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EDITOR'S NOTE

“History, it has been said, is what the present chooses to remember about the past. Rather than a fixed collection of facts, or a group of interpretations that cannot be challenged, our understanding of history is constantly changing.” – Eric Foner¹

History is not a static field. As our society evolves with time so, too, does our relationship to the past. As Eric Foner notes, we are constantly revising our understanding of history in an attempt to better understand our present. It is a daunting task, doggedly questioning the stories handed to us from previous generations to find a new meaning for our own time, but it is a rewarding one. The papers within this edition take up this effort, as contributions from the Political Science department grapple with current events while contributors from the History department reevaluate how we arrived at our present understanding of the world. At the risk of exposing my own bias, I hope readers will agree that the result is a uniquely engaging collection.

I would be remiss if I did not acknowledge the elephant hiding between the lines of this year's edition of *Crescat Scientia*. The Coronavirus pandemic swept up the world in 2020, forever altering the way the collective human “we” sees the world and our interactions with one another. UVU's campus and student body were no exception and one of the unfortunate effects of the pandemic was an inability to publish in 2020 and 2021. This edition, therefore, presented a unique challenge as we strove to represent the work of three years in a single volume. I am profoundly grateful to the team of editors who rose to this challenge, without whom this edition would not be possible. I am especially grateful to the faculty advisors whose guidance and support for this venture has been invaluable: Keith Snedegar and Deb Thornton.

The title of our journal, *Crescat Scientia*, is a Latin phrase that means “let knowledge grow.” I hope this volume provides an opportunity for such growth; it certainly has for me.

Bethany Pineda
Editor-in-Chief
Crescat Scientia

1. Eric Foner, *Give Me Liberty! An American History*, Brief 6th ed. (New York: W. W. Norton & Company, 2020), xxxviii.

ADVISOR'S NOTE

Dear Reader,

Issues of *Crescat Scientia* have not appeared in the last three years. Sad to say, but even before the pandemic it was not clear that enough of our history and political science majors were invested in keeping a student-driven publication alive. That was not entirely due to indifference. While Covid disrupted many normal academic proceedings in 2020 and 2021 a small band of students strove rather valiantly to compile an issue of the journal, but their efforts did not come to fruition—at least not immediately.

I want to give special acknowledgement, then, to Bethany Pineda and her editorial team for effectively resuscitating *Crescat*. Not only have they brought together papers from 2022, they rescued a number of orphaned submissions from earlier years. Many thanks should go out to the student authors as well; if nothing else, this has been a test of their resolve and patience. Now at last their historical offerings are seeing the light of day.

I very much hope the 2022 issue of *Crescat* will reinvigorate this student publication and will serve as a model for future contributors. In a real way the journal embodies our majors' great potential in paper and ink (and, yes, electronically). Its genius is in providing the gentle test of broadcasting one's ideas. The capacity to impress with fair judgment or to make an embarrassing mistake is what the opportunity for intellectual growth is all about. And that growth is what we should call an education.

May knowledge grow.

Keith Snedegar
Faculty Advisor

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LEADER TO ALL, MASTER TO NONE:
CAPTAINCY IN THE GOLDEN AGE OF
PIRACY, 1660–1720

Jarom Loch

The year was 1719. Imprisoned in a cabin aboard his own ship, stolen from him and christened the *Windham Galley* weeks earlier by a mob of pirates near the estuary of the Rokel River in Sierra Leone, William Snelgrave experienced one of the most bizarre encounters with his captors he survived to record.

The three pirate captains who visited his chamber that day were companion thieves. Thomas Cocklyn, the hostile Englishman elected to captaincy by a crew who purportedly “resolved never to have again a Gentleman-like commander,”¹ had been the man directly responsible for the seizure of Snelgrave’s ship. Flanking him were Howell Davis, master of the twenty-six-gun *Saint James*, and the Frenchman named only ‘Le Boose’ in Snelgrave’s text, captain of the nimble *Rising Sun*. Some days before, the trio had struck the peculiar kind of volatile friendship common among sea robbers, and their ad hoc fleet of three ships now loitered at anchor off the sun-soaked Ivory Coast, sails slack in the hot afternoon. Bursting into Snelgrave’s room, the captains made no attempt to demand ransom, treasure, or valuables. They instead declared that they had found listed among

1. William Snelgrave, *A New Account of Some Parts of Guinea and the Slave Trade* (London, 1734) 199.

his belongings a collection of fine coats. When Snelgrave, perhaps slightly bewildered, affirmed that the coats were in his possession, they demanded that he bring them out. He did so, and they immediately tried them on. According to the account, the haberdashery appears to have fit Davis and Le Boose well enough, but for Cocklyn, who was “a very short man,” the coat he selected “almost reached as low as his ankles.” Embarrassed, he ordered Davis and Le Boose to trade with him, as one of the other coats may have been a better fit. Their refusal threw him into a fury, and he was only soothed by their repeated oaths that “as they were going on Shore amongst the Negroe-ladies, who did not know the white Mens fashions, it was no matter” and that “as his coat was Scarlet embroidered with Silver, they believed he would have the preference of them ... in the opinion of their Mistresses.” With Cocklyn calmed by their assurances and richly bedecked with stolen finery, the three captains boarded a boat and made for shore.²

Among their respective crews, tempers flared hot. Cocklyn, Le Boose, and Davis hadn’t consulted the Quartermaster, the appointed disciplinarian of petty misunderstandings among crewmen and the overseer of the distribution of goods,³ before taking the coats. To an outsider unaccustomed to the structure of life at sea, this could seem an innocuous mistake. As Snelgrave recorded, however, for the experienced mariners aboard Cocklyn’s *Windbam Galley*, La Buse’s *Rising Sun*, and Davis’ *Saint James*, this oversight was a flagrant abuse of authority. Hunched in knotted groups of messmates on deck, swigging the last of their plundered wine, the sea dogs muttered darkly to their compatriots that “if they suffered such things, the Captains would for the future assume a Power, to take whatever they liked for themselves.”⁴

One can imagine the well-heeled triumvirate returning to the *Galley* the next morning in high spirits with tousled hair and rumpled shirts, as Snelgrave describes them, only to have the

2. Snelgrave, *A New Account*, 255–256.

3. Charles Johnson, *A General History of the Pirates*, ed. Johan Franzén (Finland: Lennart Media, 2017), 190. Originally published in 1724.

4. Snelgrave, *A New Account*, 257.

excitement of their recent conquests quickly doused by the icy expressions etched into the faces of the mariners under their command. Snelgrave's coats were torn from them and crammed into a chest under the mast for safekeeping until they were put up for sale to the crew.

Aboard the good frigate "*The Public Imagination*," pirate captains have long been immortalized as figures of indisputable power and influence. This authoritarian image was arguably first presented by pirate historian Captain Charles Johnson in his germinal publication *A General History of the Robberies and Murders of the Most Notorious Pyrates*, where he described a captain's power as being "uncontroulable in Chace, or in Battle, drubbing, cutting, or even shooting anyone who dares deny his command."⁵ This idea has since been propagated by popular media, memorably in Dustin Hoffman's portrayal of perennial pirate baddie Captain James Hook in Steven Spielberg's film *Hook*, as well as Ian McShane's darkly subdued rendering of Edward Teach in the more recent *Pirates of the Caribbean: On Stranger Tides*. When evaluated alongside the few tales recorded by men who confronted these salty rascals face to face, however, such as William Snelgrave's story, the notion of a pirate captain wielding arbitrary power becomes problematic. Drawing from the writings of their admirers, their victims, and the old cutthroats themselves, this paper examines defining moments from the legendary careers of some of the most celebrated pirate captains in an exploration of the complex relationship between captain and crew that defined daily life aboard pirate vessels from 1660 to 1720. Each analysis of key events included throughout this paper seeks to reveal that, in contrast to the enduring image of them as tyrannical despots, the amount of influence pirate captains were able to wield in any given situation expanded and contracted as they succeeded or failed in their calculated attempts to appease their crews. The authority with which these elected masters of criminal crews could fulfill their leadership roles was deeply linked to their capacity to master an intricate, often treacherous, game of demagoguery. Since

5. Johnson, *A General History*, 191.

the voters each captain had to win balked against overweening authority figures, as seen in the public disgracing of Cocklyn and his associates in Snelgrave's tale, their capacity to play this game effectively was rooted in a generous knack for compromise, an ability to fairly allocate resources, and many, many acts of bravery.

As Jeremy Revelle, John Graham, Joseph Anderson, and John Wright testify, disagreement on the high seas was an issue not to be taken lightly. Each of these men served a brief tenure as captain of a single band of marauders who set sail from Point Negril, Jamaica in the early 1680s. Thanks to Robert Dangerfield, a member of the crew who made a detailed confession to Charleston authorities following his capture in 1684, the stories of their rises to power and subsequent depositions have been preserved: Revelle, the original leader, was ousted from power after he voted to sail for Mexico instead of New Guinea. He and the rest of the men who had voted with him were abandoned on an island with nothing but a canoe and a turtle net (a munificent gesture, as many unfortunates were marooned with far less).⁶ John Graham, described as a 'physician', was next to be voted in. He lost his captaincy after an argument with John Wright, a crewman. Instead of being marooned, he was given a ship and sent packing with seven of his friends. Under the guidance of Joseph Anderson, next in this strange succession, the marauders enjoyed a fine turn of fortune with the capture of a richly laden French vessel. However, a falling out with the same John Wright who had caused so much trouble for John Graham left Anderson disgraced, so he gathered his share of the loot and hopped ship.⁷

Dangerfield's story illustrates the common practice among buccaneers of exiling members of the community who did not share the perspectives of the majority. In a tight, stinking space

6. See Woodes Rogers, *A Cruising Voyage Around the World* (London, 1712), 92–93 for an example of the possessions a marooned sailor might be left with. This particular example comes from the story of the discovery of Alexander Selkirk, who had survived four years and four months after being marooned over a disagreement with his captain.

7. Robert C. Ritchie, *Captain Kidd and the War Against the Pirates* (Cambridge: Harvard University Press, 1986) 23–25.

such as a pirate sloop, typically crammed with unwashed, restless men, a difference of opinion could swiftly fall to blows, mutiny, banishment, or death. Peace was tenuous and required constant maintenance. The adrenaline-fueled seizure of merchantmen tended to bring men together, but these flashes of violence were often few and far between, separated by long, dull days adrift. Tempers ran short as men spent hours trapped in one another's company. Fights broke out frequently. In times of conflict, it fell to the captain to mediate between opposing parties, boost morale, and present a solution that everyone deemed agreeable. As seen in the examples presented by Robert Dangerfield, this was a role that many men struggled to fill successfully. Those few who could, however, often led the longest careers and won the devotion of their followers. A prominent example of a pirate captain who demonstrated this rare gift for political acumen lies in the dashing figure of Sir Henry Morgan.

The life of Sir Henry Morgan remains the stuff of pirate legend. Born in the County of Monmouth, Wales to a well-to-do yeoman around 1635, Morgan left home at an early age to make his fortune. "I left school too young to be a great proficient in that or other laws," he reminisced later in life, "and have been more used to the pike than the book."⁸ He helmed several of the grandest raids against Spain ever attempted in the Caribbean, making up for a relatively poor knowledge of sailing with an impressive instinct for military stratagem. Directing at times entire armies composed of hundreds of buccaneers recruited from the length of the Spanish Main, Morgan sacked Portobello, Maracaibo, and Panama, dragging heaps of pilfered treasure back to Port Royal, Jamaica, where he joined his crew in wild orgies of excess. He was arrested by the English Crown in 1672 and brought to London, though this was quickly revealed to be little more than a measure taken to defuse anxieties in the Spanish court.⁹ He was never imprisoned. Instead, he was hailed as the spiritual successor to English war hero Francis Drake by En-

8. Dudley Pope, *Harry Morgan's Way: The Biography of Sir Henry Morgan 1635–1688* (Cornwall: Stratus Books, 1977) 65.

9. David Cordingly, *Under the Black Flag: The Romance and the Reality of Life Among the Pirates* (Random House, 1996) 54.

glish glitterati, knighted by Charles II, and asked to write a letter suggesting how the defenses of Jamaica might be improved. Four years later, Morgan returned to Port Royal with a commission naming him the Lieutenant Governor of Jamaica. He died in quiet retirement, happily married, as one of the wealthiest plantation owners on the island in 1688.¹⁰

Though Sir Henry Morgan has been memorialized as an exemplary tactician and a skilled soldier, surprisingly little attention has been paid to his egalitarian leadership. The masses at his command were typically composed of disparate groups of sailors who gathered at the promise of plunder. As Morgan's reputation grew following his initial successes, so also did the size of his hordes, until he was able to raise a massive force of thirty-eight ships and two thousand men for his assault against Panama in 1670.¹¹ Fusing these separate bands of multiethnic rabble-rousers into a cohesive fighting force was an incredible achievement.

Buried in the record of Henry Morgan's exploits drafted by Alexandre O. Exquemelin is a story that highlights his mastery of the delicate politics involved with leading such a diverse group. The narrative takes place immediately following Morgan's capture of a small town in Cuba called El Puerto del Principe. According to Exquemelin, the group of men under Morgan's leadership in this instance were a mix of English and Frenchmen numbering seven hundred spread across twelve sails.¹² With supplies running low following their occupation of El Puerto del Principe, and with word that an armed Spanish force was on the way to relieve the town, Morgan demanded that the villagers hand over five hundred cattle to keep their community from being burned to the ground. The frightened occupants readily agreed. The hungry crew fell to butchering the animals, and during this grisly activity tensions between the English and French pirates festered. This came to a head in a confrontation described by Exquemelin: "A Frenchman being employed in

10. Pope, *Harry Morgan's Way*, 347.

11. Cordingly, *Under the Black Flag*, 50.

12. Alexandre Exquemelin, *Buccaneers in America* (New York: Frederick A. Stokes, 1914) 115. Originally published in 1678. Republished in 1689.

killing and salting the beeves, an English pirate took away the marrow-bones he had taken out of the ox, which these people esteem much; hereupon they challenged one another: being come to the place of duel, the Englishman stabbed the Frenchman in the back, whereby he fell down dead.”¹³

The comrades of this fallen Frenchman were understandably furious at this despicable behavior. Morgan swiftly clapped the Englishman in irons, “promising he would see justice done upon him,” and maintaining that while “he might challenge his adversary, yet it was not lawful to kill him treacherously, as he did.”¹⁴ This gesture seemed to appease the French, who remained with the crew. After reviewing a disappointing haul of booty from the venture, the French soon abandoned Morgan; though, according to Exquemelin’s description of it, the split seemed devoid of ill feelings.¹⁵ In a critical display of integrity, Morgan made good on his promise even after the French had deserted him. The offending Englishman was immediately hanged after Morgan returned to Jamaica, which Exquemelin, himself a Frenchman, remarked, “was all the satisfaction the French pirates could expect.”¹⁶ The reaction of the English comrades of the hanged man is not recorded in Exquemelin’s version of events.

Morgan’s unfailing dedication to make good on the promise he made to the French in this instance shows off the shrewd streak of diplomacy that guided many of Morgan’s decisions. Rather than leaning exclusively on the commissions he had received from the governor of Jamaica to buttress his authority, Morgan chose to act as a sensitive arbiter in a delicate situation. This ability to perform a peacemaking role proved instrumental throughout the entirety of his career, enabling him to unite thousands of men of diverse, usually uncouth, backgrounds into an effective military machine capable of defeating the might of the Spanish empire in open combat. Through the career of Sir Henry Morgan, the importance of a pirate captain’s ability to

13. Exquemelin, *Buccaneers*, 121.

14. Exquemelin, *Buccaneers*, 121.

15. Exquemelin, *Buccaneers*, 122.

16. Exquemelin, *Buccaneers*, 122.

smooth over quarrels and resolve disagreement becomes unmistakably clear.

Among the brotherhood of sea robbers, division of resources was an issue of paramount importance. The articles each seaman was expected to sign as they formally joined a crew delineated exactly how much plunder one was apportioned in the event of success. Each portion was termed a ‘share’. A single, able-bodied seaman was entitled one full share. A cabin boy could draw half a share. A captain was typically allotted four or five shares, while a first mate took two.¹⁷ As in the case of Thomas Cocklyn and his companions, violations of the agreement were penalized, with common punishments being marooning and death.¹⁸ Some cases were more extreme, such as when Captain William Kidd enforced a contract entitling him to forty shares, spurring his resentful crew to loot and burn the ship. In another instance, Kidd reported barricading himself in his office with bales of fabric and set about “preparing 40 small arms besides pistols readily charged” to defend himself against his irate crew.¹⁹ Taking four or five times (or, in Kidd’s case, forty times) the amount of booty claimed by an average member of the crew could be considered compensation for the duress of captaincy, however, this was not necessarily the case. Rather, astute pirate captains recognized that their portion of the loot was as much their property as it was the property of the crew.

The first stanza of the articles drafted by Bartholomew Roberts’ horde of rascallions asserts with no room for misinterpretation that not only was “Every Man [to have] a Vote in Affairs of Movement,” but was to enjoy an “equal Title to the fresh Provisions, or strong Liquors, at any Time seized.”²⁰ Under this arrangement, Roberts is the perfect example of how the captain became a “creature of his crew” in a curious, anar-

17. Exquemelin, *Buccaneers*, 41. These amounts are drawn from Exquemelin’s detailed description of a typical pirate contract. I highly recommend looking over it, as it grants a neat glimpse into pirate life.

18. Johnson, *A General History*, 188–190. This is based on the articles of Bartholomew Roberts.

19. Robert C. Ritchie, *Captain Kidd and the War Against the Pirates* (Cambridge: Harvard University Press, 1986) 119.

20. Johnson, *A General History*, 188.

chical pirate society.²¹ Johnson goes on to describe how aboard Roberts' vessel "every Man, as the humour [took] him, [would] use [Roberts'] Plate and China, intrude into his Apartment, swear at him, seize a Part of his Victuals and Drink . . . without his offering to find Fault or contest it."²² By allowing his men to rob him at their leisure, however, Bartholomew Roberts enjoyed undisputed mastery of his ship. In this way, acts of generosity and cultivating an 'open door' policy heavily buttressed a pirate captain's claim to authority. Such liberality was not solely implemented among Roberts' crew, either. Exquemelin mentions an unnamed captain who liked to buy a full pipe of wine after successful voyages. He then rolled the barrel outside, where he stood on the street inviting passersby to drink with him. If they refused, he forced them to share a glass with him at gunpoint.²³ William Snelgrave describes pirates in Thomas Cocklyn's crew indulging in stolen alcohol together wholesale.²⁴ The old, wily Edward Teach himself, according to scurrilous rumor, shared more than gold and beer with his crewman, allowing them the use of his several wives, as well.²⁵

If a pirate captain was a suave arbiter and succeeded at fostering a magnanimous image, they probably enjoyed a somewhat peaceful relationship with their crew. This relationship was, of course, plagued by the grind of daily mundanity, but their authority was most likely acknowledged. To consolidate their claim to power, though, a pirate captain also needed to be pistol proof.

The image of the swarthy, broad-chested sea wolf swaggering aboard a newly sacked ship with a cutlass in one hand, a musket in the other, and six pistols jammed into his waistband that so typically illuminates the silver screen in blockbuster pirate flicks is not far removed from reality, as William Snelgrave's description

21. Marcus Rediker, *Villains of All Nations: Atlantic Pirates in the Golden Age* (Boston: 2004), 65, quoted in Gabriel Kuhn, *Life Under the Jolly Roger: Reflections on Golden Age Piracy* (Oakland: PM Press, 2010), 33.

22. Johnson, *A General History*, 191.

23. Exquemelin, *Buccaneers in America*, 51.

24. Snelgrave, *A New Account*, 234.

25. Johnson, *A General History*, 78. As there is no evidence to support the claim, this is probably sensationalized claptrap.

of being approached by “a tall man, with four Pistols in his Girdle, and a broad Sword in his Hand”²⁶ verifies. Among the ruffians that populated pirate ships, cultivating a warrior image was highly important. Toting an array of weaponry was one way to do just that. Pirate captains were no exception to this unspoken rule. How they went about establishing that image was just as crucial. While their crewmen were well adjusted to the harsh punishments and hard knocks of sailing life, they bristled against outright abuse. An estimated ninety eight percent of the Anglo-American scalawags to sign the pirate articles described themselves as professional mariners with extensive experience crewing Royal Navy warships, merchantmen, or privateers.²⁷ Legal documents recording the confessions of these men reveal that many of them had turned to piracy specifically to escape the torture of living within the cruel shadows of “Masters of Vessels [who] use their Men . . . with so much Severity.”²⁸ A vivid example of the damage a heavy-handed captain could wreak on the morale of his crew with intimidation and bullying is found in the following description of Captain William Kidd:

Kidd carries a very different command from what other pirates use to do, his commission having heretofore procured respect and awe, and this being added to by his own strength, being a very lusty man, fighting with his men on any little occasion . . . threatening any one that durst speak of anything contrary to his mind to knock out their brains, causing them to dread him, and are very desirous to put off their yolk [*sic*].²⁹

Along with that description, it is worth noting that Kidd had been marooned once before by a disgruntled crew. His

26. Snelgrave, *A New Account*, 214.

27. Marcus Rediker, *Between the Devil and the Deep Blue Sea: Merchant Seamen, Pirates and the Anglo-American Maritime World, 1700–1750* (New York: Cambridge University Press, 1989) 258.

28. George Francis Dow and John Henry Edmunds, *The Pirates of the New England Coast 1630–1730* (New York: Dover Publications, 1996) 325.

29. Samuel Charles Hill, *Notes on Piracy in Eastern Waters* (Bombay: British India Press, 1923), 115, quoted in Ritchie, *Captain Kidd*, 102.

myopic leadership ultimately authored his public downfall and subsequent hanging.

Prudent captains, then, avoided violence when personally governing their crews. This is not to say violence did not exist on their ships—on the contrary, it abounded. Sailors were welcome to brawl amongst themselves, and the quartermaster’s whip was often in use. It is crucial to note, however, that while they refrained from tormenting their crewmen, captains harbored no qualms about beating, torturing, and maltreating perceived enemies. While they did not necessarily need to be physically stronger, bigger, or more aggressive than their henchmen to be respected, all records make it abundantly clear that when the sails of a prospective prize drifted into view on the horizon, they needed to seize the initiative. Edward Teach himself, the infamous pirate forever immortalized by his “remarkable black ugly beard”³⁰ definitively attested to the truth of this phenomenon in the following entry, allegedly taken from his journal, which was recovered following his death, “A damn’d Confusion amongst us! —Rogues aplotting; —great Talk of Separation. —So I look’d sharp for a Prize; —such a Day took one, with a great deal of Liquor on Board, so kept the Company hot, damned hot, then all Things went well again.”³¹

Blackbeard’s terse entries illustrate the pressure a captain was under to offer his crew the promise of treasure whenever possible. As long as wine flowed, doubloons jingled in pockets, and pieces of eight were available for gambling, a captain’s less desirable qualities became tolerable. Major Stede Bonnet, for example, was a prosperous gentleman on the island of Barbados when he purchased a ship, hired a crew, and took to the waves to plunder his way to fame. With no previous maritime experience, he was clueless about even the fundamentals of operating a vessel. Whenever a merchantman drifted too close, though, Major Bonnet did not hesitate to give chase.³² For this, his men were willing to overlook his novice seafaring skills. A similar

30. Johnson, *A General History*, 90.

31. Johnson, *A General History*, 87.

32. Summary taken from Johnson, *A General History*, 89–104.

case is found in the short career of ‘Calico Jack’ Rackham, who memorably left the bulk of the fighting to his female companions Anne Bonny and Mary Read when he was captured.³³ Most crewmen signed the articles under a ‘no prey, no pay’ agreement. As this was the case, when captains made the decision to pursue a prize, they demonstrated to their supporters a personal investment in their financial success. This did much to cultivate the relationship between captain and crew that comprised the backbone of pirate enterprise.

