chin, “Anti-Colonial Metrics: Homeric Time in an Indian Prison, ca. 1909”; Pramathanath Banerjee, “The Formative Years: 1857-82,” in *Hundred Years of the University of Calcutta: A History of the University Issued in Commemoration of the Centenary Celebrations; 1857-1956* (Calcutta: University of Calcutta, 1957), p. 89.

pushed to compete with their British peers in English language and literature, one of the few remaining top-marked subjects.

From the start, Indian curricula put Indian candidates behind their British peers in preparation for the exam, and new colonial policies only exacerbated this situation further. After four students, three from Bengal, passed the ICS exam in 1869, a policy was introduced to revoke government funding for English education in Bengal.²³ Moreover, in 1904, Lord Curzon's Indian University Act placed "all grades...from primary schools to universities" under government control, stemming the little-supervised late-century spread of secondary and higher education. In both secondary and higher education, Curzon's reforms placed less emphasis on English instruction and more on vernacular languages.²⁴ Whether the ICS exam was directly in Curzon's line of sight or not, his measures could only further constrain access to it.

II. The Scholars & their Circumstances

A look at the basic personal backgrounds and educational trajectories of the Indians who entered the ICS during the half-century after S. Tagore reveals some broad trends. Unfortunately, detailed information is more difficult to find, given that personal memoirs and other sources of information on their early lives are scarce. That said, region, family resources, early exposure to English, strong personal capacities, and degrees from the University of Calcutta seem to represent some common factors among many in the group.

The first major trend lies in regional affiliation. Of the 40 candidates who succeeded prior to 1900, 22 were Bengalis.²⁵ The rest of the candidates were scattered among other affiliations. In their 1968 study on nineteenth-century Indian ICS members, Majumdar and Majumdar attribute this disproportionate number of successful Bengali candidates to a more liberal cultural context, which they imply stemmed from the early moment at which Western education arrived in Bengal.²⁶

²³ Syed Nurullah and J. P. Naik, "Establishment and Growth of Universities (1854-1902)"

²⁴ Syed Nurullah and J. P. Naik, "Establishment and Growth of Universities (1854-1902)"; Gajanan S. Khair, "Evolution of the Secondary School Curriculum," in *Reconstruction of the Secondary School Curriculum in India with Specific Reference to Bombay Presidency* (New York City, NY: New York University, 1933), p. 15.

²⁵ Bimanbehari Majumdar and B. B. Majumdar, "Indian Members of I.C.S. in the Nineteenth Century"

²⁶ *Ibid.*

While it is difficult to be sure of a precise reason or set of reasons why many early candidates (including four of the first five) came from Bengal, it is worth noting that India's first institute of English higher education, the Hindu College, was established in Kolkata.²⁷ Forty years later, of the first three degree-granting institutions in India, one was in Kolkata. It is reasonable to assume, then, that convenience and a longer tradition of higher education played a role in the high proportion of ICS candidates from Bengal (most of whom attended the University of Calcutta, usually having studied at Presidency College, formerly Hindu College).²⁸ At least two others came from Madras, having attended the degree-granting university established there in 1857, and a few others, through family context, studied in Britain.²⁹

Once in Britain, the path was similar for each candidate. Of their two or three years abroad (usually at University College London, Cambridge, or Oxford), they would spend one year preparing for the first exam, followed by one or two years of probation, during which they would study specialized subjects and prepare for the second exam.³⁰ The first exam was the main hurdle. The second exam was shorter and most candidates passed.³¹ The probationary period was a standard requirement for all candidates—Indian, English, or otherwise. Some, like

²⁷ Syed Nurullah and J. P. Naik, "A Period of Experiments (1813-1833)"

²⁸ Syed Nurullah and J. P. Naik, "Triumph of English Education in Bengal (1833-1853)"; Syed Nurullah and J. P. Naik, "Establishment and Growth of Universities (1854-1902)"; Bimanbehari Majumdar and B. B. Majumdar, "Indian Members of I.C.S. in the Nineteenth Century"; Gupta, J. N., and Sayaji Rao Gaekwar. *Life and Work of Romesh Chunder Dutt, C.I.E. ... with an Introduction by His Highness the Maharaja of Baroda. Four Photogravure Plates and Ten Other Illustrations*; Surendranath Banerjea, *A Nation in the Making: Being the Reminiscences of Fifty Years of Public Life* (Bombay: Oxford University Press, 1963); "Database of Alumni of Cambridge University, 1200-1900: Biographies, Academic Achievements and Appointments, Religious Appointments, Careers, Family, Genealogy," ACAD - A Cambridge Alumni Database, n.d., <https://venn.lib.cam.ac.uk/>.

²⁹ Bimanbehari Majumdar and B. B. Majumdar, "Indian Members of I.C.S. in the Nineteenth Century"

³⁰ "Anundoram Borooah." Arbas, n.d. <http://arbas.assam.gov.in/arb.html#>; Surendranath Banerjea, *A Nation in the Making: Being the Reminiscences of Fifty Years of Public Life*; Bimanbehari Majumdar and B. B. Majumdar, "Indian Members of I.C.S. in the Nineteenth Century"; "Database of Alumni of Cambridge University, 1200-1900: Biographies, Academic Achievements and Appointments, Religious Appointments, Careers, Family, Genealogy"

³¹ Alex. Charles Ewald, *The Guide to the Indian Civil Service Containing Directions for Candidates, Standards of Qualification, Salaries, and Specimens of Examination Papers* (London: Cassell, Petter, and Galpin, 1870).