Pirate captains: many remember them as domineering tyrants of cramped, filthy kingdoms populated by the dirtiest criminals known to the 18th century. Primary sources suggest that this was not altogether the case. Violence, poor hygiene, and general coarseness certainly marked seafaring life, however, a captain’s claim to power was not as irrefutable as it has been popularly illustrated. Analysis of the records left behind by those who interacted with these intrepid marauders, those who sailed in their company, and those who condemned them to dangle from gibbets at Execution Dock suggests that these figures, typically men, actively defended their claims to authority in an elaborate dialogue between leader and led. Thanks to the uniquely democratic structure of their ad hoc society, unprecedented for their time, pirate captains turned away from the oppressive leadership styles exemplified by their contemporary monarchs and governments. Their distinctive brand of administration embraced generosity with personal possessions, a keen sense for fairness and compromise, and a capacity to deliver on their promises of booty with acts of bravery. Though they wielded an authority closely regulated by their libertine constituents, the best of them managed to leave behind a prodigious legacy of duplicitous skullduggery, madcap adventures, and general malfeasance that continues to bewitch the world they once terrorized.

33. Johnson, *A General History*, 147. Rackham was purportedly permitted to visit Mary Read in her cell before his execution. When he entered, she allegedly said that “she was sorry to see him there, but if he had fought like a man, he need not have been hang’d like a dog.”

THE SCIENCE OF EUGENICS AND ITS IMPACT ON MINORITY GROUPS

Kathleen Caringella

Charles Darwin's *The Origin of Species* was first published in 1859. Aside from the challenges and controversies that the book brought to religious thought and organizations, it also brought about a large change to the way scientists approached biology, their research, and understanding of the world. With its groundbreaking and earthshaking claims, other scientists of the time began their own research surrounding the concepts Darwin had suggested. What began with the understanding of the evolution of plants and animals soon developed into research on how this new theory affected humans. These new and modern ways of thinking further developed the understanding of biology at a rapid pace; however, many of these new findings regarding humans were tainted with preconceived notions of the time. These misunderstandings were used as scientific fact to justify sexism, racism, and colonialism at the benefit of those in a dominant position in society, specifically, white men in the United States.

The ideology of eugenics was a product of this and followed soon after Darwin's breakthrough work. Eugenics, first introduced in 1883, is "the science of improving inherited stock . . . to give the more suitable races a better chance of pre-

vailing speedily over the less suitable.”¹ Francis Galton, a cousin of Charles Darwin, wrote many reviews of Darwin’s work and was a fervent supporter of it. Eugenics accompanied Charles Darwin’s work as well as the theory of “social Darwinists,” who held the belief that people and groups of people ought to operate under the same natural selection and survival of the fittest ideologies as Darwin had discussed in his works on plants and animals. Galton’s research worked alongside Darwin’s theory of evolution and began with a study on plants, which soon shifted to how his findings could be beneficial to humans. His research and published works were meant to explain the need for good genes in order to produce the best possible offspring as well as the methods in which to do so, including an explanation as to how genes are passed from parent to child.² The idea was that if people understood how genes are passed from parent to child, the next logical step would be to take control of the process and decide how to breed the best humans. In order to guide the operation, Francis Galton created a system that put human intellectual characteristics on a classifying scale of worth: “gifted, capable, average, or degenerate.”³

With this scale, he advised that governments keep records of their citizens’ lineages and counseled for the separation of children from parents who were within the degenerate group and labeled as “feeble minded, habitual criminals, and the insane”; Galton also suggested that individuals ought to keep extended family health records in order to track intelligence and mental health issues occurring within their families.⁴

Although Francis Galton was English, his eugenics theory was taken to heart throughout the world. In the United States, the American Eugenics Society was formed in 1927 and exerted enough influence in American society to have eugenics laws passed throughout the country. By 1931, 27 states had adopt-

1. Francis Galton, *Inquiries into Human Faculty and Its Development* (Bristol: Thoemmes Press, 1998), 17.

2. David J. Galton and Clare J. Galton, “Francis Galton and Eugenics Today,” *Journal of Medical Ethics* 24, no. 2 (1998): 100. <https://doi.org/10.1136/jme.24.2.99>.

3. Galton, *Inquiries into Human Faculty*, 246.

4. Galton and Galton, “Francis Galton,” 101.

ed some of his recommended policies, such as sterilization laws, which had an extremely detrimental effect on minority groups, especially on the women belonging to those groups.⁵ Euro-Americans used the science of eugenics to shape policy that was ultimately beneficial to them while truly detrimental to minority groups, such as the native peoples in the colonies of the Philippines and Hawai'i, African Americans, and Native Americans, the latter two groups to the point that the results of these policies can be considered genocide. Policies based on Francis Galton's eugenics research and recommendations have had the biggest impact on women, not only because their bodies are the ones being subjected to the surgeries but also because of the misunderstood physical differences in male and female brains that was developing around this same time. These misconceptions are still being struggled with as they have been deeply ingrained in American society.

Before many of the eugenics laws began to spread throughout the United States, the study of the psychological and physical differences between men and women was of great interest to many. The study of the physical brain demonstrated that women's brains were smaller than men's brains. The differences in size led to the belief that a smaller brain must affect a female's intelligence and that a male would naturally be more intelligent and less emotional as they possess larger brains.⁶ The reason for the difference in size could not possibly be attributed to the difference in average body size between men and women. Once it was concluded that women's brains were smaller and that women were, therefore, less competent and intelligent, this led to the justification for the treatment of women as a subjugated group who was unfit for anything beyond being a wife and mother as they were less competent and intelligent than white men.⁷

Questions arose as to the intelligence status of other non-

5. Galton and Galton, "Francis Galton," 101.

6. Stephanie A. Shields, "X. Functionalism, Darwinism, and Intersectionality: Using an Intersectional Perspective to Reveal the Appropriation of Science to Support the Status Quo," *Feminism & Psychology* 26, no. 3 (2016): 358, <https://doi.org/0.1177/0959353516655371>.

7. Shields, "X. Functionalism," 358.

white men to explain the technological differences between the races: “Race and gender are essentially part of the same story . . . of why white, northern European males of the privileged classes were at the top of the evolutionary heap in terms of cognitive and moral capacity and cultural superiority.”⁸ The brains of women were considered to be interchangeable with those of other “inferior” peoples and were used to explain the differences in scientific advancements between primitive groups.⁹ Because the brains of women were thought to be interchangeable with “inferior” peoples, this solved the question for scientists as to why there was a large difference in scientific advancements between primitive groups as well as to why white women were inferior to white men in culturally advanced societies. It was generally agreed upon that “civilized,” meaning white races, would replace less civilized races because of their far superior intellect. This idea justified continued colonialism by the United States as well as the other laws that came about in an effort to control the populations of these groups.¹⁰

The United States began to expand into Hawai‘i and the Philippines in 1898 and used the ideas of eugenics to justify their colonialism and racism with the goal to “not just blend two races into one, [but to cause] the disappearing of one race into another.”¹¹ The way this was accomplished was by allowing white American men, tourists, and men from the armed forces to intermarry with the native women of the Pacific. Thus, sex was considered to be “essential” in the consolidation and maintenance of colonial rule.¹² Interracial marriages were looked highly upon as a tool to accomplish political goals for gaining and extending their power over the islands and Pacific as well

8. Shields, “X. Functionalism,” 358.

9. Shields, “X. Functionalism,” 356.

10. Shields, “X. Functionalism,” 359.

11. Maile Renee Arvin, *Possessing Polynesians: The Science of Settler Colonial Whiteness in Hawai‘i and Oceania*, ed. Catherine Ceniza Choy and Judy Tzu-Chun Wu (Durham: Duke University Press Books, 2019), 102.

12. Tessa Ong Winkelmann, “Rethinking the Sexual Geography of American Empire in the Philippines Interracial Intimacies in Mindano and the Cordilleras, 1898–1921,” in *Gendering the Trans-Pacific World*, ed. Catherine Ceniza Choy and Judy Tzu-Chun Wu (Leiden: Brill, 2017): 65.

as to “disappear” the native races into the Caucasian race.¹³ Intermarrying between white men and indigenous women was such a beneficial asset to the United States’ colonial project that publications distributed in the contiguous forty-eight portrayed Native Hawai’ian women as “hula girls” who were exotic, but not too exotic, as a way to entice more white American men to Hawai’i. This ingrained the deeply entrenched colonialism and racism that still exists in Hawai’i today.¹⁴

Similarly, in the Philippines during this time, Americans focused on gaining control of the islands by controlling the population. The government parceled out homesteads to white American men and their native wives as a way to Christianize and outnumber the Muslims in the southern region and the indigenous tribes in the north by implementing policies of “pacification” and “amalgamation.”¹⁵ The purposes of these policies was not only to gain control of the area for military and political purposes but also to “whitening a native population by engulfing the human and natural resources of a place for the purposes of white settlers.”¹⁶ When the United States army withdrew from the Philippines and returned home, most of the married men chose to leave their indigenous children and wives on the Islands.¹⁷ While this was not the case in Hawai’i as occupation has continued, racism against Native Hawai’ians remains. Some perceptions of native Hawai’ians are still blatantly racist, while the “good” the majority were considered lazy, drunks, liars.¹⁸ The disdain for Native Hawai’ian men and simultaneous sexualization of Native Hawai’ian women is an ongoing issue.¹⁹ This continuing racial issue is a result of the practice of eugenics and attempts to exert control of the races since the nineteenth century. Following the United States’ occupation of the Philippines and Hawai’i and the eruption of two

13. Winkelmann, “Rethinking,” 65.

14. Arvin, *Polynesians*, 119.

15. Winkelmann, “Rethinking,” 65.

16. Arvin, *Polynesians*, 19.

17. Winkelmann, “Rethinking,” 66.

18. Arvin, *Polynesians*, 107.

19. Arvin, *Polynesians*, 118.

world wars, ideologies evolved.

After World War II, being openly for eugenics as a way to produce superior humans as not considered to be as acceptable as it had before the war as it was now so closely tied to the Nazis and their atrocities; however, eugenics did not go away in the United States.²⁰ The focus shifted from developing a better human to exercising control over the population and becoming a tool to be used in the eradication of poverty. A number of concerns regarding population arose. A boom in population around the world after the war was also followed by a drop in the death rate due to advances in medicine and science. Both led to fears of overpopulating the Earth and to the worry that the number of people would not be sustainable as the number of those depending on welfare and living in poverty grew.²¹ Multiple groups were created throughout the fifties, sixties, and seventies to help address the perceived problem of the rapidly expanding population, these groups included the Population Control Council from 1952, formed by John D. Rockefeller III; the Committee on Population and Family Planning in 1968, created by President Lyndon B. Johnson; and the Commission on Public Growth and the American Future in 1970, created by President Richard M. Nixon.²² The groups' main agendas were controlling the population of "undesirable" and lower income groups. Unfortunately, there is a very stark contrast in who is impoverished in the United States, and the divide is easily seen between the races, African Americans and Native Americans having the highest percentages of people living in poverty.²³ Eugenic laws that had been adopted began to be implemented, and women of color were the vast majority of those who were

20. Meg Devlin O'Sullivan, "Informing Red Power and Transforming the Second Wave: Native American Women and the Struggle Against Coerced Sterilization in the 1970s," *Women's History Review* 25, no. 6 (2016): 967, <https://doi.org/10.1080/09612025.2015.1083229>.

21. O'Sullivan, "Informing Red Power," 970.

22. O'Sullivan, "Informing Red Power," 967.

23. Gregory N. Price and William A. Darity Jr., "The Economics of Race and Eugenic Sterilization in North Carolina: 1958–1968," *Economics and Human Biology* 8, no. 2 (2010): 269, <https://doi.org/10.1016/j.ehb.2010.01.002>.

subjected to the abuse of sterilization laws.²⁴

Even before World War II and eugenicists' abandonment of the goal to develop a better human, African Americans were one of the main groups that was demarcated as needing population control as they were considered "biologically unfit . . . [and] presumably would undermine prospects for national economic well-being."²⁵ The American Eugenics Society advocated for birth control to be implemented as a strategy to "breed out the unfit."²⁶ The belief that the impoverished were a drain on the economy resulted in the concept that the best solution would be to eliminate poverty, not through policies designed to help these people to succeed and rise out of poverty but to put an end to the actual people with the use of birth control because it was believed that poor people have "a genetic predisposition toward impatience and lack of foresight."²⁷

Margaret Sanger, founder of the American Birth Control League, and a member of the American Eugenics Society began a "Negro Project" to teach Black Americans about birth control as well as to ultimately control their reproduction.²⁸ The latter was carried out by the Birth Control Federation of America as they reasoned that "blacks reproduced excessively relative to whites, resulting in blacks contributing disproportionately to the population of the unintelligent and unfit."²⁹

Thirty states passed sterilization laws in the beginning of the twentieth century. One state in particular stands out as being the worst offender in enforcing eugenic sterilizations against African Americans. North Carolina "authorized over 8,000 eugenic sterilizations" between 1929 and 1977, when the laws were overturned, which is nearly 200 sterilization procedures conducted a year. Only 468 had been done voluntarily, and most of the forced surgeries followed an unmistakable racial bias.³⁰ By targeting a particular group of people based on their

24. O'Sullivan, "Informing Red Power," 975.

25. Price and Darity, "The Economics of Race," 261.

26. Price and Darity, "The Economics of Race," 263.

27. Price and Darity, "The Economics of Race," 263.

28. Price and Darity, "The Economics of Race," 263.

29. Price and Darity, "The Economics of Race," 263.

30. Price and Darity, "The Economics of Race," 265.

race or nation and killing them with the intention of destroying that group, “the parameter estimates are consistent with genocide.”³¹ While the people themselves were not killed, their ability to create families was taken away and, in essence, killed.

Another example of eugenic sterilization laws being used to commit a genocide is with the Native Americans. The so-called “Indian Problem” has been an issue for the United States government from the beginning. American Indians were continually forced out of their homelands and finally onto reservations as a way to get them out of the way and free up land for white Americans to settle. This type of colonialism is called settler colonialism, where instead of simply demanding labor, the demand is for the indigenous people to disappear: “Settler colonialism assumes the natural demise of the indigenous race.”³² When Native Americans did not breed themselves out on their reservations, forced sterilization became a possible solution to “The Indian Problem” and was adopted as policy by the Bureau of Indian Affairs.³³ The years following World War II are known as the Termination Era because Native American tribes were being pushed to disband and quit their reliance upon the government for their treaty rights.

Part of the reason for the disbanding was that the Federal Government was ready for these groups to become fully integrated and disappear into the rest of the population of the United States as assimilation with American culture has been an end goal for American Indians. Another reason was to be able to discontinue the need to provide these treaty rights such as medical care that was laid out in the various treaties.³⁴ Doctors from Indian Health Services conducted many sterilizations on Native American women.³⁵ These sterilizations frequently were conducted without the women’s knowledge or consent in various ways: women were given incorrect or incomplete information; they were told the surgery was reversible. Some

31. Price and Darity, “The Economics of Race,” 270.

32. Arvin, *Polyynesians*, 19.

33. O’Sullivan, “Informing Red Power,” 974.

34. O’Sullivan, “Informing Red Power,” 973.

35. O’Sullivan, “Informing Red Power,” 968.

women were told that they would lose their children if they refused or were given consent forms to sign when they were still heavily medicated from the labor medications used during this time.³⁶ This information came to light after 1975, when the Self Determination Act was put into place and power was moved away from the Bureau of Indian Affairs to Native tribal councils.³⁷ An Indian Health Service doctor, Constance Redbird Pinkerton-Uri, called attention to instances of forced sterilization without consent, which, fortunately, led to a government study.³⁸ This study looked at the years between 1973 and 1976 and found that 3,406 indigenous women underwent forced sterilization surgeries.³⁹ This resulted in more than 1,100 women abused each year of the study, with the assumption that such surgeries had been taking place for many more years before the findings. This alarming discovery led to an uproar and protests by Women of All Red Nations (WARN) and others, which brought about the end of eugenics laws.⁴⁰

Euro-Americans used the science of eugenics and social Darwinism to their advantage as they expanded their political, colonial, and economic power across the Pacific Ocean in both Hawai'i and the Philippines and as they continued to maintain and increase their power with the construction of policies and laws that were developed to persecute minority groups in the United States that ultimately had the same effect as a genocide.

Laws allowing for sterilizations were abolished in the 1970s, but "covert eugenic practices that affect reproductive choices" are still taking place in the United States, such as was recently reported to be occurring in the ICE camps.⁴¹ Current opinions about race are continuing to be informed by the ideas of "mongoloid, negroid, and caucasoid races"⁴² within distinct racial groups than between them; however, there are very real

36. O'Sullivan, "Informing Red Power," 971.

37. David R. Edmunds, Frederick E. Hoxie, and Neal Salisbury, *The People: A History of Native Americans* (New York: Houghton Mifflin, 2007), 437.

38. Edmunds et al., *The People*, 437.

39. Edmunds et al., *The People*, 437.

40. Edmunds et al., *The People*, 437.

41. Galton and Galton, "Francis Galton," 102.

42. Arvin, *Polynesians*, 13.

consequences to how people view and treat others based on their ideas of race. Racial issues in the United States need to be addressed, acknowledged, and healed in order to ensure that all people are free and equal. As our understanding of our genes and the ability to manipulate these genes continues to evolve and grow while also accompanying the work that must be done to bring more equality to all peoples in the US, more stringent laws and proper oversight are needed to keep minority women from continuing to be abused.

SOLVING STUDENT LOAN DEBT

Ashlyn Covington

The documentary *College Incorporated* introduces and defines the concept of for-profit colleges. For-profit colleges are different from public or private colleges because for-profit colleges are owned and operated by private companies.¹ Another difference is that investors and stakeholders manage for-profit colleges. The companies that manage these colleges are hoping for a profit, but they intend to use the money for other non-educational purposes.² The documentary uses the University of Phoenix as an example of a typical for-profit college. The University of Phoenix has many locations around the country and offers classes online for students' convenience. The enrollment process for this school is quick, and applying for loans is simple. They advertise that anyone can succeed in their classes. This school, among other for-profit colleges, claims to benefit the students that "traditional schools gave up on."³ In reality, for-profits are nothing more than a scam.

The documentary *A Subprime Education* covers why for-profit colleges are a scam. To have a consistent profit each month,

1. John Maggio and Martin Smith, *College, Inc.*, (Boston, Frontline co-production with RAINmedia, Inc., 2010), <https://www.pbs.org/wgbh/pages/frontline/collegeinc/>.

2. Maggio and Smith, *College, Inc.*

3. Maggio and Smith, *College, Inc.*

for-profit colleges have to meet a monthly enrollment quota.⁴ The documentary reveals for-profit colleges have instructed recruiters to utilize forceful and predatory recruitment tactics to ensure that people sign up.⁵ These recruiters come off as friendly, as if they are trying to get to know potential students, but they are just trying to find out about the person's problems. The recruiters then use these problems against the prospective student.⁶ Recruiters convince prospective students that they need the for-profit college to help them fix their problems.⁷ Most students who enroll in for-profit colleges are part of the low-income or middle classes and must take out a loan to pay tuition.⁸ The recruiters target low-income individuals for enrollment when it is clear they cannot afford school.⁹ Students at a financial disadvantage are approved for student loans even though it is obvious they are not capable of paying them back.¹⁰ For-profit colleges promise prospective students a prestigious degree and job placement services, which leads them to believe that they will pay off their debts.¹¹

Before watching these documentaries, I had seen ads from some of the for-profit colleges that the documentaries mentioned, such as Grand Canyon University, The University of Phoenix, DeVry University, and Argosy University. The ads were often relatable and made the college experience seem straightforward if one enrolled at their school. Based on the evidence from the documentaries, this could not be further from the truth. I think the increased development of for-profit colleges stems from the failing education policies of higher education. Investors and companies realize that the education system is failing, and they decide to take advantage of aspects

4. Marcela Gaviria, *A Subprime Education*, (Boston, Frontline co-production with RAINmedia, Inc., 2016), <https://www.pbs.org/wgbh/frontline/film/a-subprime-education/>.

5. Gaviria, *A Subprime Education*.

6. Gaviria, *A Subprime Education*.

7. Gaviria, *A Subprime Education*.

8. Gaviria, *A Subprime Education*.

9. Gaviria, *A Subprime Education*.

10. Gaviria, *A Subprime Education*.

11. Gaviria, *A Subprime Education*.

of this problem, such as rising tuition costs and the debt crisis, to sell their scam.

The average college student owes \$25,000 in student debt, totaling \$1.3 trillion.¹² It is not controversial to say that there is a student debt crisis in this country. Two million students have defaulted on their student loans in the last six years, meaning they have not kept up with their payments.¹³ The financially disadvantaged are at the mercy of this broken debt repayment system, which is not income-based, but relatively a one-size-fits-all approach. Students who default on their loans the most are disproportionately students who graduated from for-profit colleges.¹⁴ For-profit colleges promised students a degree from their self-proclaimed accredited college and job placement services, which were lies to convince them to enroll at the school.¹⁵ Many companies will not hire students from for-profit colleges because they did not receive adequate training or experience for the job.¹⁶ The lack of knowledge and training that for-profit colleges provide is a reason many students from for-profit colleges end up working low-paying jobs—often jobs that they did not go to school for—or are unemployed.¹⁷ Soon after graduation, for-profit college graduates are drowning in debt without a substantial income to pay it off.¹⁸

Senator Bernie Sanders and Senator Elizabeth Warren gave their input on what they thought was the best way to solve the student debt crisis. Sanders proposed canceling all student debt and instituting free tuition for public colleges and universities.¹⁹ Some criticized this idea, claiming that it did not address the

12. Tom Price, “Student Debt: Should College Tuition Be Free?” *CQ Researcher*, 26, no. 41 (November 18, 2016), <https://library.cqpress.com/cqresearcher/document.php?id=cqresrre2016111800>.

13. Josh Mitchell, “The Long Road to the Student Debt Crisis,” *The Wall Street Journal*, June 7, 2019, <https://www.wsj.com/articles/the-long-road-to-the-student-debt-crisis-11559923730>.

14. Maggio and Smith, *College, Inc.*

15. Gaviria, *A Subprime Education..*

16. Gaviria, *A Subprime Education..*

17. Gaviria, *A Subprime Education..*

18. Price, “Student Debt.”

19. “College for All and Cancel All Student Debt,” *Bernie Sanders Official Website*, <https://berniesanders.com/issues/free-college-cancel-debt/>.

main contributors of high debt: housing, textbooks, and school supplies.²⁰ To build upon Sanders' proposal, Warren proposed universal debt-free college for two-to-four-year public colleges and canceling student debt in the United States.²¹ Warren's proposal would cover students' costs for tuition as well as other payments they owe, such as housing and textbooks.²² While both of these solutions appear to be productive in solving the problem, I would like to argue otherwise. Free tuition would place much of the financial burden on the taxpayers. This solution focuses on public and private colleges and universities instead of for-profit colleges whose students have twice as much debt as students at public and private colleges and universities.²³ Canceling student debt or making college tuition free is not addressing the problem of why there is so much money owed per student. I propose two possible solutions: fixing the debt repayment system or privatizing the student loan system.

The first proposed solution would tackle the broken debt repayment system. This would be done by decreasing "borrowers' monthly payments and [increasing] the time they have to repay the debt."²⁴ This solution would ease the financial burden of student loan payments. If a student is having trouble making their debt repayments, ideally, they should have a repayment plan that would fit their needs. Student loan repayment plans do exist, but it is difficult "to navigate this bureaucracy," meaning those who need the most help are probably not receiving it.²⁵ Some policymakers have proposed automatic enrollment in

20. Sean Rameswaram and Noel King, "Tuition: Impossible," April 25, 2019, in *Today, Explained*, Vox Media Podcast Network, <https://podcasts.apple.com/ca/podcast/tuition-impossible/id1346207297?i=1000436487440>.

21. Rameswaram and King, "Tuition: Impossible."

22. Rameswaram and King, "Tuition: Impossible."

23. William Chittenden, "Canceling Student Loan Debt Will Barely Boost the Economy, But a Targeted Approach Could Help Certain Groups," *The Conversation*, July 22, 2021, <https://theconversation.com/canceling-student-loan-debt-will-barely-boost-the-economy-but-a-targeted-approach-could-help-certain-groups-162076>

24. Maggie McGrath, "The Best Way to Fix the Student Debt Crisis (and It's Not Free Tuition)," *Forbes*, January 11, 2021, <https://www.forbes.com/sites/maggiemcgrath/2016/01/07/the-best-way-to-fix-the-student-debt-crisis-and-its-not-free-tuition/?sh=3b5c028637dd>.

25. McGrath, "The Best Way."

repayment plans that would negate the need for a redesigned repayment system.²⁶ A student with loan debt would automatically sign up for a repayment plan when they miss a payment on their loans.²⁷

Redesigning and implementing a debt repayment plan would have to be led by the federal government as a nationwide measure or by each state. As with many national measures such as education policies, this system may become muddled and receive push back from the states if it were to be implemented by the federal government. To avoid a national upset, depending on the states to implement such a policy might be a better option. The federal government would have to introduce a measure that would guarantee that states implement a policy because some states might not implement a policy at all if given the option. I think this proposed solution is a politically and publicly feasible option to solve the student debt crisis because it targets the root of the problem: students missing loan payments.

The second proposed solution would tackle the student loaning system itself. It involves removing the federal government from the student loan process altogether because they are one of the main contributors to student debt.²⁸ Students with low income or a major that primarily provides low-income jobs still receive approval for student loans “because federal loan money is handed out with little scrutiny as to the student’s ability to pay it back.”²⁹ Due to the liberal approval of student loans, colleges do not have an incentive to reduce tuition.³⁰ Removing the federal government from the student loan process would require the privatization of the system. A private student loan system would use income share agreements, “a loan in which [the student] receive[s] money to fund [their] education . . . [committing] to pay the ISA provider a fixed percentage of [their] income . . . after [they] finish school.”³¹

26. McGrath, “The Best Way.”

27. McGrath, “The Best Way.”

28. “Why College Costs Are out of Control,” *The Heritage Foundation*, 2019, <https://www.heritage.org/education/heritage-explains/why-college-costs-are-out-of-control>.

29. “Why College Costs.”

30. “Why College Costs.”

31. Ryan Lane and Colin Beresford, “What Income Share Agreements Are, and How

Using income share agreements would be beneficial because the student consents to the contract's terms, which specifies the student's payment percentage, when that payment is due each month, and when the student's expense is complete.³² The amount of money owed in an income share agreement is income-based, meaning a lower income allows a student to pay lower payments per month.³³ Income share agreements are controversial because some argue that income share agreements may not have the students' best interests in mind.³⁴ Investors want a return on their investment, resulting in the main focus of income share agreements being placed on the investors.³⁵ This is a gross misrepresentation of the majority of income share agreements. Most income share agreements offered are beneficial to both parties, complete with repayment plans that fit a student's individual need.³⁶ The potential of earning an income share agreement incentivizes students to get good grades in school and pick majors that provide better-paying job opportunities in hopes of being able to pay off the loan faster.³⁷

The privatization of the student loan system would have to be implemented by the states themselves because the federal government would not willfully choose to remove itself from the system. It would be incredibly cumbersome to replace the federal government's student loan system because of how complex it is and the billions of dollars that are involved.³⁸ The states would implement income share agreements, allowing them to determine who would be providing the income share agreements, the options for providers being the college, private companies,

They Work," *NerdWallet*, October 26, 2021, <https://www.nerdwallet.com/article/loans/student-loans/income-share-agreements-what-students-should-know-before-borrowing>.

32. Lane and Beresford, "What Income Share Agreements Are."

33. Lane and Beresford, "What Income Share Agreements Are."

34. Martin Hunter, "Event Weighs the Pros and Cons of Income Share Agreements", NAFSA, September 25, 2019

35. "Event Weighs the Pros and Cons."

36. Lane and Beresford, "What Income Share Agreements Are."

37. "Why College Costs."

38. Preston Cooper, "Student Loans Need Real Privatization," *Forbes*, July 22, 2016, <https://www.forbes.com/sites/prestoncooper2/2016/07/22/student-loans-need-real-privatization>.

or individuals. Privatizing the student loan system and replacing it with income share agreements would greatly benefit college students and the economy.

The student debt crisis is taking a severe toll on the American student population, impacting the economy.³⁹ First, the for-profit college system is not providing the future American workforce with the opportunities they need to succeed. They prey on the vulnerable and those ignorant to the for-profit scam, knowing that they will owe exorbitant amounts of money for years to come.⁴⁰ Second, all students—even those who did not graduate from for-profit colleges—must sacrifice an obscene amount of money to pay for their education.⁴¹ Colleges and universities have no right to be charging so much money and placing their students at such an economic disadvantage. The student loan crisis is a problem that concerns the whole country because it negatively impacts students and the economy.⁴² To fix the student debt crisis and right the wrongs of the for-profit college scam, swift action must be taken by Congress and the Department of Education. Action would include putting rules in place that would require the schools to be honest to potential students about the quality of the education they are receiving and the amount of debt they will be taking on and placing them in jobs respective to their major after they have graduated.

39. Camilo Maldonado, “Price of College Increasing Almost 8 Times Faster Than Wages,” *Forbes*, July 24, 2018, <https://www.forbes.com/sites/camilomaldonado/2018/07/24/price-of-college-increasing-almost-8-times-faster-than-wages/>.

40. Gaviria, *A Subprime Education*.

41. Mitchell, “The Long Road.”

42. Chittenden, “Canceling Student Loan Debt.”

USING NEOREALIST THEORY TO EXPLAIN PAKISTAN'S BALANCING AGAINST INDIA

Samuel Elzinga

Pakistan and India's rivalry is one of the longest and most volatile of its kind in the world. The tensions began almost immediately after both countries gained independence from the British empire. Compared to India, Pakistan lacked much of what India already had upon independence, namely a robust infrastructure, a large economy, and large population¹, and has employed two types of balancing. First, Pakistan has developed robust military balancing measures, such as a large increase in defense spending and developing nuclear weapons to, at the very least, be a technological peer competitor to India in hopes that it will deter aggression. A diplomatic balancing strategy with great powers to provide security from India as well.² The diplomatic balancing Pakistan employs is much more effective at achieving its ultimate goal of state survival and security due to its geostrategic location in South Asia and minimal constraints to do so from the international structure.

To fully understand the nature of the conflict, however, the origins of Indo-Pakistani tension and competition needs to be

1. Crispin Bates, "History—British History in Depth: The Hidden Story of Partition and Its Legacies," BBC, March 3, 2011, http://www.bbc.co.uk/history/british/modern/partition1947_01.shtml.

2. Rajesh Rajagopalan, "Neorealist Theory and the India-Pakistan Conflict - I," *Strategic Analysis* 22, no 9 (1998): 1272, <https://doi.org/10.1080/09700169808458882>

addressed, which can be traced back to the end of British rule in India in 1947, between the predominantly Hindu and predominantly Muslim regions of the British Raj.³ The splitting of India and Pakistan was rather messy on the subcontinent because the British empire left nearly a year before their self-mandated exit date of July 1948 on the decision of Viceroy Mountbatten; the decision was made presumably because the current governments were losing control quickly and needed a deal before disorder erupted.⁴ Mountbatten acted as the lead negotiator for the split between the British Empire and India and left ambiguous instructions in the Indian Independence Act of 1947 relating to the division of Bengal and Punjab, while also leaving the Princely States in a region of uncertainty.⁵ In fact, borders were not even drawn by the time of the subcontinent's independence; the 14th and 15th, respectively, and the actual borders between the two countries were not established until August 17th.⁶ To make matters even worse, the borders were hurriedly drawn up by a British Lawyer named Cyril Radcliffe who had never been to India before.⁷ A quick and messy British exit, coupled with a new state for Indian Muslims and already-present religious tension became the perfect breeding ground for tension between the two nascent states.

Following the partition of Pakistan and India, chaos ensued. Muslims living inside the borders were fleeing to Pakistan and Hindus living in Pakistan were fleeing to India.⁸ An estimated 10 million people were displaced with around one million people dying in local riots and fighting, with much of the violence originating in the newly bisected province of Punjab.⁹ The violence spilled over into the Princely State of Kashmir as well, and to add to the calamity, was also directed under the Indian Independence Act of 1947 to choose between joining India or Pakistan; however, the Maharaja of Kashmir had other plans

3. Bates, "History."

4. Bates, "History."

5. Bates, "History."

6. Bates, "History."

7. Bates, "History."

8. Bates, "History."

9. Bates, "History."

and signed a standstill agreement with Pakistan to avoid accession into the new country.¹⁰ The Maharaja sought out a similar deal with India, but none came, a Pakistani-backed Muslim insurgency erupted in Kashmir during the mass migration taking place that quickly gained ground.¹¹ The Maharaja, looking for some form of external help, asked India for assistance.¹² India agreed to help on the condition that Kashmir sign the papers of accession into action, which Kashmir did out of desperation which “volunteers.”¹³ The fighting continued, and the conflict would make it all the way to the UN Security Council; however,¹⁴ I argue that the frequency and levels of conflict between India and Pakistan can be explained easiest through the neorealist school of international relations. Rajesh Rajagopalan, professor of international relations at Jawaharlal Nehru University in New Delhi, India, gives two reasons for analyzing the conflict from a neorealist perspective. First, Rajagopalan asserts that “neorealism claims to explain inter-state conflict by reference to the underlying sources of conflict between states rather than by focusing on specific disputes.”¹⁵ Rajagopalan’s second argument is that no one has analyzed the Indo–Pakistani conflict in a neorealist framework, but a key phrase in the explanation of his second argument buttresses well with the first argument, which explains that “neorealists seek the source of conflict in the structure of the international system rather than the avarice or aggressiveness of individual leaders or states.”¹⁶ Rajagopalan’s use of neorealism to explain the conflict is by far the best theory to analyze the situation, especially when considering each state’s actions and the international response.

Neorealism’s core tenet, power, is the best method to explain the India–Pakistan conflict because power is at the center of the continued tensions and different aspects of the interna-

10. Rathnam Indurthy and Muhammad Haque, “The Kashmir Conflict: Why It Defies Solution,” *International Journal on World Peace* 27, no. 1 (2010): 10.

11. Indurthy and Haque, 10.

12. Indurthy and Haque, 10.

13. Indurthy and Haque, 11.

14. Indurthy and Haque, 11.

15. Rajagopalan, “Neorealist Theory - I,” 1261

16. Rajagopalan, “Neorealist Theory - I,” 1261.

tional system are applying various constraints on Pakistan from achieving complete security. Pakistan falls short in nearly every material metric when compared to India.¹⁷ India is also more industrialized than Pakistan, and because of its larger economy, is able to spend more dollar-for-dollar on defense than Pakistan.¹⁸ In fact, even India's Muslim minority is nearly as large as the entire population of Pakistan.¹⁹ This has created a power imbalance between the two countries Pakistan is painfully aware of. Pakistan has employed the military and nonmilitary balancing techniques to counter this deficit of power.

Pakistan's military balancing is both focused on external security risks and developing the internal capacity to withstand an invasion against India, should the need arise, which will be discussed further in this paragraph. Looking at Pakistan's domestic projects to militarily balance against India, Pakistan has developed their internal economy to fuel the costs of developing a peer-competitor defense force against their southern rival.²⁰ Many scholars have noted how Pakistan's focus on defense spending has turned "Pakistan's political economy as defense oriented rather than development oriented," since independence.²¹ According to the World Bank, Pakistan spends roughly 4 percent of its GDP on military spending, which is roughly 1.7 percent higher than the global average and 1 percent higher than India.²² Its military spending (% of GDP) is 14th largest in the world, putting Pakistan in the same league as countries like Iraq, Russia, Oman, and Israel.²³ Though Pakistan's actual amount spent on defense is miniscule compared to India, the heavy emphasis on spending proportionally more than India is indicative of Pakistan's desire to balance against India. Histori-

17. Rajesh Rajagopalan, "Neorealist Theory and the India-Pakistan Conflict - II," *Strategic Analysis* 22, no. 10 (1999): 1531. <https://doi.org/10.1080/09700169908458901>.

18. Rajagopalan, "Neorealist Theory - II," 1525.

19. Rajagopalan, "Neorealist Theory - II," 1525.

20. Shalini Chawla, "Pakistan's Military Spending: Socio-Economic Dimensions," *Strategic Analysis: A Monthly Journal of the IDSA*, 2001, https://ciaotest.cc.columbia.edu/olj/sa/sa_aug01chs01.html.

21. Rajagopalan, "Neorealist Theory - II," 1527.

22. "Military Expenditure (% of GDP)," World Bank, accessed March 24, 2022, <https://data.worldbank.org/indicator/MS.MIL.XPND.GD.ZS>.

23. "Military Expenditure."

cally this has been the case as well. Since the World Bank began tracking military spending in 1960, Pakistan has consistently endeavored to spend more proportional to their GDP than India.²⁴ Pakistan's spending, unfortunately, is not enough to develop an army that is numerically competitive to India; India currently has 1.4 million active military personnel whereas Pakistan has a mere 654,000.²⁵ However, because of Pakistan's inability to truly match India's defense spending and field a comparable army, Pakistan has attempted to balance against India using nuclear weapons, as hypothesized by Director of the United Service Institution of India, P.K. Singh, and emphasized by Pakistani writings concurring with this analysis.²⁶

According to Singh, one of Pakistan's major strategic assets is its nuclear arsenal.²⁷ Initially, Pakistan's nuclear arsenal was used as a deterrent against India, who developed its nuclear program first.²⁸ Recognizing the imminent existential threat India faces if it has nuclear dominance over it, Pakistan's nuclear arsenal has surpassed India's, a recent report states that Pakistan had anywhere from 140 to 150 warheads when compared to India's 130 to 140.²⁹ Adding to the marginally larger number of nuclear weapons, it appears as though Pakistan is more willing to use them in aggression than India as Christopher Clary,

24. "Military Expenditure."

25. International Institute for Strategic Studies (IISS), *The Military Balance, 2018* (London: Routledge, 2018).

26. Rajagopalan, "Neorealist Theory - II," 1534; Thomas W. Graham, "Nuclear Weapons Stability or Anarchy in the 21st Century: China, India, and Pakistan," Non-proliferation Policy Education Center, June 9, 2011, 9, https://www.npolicy.org/article_file/Nuclear_Weapons_Stability_or_Anarchy_in_the_21st_Century_China_India_and_Pakistan_270111_1444.pdf.

27. P. K. Singh. "The India-Pakistan Nuclear Dyad and Regional Nuclear Dynamics," *Asia Policy* 19 (2015): 37-44. <https://doi.org/10.1353/asp.2015.0019>.

28. Meaghan Tobin, "Explained: Why Are India and Pakistan Enemies?" *South China Morning Post*, March 7, 2019, <https://www.scmp.com/week-asia/explained/article/2188958/explained-how-india-and-pakistan-became-nuclear-states>.

29. Rajat Pandit, "Pakistan Remains Ahead In Nuclear Warheads But India Confident of Its Deterrence Capability," *Times of India*, June 19, 2018, <https://timesofindia.indiatimes.com/india/pakistan-has-more-nuclear-warheads-india-credible-deterrence/quickstirshow/64641056.cms>. It should be noted that this report comes from an Indian news source that could have a potential incentive to misrepresent the number of nuclear weapons India has. *War and Misperception* by Robert Jervis explains why this could be the case.

Assistant Professor at the Rockefeller College of Public Affairs and Policy, remarked, "Pakistan remains one of the most likely sources of nuclear risk globally—through theft of Pakistani nuclear material, unauthorized use of weapons during conflict, or intentional use in war."³⁰

Though Pakistan's nuclear arsenal may be large enough to secure Pakistan from increased Indian aggression, Thomas Graham, a former negotiator for the United States Arms Control and Disarmament Agency, notes that "if Pakistan feels it must target India's entire military, industrial and research complex, hold India's major cities at risk, and be prepared to fight using nuclear weapons on the battlefield, it will require at least 300–500 nuclear weapons."³¹ Still, the amount of nuclear warheads has, at least for the moment, deterred war and balanced Pakistan's military inferiority against India for the time being. Unfortunately for Pakistan, the international system and structure has restricted its capacity to balance by using nuclear deterrence;³² This, of course, had negative repercussions for Pakistan. Though their desire to use military balancing via nuclear proliferation against India had been achieved, other international actors were able to adversely affect their ability to continue with their goal of complete control over the security of their own state.

This is why Pakistan's use of diplomatic balancing is more effective. By developing alliances and friendships with great powers like the United States and China, the international structure is less likely to impose extensive restrictions on Pakistan's means of establishing its security against Indian aggression. Though Pakistan's approach to balancing is not necessarily conventional with its desire to be the weaker state in an alliance, it is still recognized in Walt's *Alliance Formation and the*

30. Christopher Clary, "The Future of Pakistan's Nuclear Weapons Program," in *Strategic Asia 2013–14: Asia in the Second Nuclear Age*, ed. Ashley J. Tellis, Abraham M. Denmark, and Travis Tanner (Seattle: National Bureau of Asian Research, 2013), 160.

31. Graham, "Nuclear Weapons Stability," 1.

32. Lloyd I. Rudolph and Susanne Hoeber Rudolph, "The Making of US Foreign Policy for South Asia: Offshore Balancing in Historical Perspective," *Economic and Political Weekly* 41, no. 8 (2006) 705, <https://www-jstor-org.ezproxy.uvu.edu/stable/4417872>.

Balance of Power. Walt writes that “states may balance by allying with other strong states, if a weaker power is more dangerous for other reasons.”³³ Though Pakistan views India as a stronger state, India is by no means a bastion of global power compared to China or the US. Looking at the power of a US–Pakistani or Sino–Pakistani friendship, India’s capacity to compel its will onto Pakistan diminishes greatly. Historically, Pakistan focused largely on forming an alliance with the United States, which the United States was more than happy to oblige.³⁴ The United States, with the help of a British officer named Sir Olaf Caroe, developed an alliance with Pakistan that was intended to act as a balance against the Soviet Union and dovetail with the greater US doctrine of containment.³⁵ The nature of the alliance between the US and Pakistan directly following independence was one based around offshore balancing, and was implemented due to the heavy anti-colonialism, and by extension anti-western sentiment, present in India directly after independence.³⁶ This anti-colonialist sentiment in India, coupled with “the imminence of Soviet Russia towering over [South Asia],” during the Cold War.³⁷

During the reign of Ayub Khan, the second president of Pakistan, relations between his country and the United States were very strong.³⁸ In fact, according to the former president, “Pakistan had become America’s most allied ally in Asia.”³⁹ This was the start of US–Pakistani relations cooling off.⁴⁰ After India tested a nuclear weapon in 1974 and Pakistan began a nuclear program, the United States put sanctions on Pakistan, but

33. Stephen M. Walt, “Alliance Formation and the Balance of Power,” *International Security* 9, no. 4 (1985), 9.

34. Olaf Caroe, *Wells of Power: The Oilfields of South-Western Asia: A Regional and Global Study* (New York: Da Capo, 1976).

35. Rudolph and Rudolph, “US Foreign Policy,” 705.

36. Rudolph and Rudolph, “US Foreign Policy,” 705.

37. Caroe, *Wells of Power*; Walt, “Alliance Formation,” 11.

38. George J. Lerski, “The Foreign Policy of Ayub Khan,” *Asian Affairs* 1, no 4 (1974): 255–73.

39. Mohammad Ayub Khan, “Friends Not Masters. A Political Autobiography,” *Verfassung in Recht Und Übersee* 1, no. 3 (1968): 74.

40. Zain ul Abiden Malik, Hani Fatima, and He Zhilong, “An Appraisal of Pak–US Relations,” *The Dialogue (1819–6462)* 13, no. 2 (2018): 154.

after the Soviet invasion of Afghanistan in 1979, the United States was suddenly willing to work closely with Pakistan once again.⁴¹ Once again, Pakistan was provided with developmental and military aid by the United States.⁴² The Soviet invasion of Afghanistan proved mutually beneficial for Pakistan and the United States. Pakistan could cash in on its geostrategic importance to receive aid and arms to balance against India, and the United States gained a key partner that shared a physical border with the country embroiled in a conflict with the USSR.⁴³

Once the conflict in Afghanistan ended, however, aid from the United States stopped and sanctions were introduced once again.⁴⁴ Because the United States' primary rival in the region, the USSR, collapsed shortly after, there was little justification for the US to act as an offshore balancer in the region, and shortly shifted their focus in South Asia to India.⁴⁵ In March of 2000, then-President Clinton spent an unprecedented five days in India holding meetings and discussions, while only five tense hours in Pakistan due to Pakistan supporting the Taliban in Afghanistan, which was supporting Al-Qaeda, who were committing acts of terror against US targets.⁴⁶ fond of the new government, which was established after a coup and disrupted Pakistan's democracy.⁴⁷ By this time, it was clear Pakistan was not going to have warm relations with the United States unless another conflict nearby took place. Unfortunately for Pakistan, when the next conflict took place, the United States was not making requests; it was making demands. Pakistan allied with the United States against the war on terror, though it appeared more as coercion and less as a willing union.⁴⁸

Looking at US–Pakistani relations, a trend becomes clear.

41. Zain et al., "An Appraisal," 154.

42. Rajagopalan, "Neorealist Theory –I," 1269. It is important to note that Rajagopalan's remarks on state sponsored terrorism play into effect here. Pakistan used it to their advantage to gain the US as a balance against India

43. Zain et al., "An Appraisal," 154.

44. Zain et al., "An Appraisal," 154.

45. Rudolph and Rudolph, 705.

46. Rudolph and Rudolph, 705.

47. Rudolph and Rudolph, 705.

48. Rudolph and Rudolph, 704.

Pakistan is more than willing to help the United States, so long as it receives adequate military and economic aid to help bolster itself against India. Adding to this, if Pakistan has the United States on its side, India will not push its claims in Kashmir for fear of a rebuke from Pakistan and its fair-weather ally, the United States. However, the United States is willing to pull support away from Pakistan as soon as its strategic assets are no longer of use. While any assistance from a great power is good and the United States is usually an invaluable ally, the United States is not the best Great Power for Pakistan to align with. First, the United States has had little incentive since the fall of the Soviet Union to be an offshore balancer in the region and while it still holds a strategic interest in Afghanistan, because the United States' interests in Asia are largely preoccupied by other countries that hold greater economic gain for them. Second, though the United States is supplying military and economic aid to Pakistan, the United States holds a much better relationship with India due to its industrialized economy and adversarial view of China, which it has a territorial dispute with. The United States' affinity towards India and its history of being evenhanded with Indo-Pakistani disputes makes it an unlikely ally in a new conflict against India. China, on the other hand, provides a more stable partnership and one that is rooted in shared physical boundaries and enduring common interests, not in offshore alliance balancing and inconsistent interest.

Possibly Pakistan's most consistent great power ally, the People's Republic of China and Pakistan have held diplomatic relations since 1950.⁴⁹ Since then, the relationship has been characterized as "exceptional" and "all-weather" by scholar Mirwais Kasi.⁵⁰ Relations between Pakistan and China have flourished for so long due to mutual interests, and in the neorealist framework, this means largely the security of their respective states. China and Pakistan have more to gain for their individual

49. "Pakistan Relations," *China Daily*, November 14, 2006, http://www.chinadaily.com.cn/china/2006-11/14/content_732562.htm.