Abdullah Yusuf Ai, Gurusaday Dutt, and Pulicat Ratnavelu Chetty, won scholarships to study at British universities. Ai noted the time pressure involved in government scholarships: through his Bombay Government Scholarship, he received just three years at a British institution.³² Taken together with the low age limit, time pressure thus seems to emerge as a theme among the methods used to block the Indian path to the ICS.

Early English-language education—during high school years, but often as early as primary school—represents another common factor among successful Indian candidates. Satyendranath Tagore, Romesh Dutt, Behari Lal Gupta, Surendranath Banerjea, Ananda Ram Baruah, Krishna Govinda Gupta, Brajendranath De, Brasanta Mullick, Atul Chandra Chatterjee, Abdullah Yusuf Ai, and S. V. Ramamurthy all provide examples.³³ One common path was primary and secondary education at the Hare School in Kolkata, followed by Presidency College and a degree from the University of Calcutta. Others, like Tagore, received their English education at home, or, like Ai, through a missionary school. An early start to English language instruction was necessary for ultimate success on the ICS exam, since degree-granting examinations and college instruction in India were largely conducted in English during the late nineteenth century. The exam's age limits also imposed severe time pressure on Indian candidates.³⁴

Although there is little information about parental occupation or income in most cases, financial circumstances must have played a role. School fees, textbooks, and travel to London would undoubtedly have limited the pool of individuals able to make it to the ICS exam.³⁵ In this context, it is perhaps unsurprising that many early candidates for whom family information is available came from middle- or upper-class

³² Mohamed Ahmed Sherif, *Searching for Solace a Biography of Abdullah Yusuf Ali, Interpreter of the qur'ân* (Kuala Lumpur: Islamic Book Trust, 2006).

³³ “Anundoram Borooh.” Arbas, n.d. <http://arbas.assam.gov.in/arb.html#>; Surendranath Banerjea, *A Nation in the Making: Being the Reminiscences of Fifty Years of Public Life*; Bimanbehari Majumdar and B. B. Majumdar, “Indian Members of I.C.S. in the Nineteenth Century”; “Database of Alumni of Cambridge University, 1200-1900: Biographies, Academic Achievements and Appointments, Religious Appointments, Careers, Family, Genealogy”; Mohamed Ahmed Sherif, *Searching for Solace a Biography of Abdullah Yusuf Ali, Interpreter of the Qur'ân*

³⁴ Syed Nurullah and J. P. Naik, “A Period of Experiments (1813-1833)”

³⁵ J. N. Gupta and Sayaji Rao Gaekwar. *Life and Work of Romesh Chunder Dutt, C.I.E. ... with an Introduction by His Highness the Maharaja of Baroda. Four Photogravure Plates and Ten Other Illustrations*

backgrounds.³⁶

Personal qualities such as motivation, intellect, and courage, while not determining factors, also deserve mention. What Surendranath Banerjea describes as the “tenacity of purpose” that lay behind his own achievements, Sayaji Rao Gaekwar, speaking of Romesh Dutt, calls “mental grasp, power of will, and habit of industry.”³⁷ In his first letter home, Dutt described a situation that could only have called for courage, if not some recklessness, as well:

We have left our home and our country, unknown to our friends, unknown to those who are nearest and dearest to us, staking our future, staking all, on success in an undertaking which past experience has proved to be more than difficult... Shall we achieve that success? Or shall we come back to our country impoverished, socially cut off from our countrymen, and disappointed in our hopes, to face the reproaches of advisers and the regrets of our friends?³⁸

Moreover, where accounts exist, these students were nearly all at the top of their classes throughout their education. Several, such as Romesh Dutt, Gurusaday Dutt, Brajendranath De, and Abdullah Yusuf Ai, also scored among the highest of all test-takers at their ICS examinations.³⁹ To some extent, then, these individuals succeeded because of personal strengths that set them apart.

³⁶ Deepak Gupta, *The Steel Frame: A History of the IAS*.

³⁷ Surendranath Banerjea, *A Nation in the Making: Being the Reminiscences of Fifty Years of Public Life*, p. 371; J. N. Gupta and Sayaji Rao Gaekwar, *Life and Work of Romesh Chunder Dutt, C.I.E. ... with an Introduction by His Highness the Maharaja of Baroda. Four Photogravure Plates and Ten Other Illustrations*, p. ix

³⁸ J. N. Gupta and Sayaji Rao Gaekwar, *Life and Work of Romesh Chunder Dutt, C.I.E. ... with an Introduction by His Highness the Maharaja of Baroda. Four Photogravure Plates and Ten Other Illustrations*, p. 18