50. Michael Beckley, "China and Pakistan: Fair-Weather Friends," *Yale Journal of International Affairs* 7, no. 1 (2012): 9; Mirwais Kasi, "Pakistan-China Relations under the Shadow of Neo-Realism," *Pakistan Perspectives* 21, no. 2 (July 2016): 207, 208.

security by partnering than by going it alone in the South Asian region. Their mutual interests arise from shared distrust of India, which both countries have historically had conflicts with. Despite being aligned with diametrically opposed factions, Pakistan and China were able to develop a strong bond that galvanized during the India–China war of 1962.⁵¹

In this conflict, the United States backed the Indian military, while the Soviet Union remained neutral.⁵² The lack of Soviet support increased security anxieties for China, and the US support of Pakistan's nemesis in the conflict made strong ties between the two countries almost necessary at the time which would continue past this conflict, and in the Indo–Pakistani conflict of 1965, Chinese newspapers openly criticized India for their aggression.⁵³ Chinese support for Pakistan has continued to this day, which is why their friendship has been considered all-weather.

Looking at this friendship from a neorealist perspective, the balancing behaviors become clear. Balancing behavior has been at the core of Pakistan and China's friendship since the beginning. Prompted by their similar security interests, Pakistan and China formed an alliance against a then-more dangerous foe: India. China and Pakistan locked together in an alliance were, at the beginning of their friendship, peer competitors when combining their force power against India. However, as China has grown into a world power, the dynamics of the relationship have changed, though the shared security interests transcend the change in great power status and their differing political systems; to balance as a weaker power in order to keep their security interests realized. Again, like the United States, Pakistan has great geostrategic value to China relating to China's Belt and Road Initiative and has provided a space for China to build a naval base on its southern coast as well as establish the China–Pakistan economic corridor, which runs from the southwest China to southern Pakistan.⁵⁴ Unlike the Pakistani alliance with the Unit-

51. Kasi, "Pakistan–China Relations," 210.

52. Kasi, "Pakistan–China Relations," 209.

53. Kasi, "Pakistan–China Relations," 211.

54. China Daily, "Pakistan Relations."

ed States; however, China does not have a strong partnership with India and are seen as economic and political competitors in Asia, as India has one of the largest economies in Asia and is a close ally of the United States.⁵⁵ The frosty relationship between China and India only strengthen Sino–Pakistani relations, making this relationship the most valuable one Pakistan has to counter the security threat posed by India. Adding to this, China is providing internal capacity building by building infrastructure in Pakistan, which again only strengthens Pakistan against India.

There are, of course, some counterpoints that are worth noting. First and foremost, the alliance Pakistan had with the United States after 9/11 could be seen as band wagoning. However, it is important to consider the primary security concern of Pakistan. While the United States could be seen as the greatest existential threat posed at one time, the most enduring threat is India. If Pakistan were to side with the United States, they could guarantee that India would not aggress them the entire duration of their cooperation with the United States. Another potential argument could be made that Pakistan is increasingly finding itself band wagoning with China on recent endeavors the latter takes. However, this again fails to hold because Pakistan's primary interest, as shown by its robust defense spending and desire to keep its southern neighbors at bay, Pakistan's primary goal is to ensure by any means that India leaves it alone. Pakistani foreign policy, therefore, revolves entirely around who can provide the greatest security against Indian aggression.

Ultimately, Pakistan has one desire in the neorealist world: secure its country's survival. It was a state formed out of conflict and has seen an almost never-ending standoff with its southern neighbor since independence. Its foreign policy is centered around ensuring its claimed borders are secure and that they are not internationally challenged, regardless of the international condemnations. Due to the limits of its geography, demographics, and the constraints the international system has

55. Chirayu Thakkar, "India and the United States: Friends Elsewhere, Foes at the UN," Stimson Center, April 16, 2021, <https://www.stimson.org/2021/india-and-the-united-states-friends-elsewhere-foes-at-the-un/>.

placed on Pakistan to fully realize its own security, diplomatic balancing against India has become its most effective tool for security and has given little in return for vast security from great powers who are willing to work with it. Pakistan will remain secure and safe from excessive Indian aggression as long as it maintains a strong defensive alliance with at least one great power that is projecting itself in South Asia. Though the issues dividing the subcontinent are complex, the solution Pakistan takes is very simple: secure the state by any means possible and do everything it can to prevent a war where India and itself are the only direct actors involved.

ASSESSING AMERICA'S DRUG POLICIES

Miriam Funk Draper

Why Care About America's Drug Policies?

America has the highest incarceration rate of any country in the world, staggering at 639 prisoners per 100,000 capita. The Bureau of Justice Statistics reported 2,123,100 people were incarcerated in prisons and local jails as of 2018.¹ As of 2015, almost half of federal prisoners were sentenced on drug-related offenses. "Between 1998 and 2012, the number of drug offenders in federal prisons grew 63%." In addition, the length of prison time for drug offenders increased by 36% between 1980 and 2011, while the average sentence for other crimes decreased by 3%.² The increase in penalty and incarceration was encouraged as a method to deter drug use and distribution.³ However, these policies are ineffective. The prohibition of drugs instead increases violent crime and drug-related injury while also damaging the American economy.

1. Laura M. Maruschak and Todd D Minton, "Correctional Populations in the United States, 2017–2018," U.S. Department of Justice, August 2020, <https://bjs.ojp.gov/content/pub/pdf/cpus1718.pdf>.

2. PEW, "Federal Drug Sentencing Laws Bring High Cost, Low Return," Pew Charitable Trusts, August 2015, <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2015/08/federal-drug-sentencing-laws-bring-high-cost-low-return>.

3. PEW, "More Imprisonment Does Not Reduce State Drug Problems," Pew Charitable Trusts, August 2018, <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2018/03/more-imprisonment-does-not-reduce-state-drug-problems>.

Under prohibition, safety is compromised in more ways than violent crime; the quality of drugs is affected as well.⁴ When something is not a part of the free public market, it takes on taxes in another way. Prices of drugs are increased in order to account for potential fines, prison times, and other risks.⁵ All of these factors contribute to the scarcity of the product, allowing suppliers to increase the price.⁶ Even with a higher price, because of its illegal nature, many consumers are unable to ensure the quality of their product.⁷ The FDA, a government agency, requires nutrition facts on every food item sold in the grocery store. This is not the case for black market items. In order to increase profits, sellers have been known to dilute their substances with other chemicals and ingredients.⁸ In the case of heroin, the most common ‘cutting’ agents include rat poisoning, talcum powder, and baking soda.⁹ Other more dangerous chemicals have been reported as well. A powder known as “rizzy”, which is the ingredient that colors plants and petals, was found in illegal heroin. Users reported green scaly sores around the injection site.¹⁰ In many cases, drugs like cocaine and heroin are laced with fentanyl, which is a highly addictive and dangerous opioid.¹¹ “The United States Drug Enforcement Agency reported a >300% increase in the laboratory testing of confiscated heroin from 2014 to 2015, with a 73% increase in

4. Paul Stares, “Drug Legalization?: Time for a Real Debate,” Brookings, July 28, 2016, <https://www.brookings.edu/articles/drug-legalization-time-for-a-real-debate/>.

5. Christopher J. Coyne and Abigail R. Hall, “Four Decades and Counting: The Continued Failure of the War on Drugs,” Cato, April 12, 2017, <https://www.cato.org/policy-analysis/four-decades-counting-continued-failure-war-drugs>.

6. PEW, “Federal Drug Sentencing.”

7. Barnett, Randy E., “The Harmful Side Effects of Drug Prohibition,” Georgetown Law Faculty Publications and Other Works, 2009, 817, <https://scholarship.law.georgetown.edu/facpub/817>.

8. Marisa Crane, “What Is Heroin Cut with? Mixing Agents, Substitutes & Adulterants,” American Addiction Centers, December 20, 2021, <https://americanaddictioncenters.org/heroin-treatment/cut-with>.

9. Crane, “What Is Heroin.”

10. Jessica Houck and Latha Ganti, “A Local Epidemic of Laced Heroin Causing Skin Necrosis,” Cureus, 2019, <https://doi.org/10.7759/cureus.4782>.

11. CDC. “Fentanyl Facts.” Centers for Disease Control and Prevention. Centers for Disease Control and Prevention, February 23, 2022. <https://www.cdc.gov/stopoverdose/fentanyl/index.html>.

deaths caused by synthetic opioids.”¹²

Overdoses also increase when drugs are put in the hands of the black market. Because many dealers ‘cut’ their drugs with other ingredients in order to increase profits, the potency is unreliable.¹³ A user’s usual dose of cocaine could prove deadly if it contained higher levels of cocaine or fentanyl.¹⁴ This issue was observed during the 20’s prohibition era. Alcohol was diluted with other substances, including denatured alcohol.¹⁵ Distributors targeted hard liquor as opposed to beer because the risk to reward ratio was more redeemable.¹⁶ This is parallel to dealers transporting big-ticket drugs like cocaine over marijuana. During prohibition, the quality of liquor went down, people’s options and preferences were aimed at higher-concentrated alcohols, resulting in increased alcoholism in the country.¹⁷ Unsafe drug use goes beyond the drug itself. Criminalization prevents access to clean needles and leads to various severe injuries and diseases.¹⁸ “In 2000, approximately 60 percent of new Hepatitis C infections and 17 percent of new hepatitis B infections occurred in intravenous drug users.”¹⁹

Drug prohibition leaves a whole vein of jobs to the black market as well. The Colorado Department of Revenue noticed a 77% increase between 2014 and 2015.²⁰ The increase is thanks

12. Houck and Ganti, “A Local Epidemic.”

13. Crane, “What Is Heroin.”

14. PEW, “Federal Drug Sentencing.”

15. Paul Aaron and David Musto, “Temperance and Prohibition in America: A Historical Overview,” in *Alcohol and Public Policy: Beyond the Shadow of Prohibition* (Washington DC: National Academies Press, 1981), ed. Mark H. Moore and Dean R. Gerstein, 3–5.

16. Mark Thornton, “Alcohol Prohibition Was a Failure,” Cato, July 1991, <https://www.cato.org/policy-analysis/alcohol-prohibition-was-failure#the-iron-law-of-prohibition>.

17. Jeffrey Miron and Jeffrey Zwiebel, “Alcohol Consumption during Prohibition,” EconPapers, July 17, 2014, <https://econpapers.repec.org/RePEc:nbr:nberwo:3675>.

18. Nick Werle and Ernesto Zedillo, “We Can’t Go Cold Turkey: Why Suppressing Drug Markets Endangers Society,” *Journal of Law, Medicine & Ethics* 46, no. 2 (2018): 325–42. <https://doi.org/10.1177/1073110518782942>.

19. Peter J. Boettke, Christopher J. Coyne, and Abigail Hall, “Keep off the Grass: The Economics of Prohibition and U.S. Drug Policy,” *Oregon Law Review* 91, no. 4 (2013): 11.

20. Santhi Chilukuri, “The Impacts of Recreational Marijuana Legalization on Colorado Policy Analysis on Amendment 64” (Master’s thesis, University of Kentucky,

to marijuana taxes and permit fees. Of this revenue, 81% of it was from commercial marijuana businesses.²¹ Tax revenue from the drug goes toward their public education system, which received over \$35,000,000 by 2015.²²

Defining The Nature of Addiction

In *Chasing the Scream*, author Johann Hari describes a study conducted after the Vietnam War, by the Partnership for a Drug-Free America, that focused on the addictiveness of cocaine.²³ Rats were put in a cage with an unlimited amount of cocaine. In the study, nine out of ten rats overdosed on the drugs.²⁴ The organization spread the news of their findings in a graphic commercial that circulated in many Americans' homes. This commercial would fuel the 'War on Drugs' and encourage public support for drug prohibition.²⁵ Hari recounts psychologist Bruce Alexander, who made an important observation while watching these commercials. After looking into the study, he noticed that these rats were isolated in cages. According to Alexander, these circumstances were psychologically abusive, which made the deadly degree of cocaine consumption unsurprising. In effect, Alexander conducted a study, famously referred to as "Rat Park."²⁶ He put groups of rats in large boxes with plentiful space so that rats could socialize, play, and mate. Like the advertised study, he offered the rats a bottle of morphine and a bottle of water. He found that the rats in Rat Park tried the morphine water but did not continue to use it.²⁷ No overdoses occurred in Rat Park. The caged rats, however, obsessively consumed the morphine.²⁸

2017), 168, https://uknowledge.uky.edu/cph_etds/168

21. Chilukuri, "Impacts of Recreational Marijuana," 168.

22. Chilukuri, "Impacts of Recreational Marijuana," 52.

23. Johann Hari, *Chasing the Scream: The First and Last Days of the War on Drugs* (New York, Bloomsbury, 2016).

24. Hari, *Chasing the Scream*.

25. Hari, *Chasing the Scream*.

26. Bruce K. Alexander, "Rat Park," *Addiction: The View from Rat Park*, 2010, <https://brucekalexander.com/articles-speeches/rat-park/148-addiction-the-view-from-rat-park>.

27. Alexander, "Rat Park."

28. Alexander, "Rat Park."

Alexander reran the studies with minor changes to see how they would affect the results. In one study, he left the rats caged with morphine for 57 days. Similar to previous findings, the rats became addicted. He then placed the addicted rats into 'Rat Park'. There, he noticed some physical signs of withdrawal, and over time, the rats stopped compulsively partaking in the morphine and assimilated into a drug-free life. Changing their environment made them lose interest and dependency on the morphine mixture. The findings proved pivotal in the world of addiction.²⁹ The support behind harsh drug policies came from, as Hari describes, the belief that drugs hijack the brain, creating a high probability of the user becoming addicted. Keeping them out of the hands of Americans would make for fewer addicts according to this logic.³⁰ Alexander's study conflicted with this narrative.

Dr. Yavin Shaham's lab found similar findings in 2019, "[I]f he researchers gave rats the option of pressing one lever for a drug infusion or a different lever to open a door and interact with a social peer. The rats opted to open the door more than 90 percent of the time, even when they had previously self-administered methamphetamine for many days and exhibited behaviors that correspond to human addictive behaviors." Mountains of similar research have come to the same conclusion; Susceptibility to addiction isn't a matter of access, but a matter of one's environment.³¹

Defining the nature of addiction and drug use is imperative in crafting proper legislation that mitigates the problem on a long-term scale. If the government seeks to improve public health by decreasing addiction and drug-related violence, then their legislation should reap such results.

Measuring The Problem

The effectiveness of America's drug policies can be measured in several ways. One method of measurement we used was analyzing drug overdose trends. The CATO institute con-

29. Hari, *Chasing the Scream*.

30. Hari, *Chasing the Scream*.

31. Hari, *Chasing the Scream*.

ducted policy analysis on the country's drug laws. "In 1971, two years before the creation of the DEA, the Centers for Disease Control and Prevention (CDC) reported that slightly more than 1 death per 100,000 people in the United States was related to a drug overdose. This figure rose to 3.4 deaths per 100,000 people by 1990. By 2008, there were 12 overdose deaths per 100,000 people. This concisely shows an increase in overdoses per capita, despite adopting harsher drug laws on a federal level.³² The majority of these deaths can be credited to opioids, which also include heroin and fentanyl. A spike in heroin and synthetic-opioid deaths occurred in 2010 and continues to climb today.³³

The second way to measure the effectiveness of drug policies is by tracking trends in public health among intravenous drug users. The CDC reported that 86.6% of 2021 HCV cases in the US were caused by injection drug use. In 2016, around twenty percent of HIV cases were linked to injection drug use.³⁴ Another method of measurement is analyzing trends in prison recidivism and overdoses among drug offenders. Within two weeks of their release, former inmates are 12.7 times more likely to die than other residents in the state, with overdose acting as the leading cause of death.³⁵

Trends in homicides and drug policies also show congruency. *Figure 1* graphs the trends in yearly homicide counts. The chart shows two peaks in homicide rates—one in the thirties, and the second in the early eighties. Harvard Economics Professor Jeffrey A. Miron credits two factors to the rise in homicides: prohibition and the drug war.³⁶ The logic is consistent with the trends. Increasing the black market's share of the drug

32. Coyne and Hall, "Four Decades."

33. Centers for Disease Control and Prevention, "Understanding the Epidemic," March 17, 2021. <https://www.cdc.gov/drugoverdose/epidemic/index.html>.

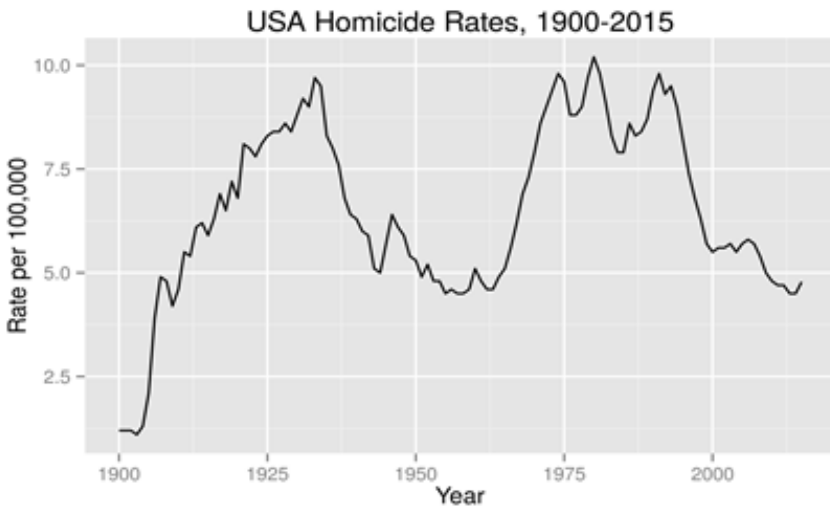
34. "Substance Abuse and Addiction Statistics [2022]," NCDAS, February 19, 2022, <https://drugabusestatistics.org/>.

35. Ingrid A. Binswanger, Marc F. Stern, Richard A. Deyo, Patrick J. Heagerty, Allen Cheadle, Joann G. Elmore, And Thomas D. Koepsell, "Release from Prison—A High Risk of Death for Former Inmates," *The New England Journal of Medicine* 356, no. 2 (2007): 157–165, <https://doi.org/10.1056/NEJsa064115>.

36. Miron, Jeffrey, "Violence and the U.S. Prohibition of Drugs and Alcohol," *American Law and Economics Review* 1, no. 1 (1999), 27.

economy, through prohibition, increases the likelihood of violence.³⁷ When drugs are in the hands of cartels or gangs, the government cannot monitor their product or business practices.³⁸ What's more indicative than policy is its enforcement. Miron's research concluded that the more closely drugs were monitored, the higher homicide rates rose.³⁹

Figure 1



Briggs, W. M. *TUSA Homicide Rates, 1900-2015, graph, The Stream, July 2016* https://stream.org/wp-content/uploads/stream.hom_.1.jpg.

Boettke et al published research on this correlation in the 2013 Oregon Law Review. In addition to not having legal tools to peacefully settle disputes, prohibition engenders violence because it becomes a tool to gain power.⁴⁰ They also emphasize that, “statistics indicate that it is the prohibition of drugs that leads to more crime, not the drug itself. A New York City homicide study that found “only 7.5 percent of the murders committed...resulted from the mental and physical impact of

37. Coyne and Hall, “Four Decades.”

38. Coyne and Hall, “Four Decades.”

39. Miron, “Violence and the U.S. Prohibition,” 27.

40. Boettke et al. “Keep Off.”

drug use. However, 39% of all homicides and 74.3 percent of drug-related homicides were related to the ‘exigencies of the illicit market system.’”⁴¹ Disputes over territories between dealers, drug-related debts, or dealer robberies were at the root of most of these deaths. These findings and similar conclusions from other studies are indicative of the failure of previous drug policies.

The Magnitude of Drug Addiction and Mass Incarceration in the US

A 2017 NSDUH study found that almost twenty million Americans suffered from substance abuse and that of these drug users, less than 10% seek treatment.⁴² Moreover, cocaine overdoses rose by 34% between 2016 and 2017, most of which affected people in their early twenties.⁴³ “Black people comprise 13 percent of the U.S. population and are consistently documented by the U.S. government to use drugs at similar rates to people of other races. But Black people comprise 30 percent of those arrested for drug law violations – and nearly 40 percent of those incarcerated in state or federal prison for drug law violations.”⁴⁴ In federal prisons, 77% of inmates are black or Latino, despite only representing 30% of the country.⁴⁵

Policy Alternative 1:

One alternative solution to drug abuse and drug-related violence in America is to increase current efforts to deconstruct the underground drug economy. This would include securing the nation's borders, maximizing policing in drug epicenters,

41. Boettke et al., “Keep Off,” 1081.

42. Substance Abuse and Mental Health Services Administration. “Key Substance Use and Mental Health Indicators in the United States: Results from the 2018 National Survey on Drug Use and Health (Rockville: Center for Behavioral Health Statistics and Quality), 5, <https://www.samhsa.gov/data/sites/default/files/cbhsq-reports/NSDUHNationalFindingsReport2018/NSDUHNationalFindingsReport2018.pdf>.

43. “Addiction Statistics,” Addiction Center, November 23, 2021, <https://www.addictioncenter.com/addiction/addiction-statistics>.

44. Drug Policy Alliance, “The Drug War, Mass Incarceration and Race,” January 2018, https://drugpolicy.org/sites/default/files/drug-war-mass-incarceration-and-race_01_18_0.pdf.

45. Miron, “Violence and the U.S. Prohibition,” 1.

and increasing the severity of sentences for drug-related crimes. Improving national security at the border would require additional funding in order to upgrade the structure and technology of the southern border while adding more border patrol agents and canines. Increasing policing in drug epicenters can be accomplished by increasing funding for HIDTA (High-Intensity Drug Trafficking Areas) and requiring hotspot policing for all US police departments. Finally, the severity of sentences for drug-related crimes can be increased with judges adhering to mandatory minimums.

In 2019, US Border Patrol seized 556,399 pounds of marijuana, 141,931 pounds of methamphetamine, 101,166 pounds of cocaine, 2,801 pounds of fentanyl, and 6,225 pounds of heroin.⁴⁶ In this same year, there were 507 cases of assault reported by US customs agents.⁴⁷ The Drug Enforcement Administration's *2018 National Drug Threat Assessment* reported drug poisoning to be the leading cause of death for Americans, far surpassing suicide, motor vehicle accidents, and firearm-related accidents; however, the leading cause of overdose is prescription drugs, specifically painkillers.⁴⁸ The majority of drug trafficking takes place through the southwest border. A rise in fentanyl trafficking through this border has been observed and is credited to the decrease in domestic production of the drug.⁴⁹

Because the southwest border is the number one catalyst for drug trafficking, this solution suggests increasing efforts to prevent trafficking in this area. Former President Donald Trump's 2019 border security plan had many objectives that align with this goal. Some highlights of his plan included spending 5.7 billion dollars on improving the infrastructure of the border, 805

46. "Drug Seizure Statistics," U.S. Customs and Border Protection, 2021, <https://www.cbp.gov/newsroom/stats/drug-seizure-statistics>.

47. "Assaults and Use of Force Statistics," U.S. Customs and Border Protection, 2022, <https://www.cbp.gov/newsroom/stats/assaults-use-force>.

48. "National Drug Threat Assessment," United States Drug Enforcement Administration, 2018, 21. https://www.dea.gov/sites/default/files/2021-11/DEA_Take-Back2018_RegistrantRackCard_English.pdf.

49. "National Drug Threat Assessment," United States Drug Enforcement Administration, 2020, 21. https://www.dea.gov/sites/default/files/2021-11/DEA_Take-Back2018_RegistrantRackCard_English.pdf.

million dollars towards new technology, and 782 million dollars on additional border staff.⁵⁰

According to the FBI, the leading player in drug distribution for street sales is gangs, and gang control over different territories is the largest cause of gang violence.⁵¹ The DEA reported that “some street gangs are working in conjunction with rival gangs in order to increase both gangs’ drug revenues, while individual members of assorted street gangs have profited by forming relationships with friends and family associated with Mexican cartels.”⁵² However, domestic production exists as well. In regard to methamphetamine, “the enactment of the CMEA reduced domestic methamphetamine production by replacing restrictions on key ingredients.” This policy alternative suggests that domestic drug trafficking can be tackled in two ways. The first is to increase funding for the HIDTA. Established in 1988, the program offers grants and resources to areas deemed as drug-trafficking epicenters.⁵³ The program’s budget currently sits at 290 million dollars. By increasing this funding, the program could afford to increase areas under its coverage. In addition, technology, staff, and resources could alternatively or additionally be increased in order to optimize efforts, depending on resources.