³⁹ J. N. Gupta and Sayaji Rao Gaekwar, *Life and Work of Romesh Chunder Dutt, C.I.E. ... with an Introduction by His Highness the Maharaja of Baroda. Four Photogravure Plates and Ten Other Illustrations*, p. 24; Baini Prashad, “The Tabaqat-II-Akbari of Khwajah Nizamuddin Ahmad (A History of India from the Early Musalman Invasions to the Thirty-Eighth Year of the Reign of Akbar),” in *The Tabaqat-II-Akbari of Khwajah Nizamuddin Ahmad (A History of India from the Early Musalman Invasions to the Thirty-Eighth Year of the Reign of Akbar)*, trans. Brajendranath De (Calcutta: Royal Asiatic Society of Bengal, 1939); Mohamed Ahmed Sherif, *Searching for Solace a Biography of Abdullah Yusuf Ali, Interpreter of the Qur’an*

III. Intersections with Nationalist Context

In both tangential and direct ways, the stories of these Indian candidates intersect with early threads of Indian nationalism. Self-government through greater access to the civil service represents one early emphasis of the Indian nationalist movement. Many early voices protested the very barriers (syllabus, travel, age limit) that these students overcame, placing their personal journeys into a context of national meaning.

Regardless of these students' motivations, a nationalist Civil Service movement arose around their achievements. P. N. Mathur has called the Civil Service movement "the forerunner of the nationalist movement," significant as "an assertion of the efficiency and utility of native agency" and as "a demand for justice and fair play."⁴⁰ Indeed, when the Congress of 1906 convened, its factions were able to unite around a demand for a self-governing system similar to that of Britain's other self-governing colonies.⁴¹ A demand followed for simultaneous examinations in London and India, to the end that greater numbers of Indians would have access to ICS positions. By 1922, this demand, as well as other demands surrounding exam subject matter, had been realized.⁴²

Meanwhile, nineteenth-century Bengali news reports confirm and elaborate on this intersection of ICS recruitment and nationalist reform. "The enlistment of natives in the Civil Service has clearly shown how capable is native genius and how conspicuous native talent," expressed one 1886 article.⁴³ "We are of the opinion that it is high time that Government made some concessions to natives in regard to their enlistment in the military service," and the "enrolment of natives as members of the volunteer corps" should follow, the author continued.⁴⁴ While these demands may not trace directly to the nationalist demands of the 1906 Congress, they do manifest nationalist pride and a desire for greater opportunity within official structures, including authority structures. A *Dacca Gazette* article from 1887 offers a more direct

⁴⁰ P. N. Mathur, "The Civil Service in India (A Study of the Genesis of the Demand for Reform)"

⁴¹ Verney Lovett, "Political Movements—Second Stage," p. 66

⁴² Phiroze Vasunia, "Greek, Latin and the Indian Civil Service"

⁴³ "Bengal Newspaper Reports 1887 (Indian-language papers)" (Government Papers, The National Archives, Kew, 1887).

http://www.researchsource.amdigital.co.uk.ezp-prod1.hul.harvard.edu/Documents/Details/INR_Part1_Reel9_Vol1

⁴⁴ Ibid.

precursor to early twentieth-century nationalist demands: “The Civil Service Examination ought to be held both in England and in India, the limit of age being raised from 19 to 23 years. Equal marks ought to be allotted to Sanskrit, Arabic, Greek and Latin...The pay ought to be the same for natives and Europeans.”⁴⁵ A year before, the *Sahachar* had expressed similar views, adding, “Bengali, Hindi, and other vernacular languages should be also introduced into the examinations.”⁴⁶ That month, the *Ananda Bazar Patriká* noted, “Many Englishmen regard the admission of natives into the [Covenanted Civil] Service as an encroachment.”⁴⁷ More directly identifying a conflict between the aims of the Government and the population, this article continues:

Natives have been practically excluded from the civil service by the reduction of the standard age...The difficulties natives now meet in entering the Civil Service may be in some measure removed by the holding of the Civil Service examination both in England and in India, and by the establishment of scholarships.⁴⁸

Thus, demands for greater Indian access to the ICS already represented part of the greater context of the 1880s. Tagore, Dutt, and those who followed had personally surmounted obstacles of age, location, and syllabus. Yet their journeys and the challenges they faced meant more than a risky and courageous journey to Britain, more than working to beat enormous academic odds. The path traveled by these Indian candidates had entered a general discourse that would evolve to occupy center stage in the national movement. Over the next several decades, the banner of that movement would transform from autonomy within empire to full independence.

Conclusion

Indians who sought ICS entry faced an exam designed at odds with their interests, and these barriers only grew as more Indians succeeded. However, Indian students, often building on socially and financially privileged backgrounds, capitalized on the educational resources available to them as well as on their own personal capacities to

⁴⁵"*Bengal Newspaper Reports 1887 (Indian-language papers)*" (Government Papers, The National Archives, Kew, 1887). http://www.researchsource.amdigital.co.uk.ezp-prod1.hul.harvard.edu/Documents/Details/INR_Part1_Reel9_Vol1

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*

circumvent exclusionary efforts. Their subsequent government positions then took on larger meaning, symbolizing (and perhaps, to some extent, realizing) self-government and assertion of national capacity for the early nationalist movement.

Yet, through another lens, their role in the ICS would soon come to look quite different. In April 1921, preparing to resign from the ICS, Subhas Chandra Bose acknowledged, “in the whole history of British India not one Indian has voluntarily given up the civil service with a patriotic move.”⁴⁹ However, he had come to see a less noble meaning in the role of an Indian working in service of empire. The old tension regarding when and whether to work within or against the system was beginning to arise. He saw a “tide in the present movement” that could not be let to pass. “It is time,” he wrote, “that members of the other highest services withdraw their allegiance or even show a desire to do so, then and then only will the bureaucratic machine collapse.” In 1869, entering the ICS had been an unbelievable feat, and in 1922, the National Congress saw a victory for reforms to ICS accessibility. Yet, just one year prior, Netaji’s words suggested a turning and rising tide for the nationalist movement.

⁴⁹ “Netaji found leaders selfish,” *The Times of India (1861-2010)*, 1980, May 01, <http://search.proquest.com.ezp-prod1.hul.harvard.edu/historical-newspapers/netaji-found-leaders-selfish/docview/499133897/se-2?accountid=11311>.

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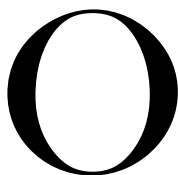
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3

Bunny Behind Bars

Playboy and Obscenity in 1960s America

Elizabeth Propst



f all the publications in which one might expect to find an elaborately written and well-researched philosophical thesis touching on such diverse topics as the necessity of a free press, the separation of church and state, and the psychology of class conflict, *Playboy* is not the first that would spring to mind. Beginning in December of 1962, Hugh Hefner serialized in his magazine an 18-part manifesto called *The Playboy Philosophy*, in which he expounded the philosophical principles underlying *Playboy's* mission: the liberation of sex from the confines of marriage and the drudgery of procreation; the abandonment of Puritan shame around the body; the celebration of desire as a natural part of God's creation; and the free exchange of individual ideas on sex, politics, religion, and any other possible topic without closed-mindedness or disgust.

At first glance this sort of intellectual posturing seems like an overblown attempt to justify *Playboy's* much more obvious founding principle, which is the profit-driven creation and exploitation of an aspirational masculine lifestyle, especially in regards to sexuality. But at the same time, *The Playboy Philosophy* points to the magazine's complex and at times contradictory nature: it is a vehicle for art, literature, humor, and subversive political materials, and for a dehumanizing form of softcore pornography. While *Playboy* is demonstrably sexist and exploitative, it can at the same time contain very legitimate, deep intellectual thought - in the case of *The Playboy Philosophy*, approximately six hundred pages worth of deep thought. This complexity was particularly crucial for *Playboy's* survival during the mid-twentieth-century's crusades against obscene material, and it came to bear in the case of *City of Chicago v. Hugh M. Hefner*, the only time in Hugh Hefner's life that he was arrested, and the only time *Playboy* was brought to trial for obscenity.

In an era where thousands of people were prosecuted for the distribution of obscene materials, it is noteworthy that the founder and editor of the most famous erotic publication in the United States was only arrested once, and, after a brief scuffle in the Illinois courts, walked away scot free. The *Playboy* trial, falling between the landmark obscenity cases of *Roth v. United States* and *Jacobellis v. Ohio*, provides a window into the fraught state of American censorship in the 1950s and 1960s and foreshadows the more concrete standards that federal regulation would soon implement, while at the same time demonstrating the benefits that a typically

‘American’ identity and an engaging public image could confer on defendants during censorship court battles.

The June 1963 *Playboy* issue that instigated Hefner’s trial was published during a period when the distribution of pornographic materials was a prominent issue in the minds of Americans. From concerned parents and psychologists who worried that open media depictions of violence and sexuality would harm children’s development, to fundamentalist Christian communities that saw increased permissiveness as evidence of moral decay and perversion, to the creators and distributors of suggestive material who depended on lax and forgiving restrictions for their livelihoods, vast swaths of American society had a stake in the government’s fraught, back-and-forth regulation of erotic works. From approximately 1950 to 1975, United States obscenity laws changed rapidly.

In 1952, the House Select Committee on Current Pornographic Materials held a series of hearings investigating the spread and effects of pornography within the United States, concluding that “righteous indignation will never check the resourceful public enemies, parasites on the free-press privilege, who thrive on the profits derived from the exploitation of current pornographic materials. Nothing will be gained by prosecuting a few isolated cases . . . the same concerted action should be taken against moral filth as would be taken against material filth.”¹ In 1955 the Senate held their own hearings in the Judiciary Committee’s Subcommittee to Investigate Juvenile Delinquency, focusing on the impact of sexual content on children and young adults.² Notably, *Playboy*, which Hefner had founded in 1953, was never mentioned at the Senate hearings, even though its first issue sold 54,000 copies and circulation had only increased since.³ The senators running the hearings had no interest in endangering their public images (particularly the chairman, Sen. Estes Kefauver, who was planning a run for the presidency) by starting a fight with a magazine that had a national scope and a much more mainstream reputation than the underground, illicit pornography that could be more

¹ U.S. Congress, House of Representatives, Select Committee on Current Pornographic Materials, *House Report No. 2510*, 82nd Congress, 1952, 3.

² “Senate to Hold Teen Age Hearings,” *New York Times*, September 19, 1953, 16; U.S. Congress, Senate, Subcommittee to Investigate Juvenile Delinquency, *Juvenile Delinquency (Obscene and Pornographic Materials): Hearings Before the Subcommittee to Investigate Juvenile Delinquency*, Senate, 84th Congress, 1955, 191.