The second way domestic drug policy can be improved under this policy alternative is by adopting a hotspot model of policing. This method centers its attention on the areas with the highest rates of crime.⁵⁴ Rather than evenly dispersing of-

50. “President Donald J. Trump’s Plan to Reopen the Government and Fund Border Security,” National Archives and Records Administration, 2019, <https://trump-whitehouse.archives.gov/briefings-statements/president-donald-j-trumps-plan-reopen-government-fund-border-security>.

51. Federal Bureau of Investigation, “2011 National Gang Threat Assessment,” June 25, 2010, <https://www.fbi.gov/stats-services/publications/2011-national-gang-threat-assessment>.

52. Drug Enforcement Administration, *National Drug Threat Assessment*, December 2019, 7, https://www.dea.gov/sites/default/files/2020-01/2019-NDTA-final-01-14-2020_Low_Web-DIR-007-20_2019.pdf

53. “HIDTA,” DEA, <https://www.dea.gov/operations/hidta>.

54. “Practice Profile: Hot Spots Policing,” CrimeSolutions, September 2013, <https://crimesolutions.ojp.gov/ratedpractices/8#:~:text=Hot spots policing strategies focus,is most likely to occur>.

ficers to patrol their district, the number of officers per area is dependent on the number of crimes reported in that area. This would localize efforts to communities that are suffering the most from drug-related offenses and gang violence. By making this a federal requirement, this policy alternative suggests that all police agencies will adhere to the hotspot model of policing and benefit from its approach. On top of border security and increased police efforts, the last aspect of this policy alternative policing includes reestablish mandatory minimums. The Sentencing Reform Act of 1984 established federal minimum sentencing according to crimes, which promotes consistency among offenders' sentences and is expected to act as a deterrent for crime.⁵⁵ In recent years, judges have steered away from these minimums. Under this policy alternative, the severity of punishment for drug offenders would be consistent for every US citizen, regardless of the area in which they reside. This would hypothetically deter crime and keep offenders off the streets, thereby keeping communities free from drugs.

Evaluation of Policy Alternative 1:

The criteria we consider when evaluating policies are their effectiveness, equitability, efficiency, and political feasibility. Applying the criteria listed to the aforementioned policy will require an independent evaluation of its three components. Regarding the southern border, we predict that improving the infrastructure of the wall, its technology, and its staff will effectively curtail drug trafficking. The 2018 DEA Drug Threat Assessment Report credits Mexican Transnational Criminal Organizations (TCO's) as "the greatest criminal drug threat to the United States; no other group is currently positioned to challenge them." The DEA also reports that the majority of drug trafficking into the US takes place across the southwest border.⁵⁶ By increasing efforts and militarization in this area, we anticipate that more drugs and drug traffickers will be intercepted. These improved efforts will also make drug enforcement more

55. Charles Doyle, "Federal Mandatory Minimum Sentencing Statutes," Congressional Research Service, September 9, 2013, <https://sgp.fas.org/crs/misc/RL32040.pdf>.

56. "National Drug Threat Assessment," 6.

efficient, thereby optimizing results. However, execution of the wall proves much less efficient. The length of the US–Mexico border is almost 2,000 miles long. As of September 2020, 341 miles of Trump's wall construction were completed.⁵⁷ What was already a multi-year project has now been slowed down further with the change in Presidency. Under our criteria, we consider this policy alternative to be inequitable and politically unpalatable. Trump's 2019 border security plan, designed to be bipartisan, cost over 5 billion dollars and was extremely controversial between the two parties. When his 5.7 billion dollar proposal was rejected, he exercised his powers as the executive and declared it a state of emergency. He then proceeded to allocate 8 billion dollars to the southern border.⁵⁸

The next component to evaluate this alternative is to consider its effectiveness, equitability, efficiency, and political feasibility of suggested policing strategies and HIDTA endorsements. One study observed that “hot spots policing generates statistically-significant small reductions in overall crime and disorder in areas where the strategy is implemented.”⁵⁹ This model of policing is centered around being equitable. It is designed to focus limited resources and manpower toward communities that need them the most. Police departments can implement the hotspot model of policing without compromising their budget, so long as it reallocates existing resources. HIDTA, according to a 2018 Congressional Research Service study, proved to be effective in meeting the program's objectives.⁶⁰ Weaknesses of the program suggested by the report include the lack of quantitative metrics

57. Homeland Security, “DHS Wall Construction Update: September 29, 2020,” September 29, 2020, <https://www.dhs.gov/news/2020/09/29/dhs-wall-construction-update-september-29-2020>.

58. Trump White House Archives, “President Donald J. Trump's Border Security Victory,” National Archives and Records Administration, February 15, 2019, <https://trumpwhitehouse.archives.gov/briefings-statements/president-donald-j-trumps-border-security-victory/>.

59. Anthony A. Braga, Brandon Truchan, Andrew V. Papachristos, and David M. Hureau, “Hot Spots Policing of Small Geographic Areas Effects on Crime,” *Campbell Systematic Reviews* 15, no. 3 (2019): 2.

60. “High Intensity Drug Trafficking Areas (HIDTA) Program,” Congressional Research Service, May 3, 2018, https://www.everycrsreport.com/reports/R45188.html#_Toc513217836.

in the criteria for a county to be deemed as a HIDTA. In addition, the program's limited resources prevent it from following the trends in drug trafficking. A crackdown in one county often leads to the migration of trafficking to a new area. Improving these weaknesses requires an increase in budget. The political palatability of these options is also in question due to recent calls to defund the police by members of Congress.

The final component, increasing mandatory minimums, is not a component that is not considered effective, equitable, or politically feasible according to our analysis. In regards to equity, one study suggested, "more can be achieved by spending additional money arresting, prosecuting, and sentencing dealers to standard prison terms than by spending it sentencing fewer dealers to longer, mandatory terms."⁶¹ The study compared the results of three different ways the government could spend 1 million dollars to decrease cocaine use: increasing mandatory minimums, focusing on more arrests, or investing in treatment for cocaine users. Of the three options, treatment most significantly decreased consumption of cocaine, while increasing mandatory minimums proved to be the least effective option.⁶² Mandatory minimums have been criticized on both sides of the political aisle due to their ineffectiveness at deterring crime as well.⁶³

Policy Alternative 2:

Our second policy alternative suggests decriminalizing drugs and using the funds that would have gone toward drug-related criminal justice costs and applying them toward rehabilitation services to dependent drug users. It also entails pulling funds from rehabilitative nonprofits and redirecting them towards one drug-treatment entity provided as a public service. Rather than viewing drug use as a criminal issue, this alternative switches

61. Jonathan P. Caulkins, "Are Mandatory Minimum Drug Sentences Cost-Effective?" RAND Corporation, January 1, 1997, https://www.rand.org/pubs/research_briefs/RB6003.html.

62. Caulkins, "Are Mandatory Minimum."

63. W. J. Dickey, "Evaluating Mandatory Minimum Sentences," Office of Justice Programs, 1993, <https://www.ojp.gov/ncjrs/virtual-library/abstracts/evaluating-mandatory-minimum-sentences>.

the narrative to a public health issue. The federal Bureau of Prisons reports that some 46% of inmates as of June 2021, are incarcerated for drug offenses, and that in 2017, the average cost of incarceration in federal prison was \$94.82 per day per inmate.⁶⁴ Within two weeks of their release, former inmates are 12.7 times more likely to die than other residents in the state, with the overdose acting as the leading cause of death.⁶⁵ The objective of this policy alternative is to reduce the costly prison population while treating drug users' addiction.

Portugal began administering this policy in 2001. Citizens of the country are no longer convicted if found in possession of illicit drugs of a small amount. Instead, they are, "ordered to appear before a local 'dissuasion commission'—composed of one official from the legal arena and two from the health or social service arenas—who determine whether and to what extent the person is addicted to drugs."⁶⁶ From there the drug user is either referred to free rehabilitation services or fined. Trafficking and selling illicit drugs is still a criminal offense. Drug-related public health programs in Portugal include a clean syringe exchange program that allows people to exchange their used syringes for sterile ones at pharmacies. Substitution programs that offer Methadone and Buprenorphine are free to addicts, as well as treatment at any of the rehabilitation or detox centers. In this model, the government and health industry promote the policy.⁶⁷

Evaluation of Policy Alternative 2:

By decriminalizing drugs and creating drug-related public health programs, Portugal has been able to efficiently and successfully reduce problems associated with drug abuse. In 2001, there were 80 drug-related deaths.⁶⁸ In 2012, there were only

64. Bureau of Prisons, "Offenses," https://www.bop.gov/about/statistics/statistics_inmate_offenses.jsp.

65. Binswanger et al., "Release from Prison."

66. Rebecca A. Clay, "How Portugal Is Solving Its Opioid Problem," Monitor on Psychology American Psychological Association, October 16, 2018, <https://www.apa.org/monitor/2018/10/portugal-opioid>.

67. Clay, "How Portugal."

68. Drug Policy Alliance, "Drug Decriminalization in Portugal: A Health-Centered Approach," Drug Policy Alliance, February 2015, https://drugpolicy.org/sites/default/files/DPA_Fact_Sheet_Portugal_Decriminalization_Feb2015.pdf

16.⁶⁹ The report also calculated an 18% decrease in drug misuse.⁷⁰ From 1998 to 2011, people enrolled in voluntary drug rehabilitation services increased by 60%. “Between 2000 and 2013, new HIV cases among people who use drugs declined from 1,575 to 78. The number of new AIDS cases declined from 626 to 74.”⁷¹ It has also been somewhat equitable. The needle exchange program led to €2 million in savings for Portugal.⁷² In addition, criminal processing and incarceration costs for drug offenders are spared.⁷³ However, the costs of erecting government-funded rehab centers, contracting with pharmacies, and creating treatment programs as a public service may prove costly.⁷⁴ We suggest that this burden can be reduced by reallocating a portion of the drug enforcement budget, or by redirecting the funds allocated to drug treatment. Instead of offering grants and funding to NGOs, making one drug treatment program a public service will consolidate efforts and make them more accessible. Political support for drug decriminalization has gained support in recent years as states have begun legalizing marijuana.⁷⁵

Policy Alternative 3:

The final policy alternative suggests completely legalizing drugs. Rather than belonging to the hands of the black market, drugs would surface to the free market and be monitored by government regulation.⁷⁶ Similar to how the FDA requires the nutritional content on food or tests for salmonella on eggs, the agency would monitor the sales and content of commercial drugs under this policy alternative. Law would require trans-

69. Drug Policy Alliance, “Drug Decriminalization in Portugal.”

70. Drug Policy Alliance, “Drug Decriminalization in Portugal.”

71. Drug Policy Alliance, “Drug Decriminalization in Portugal.”

72. Margarida Borges, Miguel Gouveia, Francesca Fiorentino, and Gonalo Jesus, “Costs and Consequences of the Portuguese Needle-Exchange Program in Community Pharmacies,” *Canadian Pharmacists Journal* 153, no. 3 (2020): 171. <https://doi.org/10.1177/17151635209115744>.

73. Drug Decriminalization, 2.

74. Drug Policy Alliance, “Drug Decriminalization in Portugal.”

75. A. W. Geiger, “Support Increases for Marijuana Legalization,” Pew Research Center, July 27, 2020, <https://www.pewresearch.org/fact-tank/2016/10/12/support-for-marijuana-legalization-continues-to-rise/>.

76. Coyne and Hall, “Four Decades.”

parency between the consumer and distributor. This policy is evident on electronic cigarette packages that say “CONTAINS NICOTINE” in bold, black, and white font. We also suggest that commercial drug sales would also have a significant tax. This policy alternative has been applied to recreational marijuana in Colorado, where licenses are required to sell marijuana to people ages 21 and older and a 15% tax applies to the transaction; the revenue the state receives from marijuana sales is reinvested into their school system.⁷⁷

Policy alternative 3 proposes scaling Colorado's marijuana laws to a national level and widening the scope to include all drugs. This would require commercial drug sellers to obtain a license to distribute and be regulated by the FDA to ensure the quality of drugs and create transparency between the seller and purchaser.⁷⁸ The transactions are then taxed considerably high, and the revenue from that tax is reapplied to an area of the state's interest.

Evaluation of Policy Alternative 3:

This policy alternative, according to our standards, is extremely equitable. In 2020, Colorado reported over 2 billion in marijuana sales.⁷⁹ A 15% tax on 2 billion dollars amounts to 3 million dollars. This amount does not include the money paid to the state for commercial drug sale licenses and other related fees.⁸⁰ The Colorado Department of Education puts the first 40 million in tax revenue toward the construction of new school buildings, and the remaining funds go towards the public school fund treasury. By increasing the legality of drugs, tax revenue can be increased. However, its efficiency and effectiveness at deterring drug use are questionable.⁸¹ The Rocky

77. “Marijuana Sales Reports,” Department of Revenue, 2021, <https://cdor.colorado.gov/data-and-reports/marijuana-data/marijuana-sales-reports>.

78. Robert Hoban, “The Success of Colorado's Marijuana Tax Dollars,” *Forbes*, December 10, 2021. <https://www.forbes.com/sites/roberthoban/2021/05/23/the-success-of-colorados-marijuana-tax-dollars>.

79. Colorado Department of Education, “Marijuana Tax Revenue and Education,” 2021, <https://www.cde.state.co.us/communications/2021marijuanarevenue>.

80. Colorado Department of Revenue, “Marijuana Sales Reports,” 2021, <https://cdor.colorado.gov/data-and-reports/marijuana-data/marijuana-sales-reports>.

81. Missouri State Medical Association, “The Legalization of Marijuana in Colorado:

Mountain High-Intensity Drug Trafficking Area program researched the impacts of Colorado's new marijuana laws. They found that marijuana use among adults increased by 94 percent. Marijuana use among college students increased by 30%.⁸² The report does not provide a strong case for the social benefits of legalization. However, a report in the *Economic Journal* found a decrease in violent crime and homicides among states who legalized marijuana.⁸³ States bordering Mexico showed the most dramatic decrease in violent crime post-legalization. Legalizing drugs seems to be ineffective at minimizing drug use, but legalizing frees up resources so that more attention can be focused on violent crime.⁸⁴ Support for marijuana legalization has increased among the nation, with 18 states following Colorado's path in the legalization of even recreational use as of 2022.⁸⁵

Policy Recommendation

Policy Alternative #1 had some effective components, but mainly poured funds into bandaging the effects of drug abuse, rather than addressing the root problem. It would be inefficient to increase the scale of existing programs, develop new ones, and spend years constructing a new wall that will eventually become outdated. With policing and border security being such a controversial topic of debate, bipartisan support for the policy is unlikely.

Policy Alternative #3 was by far the most equitable. The government would bring in trillions of dollars in tax revenue with this option. It also would create a new market for people

The Impact," *Missouri Medicine* 116 no. 6 (2019): 450, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6913861/>.

82. Missouri State Medical Association, "The Legalization."

83. Evelina Gavrilova, Takuma Kamada, and Floris Zoutman, "Is Legal Pot Crippling Mexican Drug Trafficking Organisations? The Effect of Medical Marijuana Laws on US Crime," *Economic Journal* 129, no. 617 (January 2019): 375–407, <https://doi.org/10.1111/ecoj.12521>.

84. Julian Morris, "Does Legalizing Marijuana Reduce Crime?" Reason Foundation, 2018, <https://reason.org/wp-content/uploads/does-legalizing-marijuana-reduce-crime.pdf>.

85. Jeremy Berke and Shyanne Gal, "Marijuana Legalization Is Sweeping the US. See Every State Where Cannabis Is Legal," *Business Insider*, February 23, 2022, <https://www.businessinsider.com/legal-marijuana-states-2018-1>.

to capitalize on and earn a living through. Psychedelic mushroom farms, heroin labs, and recreational drug storefronts are just a few of the potential businesses that could become available under this policy alternative. However, with drugs entered into the free market, manipulative marketing comes into play. The government has passed many transparency laws in order to deter cigarette sales, yet people still purchase and use them. The same phenomenon would apply to all drug sales. In addition, political support for the matter does not exist on a national level at this time. Similar to marijuana legalization, implementation of this policy, if it ever occurs, will only be codified one state at a time. The unknown externalities of recreational drugs make this unlikely.

The second policy alternative effectively reduced the levels of drug dependency when applied to the country of Portugal. It also efficiently addressed the root problem—drug abuse—and treated it like a public health issue. It was the only alternative policy that showed reduced rates of drug abuse when applied.⁸⁶ While the country would not profit from the policy, reallocation of resources would make it somewhat equitable. Criminal justice and drug reform is a bipartisan effort. For this reason, Policy Alternative #2 should be adopted in America.

86. Drug Policy Alliance, “Drug Decriminalization in Portugal.”

WHAT IS THE PACIFIC WORLD?

Emily Humphreys

What is the Pacific World?" A simple enough question with a complex and interconnected answer. In previous writing, I had defined the Pacific World as the "islands, nations and continents which are surrounded, touched, or influenced by the Pacific Ocean; including national and international discourse such as trade, war, and alliances created by different parties." This definition does well in describing the geographical portion of the Pacific world but does little to emphasize the significance surrounding the historic and cultural importance of the Pacific World and its inhabitants. This essay will be dedicated to resolve this issue by focusing on the historic and cultural aspects of the Pacific World. By doing so, I argue that the Pacific world is as a complex intermixing of culture, history, ethnicity, and politics involving both international and local discourses between the islands and nations which surround, touch, have been influenced by, or traveled to the Pacific. Due to its complexity, the Pacific World needs to be examined through different scopes and studies to gain a better understanding of what it is, and to see its importance on both a close and international scale.

There is an ongoing argument between scholars on exactly when the Pacific World history "officially" begins. The key time frame for this argument centers around the introduction of col-

onization by imperial European powers. Pro-Pacific historians are those who claim that the Pacific World history starts well before the introduction of imperial powers in the Pacific Ocean during the eighteenth century. This part of Pacific history focuses on native islander groups and their relationship to the geography and neighboring islands surrounding them. It is a well-known fact that Pacific Islanders were voyagers who traveled from island to island in the Pacific. Historians argue that although there are no written records of these excursions, the oral stories and histories surrounding them are proof enough of their importance to the culture and history of the Pacific Islander societies and have just as much significance as physical or written records.¹

David Chang emphasizes the importance of indigenous people and the networks that connected them together well before the 1700s in his book *The World and All the Things Upon it: Native Hawaiian Geographies of Exploration*. Without it, Chang argues, the term “Pacific World” is incomplete and biased, supporting only the ideals of European explorers.² In Chang’s eyes, the Pacific World is a record of indigenous people and should therefore include the networks and history which was created before the introduction of imperialistic powers. Pro-Imperialistic historians argue for the beginning Pacific World history with the introduction of colonization efforts by European influences.

David Igler claims that the term “Pacific World” is an “unstable and problematic space . . . too large, diverse and variegated to encompass one oceanic world or to generalize about its multitude of places.”³ It is best to have physical proof to aid in defining and identifying actual geographic areas rather than relying on the stories of indigenous people. The traditional stories of one island group could be significantly different than another, which can create problems in identifying what is true

1. Alice Te Punga Somerville. “Once We Were Pacific: Maori Connections to Oceania,” *The Contemporary Pacific* 25, no. 1 (Spring 2013): xviii.

2. David A. Chang, *The World and All the Things Upon it: Native Hawaiian Geographies of Exploration* (Minneapolis: University of Minnesota Press, 2016), vii–xix.

3. David Igler, *The Great Ocean: Pacific Worlds From Captain Cook to the Gold Rush* (New York: Oxford University Press, 2013), 10–11.

compared to what has been altered over time. To avoid this issue, Igler focuses on the explorations of people like John Kendrick, who helped unite the Pacific Ocean and all the pre-existing routes, creating a complete Pacific “network” and thus a Pacific World. Chang and Igler’s arguments involve important networks of people and the spread information conveyed over long distances and passed down to each new generation. Both arguments center around the introduction of imperial power in the Pacific in the 1700s and whether or not the Pacific World should begin before or after this critical point in history.

With the arrival of imperial powers in the Pacific World, the traditional culture of Pacific Islanders began to change due to the influence of the colonizers. This can be seen through the change in ideologies surrounding captives, slaves, color, and protection. Igler states that the taking of captives and slaves was a common act when dealing with Pacific Islanders and helped in communication between the foreign traders and the Islanders. The idea of capturing others was not a new idea in the Pacific as different indigenous groups would do it to each other as well. The taking of hostages between the traders and the Islanders usually occurred when there was a lack of understanding and communication between the two groups, helped to assert authority of one over the other who otherwise seemed to possess equal standing and influence, and was used as means of getting what the captive holder desired. Other than the desire for basic trade relations, foreign traders mainly wanted knowledge, the return of crew members who abandoned their ship, or retrieval of what had been stolen by indigenous groups. The more important or skilled the person, the more leverage and influence the captive holder possessed, and the more they could get. With a language barrier, the tensions between the explorers and indigenous groups could potentially result in an unwanted conflict. The use of captives created an environment where a rewarding discourse could take place between the exploring and indigenous parties.

Women, although taken as slaves or captives by competing Pacific islander groups, were not used for prostitution until

after the arrival of foreign traders. Before, women were taken as trophies from indigenous wars or other conflicts and were treated as slaves and considered to have a low social standing amongst their captors. The desires of traders and explorers to use captive women for sexual purposes changed these the indigenous people's perception of these women. The female slaves and captives newfound "use" altered their perceptions amongst their captors who benefited from using them as sexual tools to gain close relations with traders and explorers stop at their islands. Describing sexual slavery as the "most extreme condition of captivity," Igler explains that once the captive and enslaved women were used for prostitution, they were permanently seen as prostitutes.⁴ The introduction of prostitution and their standing as the lowest members of society, who had everything taken away from them and were used for every advantage, was influenced by imperial explorers and travelers. The imperial explorers and travelers were able to negatively affect the traditional perceptions of women in Pacific culture. The influence of these European travelers had over the indigenous Pacific Islanders is seen as one of the earliest signs of colonization.⁵

Maile Arvin, in *Possessing Polynesians: The Science of Settler Colonial Whiteness in Hawaii and Oceania*, looks at Polynesian history and culture through the scope of "whiteness," which was implemented by colonists to study and describe them as an "otherwise primitive version of white civilizations" which ideals still exist in social and fields of perception.⁶ Arvin looks to see how this inflicted "white" comparison affected Polynesian culture in places like Hawai'i, and claims "whiteness" structures were used by colonists to promote their "superior and more civilized" culture, which enticed the indigenous people to try and obtain what the new "white" society. Even though Polynesian cultures had a range of "whiteness" that varied from people to people and island to island throughout the Pacific, Polynesians were always considered "almost white" and could never obtain

4. Igler, *The Great Ocean*, 97.

5. Igler, *The Great Ocean*, 95–97.

6. Maile Arvin, *Possessing Polynesians: The Science of Settler Colonial Whiteness in Hawaii and Oceania* (Durham: Duke University Press, 2019), 3.

the “true whiteness” was required for obtaining the promoted advantages of the colonist culture. By doing this, colonists not only lifted their culture above all others in the Pacific, but they also were able to alter the traditional beliefs of Pacific Islanders. Even through marriage “true whiteness” could not be obtained, the advantages of the colonist’s culture that had been constantly promoted or promised to them was always out of grasp.