³ Chemi, Eric, “Playboy Magazine, By the Numbers,” *CNBC*, December 11, 2015.

easily portrayed as wholly debased and deranged to the public.⁴ Instead, they focused on distributors who were largely Jewish and foreign-born, drawing on latent anti-Semitism and fear of international communism, instead of targeting a white, Christian, American-born man like Hefner.⁵ Both the hearings in the House and the Senate were driven by increased pressure from the American electorate for the government to investigate and take decisive action on the spread of pornographic content. At the Senate hearings, Sergeant Joseph E. Brown, of the Detroit Police Department, closed his testimony by saying “what we are all in hope of . . . [is] some sort of Federal legislation passed that would put teeth in the law to keep this smut from being distributed . . . whether it is in an automobile or carried across the State lines, or by any means.”⁶ The federal government took his words, and the wishes of the public, to heart.

In 1956, Samuel Roth, a New York-based bookseller, was convicted by the US Court of Appeals for the Second Circuit on four counts of distributing materials found to be “obscene, lewd, lascivious, filthy and of an indecent character,” and was sentenced to five years in prison and a \$5,000 fine.⁷ He appealed to the Supreme Court, which ruled against him in 1957 and upheld that First Amendment and Fourteenth Amendment protections did not apply to obscene speech, as it was “utterly without redeeming social importance.”⁸ In the majority opinion on *Roth*, Justice William J. Brennan, Jr. set forth a new test to determine if materials could be considered obscene: “whether, to the average person, applying contemporary community standards, the dominant theme of the material, taken as a whole, appeals to prurient interest.”⁹ This nebulous test left it unclear as to the exact definition of obscenity - whether, for example, something had to be “utterly without redeeming social importance” to be ruled obscene, or if works with provable artistic, social, or scientific merit could be censored for indecent elements.¹⁰

The verdict in *Roth* was the beginning of an increase in

⁴ Strub, Whitney, “How Playboy Skirted the Anti-Porn Crusade of the 1950s,” *The Conversation*, October 26, 2015.

⁵ *Ibid.*

⁶ Senate, *Juvenile Delinquency (Obscene and Pornographic Materials): Hearings Before the Subcommittee to Investigate Juvenile Delinquency*, 141.

⁷ “United States of America, Appellee, v. Samuel Roth, Appellant, 237 F.2d 796 (2d Cir. 1957).” Justia Law.

⁸ *Roth v. United States*, 354 U.S. 476 (Supreme Court 1957).

⁹ *Ibid.*

¹⁰ “Power to Censor Is Still Unclear.” *New York Times*, December 20, 1959, 96.

government prosecution of the creators and distributors of pornographic materials. Earlier, under President Eisenhower, the general procedure for dealing with obscenity was for the Post Office to label the material as “unmailable,” and court proceedings would center around reversing or upholding the Post Office’s administrative decision rather than any charges brought against individuals.¹¹ After the decision in *Roth v. United States*, however, this administrative option was increasingly bypassed in favor of charging instigators themselves with crimes, which was considered a more effective deterrent for the circulation of obscene materials because it was accompanied by very real threats of hefty fines and imprisonment.¹² In 1955, 200 individuals were arrested for breaking the ban on the circulation of obscene materials and 172 of those people were convicted; in 1965, 874 were arrested and 696 convicted.¹³

The most common defense during these obscenity trials was an appeal to the societal and artistic merits of the works in question. At times this worked very well, as was the case when James Joyce’s *Ulysses* was approved for US distribution in the 1930s. When the media on the stand did not possess quite the same artistic resonance as *Ulysses*, however, courts could be less forgiving. Samuel Roth was subpoenaed in 1955 to testify before the previously noted Senate Judiciary Committee’s Subcommittee to Investigate Juvenile Delinquency and argued, somewhat feebly, that the majority of his books could not corrupt the young because they were of too high a literary quality to be comprehended by children.¹⁴ “You take for instance the book *The French Pornographer*,” Roth said, “you would find an adult under 30 who has not had a college education would find it difficult to go beyond the third page, or even beyond the first page. It is a very fine book; it is a translation from the French.”¹⁵ Predictably, his line of reasoning was not well-received by the senators questioning him.

Just seven years later, however, the 1964 case of *Jacobellis v. Ohio* would enshrine in precedent the protection of “material that deals with sex in a manner that advocates ideas, or that has literary or scientific or artistic value or any other form of social importance.”¹⁶ Nico Jacobellis, the

¹¹ Friedman, Leon. “*The Ginzburg Decision and the Law*.” 35 *American Scholar* 71 (1966-1967): 80-81.

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ Senate, *Juvenile Delinquency (Obscene and Pornographic Materials): Hearings Before the Subcommittee to Investigate Juvenile Delinquency*, 191.

¹⁵ *Ibid.*

¹⁶ *Jacobellis v. Ohio*, 378 U.S. 184 (Supreme Court 1964).

manager of an art house theater in Ohio, was convicted of possession and exhibition of an obscene film when his theater showed the provocative French film *Les Amants*, directed by Louis Malle.¹⁷ Both the Ohio Court of Appeals and the Ohio Supreme Court upheld his conviction, with one of the state Supreme Court's judges writing that "this court viewed *Les Amants* . . . to me, it was 87 minutes of boredom induced by the vapid drivel appearing on the screen, and three minutes of complete revulsion during the showing of an act of perverted obscenity. [The film] was not hard-core pornography, *i. e.*, filth for filth's sake. It was worse. It was filth for money's sake."¹⁸ When the case arrived at the national Supreme Court, the justices overturned the conviction, but on grounds that varied wildly between the six men in the majority. The case did not establish a firm standard by which to judge what should be considered 'obscene' and what is acceptable for distribution, but the majority opinion refined the *Roth* test by adding that obscene material must be "utterly without redeeming social importance" and that the "contemporary community standards" found in the *Roth* test are not those of particular, isolated communities, but of the "Nation as a whole."¹⁹

Into this legal mire, sandwiched between the Supreme Court rulings in *Roth* and *Jacobellis*, dropped the June 1963 *Playboy*. 198 pages long, edited and published by Hugh M. Hefner, the magazine's cover collage portrays a fuzzy, well-dressed rabbit turning up the cover's corner to reveal Jayne Mansfield's face, looking out from under her bangs at the viewer with her mouth half-open, the flipped corner edge displaying the pictorial's title: "The Nudest Jayne Mansfield."²⁰ Mansfield had already posed for *Playboy* in a 1957 story titled "The New Jayne Mansfield" and a 1958 story titled "The Nude Jayne Mansfield," with the 1963 issue completing her conjugational trifecta.²¹ "The Nudest Jayne Mansfield" is a behind-the-scenes look at Mansfield's then-upcoming film, *Promises, Promises*, which was the first sound-era Hollywood film to picture a mainstream actress in the nude.²² The pictorial features photographs from the film's two nude scenes, one in which a fully nude Mansfield is in a

¹⁷ *State v. Jacobellis*, 115 Ohio App. 226 (Ohio Court of Appeals 1961).

¹⁸ *State v. Jacobellis*, 173 Ohio St. 22 (Ohio Supreme Court 1962).

¹⁹ *Jacobellis v. Ohio*, 1964.

²⁰ *Playboy*, cover image, June 1963.

²¹ "The New Jayne Mansfield," *Playboy*, February 1957; "The Nude Jayne Mansfield," *Playboy*, February 1958.

²² "History of Sex in Cinema," AMC Filmsite, AMC Network Entertainment; "The Nudest Jayne Mansfield," *Playboy*, June 1963, 118-125.

bubble bath, and one in which Mansfield, her lower half strategically covered by white sheets, “writhes about seductively” in an attempt to distract her movie-scene husband from work.²³ Though the nudity might have been new to Hollywood, Mansfield’s pictures weren’t particularly out of the ordinary for *Playboy*’s usual standards of eroticism. The very first issue of *Playboy* featured nude photographs taken of Marilyn Monroe when she was an as-yet-unknown actress, which Hefner bought the rights for, without Monroe’s permission, after she became famous, and every following issue similarly contained pictures of topless women.²⁴

Though “I read it for the articles” is the classic specious pretext for perusing *Playboy*, the cliché does hold somewhat true; the actual ratio of nudity to meaningful cultural content in *Playboy* is quite low, and the magazine published some of the 20th century’s greatest writers. In the June 1963 issue, the Mansfield story takes up a scant eight pages, as does the centerfold article on Playmate Connie Mason.²⁵ The sixteen pages of sexual content are wedged into an abundant sampling of more sophisticated material, including an interview with Billy Wilder, a movie director who was nominated for 21 Academy Awards and won six during his lifetime (the May 1963 issue’s interview was with Malcolm X; the March issue’s interview was with Bertrand Russell²⁶);²⁷ an excerpt from the first novel by Jules Feiffer, a cartoonist who won an Academy Award in 1960 and was awarded the Pulitzer Prize in 1986 for his editorial cartoons in *The Village Voice*;²⁸ a short story by Ray Bradbury; a satire piece by Shel Silverstein; the third and final part of *Playboy*’s serialization of Ian Fleming’s *On Her Majesty’s Secret Service*; and, in the food and drink section, an article on Smørrebrød, a type of Scandinavian open-faced sandwich.

Playboy’s strange mélange of porn and polish was part of its signature tone, its urbane and hedonistic vision of modern American masculinity; the connoisseurship of every part of life, including sex, was *Playboy*’s raison d’être. At the same time, however, the magazine’s more

²³ “The Nudest Jayne Mansfield,” 124.

²⁴ Garcia-Navarro, Lulu, “Marilyn Monroe Helped Hugh Hefner, But Not By Choice,” *NPR*, October 1, 2017.

²⁵ “A Style of Her Own,” *Playboy*, June 1963, 100-107; “The Nudest Jayne Mansfield,” *Playboy*, June 1963.

²⁶ “Playboy Interview: Malcolm X,” *Playboy*, May 1963, 53; “Playboy Interview: Bertrand Russell,” *Playboy*, March 1963, 41.

²⁷ Academy Awards Database, Academy of Motion Picture Arts and Sciences.