Regeneration is the denial of the “whiteness” structures to protect the traditional culture, land, history, that are a part of the Pacific World. There were small groups and people who fought for the preservation of traditional Pacific culture, and, as time went by, the desire to preserve traditional Polynesian culture became more popular. The major question scholars ask is whether it is too late to separate traditional from the adopted culture. Arvin argues that scholars and Pacific Islander people will be able to look at which whiteness structures were successfully refused or absorbed into Polynesian culture and will be able to see how these cultures changed up to the present and how they will change in the future.⁷

David Chang argues the “Kanaka,” or the Pacific Islanders during the nineteenth century, fought for their place in the “geography of spiritual powers” as a center player rather than a peripheral, or inferior marker for Pacific islander society. The Hawaiians used Christianity beliefs to solidify their arguments proving Hawaii as an “enlightened” and educated center while also defending their own religious stories, traditions, and songs that were used to passed down lineage and kinship ties, which connected them to neighboring people and the geography. For example, the Sacred Falls, also known as “Kaliuwa,” are said to be where Kamapua’a, the pig demigod, lives.⁸ The stories surrounding Kamapua’a describe his special association to the island’s geography while also explaining its spiritual significance.

Stories like this were used by Pacific Islanders as a map to prove their “enlightened” status since these stories could still guide people to the specific places. Being a part of the “en-

7. Arvin, *Possessing Polynesians*, 1–34.

8. Chang, *The World*, 223.

lightened group” placed Pacific Islands in the more central part of the Western and European hemisphere, where they could be seen as equals rather than as inferior, unenlightened, people who were barely on the map of the world.

Christian beliefs came into play with the introduction of the belief that the Pacific Islanders were a “Chosen People” connected through a “sacred genealogy” by the Church of Jesus Christ of Latter-day Saints (LDS). George Q. Cannon created this “Chosen People” ideology by using the story of an explorer named “Hagoth” in the *Book of Mormon* (canonized LDS scripture), who had disappeared after he and his group of explorers left and never returned.⁹ The people in the *Book of Mormon* were able to “voyage out” before the destruction and the “fall” of their people were still a chosen people, and so too were their descendants. The increase in LDS missionary work caused by the “Chosen People” ideal gave the Pacific people the leverage they needed to use geographic kinship ties and missionary connections to strategically place themselves in the trading networks between America, England, and the Hawaiian kingdom, which would otherwise be difficult to access. The new belief that the Pacific Islanders were descendants of the people in the *Book of Mormon*, lifted their status from a “fallen, sinful people” to a chosen people, giving Pacific Islanders the leverage needed to help challenge the “unenlightened views” of colonist ideals which were spreading across the Pacific World.¹⁰

The influence of colonization in the Pacific World also brought an influx of different ideologies. An “ideology” is a specific belief or idea found in any culture which is supported by the government or the society the ideology is surrounded by. There can be numerous ideologies in a single society, each having a different level of support. For example, the ideology of militarism is the belief “that a nation should maintain and be ready to use its strong military capabilities to advance its national interests.”¹¹ This includes the protection of one’s land,

9. Chang, *The World*, 214.

10. Chang, *The World*, 196–225.

11. Walsh Julianne, ed. “Framing Militarism and Nuclear Testing in the Pacific” in *Center For Pacific Islands Studies Teaching Oceania Series Volume 1: Militarism and Nuclear*

people, belief, and interests. Multiple imperial powers such as the United States, France, and Britain, practiced this form of militarism in the Pacific to protect their “newfound” colonies. Claiming dominion over specific islands like Hawai’i and Kiritimati (also known as Christmas Island), imperial powers used their military might to protect their new territory and the people found within it from other islands, protestors, or other imperial powers who wanted to, or claimed the islands as their own. With the newfound “protection” and claims the imperial European and American countries possessed in the Pacific World, these imperial countries used their influence to alter the of trade, culture, and migration of various races, particularly those of Asian ethnicity.¹²

The importance of one’s racial and national identity can play a large role in not only one’s own nation, but in the socialization of people in adopted countries and cultures: “Borders do not necessarily define us, but do contribute to the complexity of nations home, nation-state and identity.”¹³ To what extent a race is accepted in an adopted country depends on the general tolerance of that race in the new community. People carry racial and national identities with them as they migrate from one place to another. As different races travel internationally, racial stereotypes are created from both physical and cultural traits. These forms of identification can create tensions and confusion in society; especially if a community mistrusts a particular race.¹⁴

Erica Lee, in *Transnational Crossroads: Remapping the Americas and the Pacific*, focuses on the effects of Japanese migration to North and South America, arguing the history of migrating people, like the Japanese and other Asian groups, who moved around the Pacific World frequently, needs to be looked at through an international scope. She explains the rising anxieties

Testing in the Pacific (Manoa: University of Hawaii, 2016), 3, <https://scholarspace.manoa.hawaii.edu/handle/10125/42430>.

12. Camilla Forjas and Rudy P. Gueverra, “Introduction,” in *Transnational Crossroads: Remapping the Americas and the Pacific*, ed. Camilla Forjas and Rudy P. Gueverra (Lincoln: University of Nebraska Press, 2012), 1–30.

13. Forjas and Gueverra, *Transnational Crossroads*, 23.

14. Forjas and Gueverra, *Transnational Crossroads*, 22.

and frustrations over the Asian cultures, particularly the Chinese and eventually the Japanese, were caused by the belief these ethnic groups were taking all “the good jobs” from the struggling native citizens in places like America, Canada, and Peru. The rising unease surrounding the Chinese turned into the Yellow Peril, which was later transferred onto the Japanese during World War II, who lost many of their rights and were placed in internment camps because their loyalty was questioned. The communities along the West coast and government leaders feared the Japanese and the Japanese Americans living in the United States were loyal to Japan rather than with the United States. This fear spread across the Pacific world, affecting other areas where there were large Japanese communities, as in Canada and Peru which followed the United States in interning their own Japanese communities. Lee argues that the Japanese migration throughout the Pacific, and the rise of anti-Japanese and Yellow Peril fears seen in more than one country across the Pacific proves Japanese history to be an international history and thus should be looked at through various studies and scopes to gain a better understanding of its complexities and effects on the communities they migrated to.¹⁵

The spread of colonization and its ideologies affected not only how imperial powers used militaristic techniques and justifications to control and gain possession of the Pacific World, but also how they altered the perception and acceptance of traditional thought, cultures, and ethnicities located throughout the Pacific. The Pacific World and its history are a complex entity that intertwines numerous people and their countries together through a shared history and an intermixing of culture. This paper acts as an introduction to the Pacific World, only scratching the surface of its complexities and importance in understanding the people, cultures and nations affected by it on an internal and global scale.

15. Erika Lee, “The ‘Yellow Peril’ in the United States and Peru: A Transnational History of Japanese Exclusion, 1920–World War II,” in *Transnational Crossroads: Remapping the Americas and the Pacific*, ed. Camilla Forjas and Rudy P. Gueverra (Lincoln: University of Nebraska Press, 2012), 315–58.

REASONING TOWARD CAUSE AND EFFECT OF POLITICAL POLARIZATION

Andrew C. Caldwell

Introduction

The topic of political polarization has become much more popular within the United States since the 2020 presidential election. Many within contemporary culture, academia, and the mainstream media believe that political polarization has primarily been caused by the recent phenomena of social media and technological developments such as on-demand internet-based communications.¹ However, many political scientists who have been studying the phenomenon of political polarization long-term claim that the United States latest trend of political polarization has been occurring since as far back as the 1970s and 1980s.²

Many are making the claim that political polarization is harmful, unhealthy, and even dangerous, as evidenced by widespread protests, clashes, and riots leading up to the most recent November 2020 US elections. Some voices state that trends of polarization are as bad as they have ever been, within the United

1. Eli J. Finkel et al., "Political Sectarianism in America: A Poisonous Cocktail of Othering, Aversion, and Moralization Poses a Threat to Democracy," *Science* 370, no. 6516 (October 30, 2020): 533, <https://doi.org/10.1126/science.abe1715>.

2. Jane Mansbridge, "Three Reasons Political Polarization Is Here to Stay," *The Washington Post*, March 11, 2016, www.washingtonpost.com/news/in-theory/wp/2016/03/11/three-reasons-political-polarization-is-here-to-stay/.

States and globally.

Others on the reverse side of the debate are making the claim that political polarization is a positive phenomenon, as it is democracy in action, a byproduct of western liberal values. These same voices also make claim that polarization can lead to a more active, educated, and engaged electorate, which generally leads to greater voter turnout.

This paper analyzes and evaluates the various causes of political polarization. The paper then attempts to weigh and balance the pros and cons to polarization. Covered next are some of the various factors contributing to political polarization. In conclusion, this paper makes an assertion as to what factor contributing to political polarization is most prevalent and thereafter attempts to make an assessment as to whether political polarization is an overly positive or negative phenomenon.

Causes of Political Polarization

In the attempt to isolate the root causes of political polarization, most within the field of political science would probably assert that factors such as ideology, media effects, the structure of democratic systems and elections, or divides between elites and masses, are the most prevalent causes responsible. The field of political science departs some from the rest of academia, the main-stream media, and corporate journalists in the attribution of causal linkages toward political polarization. The mainstream media, journalists, and contemporary culture fundamentally blame social media/media effects for any perceived political polarization, and hence many of these types argue for heavy censorship and regulation of areas such as the internet and independent media outlets.

Media effects are only one constituent part of political polarization. The most likely reality is, however, that the main-stream media may be attacking social media primarily due to the increased competition that comes from new platforms and more popular independent voices associated with these platforms. It is highly likely that the corporate media is not overly concerned with polarization as a negative societal phenomenon,

at least not as much as the corporate media may be concerned with diminished market shares, ratings, and advertising revenues. Academia also may dislike social media for any competing voices or narratives that challenge the established narrative, indoctrination, or the psychological conditioning of both faculty and students alike.

However, political polarization is a complex area of study, as, again, the concept is multi-faceted with many inter-working and inter-related components. Explained next are the various factors that the field of political science commonly believe most contribute to political polarization.

Democratic Systems and Elections

Democratic systems, such as two-party, winner-take-all, systems or multi-party parliamentary systems, have been asserted to influence the scope and magnitude of political cooperation or political polarization. Multi-party parliamentary systems, such as those in many European countries, can incentivize a broad range of diverse political groups to come together in compromise in order to form a coalition government. These same parliamentary systems also, however, can be highly polarized because of factors such as party numbers and strength, or democratic legitimacy derived from a population's religious majority.

Winner-take-all, two-party systems also can be both highly polarized or relatively moderate based on the state of the culture and political climate at any given time. High levels of both cooperation and gridlock can occur despite the structure of the democratic system in place. High levels of polarization have occurred—or are currently occurring—within countries with parliamentary systems such as Poland, Hungary, and pre-2017 Turkey.³ Take, for example, the country of Lebanon, where gridlock stemming from a parliamentary system and the admit-

3. Jennifer McCoy, Tahmina Rahman, and Murat Somer, "Polarization and the Global Crisis of Democracy: Common Patterns, Dynamics, and Pernicious Consequences for Democratic Polities," *American Behavioral Scientist* 62, no. 1 (January 1, 2018): 16–42, <https://doi.org/10.1177/0002764218759576>.

tance of radical parties such as Hezbollah into its legislature⁴ have turned the country into an overly failed state.⁵ Inversely, it may seem that European parliamentary systems are much more apt to compromise and cooperate.

Winner-take-all systems with bi-polar, two-party distributions are slower to take on radical changes and reform. Gridlock may at times be the norm rather than the exception within these systems. The composition of the democratic system may not be the best causal linkage as to why an electorate is polarized or not; however, the composition of the democratic system cannot be ruled out completely as a contributing factor.

In stark contrast to other political systems, such as totalitarian monarchies or unitary communist rule, democratic systems allow room for political polarization, whereas other, more autocratic systems may have no tolerance for any such polarized ideological divergences of their populations.

Elections, namely, close elections, where the possibility of a party either gaining or losing power over a democratic body, institution, or executive office tend to create and lead to a much more polarized electorate.⁶ Power competition within a democratic system likely promotes political polarization more so than that of the composition and structure of a democratic system alone. However, again, the type and composition of the democratic system allow for the existence of political polarization.

Charismatic Leadership Theory

Another factor that could play a possible role in the political polarization of an electorate is charismatic leadership theory. Charismatic leadership theory holds that the followers of a charismatic leader are more apt to become polarized, even to the extreme.⁷ There is varied thought as to what constitutes

4. Faysal Itani, "Lebanon is Europe's Most Urgent Challenge," *FP Insider Access*, October 15, 2021, <https://foreignpolicy.com/2021/10/15/lebanon-collapse-corruption-refugees-europe/>.

5. Arwa Ibrahim, "What Life Is Like Living in a 'Failed State,'" *Aljazeera*, September 26, 2021, www.aljazeera.com/features/2021/9/26/lebanon-what-life-is-like-in-a-failed-state.

6. Mansbridge, "Political Polarization."

7. Andrew P. Davis and Luis Villa-Henninger, "Charismatic Authority and Fractured

a charismatic leader, but it is generally agreed that this leader possesses some personality trait or status attribute that causes others to act in a way that they normally would not if the charismatic leader were absent. If a charismatic leader had some type of long-term vision, or was guided by a particular ideology, this leader would be more able to push a collective group further toward extremes leaders lacking any charismatic qualities would.

A good example of a polarizing charismatic leader who is consistent with charismatic leadership theory could be conjectured to be Thailand's past Prime Minister Thaksin Shinawatra, who occupied Thailand's top political office from 2001–2006. Thaksin has won in various polls as to who was Thailand's best past elected leader. Thaksin had started his career as a police officer for nearly two decades. Once elected to Thailand's high office, Thaksin Shinawatra had a weekly radio show broadcast throughout Thailand where the prime minister spoke directly to and with the Thai people.⁸ Thaksin made it a point to pay homage and respect to Thailand's various customs and culture. Thaksin also showed great deference toward Thailand's revered monarchy—which only served to augment his public appeal.

Thaksin's popularity in conjunction with new and radical policy implementation was disruptive within Thailand. Party dealignment occurred along with party realignment, which essentially created a new social class within Thailand. Thaksin threatened many of those within what could be considered to be the “old guard” of Thailand's political class and was summarily exiled in a not-so-uncommon Thai military-backed coup.⁹ Lesser leaders within Thailand have not been able to accomplish even half of what Thaksin's Shinawatra was able to pass through the Thai political system.

Along with Thailand's Thaksin Shinawatra, other figures such as a Jim Jones, David Koresh, or Adolf Hitler are some

Politics: A Cross-National Analysis,” *The British Journal of Sociology* 72, no. 3 (2021): 594–608, <https://doi.org/10.1111/1468-4446.12841>.

8. Savitri Gadavani, “Contentious Politics and Political Polarization in Thailand: Post-Thaksin Reflections,” *Discourse & Society: An International Journal for the Study of Discourse and Communication in Their Social, Political and Cultural Contexts* 31, no. 1 (2020): 44–63, <https://doi.org/10.1177/0957926519877695>.

9. Gadavani, “Political Polarization in Thailand.”

more extreme examples of charismatic leaders influencing and polarizing various groups of people. Charismatic leadership theory is a form of “top-down” polarization, where a leadership pushes its followers out toward the further extremes of the ideological poles. Regarding the United States and the most recent 2020 election, it could be asserted that President Donald J. Trump was a highly polarizing figure; some on the political right may even go so far to claim that President Trump was very charismatic, which would be consistent in explaining attribution for current trends of political polarization within the United States.

Media Effects

Many contemporary political commentators and journalists blame social media for the growing divide and the growing polarization of the American electorate. Media effects could even be attributed as being responsible for political polarization occurring globally as well.¹⁰ It is often stated that pre-1990s, the popular US media included only the “big three,” NBC, CBS, and ABC. These corporate news networks differed little on their reportage. Views most likely chose one network over that of the other because they favored one news anchor’s style over that of the other networks. In the age of mass internet-based communications, there are thousands of news outlets where one can obtain news commentary delivered in a manner that is consistent with their political viewpoint.¹¹

Conservatives largely flock to what are considered conservative news outlets, whereas inversely leftists would largely flock to left leaning news outlets. News sites, whether considered to be of the left or right, compete against other ideologically similar outlets as well. These news outlets can push the envelope on who can be the most radical or extreme to gain a greater audience in competition with one another, and this almost certainly leads

10. Finkel et al., “Political Sectarianism in America.”

11. Kate Woodsome, “Why Is the U.S. so Polarized? A Neuroscientist and Political Scientist Explain Why,” *Washington Post*, December 26, 2020, https://www.youtube.com/watch?v=8O2X5kj_-Kk

to a greater political polarization of the public.¹²

Examples of bottom-up polarization can be observed through social media platforms by way of comment sections and direct messaging. Constituents can now let their political representation know, in real time, what they think of current events, policies, and other cultural phenomena.

Other controversies with social media platforms come from the “strategic use of incivility in contemporary politics.”¹³ In the 2018 Italian elections, political candidates from various parties utilized incivility and inflammatory rhetoric against one another within their campaigns. The results of this strategy were found to have caused greater public attention toward the election, more public interest in the candidate’s campaigns, and a more vested interest in the outcome of the elections. Greater overall participation and voter turnout were also attributed to the use and presence of strategic incivility.¹⁴

Ideology and Masses vs. Political Elite Polarization

Evidence taken from descriptive statistical studies support the notion that the closer political party members are to one another on the political spectrum, the more likely they are to work with one another. Inversely, the further away individuals and political parties are on the same spectrum, the less likely they are to work with one another.¹⁵ The same relationship could be said to be occurring between those who lean Republican and those who lean Democrat at other levels of society, such as professionally within the workplace, or at other organizational levels, yet these lower-level divides may not be as prevalent as one might be led to believe.

Partisanship is not necessarily the same as political polarization. Partisans can agree with one another more than they disagree. Some claim that divides are greater between members

12. Woodsome, “Why Is the U.S. so Polarized?”

13. Rossella Rega and Rita Marchetti, “The Strategic Use of Incivility in Contemporary Politics: The Case of the 2018 Italian General Election on Facebook,” *The Communication Review* 24, no. 2 (2021): 107–132, <https://doi.org/10.1080/10714421.2021.1938464>.

14. Rega and Marchetti, “Incivility in Contemporary Politics.”

15. Nolan McCarty, *Polarization: What Everyone Needs to Know* (Oxford University Press, 2019).

of the political elite and the masses than they are between spectral left/right divides.¹⁶

Political elites tend to be better informed and educated; they are thought have a high capacity for ideological reasoning. The masses are much more moderate and generally only polarize around single issues that they are passionate about rather than identifying with unified and systematized political philosophies and doctrines.¹⁷

The divide between elites and masses has grown further and further apart since the 1950s and 1960s bipartisan era of coalitions. However, it has been asserted that it is the elites on both the political left and political right who have become more extreme, and that this is the reason for the growing divide. Some have even gone as far to make the claim that the masses have become more moderate, with the elites being the ones to blame for the highly charged and polarized environment. Elites also are behind much of the funding of campaigns, advertising, and messaging, which could also be said to further polarize the electorate.¹⁸

What Contributing Factor Is Dominant?

So which factor contributing to political polarization is most dominant? It is hard to gauge which polarizing factor is most prevalent, as most discussion on the subject of political polarization could be considered speculation, some of which may be associated and backed by some self-reported polling and surveys.

Empirical methods necessary to test which contributing factor is most prevalent to the phenomena of political polarization may be impossible to devise, or if measurement is possible, it would be extremely difficult to conduct or would violate ethical boundaries of studies. Reasoning from historical information

16. McCarty, *Polarization*.

17. M. Kent Jennings, "Ideological Thinking Among Mass Publics and Political Elites," *Public Opinion Quarterly* 56, no. 4 (1992): 436, <https://www.jstor.org/stable/2749200>.

18. Shanto Lyengar and Ramesh Ponnuru, "Democrats and Republicans Don't Just Disagree—They Hate Each Other," Humphrey School of Public Affairs, April 23, 2020, <https://www.youtube.com/watch?v=8j4M7mqaeSE>.

and from statistical evidence may be the best option available in determining what is the greatest factor contributing to political polarization.

So, what do we know? We know from evidence that the current and latest trend of political polarization has been occurring since as far back as the decade of the 1970s. The internet was not largely available until the mid to late 1990s. Social media platforms were not popular until the mid to late 2000s; therefore, since the 1970s there must be some other primary factor/s other than media effects that are occurring that are more responsible for the current trend of political polarization.

It has been asserted that the bi-partisan era of the 1950s–1960s was less politically charged and polarized because the Democratic Party largely had control within this era. The left would reach out across the aisle and seek assistance from the political right, in the formation of bi-partisan voting coalitions, as to create the appearance of a greater democratic legitimacy. The so-called “bi-partisan era” was largely one-party rule for two decades. Since the 1970s, elections have become much more competitive, which is most likely the reason we are witnessing greater perceived levels of polarization.¹⁹

Time and time again, election cycle after election cycle, we hear voices claiming that political polarization is as bad as it has ever been. After some time though, the highly charged environment seems to temper somewhat. Granted, there are periods of political polarization that may not correspond with close and competitive elections. Yet, it must also be stated that in past elections that were not close, the phenomenon of polarization has been totally non-existent, which only strengthens the case that the existence of close elections where both sides have much to lose is the most prevalent cause for high levels of political polarization.

In terms of polarization of the elites vs. the masses, the masses are likely only parroting what they hear from their favorite political elite on TV or radio, or maybe even their boss or co-worker who gets political. Once the close election is over,

19. Mansbridge, “Political Polarization.”

the elite will lose some interest in demonizing those of the rival party to the extent that they had been during the election, and, hence, the masses will also likely lose interest as the hype surrounding the election dies down. Contemporary polarization should be considered much more of a top-down phenomenon.

When the political elite see a chance of taking power, the prospect of taking control polarizes the elite—it would only be logical to conclude in reasoning that all other aforementioned polarizing factors follow. Media effects, charismatic leaders, election funding, would all follow, first, the possibility of a competitive or close election, and second, the polarization of the political elite. Within western liberal democracies, it could be reasoned that short of revolution, civil war, or leaders abdicating power or dying, phenomena such as charismatic leadership theory being a contributing cause toward instances of political polarization that first there must be the existence of some type of democratic elections or power competition. A charismatic leader would first need the existence of elections to propel them into a position of power. It is the position of this paper and this author that close and competitive elections with power and control up for grab are the primary cause for higher and more charged levels of political polarization.

Is Political Polarization a Positive or Negative Phenomena?

Researchers have discovered that there is a psychological process toward political polarization. The first stage toward polarization is feeling a connection or affinity toward a group, tribe, organization, or party. An individual joins or becomes a member based on shared values, beliefs, or interests. The group then becomes a part of the individual's identity, and thus the individual can become defensive over attacks or criticisms of their ingroup.²⁰

Taken to a further extreme, political sectarianism can stem next from polarization. Once one begins mentally placing others that are different than themselves into different groups or parties, the concept of “othering” has begun. Aversion of

20. Woodsome, “Why Is the U.S. so Polarized?”

others in the outgroup can occur next. Aversion is associated with the evasion or avoidance of the members belonging to an outgroup. “Moralization” is the next stage: viewing others belonging to the outgroup as inferior, defective, or even evil since they do not share the same values, manners, and mores as oneself. Moralization can cause an individual to feel threatened by members of the outgroup. Fight or flight and stress responses can be triggered by the nervous system due to the presence of a member of the outgroup—this nervous system response is one of the reasons why political polarization can manifest outward in the form of extreme behaviors.²¹

Left to its extreme, political polarization can, in most instances, be a very negative occurrence.²² However, polarization is a natural consequence of independent thought within a democratic system, which should be viewed as a positive occurrence. Being passionate over concepts such as free thought and the free exchange of ideas should also be viewed as a positive. Attempting to limit polarization would most certainly result in limiting most everything that sets western liberal democracies apart from the other autocratic and authoritarian states of the globe. Negative behaviors, such as incivility, othering, or even dehumanizing political opponents, should be recognized and checked; however, attempting to eliminate polarization from society altogether would leave society bland, boring, and without vibrance or any contrast.