²⁸ *Ibid*; Pulitzer Prize Winners, s.v. “Editorial Cartooning,” accessed Dec. 1 2019.

highbrow content was a key means of providing a form of plausible deniability against charges of obscenity. Hefner knew that the judiciary's nebulous and mutable definition of 'obscenity' made the context of suggestive images all-important - an artistic photograph of a naked woman in an art catalogue could pass without comment, but the same photograph in a cheap pamphlet filled with other nudes might merit a jail sentence. Playboy's image, and by extension Hefner's own image, were essential to protecting the magazine from any legal challenges that might be mounted against it. In comparison to *Playboy*, the period's other pornographic magazines like *Penthouse* and *Hustlers* heavily emphasized their raunchier aspects over any cultural content, and as a consequence faced much more public backlash and lawsuits - particularly *Hustler* and its founder Larry Flynt - than *Playboy*.²⁹ The stakes at Hefner's trial, then, were the obvious ones of possible jail time and a fine, but the proceedings were also a test of Hefner's business strategy, to see if the *Playboy* brand could shield it from the consequences of its suggestive content. Hefner had been "carefully following" the trials and appeal process of an erotic magazine publisher named Ralph Ginzburg, whose convictions centered around the circumstances in which a defendant could claim that their work was focused on art instead of merit.³⁰ The outcome of Hefner's trial would either set him apart from Ginzburg or see them tarred with the same brush.

Hugh Hefner was arrested from his home on June 4, 1963, on the charge of "publishing and circulating an obscene magazine."³¹ The Chicago Tribune notes that Hefner's houseboy initially told the policemen that Hefner wasn't at home, until a blonde woman coming down the stairs and "apparently not recognizing them as policemen" asked if they were looking for Hefner, and when answered in the affirmative, told them he was just upstairs.³² When the police finally laid hands on their target - an hour later, after Hefner locked himself in his study and waited for his attorneys to arrive - he was wearing "a pink cardigan sweater, white sports shirt, and dark colored slacks," and asked to change from his cardigan into

²⁹ Sweeny, JoAnne, "Larry Flynt and Hustler, Free Speech, Obscenity Laws and Your Pornography," *LEO Weekly*, May 10, 2017; "Flynt Indicted on Charge Of Desecrating the Flag," *New York Times*, November 26, 1983, 9.

³⁰ Lyon, Herb. "The Morning Lyon Up," Tower Ticker, *Chicago Tribune*, June 17, 1963, 22.

³¹ "Hefner Arrested on Obscenity Charge; Photos of Jayne Are Cited," *Chicago Tribune*, June 5, 1963, 20.

³² Ibid.

a suit before heading to the police station.³³ In his mugshots Hefner is wearing a sleek two-piece suit, and appears relatively unfazed. After being photographed and fingerprinted, Hefner was released on \$400 cash bond and a hearing was set for June 25th.³⁴

Given the recent government crackdown on the publication and distribution of ‘obscene’ materials, Hefner and his staff were likely expecting some sort of government intervention. They had already faced an attempted Post Office ban on the November 1958 issue of *Playboy*, which was dismissed by a district court as pointless when *Playboy* obtained an injunction that would give them enough time to deliver the issues before the ban went into effect.³⁵ The FBI had also conducted numerous interviews with Hefner and his associates during the late 1950s and early 1960s, though a memo by an FBI agent noted that “persons interviewed advised that Hefner [was] too clever to violate Federal or local laws.³⁶ A further reason Hefner had to suspect the government would be hounding him was Hefner’s exposure earlier in 1963 of a graft operation when liquor regulation officials requested an additional payoff of \$79,000 for the New York City Playboy Club to obtain a liquor license.³⁷ With all of these causes for wariness, Hefner appeared to be well-prepared for his arrest, and in the days following his release was spotted attending to business as usual. The Chicago Tribune’s entertainment column noted on June 13th that Hefner was seen around “with the usual dazzler in tow, studying a dish full of fortune cookies in Kon-Tiki,” a popular Chicago tiki bar, and plans for a *Playboy* movie based on Hefner’s life continued unimpeded.³⁸

On June 25th, in lieu of attending his scheduled hearing himself, Hefner sent four attorneys in his stead.³⁹ The judge, presumably dissatisfied with the defendant failing to appear in person, summoned Hefner there.⁴⁰ The defense’s motion to dismiss the charges was denied,

³³ Ibid.

³⁴ Ibid.

³⁵ “Playboy Case Closed,” *New York Times*, November 6, 1958, 63; “U.S. Court Upsets Ban on ‘Playboy,’” *New York Times*, October 31, 1958, 22.

³⁶ “Hugh Hefner.” FBI File for Hugh Hefner, Part 1, 1958, 29. Federal Bureau of Investigation, Department of Justice.

³⁷ “Hefner Wary of N.Y. Reprisal in Scandal.” *Chicago Tribune*, April 21 1963, 3.

³⁸ Lyon, Herb, “That Toddlin’ Town,” Tower Ticker, *Chicago Tribune*, June 13, 1963; Lyon, Herb, “Friday Wack Yak,” Tower Ticker, *Chicago Tribune*, June 7, 1963.

³⁹ “Judge Orders Hefner There, Delays Trial,” *Chicago Tribune*, June 26, 1963, 8.

⁴⁰ Ibid.

and a trial with a jury of eleven women and one man was convened in late November. The arguments were dominated by a dueling set of narratives, with the prosecution arguing that the Mansfield pictures were “filth for the sake of filth” and the defense that they were “a factual report of an upcoming movie.”⁴¹ The defense also asked, justifiably, what was so different between the Mansfield pictures and every other nude photograph *Playboy* had been publishing for the last decade? The prosecution answered that because there was a man shown in the same bed as Mansfield, and because of the language of the captions, which describe Mansfield as “gyrating,” they are set apart from *Playboy*’s previous content.⁴² Hefner, already suspecting a government conspiracy against him, took issue with this somewhat feeble justification, wondering in a later installment of *The Playboy Philosophy* if “these photographs [were] the real reason for the action taken against us? Or is it possible that *The Playboy Philosophy* itself, critical of . . . Chicago justice . . . and emphasizing that true religious freedom means freedom from as well as freedom of religion, supplied the motive?”⁴³

On December 7th the trial ended in a jury deadlocked 7-to-5 for acquittal, and, though the judge indicated that the case would be retried, no date was ever set.⁴⁴ A likely reason for this was the *Jacobellis* decision released in March of 1964 ruling that if suggestive material held any provable merit it was protected by the First Amendment, a precedent that would have come down firmly on the side of *Playboy*. Another court decision two years later confirmed that *Playboy* would likely have been found in the right: when Ralph Ginzburg went before the Supreme Court in 1966, the Court upheld his earlier convictions and ruled that if ““the purveyor’s sole emphasis [when selling their works] is on the sexually provocative aspects of his publications,” that could justify a finding of obscenity for content that might otherwise be marginally acceptable.”⁴⁵ This decision proved what Hefner already knew: the public image and

⁴¹ “Court Hears Arguments in Playboy Case,” *Chicago Tribune*, July 29, 1963, <https://www.newspapers.com/image/374681071/?terms=hugh%2Bhefner>.

⁴² Pitzulo, Carrie. *Bachelors and Bunnies: The Sexual Politics of Playboy*. Chicago (Ill.): University of Chicago Press, 2011, 66-67.

⁴³ Hefner, Hugh. “The Playboy Philosophy: Installment 11,” *Playboy*, October 1963, 81.

⁴⁴ “Hugh Hefner Loses Plea to Avoid Trial,” *Chicago Tribune*, July 30, 1963; “Jury Is Selected for Hefner Trial,” *Chicago Tribune*, November 20, 1963; “Judge Rules Mistrial in Hefner Case,” *Chicago Tribune*, December 7, 1963.

⁴⁵ Heller, Steven. “Ralph Ginzburg, 76, Publisher in Obscenity Case, Dies,” *New York Times*, July 7, 2006.

marketing strategies for sexual content were often the real determiners for what would be labeled as ‘obscene’ and what would not, rather than the content itself. If *Playboy* at any point had chosen to send out pamphlets advertising only its provocative aspects or filled its covers with lurid, sensational captions, it would have been liable for censorship; *Playboy*’s chic design, short stories, and Scandinavian sandwich recipes are what saved it from being banned.

It’s an interesting paradox that the contextuality of the magazine is what deemed the images contained within it acceptable for societal consumption, and yet at the same time the contextuality reveals the uglier side of *Playboy*’s suave, sophisticated ethos. Removed from their cushion of articles and ads, the photographs of a topless Mansfield posing in a bubble bath just look like softcore pornography. But when they are seen bookmarked by seemingly endless advertisements for equally infinite brands of gin, cologne, and tailored rayon swim trunks, the Mansfield images fit themselves into another frame: the objectified female body as a commodity, a status symbol for men to signal their aesthetic refinement and cultivated tastes. To the ideal *Playboy* man, women are an accessory like a watch or a briefcase, intended to signal his admirable have-it-allness and masculine appeal, but never conceived of as something that might be individual, conscious, complex, or fully human. *Playboy* would no sooner ask Jayne Mansfield her thoughts on Billy Wilder’s filmography than they would ask a bottle of Tanqueray.

The *Playboy* trial and the landmark cases that followed shortly after it marked the end of the disorder that dominated United States censorship laws during the mid-twentieth century. After *Jacobellis* clarified the *Roth* test, the 1972 verdict in *Miller v. California* further revised the test into the version that remains standard precedent in the 21st century.⁴⁶ It is not surprising that Hugh Hefner, a wealthy, white Protestant with a carefully cultivated persona of power and class, had a much greater advantage within the U.S. judicial system than did Jewish immigrants and children of immigrants like Samuel Roth and Ralph Ginzburg. And considering *Playboy*’s target demographic was well-off white men, it is not particularly surprising that it emerged relatively unscathed from institutions like politics and the press that, during the 1960s, were of course dominated by that exact group. But while *Playboy* may have escaped consequence, those with less power, money, publicity, and privilege did not. Critically examining how a society determines who and what is “acceptable” is essential not

⁴⁶ "Miller v. California." *Oyez*, accessed 2 Dec. 2019.

only to exposing the shortcomings of political systems that make pretenses to impartiality and justice, but to understanding the structures of complicity and prejudice that perpetuate inequity across all spheres of communal existence.

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