Conclusion

This paper has discussed the phenomenon of political polarization. It has explained why some believe political polarization needs to be curtailed, and why others believe that it is a positive occurrence. The paper has discussed and detailed some highly probable forms of polarization that are the most likely contributors to the current trend of political polarization perceived contemporarily: democratic systems and elections, charismatic leadership theory, ideology, and masses vs. elite polarization.

21. Woodsome, “Why Is the U.S. so Polarized?”

22. Finkel et al., “Political Sectarianism in America.”

It is reasoned, and is the position of this paper, that the possibility of close and competitive elections is the most relevant and plausible factor contributing to today's current trend of political polarization, which is followed closely, in second place, by greater levels and magnitudes of elite polarization than what has been historically experienced. The paper then discussed the process of polarization on an individual and the phenomena of political sectarianism occurring thereafter. The paper concludes that political polarization is more of a positive phenomenon than that of a negative, due primarily to polarization being a byproduct of western liberal ideals, freedom, and liberty, as the potential restriction or outright elimination of concepts such as freedom, democracy, and liberty in exchange for reduced instances of incivility would be considered by many as a foolish trade-off.

THE LOOMING RISE OF AUTHORITARIANISM IN ASIA

Hendrix Bailey

Authoritarianism is not pretending anymore to be a real alternative to democracy, but we can see many more authoritarian practices and styles being smuggled into democratic governments.

—Ivan Krastev

Introduction

Governments throughout history have shown time and time again that when allowed to seize more power over the masses, they can and will jump on that opportunity. So, what would happen if something so world-shattering, something so large scale in its implications, happened that it opened the door for even the most democratic of nations to begin to see upsides to seizing more control over their constituents? This is the situation we find ourselves living in as COVID-19 rages across the world. Because of this, I believe that the COVID-19 pandemic immensely accelerated that process of transformation from democratic institutions and practices to a more authoritarian model. This is an extremely important topic, as the future of democracy in Eastern Asia and the democratic superiority in the region we have seen over the last few decades could be at stake. By studying how democratic institutions in Eastern Asia are being whittled away, we can have a better idea of how

to recognize and prevent similar abuses of power in our own country as well as abroad.

Background Information

However, this idea of rising authoritarianism in Asia cannot be fully explored without background information on the subject. The idea that an authoritarian approach to a pandemic response is more effective than a democratic approach originally came from the contrasting responses of the United States and China to the pandemic. While the United States took a hands-off approach to the pandemic, mostly allowing the virus to run rampant and giving individual states the ability to make their own rules for how they respond, China took an opposite approach to the pandemic. China emphasized control, locking down the nation and increasing surveillance more than they already had. They used censorship, information suppression, and manipulation of their population. One of the main ways we have seen this new age of censorship is digital authoritarianism.¹ “Digital authoritarianism includes individual and mass surveillance through the use of cameras, facial recognition, drones, GPS tracking, and other digital technologies in support of authoritarian governance. It normalizes constant surveillance and extinguishes expectations of privacy.”² Through the pandemic China was repeatedly praised on the world stage for their ability to maintain control over the spread of the virus more easily than other nations did; and their swift and effective strategy of maintaining a slower spread of COVID drew the eyes of smaller nations across Eastern Asia and made them eager to try to emulate this Chinese model.

Vietnam and Singapore

Further evidence of nations trying to emulate the Chinese model comes initially from Vietnam and Singapore. A large supporting factor for why Vietnam and Singapore were so

1. Lydia Khalil, “Digital Authoritarianism, China and Covid,” Lowy Institute, November 3, 2020, <https://www.lowyinstitute.org/publications/digital-authoritarianism-china-and-covid>.

2. Khalil, “Digital Authoritarianism.”

much more effective than more democratic nations in the region is that each has a one-party system.³ Having a one-party system slowed down any sort of oppositional bickering to the party leadership's decisions, allowing them to mobilize against the virus quickly and more effectively than would have otherwise been possible. While Singapore did have "significant mistakes" while trying to control the outbreak among their migrant workers, the aforementioned mistakes were ignored for the most part as the overall case numbers remained low.⁴ The effectiveness of these countries reinforced the idea that China's model of pandemic response was by far the most efficient way of handling said pandemic. However, the exact methods some nations have begun to adopt have become increasingly concerning.

The Grip on Hong Kong

China in particular has attempted to use the pandemic to help smooth over some of their touchier endeavors, such as their slowly tightening grip on Hong Kong. To elaborate, the pro-Beijing legislative counsel in Hong Kong decided to push back a vote that was planned for September of this year, a vote which they were expected to lose.⁵ While this may seem like a relatively minor hiccup in the legislative process, this is not the first time China has used the pandemic as an excuse to slow down democratic processes and the momentum of the pro-democratic movement in Hong Kong. Hong Kong has been in the media frequently over the last few years, as Beijing attempts to slowly tighten its grip on them, all while the people of Hong Kong continue to resist such efforts. But unfortunately, the pandemic opened the opportunity for the CCP to re-steer

3. Emma Willoughby, "An Ideal Public Health Model? Vietnam's State-led, Preventative, Low-Cost Response to COVID-19," Brookings, June 29, 2021, <https://www.brookings.edu/blog/order-from-chaos/2021/06/29/an-ideal-public-health-model-vietnams-state-led-preventative-low-cost-response-to-covid-19/>.

4. Brian Harding, "Is Coronavirus Making Southeast Asia More Authoritarian?" United States Institute of Peace, June 18, 2020, <https://www.usip.org/publications/2020/06/coronavirus-making-southeast-asia-more-authoritarian>.

5. Nick Schiffrin and Layla Quran, "How Authoritarianism Has Spread since the Coronavirus Pandemic Began," Public Broadcasting Service, August 4, 2020, <https://www.pbs.org/newshour/show/how-authoritarianism-has-spread-since-the-coronavirus-pandemic-began>.

the country in a direction more in line with the communist party's values. These previously stated values can be seen being enforced when the pro-Beijing legislative council also decided to postpone all voting for a year, citing the pandemic as the only reason for this change to occur.

India

The sort of authoritarian power-grabbing that has been previously mentioned has also been occurring outside of Beijing's sphere of influence and is occurring in nations that were previously seen as being democratic and free nations. We see an emulation of the Chinese techniques being implemented by Prime Minister Narendra Modi in his home country of India. Modi has been under fire for his administration's handling and response to the pandemic, especially with the brutal tactics they began to enforce in April and May of 2020.⁶ During this time frame, the administration seemed hell bent on controlling the narrative around their pandemic response. Many journalists and social media users began voicing their dissatisfaction with how COVID-19 was being handled.⁷ So, in response, the administration fast-tracked various laws allowing them greater powers for policing online content in the country.⁸ The result can be observed when the administration began forcing Twitter to remove posts that they did not believe aligned with the narrative they wanted to be told about them. They also arrested journalists who were writing negative stories about the Indian government's pandemic response. This all comes after months of Prime Minister Modi slowly trying to tighten his grip on the nation and pushing other authoritarian and nationalistic ideas, such as introducing policies that would erode religious freedoms in the nation, changing India into a strictly Hindu Nation.⁹

6. Jill Lawless, "Authoritarianism Advances as World Battles the Pandemic," AP News, July 15, 2021, from <https://apnews.com/article/joe-biden-business-health-religion-government-and-politics-a127151d7208b79c02767b435355511d>.

7. Geetika Mantri, "67 Journalists Arrested, Detained, Questioned in India in 2020 for Their Work," The News Minute, January 6, 2021, <https://www.thenewsminute.com/article/67-journalists-arrested-detained-questioned-india-2020-their-work-140963>

8. Lawless, "Authoritarianism Advances."

9. Lawless, "Authoritarianism Advances."

Thailand

There are examples of other nations also exerting this type of soft power control over their constituents. One nation that has been receiving a lot of attention for its pandemic response is Thailand. In a strategy like that of India, Thailand has been paying particularly close attention to preventing dissent among its constituents on social media. After declaring a state of emergency due to COVID-19, the nation began using old and obscure laws to target those who criticized the regime on social media.¹⁰ Most of the journalists and citizens who were arrested are still awaiting trial, with prison sentences up to five years long being handed out to try and scare any future dissenters from challenging the ruling party.¹¹ The main law that is being cited to justify this treatment of their citizens is “the Computer Crimes Act, which was amended in 2016 to give authorities license to monitor and suppress online content and prosecute individuals for various broadly defined violations of the law.”¹² Moreover, the overly broad Article 116 of the Thai Criminal Code provides for a penalty of “up to seven years imprisonment for acts of sedition.”¹³ The way Thailand is enforcing these laws pushes the country further down the path of authoritarianism (although the country is currently being run by the military) and shows how the Chinese model of suppression of their citizens is easy and effective.¹⁴ These quick and easy results could lead more nations to consider using similar tactics in the future.

Hard Vs. Soft Power

But controlling what your population says on the internet

10. Matthew Bugher, “Thailand: Proposed Initiatives to Combat ‘Fake News’ Undermine Freedom of Expression,” Article 19, June 11, 2020, <https://www.article19.org/resources/thailand-fake-news-undermine-freedom-of-expression/>.

11. “Thailand: Authorities Using Repressive Laws to Intensify Crackdown on Online Critics,” Amnesty International, August 12, 2021, <https://www.amnesty.org/en/latest/news/2020/04/thailand-authorities-using-repressive-laws-to-intensify-crackdown-on-online-critics/>.

12. “Thailand.”

13. “Thailand.”

14. Charles Edel and David O. Shullman, “How China Exports Authoritarianism,” Foreign Affairs, October 1, 2021, <https://www.foreignaffairs.com/articles/china/2021-09-16/how-china-exports-authoritarianism>.

and what journalists write is only a piece of the puzzle when looking at the rising authoritarianism in the region. The previous examples were more of what I've been defining as soft power, which are things like delaying elections, deleting social media posts, and arresting people for "disturbing the peace." I define these as soft powers because they are doing these things quietly and trying to be sneaky about it. However, the following examples are more closely related to hard power, such as violence against their people and harder policing and military power. I am calling these hard powers because they are more easily recognizable as oppressive, and it is more difficult to pass them off as not being blatant pushing of power.¹⁵

The Philippines

Hard power has been practiced in the COVID-19 response of the Philippines. President Rodrigo Duterte has been using the pandemic to test exactly how far his powers can extend without blowback and to see how easy it would be for him to declare martial law and exert full authority over the nation. While the country's justice department has said multiple times that he has no grounds to declare martial law, that has not stopped the president from openly talking about it on multiple occasions. Furthermore, he has extended the currently limited powers that he does have as far as possible, vowing to "identify Filipinos who have done nothing [but] criticize and find fault because they want to be heard by the public."¹⁶ Over the course of the pandemic, his strategies for trying to maintain control have grown incredibly aggressive, with the nation openly arresting not only relief workers, but also activists, authors, and various social media users.¹⁷ Duterte also gave himself special temporary powers with the excuse that it was for the good of

15. Ernest J. Wilson, "Hard Power, Soft Power, Smart Power." *The Annals of the American Academy of Political and Social Science* 616, no. 1 (2008): 110–11. <https://doi.org/10.1177/0002716207312618>.

16. Nick Aspinwall, "This Is How Duterte Could Declare Martial Law in the Philippines," *The Diplomat*, June 3, 2020, <https://thediplomat.com/2020/05/this-is-how-duterte-could-declare-martial-law-in-the-philippines/>.

17. Aspinwall, "This Is How Duterte."

the nation; however, those “temporary” powers have not been revoked.¹⁸ Additionally, Duterte’s COVID-19 task force is made up entirely of military and police officials, further cementing the authoritarian direction in which the formerly democratic nation is heading.¹⁹ In addition, the Philippines is not the only nation with this issue; Indonesia seems to be heading in a similar direction to the Philippines. Similar to the Philippines, their COVID-19 response team is completely filled with military and police leadership rather than scientists and doctors.²⁰

Malaysia

Additionally, the final example of hard power that I will be exploring is the nation of Malaysia’s response to COVID-19. Malaysia has been in disarray for years, but the problem has been made much worse by the COVID-19 pandemic.²¹ After the initial outbreak, Malaysia deployed its police force as well as its military in full force to enforce its covid protocols.²² This allowed for the military to set up roadblocks throughout the country, questioning and detaining anyone they deemed a risk to public safety.²³ More recently, things have become even more because of the pandemic, with their national parliament being suspended in January after their controversial declaration of a

18. “Philippines: President Granted Temporary Extraordinary Powers to Combat Covid-19,” The Library of Congress, April 30, 2020, <https://www.loc.gov/item/global-legal-monitor/2020-04-30/philippines-president-granted-temporary-extraordinary-powers-to-combat-covid-19/>.

19. Lorela U. Sandoval, “Strongman Duterte Executes a Militarized Pandemic Response in the Philippines,” Women’s Media Center, January 10, 2022, <https://womensmediacenter.com/women-under-siege/strongman-duterte-executes-a-militarized-pandemic-response-in-the-philippines>.

20. Simon Levien, “Meet the Generals Leading Covid Response in Philippines, Indonesia,” Rappler, August 25, 2020, <https://www.rappler.com/newsbreak/iq/meet-generals-leading-covid-response-philippines-indonesia/>.

21. Bridget Welsh, “Malaysia’s Political Polarization: Race, Religion, and Reform,” Carnegie Endowment for International Peace, August 18, 2020, <https://carnegieendowment.org/2020/08/18/malaysia-s-political-polarization-race-religion-and-reform-pub-82436>.

22. Joseph Sipalan, “Army Patrols Malaysian Streets as Coronavirus Cases Spike,” Reuters, March 22, 2020, <https://www.reuters.com/article/us-health-coronavirus-malaysia/army-patrols-malaysian-streets-as-coronavirus-cases-spike-idUSKBN219069>.

23. Sipalan, “Army Patrols.”

national emergency.²⁴ The nation's leader has used the pandemic and the chaos it caused to try and solidify his power. He has done so by severely shortening the length of legislative sessions in the country and getting rid of corruption charges his stepson acquired.²⁵ In light of these steps, it seems clear that Malaysian officials have used the pandemic to strengthen their own power.

Conclusion

The COVID-19 pandemic has greatly accelerated the rate of authoritarianism across Asia by falsely making some of these smaller nations believe that strong-arming their population into compliance is the only way to have an effective measure of control over the population during a time of international crisis. However, as stated in the research paper written by Dr. Annaka Susumu, authoritarian regimes (based on available data of infection rates, deaths, etc.) do not have better responses to the pandemic than democracies do; they just appear to have more control over their citizens during the beginning stages.²⁶ Nations with more democratic tendencies overall actually had fewer deaths than authoritarian regimes; nations such as New Zealand, in particular, have stood out as a model showing that a well-educated and taken care of population will take it upon themselves to protect their community when it is shown that their community will also take care of them.²⁷ While short-term authoritarianism might help with initial pandemic responses, long-term democracies do better because of the sense of community that is fostered by democracy.²⁸ The Carnegie article

24. Tashny Sukumaran, "First Year in Office Marked by Challenges for Malaysia's Muhyiddin," South China Morning Post, March 1, 2021, <https://www.scmp.com/week-asia/politics/article/3123473/malaysia-power-struggles-pandemic-woes-mar-muhyiddins-first-year>.

25. Eileen Ng, "Malaysia Drops Charge against Ex-Prime Minister's Stepson," *The Diplomat*, May 16, 2020, <https://thediplomat.com/2020/05/malaysia-drops-charge-against-ex-prime-ministers-stepson/>.

26. Annaka Susumu, "An Empirical Analysis of Political Regimes in the COVID-19 Pandemic: Is Democracy Inferior to Authoritarianism?" Discuss Japan, October 3, 2021, <https://www.japanpolicyforum.jp/politics/pt2021100308484111609.html>.

27. Susumu, "An Empirical Analysis."

28. "Reinvigorating Local Democracy: The Case for Localising Power and Decision-Making to Councils and Communities," Local Government New Zealand, July 2019, <https://localism.nz/assets/Documents/f411ba372e/Reinvigorating-local-de>

also supports this assertion; its authors talk about how while the perception for the last year or so among the general population has been that China and other authoritarian nations had better pandemic responses, but the reality of the situation was they had a better appearance of power with little actual substance behind that power.²⁹ It remains unclear whether in light of recent evidence these countries will make the change to the methodology shown to be more effective (democratic processes) or if they will continue down the path of authoritarianism they have already started.

mocracy-LGNZ-July-2019.pdf.

29. Rachel Kleinfeld, "Do Authoritarian or Democratic Countries Handle Pandemics Better?" Carnegie Endowment for International Peace, March 31, 2020, <https://carnegieendowment.org/2020/03/31/do-authoritarian-or-democratic-countries-handle-pandemics-better-pub-81404>.

THE IMPACT OF MILITARIZATION ON HIMALAYAN WATER SUPPLY

Alitha Thompson

Introduction

The Himalayan Mountain range lies on the border between China and India. Often referred to as the “third pole,” the Himalayas contain large areas of permafrost, a permanently frozen region of snow cover, and the largest glaciers outside the polar caps.¹ The top of the Himalayas has 30–40% of seasonal snow cover that provides fresh water to more than 1.9 billion people and is vital to stabilizing climates worldwide.² The benefits the Himalayas give to East Asian countries are overwhelming; unfortunately, these benefits are threatened by the ongoing Sino–Indian border conflict. The militarization of the Himalayas, due to the ongoing border dispute between India and China, endangers the Himalayas’ freshwater resources. This militarization of the Himalayas increases the risk of climate change, pollutes freshwater sources, and destroys the soil and ecosystem that support the delivery of freshwater to 43% of the world’s population.³

1. Katherine Everest, “The Vicious Cycle of Conflict and Climate Change in The Himalaya,” The Organization for World Peace, October 31, 2019, <https://theowp.org/the-vicious-cycle-of-conflict-and-climate-change-in-the-himalaya/>.

2. Everest, “The Vicious Cycle of Conflict.”

3. Everest, “The Vicious Cycle of Conflict.”

Background

The top of the Himalayas has 30–40% of seasonal snow cover that creates a unique watershed.⁴ In the spring, the Himalayan glaciers provide source water to seven major Asian rivers, and the seasonal water runoff recharges the groundwater that also feeds these rivers year round. The Himalayas provide fresh water to more than 1.9 billion people and are vital to stabilizing climates worldwide.⁵ The Himalayan rivers, including the Indus, the Ganges, and the Yangtze, provide fresh water for consumption, agriculture, and hydropower. The steep slopes and gradients found within the Himalayan landscapes are unique and directly affect the variable climates in the regions nearby, including influencing the monsoons.⁶ Not only do the monsoons provide fresh water through precipitation, but the heavy rains and winds also bring rich fertile sediments, revitalizing the soil in the lowlands and China's coastal region.⁷

Stretching 500 miles along the Himalayas, China and India have been entrenched in the Sino–Indian border conflict since the 1950s.⁸ Treaties dating back to the British colonial times have left the two countries at odds, with India believing the treaties give the area firm borders, while China views the borders as an unsettled issue. When the People's Republic of China was founded, it renounced all former treaties that the Qing dynasty signed.⁹ The border dispute culminated in a brief war in 1962, and tensions continue to run high between China and

4. Government of India, "National Mission For Sustaining the Himalayan Eco-System." June, 2010, http://dst.gov.in/sites/default/files/NMSHE_June_2010.pdf.

5. Everest, "The Vicious Cycle of Conflict."

6. Government of India, "National Mission."

7. Alexander E. Davis, Ruth Gamble, Gerald Roche, and Lauren Gawne, "International Relations and the Himalaya: Connecting Ecologies, Cultures and Geopolitics," *Australian Journal of International Affairs* 75, no. 1 (2021): 15–35, <https://doi.org/10.1080/10357718.2020.1787333>; "China and the Monsoon," Owl & Mouse, accessed November 22, 2021, <http://www.yourchildlearns.com/china-monsoon.html>.

8. Kamaljit S. Bawa, Lian Pin Koh, Tien Ming Lee, Jiangou Liu, P. S. Ramakrishnan, Douglas W. Yu, Ya-ping Zhang, and Peter H. Raven, "China, India, and the Environment," *Science* 327, March 19, 2010, https://harvardforest1.fas.harvard.edu/sites/harvardforest.fas.harvard.edu/files/publications/pdfs/Bawa_Science_2010.pdf.

9. Richard M. Rossow, Joseph F. Bermudez, and Kriti Upadhyaya. "A Frozen Line in the Himalayas." Center for Strategic and International Studies, November 2, 2021. <https://www.csis.org/analysis/frozen-line-himalayas>.

India. The introduction of nuclear weapons in India in 1998 has “combined to produce entrenched low-level tensions and persistent militarization” along the Tibetan border.¹⁰

The ongoing conflict has brought high militarization to the Himalayas and increased the region’s development with “hundreds of thousands of troops” in the region.¹¹ In June 2021, India sent an additional 50,000 troops to the Himalayan border, bringing the total number of Indian troops to around 200,000. China also sent additional troops along with long-range artillery, tanks, rocket regiments, and fighter jets, bringing the total amount of troops to roughly 430,000.¹² The Chinese military has built a large system of roads and railways with military stations and helipads, while¹³ India has expanded its Advanced Landing Grounds, consisting of small air bases and logistic centers.¹⁴

The Himalayas are an ecologically fragile region.¹⁵ Lying on several fault lines and supporting a variety of unique ecosystems, the ecological structure is a complex web that is vulnerable to the slightest disturbance.¹⁶ About 20–30% of the unique plants, including 112 medicinal plants, and animals found within the Himalayas would become extinct if the temperature increased 1-degree celsius.¹⁷ Along the steep slopes of the Himalayas, de-

10. Davis et al., “International Relations.”

11. Davis et al., “International Relations.”

12. Sudhi Ranjan Sen, “India Shifts 50,000 Troops to China Border in Historic Move,” Bloomberg.com, Bloomberg, June 27, 2021, <https://www.bloomberg.com/news/articles/2021-06-27/india-shifts-50-000-troops-to-china-border-in-historic-defense-shift>; Frank O'Donnell and Alexander K. Bollfrass, “The Strategic Postures of China and India: A Visual Guide,” Belfer Center for Science and International Affairs, March 2020, <https://www.belfercenter.org/publication/strategic-postures-china-and-india-visual-guide>.

13. “India Races to Build Border Roads, Bridges to Match China,” Al Jazeera, September 29, 2020, <https://www.aljazeera.com/news/2020/9/29/india-builds-himalayan-bridges-and-highways-to-match-china>.

14. O'Donnell and Bollfrass, “The Strategic Postures.”

15. Government of India, “National Mission.”

16. Rasoul Sorkhabi, “An Inquiry into ‘Fragile’ Himalaya,” The Himalayan Club, accessed November 21, 2021, <https://www.himalayanclub.org/hj/63/4/an-inquiry-into-fragile-himalaya/>.

17. Vindhya Prasad Tewari, Raj Kumar Verma, and Klaus von Gadow, “Climate Change Effects in the Western Himalayan Ecosystems of India: Evidence and Strategies – Forest Ecosystems,” SpringerOpen, Springer Singapore, August 10, 2017, <https://>

forestation and soil erosion have led to an increase of flash floods and landslides, which block water drainage systems and further destroy ecological services that help prevent these natural hazards.¹⁸ The militarization and continued conflicts in the area are “enacting [a] slow violence on the region’s ecologies,”¹⁹ primarily upon the freshwater supply provided by the Himalayas.

The continued escalation of military presence along the China–India border in the area has already led to “decreased water resources, loss of biodiversity, increased pollution, and climate change” that have negatively impacted both China and India, as well as other East Asian countries.²⁰ The heavy transportation and infrastructure are polluting the area, causing land clearing and deforestation, and affecting limited resources such as fresh water.²¹

Militarization and Climate Change

One of the significant consequences of militarization in the Himalayas is its increasing effect on climate change. Global warming has been a growing problem; however, it has affected the Himalayan mountain range at nearly 200% of the global average.²² The glaciers, which feed the majority of freshwater rivers in East Asia, are receding faster due to global warming.²³ This effect is observed in the recession of the permafrost and glaciers. Between the years 1970 and 2006, the permafrost decreased by more than 18%. The Himalayan glaciers have shrunk more than 10% since 2000. The receding permafrost and glaciers affect the predictability of precipitation and negatively impact forestecosyst.
[springeropen.com/articles/10.1186/s40663-017-0100-4](https://www.springeropen.com/articles/10.1186/s40663-017-0100-4); Chandrima Banerjee, “112 Medicinal Plants in Himalayas ‘Threatened,’ but Conservation Plans in Place for Just 5,” *The Times of India*, January 15, 2021, <https://timesofindia.indiatimes.com/india/112-medicinal-plants-in-himalayas-threatened-but-conservation-plans-in-place-for-just-5/articleshow/80279192.cms>.

18. Jack Rusk, Amina Maharjan, Prakash Tiwari, Tzu-Hsin Karen Chen, Sara Shneiderman, Mark Turin, and Karen C. Seto, “Multi-Hazard Susceptibility and Exposure Assessment of the Hindu Kush Himalaya,” *Science of The Total Environment* 804 (January 2022), <https://doi.org/10.1016/j.scitotenv.2021.150039>.

19. Davis et al., “International Relations.”

20. Bawa et al., “China, India, and the Environment.”

21. Davis et al., “International Relations.”

22. Everest, “The Vicious Cycle of Conflict.”

23. Government of India, “National Mission.”

sustainable water supplies.²⁴ Continued climate change is likely to bring “variability in the volumetric flow of water in the rivers, unsustainable changes in ecology, glacier recession, deforestation” and increase the risk of landslides and other natural disasters, such as drought, which impacts the entire East Asia region.²⁵

The militarization of India and China is intensifying the effects of climate change in the Himalayas. The continued development of roads, depots, airfields, and other infrastructure needed to support the increasing numbers of troops is exacerbating local climate change.²⁶ Militarization impacts the environment and destroys biodiversity that helps stabilize the climate in the area, leading to “above-average warming.” The growing development from militarization in the Himalayas is increasing global warming, leading to unpredictable rainfall and a lack of fresh water. Recent reports have shown a considerable drop over the past 40 years in monsoon and annual rainfall within the western Himalayan region.²⁷ China and India already suffer from high water stress, and an increase in climate change and global warming will continue to intensify the problem.

Even the smallest change in the Himalayan climate and ecosystem has long-term impacts on regional and global climatic and freshwater systems. A change in the balance of an ecosystem can have disastrous effects, such as global warming and water shortage.²⁸ One example is the effects of deforestation on global warming. Forestry within the Himalayas absorbs carbon from the atmosphere, which has been shown to decrease global warming. Deforestation of this region not only hinders that absorption but causes a release of carbon that is stored within the trees.²⁹

24. E. Albert, “Water Clouds on the Tibetan Plateau,” Council on Foreign Relations, May 9, 2016, <https://www.cfr.org/backgrounders/water-clouds-tibetan-plateau>.

25. Government of India, “National Mission.”

26. Everest, “The Vicious Cycle of Conflict.”

27. Tewari et al., “Climate Change.”

28. “Everything Relies on Everything Else . . .,” *The World Counts*, 2021. <https://www.theworldcounts.com/stories/impact-of-ecosystem-destruction>.

29. “What Is the Relationship Between Deforestation and Climate Change?” Rainforest Alliance, November 24, 2021. <https://www.rainforest-alliance.org/insights/what-is-the-relationship-between-deforestation-and-climate-change/>.

Militarization and Pollution

While the military presence in the Himalayas speeds up the degradation of the glaciers and permafrost, it also directly pollutes the glaciers and freshwater sources. While tourism affects a few Himalayan regions, many areas are under constant occupation by Chinese and Indian troops. Due to global warming, higher altitudes are now accessible for human beings although they were previously uninhabited. Currently, the Chinese and Indian militaries are directly occupying the permafrost and glaciers. This occupation of the glaciers has increased the loss of ice and snow and has caused “litter, black-carbon or soot pollution on the ice.”³⁰ Roughly 348 miles of the Qinghai-Xizang railroad travel on the Himalayan permafrost, with half of the track on “high-temperature” permafrost that is highly subject to thawing.³¹ This and previous railroads, such as the Copper River and Northwestern Railway, cause plastic and heavy metal pollution and generate heat, further melting the permafrost.³²

Military transportation and structural infrastructure are also causing pollutants to enter freshwater sources. The need of the military for fresh water “affects all types of freshwater sources from rivers to groundwater through withdrawal and pollution.”³³ When chemicals and pollutants from military bases and training exercises are not properly stored or disposed of, it contaminates freshwater sources through the rivers and groundwater. Live-fire training exercises and weapon testing introduce chemical and heavy metals into the ecosystem. Spent bullets left in the weather degrade and cause contamination of groundwater and surface water sources.³⁴

30. Davis et al., “International Relations.”

31. Evelyn Ye Yohe and Laurie J. Schmidt, “Riding the Permafrost Express,” EarthData, NASA, July 28, 2020, <https://earthdata.nasa.gov/learn/sensing-our-planet/riding-the-permafrost-express>.

32. Davis et al., “International Relations;” Yohe and Schmidt, “Riding the Permafrost Express.”

33. Camila Huerta Alvarez, “Militarization and Water: a Cross-National Analysis of Militarism and Freshwater Withdrawals,” University of Oregon, 2016, 8. https://sites.ucmerced.edu/files/calvarez55/files/alvarez_2016.pdf.

34. Michael J. Lawrence, Holly L. J. Stemberger, Aaron J. Zolderdo, Daniel P. Struthers, and Steven J. Cooke, “The Effects of Modern War and Military Activities on Biodiversity and the Environment,” *Environmental Reviews*, September 17, 2015, <https://>

This contamination of soil and fresh water brings pollution into local and regional drinking water.³⁵ Chemical contamination from waste and accidental spills can be carried through runoff water to local freshwater sources.³⁶ A study done by the *Journal of Geophysical Research* showed that toxic chemicals and pollutants located in the Himalayan glaciers and permafrost are melting, contaminating the water sources of several rivers.³⁷ This puts more stress on the already limited water supply.³⁸ One of the pollutants contaminating the soil and freshwater sources is arsenic.³⁹ Arsenic has been shown to cause respiratory and vascular diseases, neuropathy, and cancer. In 2016, roughly 23,000 new cancer patients were registered within Chinese and Indian communities, many linked to arsenic poisoning.⁴⁰

Militarization and Soil

Due to the delicate nature of the Himalayan ecosystem, militarization impacts soil density and quality, and it decreases vegetation that helps maintain the purity of groundwater that supports the supply of the perennial freshwater rivers used for daily life and agriculture. China is currently adding additional air-fields, buildings, and bomb-proof bunkers.⁴¹ India is responding to this growth in kind, building more Indian military infrastructure along the border. In 2020, the Indian Government doubled the budget for infrastructure along the Himalayan border, saying, “We will not back down from taking any big and tough steps

cdnsiencepub.com/doi/full/10.1139/er-2015-0039.

35. Albert, “Water Clouds.”

36. Lawrence et al., “The Effects of Modern War.”

37. Ritika Tiwari, “Decades-Old Toxic Chemicals Are Melting out of Himalayas Now,” The Weather Channel, August 12, 2019, <https://weather.com/en-IN/india/science/news/2019-08-12-decades-old-toxic-chemicals-melting-himalayas-now>.

38. Davis et al., “International Relations.”

39. Parya Broomandi, Mert Guney, Jong Ryeol Kim, and Ferhat Karaca, “Soil Contamination in Areas Impacted by Military Activities: A Critical Review,” Multidisciplinary Digital Publishing Institute, October 29, 2020, <https://www.mdpi.com/2071-1050/12/21/9002/htm>.

40. Medhavi Arora, “Arsenic-Polluted Water Linked to Cancer in India,” CNN, May 1, 2017, <https://www.cnn.com/2017/04/28/health/arsenic-water-pollution-cancer-india/index.html>, Albert, “Water Clouds.”

41. Sen, “India Shifts 50,000”

in the interest of our country.”⁴² Images taken by the United States have shown military infrastructure in the Himalayas is designed to be long-term. These roads and military bases have been built and rebuilt with a “focus on troop movement” rather than environmental sensitivities.

Military infrastructure can lead to a broad range of impacts on the local ecosystem. The Himalayan ecologies, which support freshwater sources, cannot sustain the military presence and competition between China and India.⁴³ Military movement contaminates and weakens soils while military vehicles, both for transportation and training, change the soil structure and chemistry. Training, transportation, and new infrastructures, such as buildings and roads, also destroy vegetation and cause deforestation. This deforestation, destruction of vegetation, and soil erosion can reduce “water infiltration rates and increase water runoff rates” and thus decrease the level of groundwater in the region.⁴⁴

Soil texture, structure, and incline determine the amount of water that is absorbed into the groundwater tables. The amount of water retained by this groundwater is determined by the soil texture and foliage in an area.⁴⁵ The Himalayan ecosystem, especially the roots of local vegetation, preserves the permeability of the soil, allowing for fresh water to seep down into groundwater sources.⁴⁶ Dense soil, resulting from vehicle impact, chemicals, and land clearing, causes the soil to become hydrophobic, leading to run-off of seasonal snow melt and rainwater instead of recharging the groundwater. Deforestation, resulting from the construction of military bases, also increases soil erosion and sedimentation that lead to unpredictable flood-

42. “India Races to Build.”

43. Davis et al., “International Relations.”

44. Lawrence et al., “The Effects of Modern War.”

45. Jeff Ball, “Soil and Water Relationships,” Noble Research Institute, 2017, <https://www.noble.org/news/publications/ag-news-and-views/2001/september/soil-and-water-relationships/>.

46. U.S. Geological Survey, “What Is Ground Water?” January 2, 2014, [https://pubs.usgs.gov/of/1993/ofr93-643/#:~:text=The%20top%20of%20the%20water,cracks%20is%20called%20ground%20water](https://pubs.usgs.gov/of/1993/ofr93-643/#:~:text=The%20top%20of%20the%20water,cracks%20is%20called%20ground%20water.).

ing and contamination of fresh drinking water.⁴⁷

Future Research

“It is no exaggeration to say that the problem of war and peace in mountain areas is among the most urgent and intractable issues of international relations today.”⁴⁸ The militarization in the Himalayas is unsustainable to the fragile relationship between water resources and the ecosystem. While there has been much research on the negative effects of the Sino–Indian conflict on the Himalayas, international organizations and countries have been quiet. There is little research or initiatives on possible solutions and/or policies.

In an effort to combat climate change and provide a sustainable living for the world, The United Nations have created 17 Sustainable Development Goals (SDGs) to help “provide a shared blueprint for peace and prosperity, for people and the planet, now and into the future.”⁴⁹ The 17 SDGs are broken down into 169 targets, of which only three address mountain regions: Target 6.6, Target 15.1, and Target 15.4. All three targets address the importance of freshwater ecosystems and the need for sustainable policies and conservation.

Both China and India are a part of the SDG global partnership, yet, little has been done to protect the Himalayas from the growing threat of the Chinese and Indian military presence. More international research and attention need to be immediately conducted to protect the vital freshwater sources that sustain life for almost half of the world population.

Conclusion

The sustainability of the Himalayas is a vital issue for citizens in East Asia and the world. The continued China-India border militarization is unsustainable to the freshwater sources found in the Himalayas. This militarization causes an increase in global

47. Albert, “Water Clouds.”

48. S. Frederick Starr, “Conflict and Peace in Mountain Societies,” in *Key Issues for Mountain Areas*, edited by Martin F. Price, Libor F. Jansky, and Andrei A. Iatsenia (United Nations University Press, 2004), 170.

49. “The 17 Goals | Sustainable Development,” United Nations, 2015, <https://sdgs.un.org/goals>.

warming, leading to faster degradation of glaciers and freshwater sources. It pollutes the current freshwater supply, and this contamination is carried to local water sources. It also destroys the fragile ecosystem leading to less groundwater retention and more water run-off. This increases the already high water-stress in the East Asian region. Mechanistic science is showing that the glacier melts, change in vegetation, and damage to the permafrost are already leading to severe drought conditions.⁵⁰ The effects of the China and Indian militarization in the Himalayas are causing long-term damage that is endangering the Himalayas' freshwater sources and ecosystem, negatively impacting more than 1.9 billion people. More research must be done to help preserve and restore the freshwater supply found in the Himalayas.

50. Alka Sabharwal, "The Environment and Military Conflict: A Critical Review of the Environmental Security Discourse in the Himalaya," *EnviroSociety*, August 4, 2015, <https://www.envirosociety.org/2015/06/the-environment-and-military-conflict/>.

SOE: THE UNSUNG HEROES

Allison Fannin

World War II has been a fascination for many since its conclusion. The fascination of the evil that could prevail for so long. The horrible notion that so much destruction could happen in such a short amount of time. The wonderment at how it all came to pass. The idea that millions of lives would forever be irrevocably different because of the decisions of others. But perhaps what is less known is the group behind enemy lines. While military battles were taking place on the front lines, there were a select few waging guerrilla warfare behind enemy lines. A possibility of death is always available to those on the front lines, but the certainty of death and torture if captured was evident behind enemy lines. Those who fought behind enemy lines were select individuals, without whom the war would have ended much differently.

At the end of WWI, the nations came together to negotiate. Part of the treaty at Versailles stated that Germany's military "must not comprise more than seven divisions of infantry, and three divisions of calvary."¹ However, shortly after Adolf Hitler rose to power, he began building up his military force. In March 1938 Germany invaded Austria, and later that year in September,

1. U.S. Department of State and Charles I Bevens, *Treaty of Versailles—June 28, 1919*, Pdf, 115 <https://www.loc.gov/item/lltreaties-ustbv002/>.

Czechoslovakia. In August 1939, Hitler invaded Poland, and after one month Poland surrendered. May 4, 1940, Denmark fell in less than six hours; Luxemburg fell on May 10 after twelve hours; The Netherlands fell four days later; Belgium fell after eighteen days; on May 28, Norway fell on June 10, and Paris fell June 14.²

Clearly, Germany's military had been underestimated. Because of the might of the German military many members of British Parliament as well as Churchill's war cabinet wished to negotiate a peace deal. However, in July 1940 Churchill gave Hugh Dalton, a member of parliament, instructions to "set Europe ablaze." Dalton was placed in the position of Minister of Economic Warfare. He was to organize the new organization, the Special Operations Executive, commonly known as the SOE. The objective of the SOE would be to deploy agents behind enemy lines to help fight the war. Whether the SOE worked through acts of murder, sabotage, or subversion, Churchill held the belief that the members of occupied Europe would hold a crucial role in their own liberation, and as such it was the duty of the SOE to help bolster their capability in that role.

In the beginning stages of organizing the SOE, Churchill gave two directives: first, "rousing the populations"³ and second, building "an underground body of operatives who would perform acts of sabotage and assist in liberation when British forces landed."⁴ In working with the Military Intelligence Research department to further organize this clandestine group, organizers decided that the best way to win the war would be "undermining Germany internally and by action in the occupied territories. German aggression has in fact presented us with an opportunity never before equalled in history for bringing down a great aggressive power by irregular operations, propaganda

2. Sarah Rose, *D-Day Girls: The Spies Who Armed the Resistance, Sabotaged the Nazis and Helped Win World War II* (New York: Penguin Random House, 2019), loc 321 of 7116, Kindle.

3. Max Hastings, *Winston's War: Churchill, 1940–1945* (New York: Vintage Books, 2011), 365.

4. Larry Loftis, *Code Name: Lise* (New York: Gallery Books, 2019), 7.

and subversion enlarging into rebel activities.”⁵ Churchill knew that without a group of operatives fostering resistance in occupied territories, the war would either end much more quickly and in an unfavourable light, or it would last much longer with more casualties and in an unfavourable light.

Hugh Dalton wrote a letter to Lord Halifax, a member of the war cabinet, stating

We have got to organize movements in enemy-occupied territory comparable to the Sinn Fein movement in Ireland, to the Chinese Guerillas now operating against Japan, to the Spanish Irregulars who played a notable part in Wellington’s campaign or—one might as well admit it—to the organizations which the Nazis themselves have developed so remarkably in almost every country in the world. This “democratic international” must use many different methods, including industrial and military sabotage, labour agitation and strikes, continuous propaganda, terrorist acts against traitors and German leaders, boycotts and riots.⁶

Shortly after the first world war, Colin Gubbins, who later would write the instruction manual for guerilla warfare and become leader of the SOE, moved to Ireland. While he was there, he was introduced to guerilla warfare from Michael Collins, leader of the Irish Republican Army. He also noticed how efficiently the IRA fought. He was forced to run through streets while being shot at from behind hedges, corners, and dark alleys all while being unable to shoot back. Shortly after being in Ireland, Gubbins learned about Al Capone and his tactics as well as those of the Chinese guerillas in Japan. It seemed to Gubbins a whole new world of ungentlemanly warfare had been opened.

The military leaders of WWII knew that if they had agents behind enemy lines bolstering resistance movements, they would need additional training than what was required on the front lines. Many took to calling the SOE the “ministry of un-

5. “Brief for DMO for COS Meeting of 7/6/40, in PRO HS8/259,” 1, qtd. In Simon Anglim, “Mi(R), G(R) and British Covert Operations, 1939–42”, *Intelligence and National Security* 20, no. 4 (2005): 632, <https://doi.org/10.1080/02684520500426073>.

6. Loftis, *Code Name*, 7.

gentlemanly warfare,” and, in truth, they were right. The SOE did not follow the rules of “generous” warfare, meaning they were taught methods of guerilla warfare, such as shooting on the run, methods of political terrorism, and subversion. In their curriculum, agents were taught basic paramilitary techniques, but they were also taught hand to hand combat. One of their instructors was William Fairbern, who had spent 20 years with the international police force in Shanghai, China. He was responsible for teaching hand to hand combat and how to silently kill an attacker.⁷ Agents were responsible to be as inconspicuous as possible. If they left their attacker alive, or even alerted others to their presence, they would have been captured, and the SOE presence in that area would have faltered.

Hitler had sent out a directive stating

It must be made clear to the enemy that all sabotage troops will be exterminated, without exception. That means that their chance of escaping with their lives is nil. Under no circumstances can they be expected to be treated according to the rules of the Geneva Convention. If it should become necessary for reasons of interrogation to initially spare one man or two, then they are to be shot immediately after interrogation.⁸

Therefore, in order to spare as many lives as possible, they would need agents who would blend in and be unnoticeable. The SOE even went so far as to have authentic clothes smuggled from those countries or similar clothes with a label from a seamstress in that country.

In addition, the potential recruits would need to be aware of the risks they would be facing—not only to themselves but to whole communities as well. In June 1942 two Czech agents were selected for a major operation. These two individuals used their training to target Reinhard Heydrich, one of the top Nazi officials who was selected to lead the Wannsee conference. It was part of his idea to exterminate the Jews. He was targeted

7. Loftis, *Code Name*, 18.

8. Loftis, *Code Name*, 26.

by these two agents, Gabčík and Kubiš. They used their new-found skills to throw a grenade in Heydrich's car while he was out. Unfortunately, it was not a direct hit, and Heydrich did not die until eight days later from sepsis. The massacre of Lidice was ordered in retribution of the assassination,⁹ and 5,000 civilians were murdered in retribution for harboring fugitives. Even though a top-ranking Nazi official had been assassinated, was the price worth the cost? This question would soon plague the minds of everyone involved.

Churchill has been so respected for his actions during WWII because he expected much from the British people. But it was not just the British people he expected much from. He was concerned that occupied Europe would continue to fall to Hitler's tyranny. Churchill once claimed, "In war quarter is given not on grounds of compassion, but to deter the enemy from fighting to the end. Here we want every citizen to fight desperately and they will do so the more if they know that the alternative is massacre."¹⁰ However, many populations felt that resistance was too high a price if the cost was death. The mayor of a small town in France wrote, "The *maquis* conduct an operation, the Germans arrive, the civil populations pay the tariff, the Germans go away and the *maquis* reappear. Where there are casualties among the Germans, the retribution is terrible."¹¹ This continued to raise the question of whether the retribution was worth the act of resistance. But as has been taught during and after the war, wars affect everyone, and freedom does not have a price.

Many people had watched Hitler's rise to power, and while it was not common knowledge of the organization of concentration camps, there were more than enough who knew the tyrannical power Hitler held. Odette Sansom was raised in occupied France during the first world war. She later married and moved to England, where she was later recruited for the

9. R.C. Jagers, "The Assassination of Reinhard Heydrich," Central Intelligence Agency, September 22, 1993, 12 <https://www.cia.gov/static/9bd107f36ac62c540333b054c-f0a41ff/Assassination-of-Reinhard-Heydrich.pdf>.

10. Hastings, *Winston's War*, 366.

11. Hastings, *Winston's War*, 366.

SOE. After months of contemplation she realized that

[I]f everybody thinks my way, what is the future going to be for all of those children everywhere? If I were in France, with children, I could be like some of other people who've already been captured, even with their children in concentration camps. No, because I'm here, I have a great excuse for not doing anything more than staying put with my children.¹²

It is unknown exactly how many female SOE agents were used during the war, but the number is around 3,000; male agents numbered 10,000.¹³ Many of those individuals were captured, tortured, and murdered.

Before an individual could become an agent, they had to pass the four-stage training institution. Instituted by Major F. T. Davies in the autumn of 1940, it included preliminary schools, paramilitary schools, and finishing school.¹⁴ Preliminary schools were established so that the individual could be observed and tested before obtaining additional classified information. If they were found to be unsuitable for the life of an SOE agent, they were sent to a "cool down" location so that what little information they had learned would be outdated.

The preliminary school was essentially basic training. It covered weapons training, physical training, hand-to-hand combat, explosives training, map reading, and basic signalling. Preliminary school trained for up to four weeks. If the candidate passed the selection process, they were moved to stage two. Paramilitary school was a lot like preliminary school but was more extensive. In late 1944, it was decided that since there had been so much success in occupied Europe, the paramilitary school would no longer be needed, and the last recruits training in the paramilitary school left in December 1944.¹⁵

12. CXW, Oral history interview with Odette Hallowes, Other, *United States Holocaust Memorial Museum*, United States Government, February 1995, <https://collections.ushmm.org/search/catalog/irn510824>.

13. Michael R. D. Foot, "Was SOE Any Good," *Journal of Contemporary History* 16, no. 1 (1981): 174.

14. Denis Rigden, *How to Be a Spy: The World War II SOE Training Manual* (Toronto: Dundurn Press, 2001), 2.

15. Rigden, *How to Be a Spy*, 5.

Stage three consisted of finishing school. Surprisingly the candidates were never told the true mission of the SOE until they arrived in finishing school. Throughout the other stages they were trained to help resistance movements and to help defend in a combative manner. But not until finishing school did they learn what operations were underway and what their roles would be in the agency. When they arrived in finishing school, they were immediately ushered to an orientation meeting. From there they were told the main objectives and missions they would be completing after being deployed.

There were four main objectives an SOE agent was compelled to fulfill after being deployed. The first was “industrial sabotage.” The SOE training manual explains the emphasis on machinery: “With every successive war there is an increasing emphasis on machines and equipment, so much so that no country without considerable industry at its call can now dream of making war on a large scale.”¹⁶ Sabotage would go a long way to diminish the enemy’s war effort. Before the SOE was able to work on a larger scale, they had smaller successes. One such success was when a couple of agents were able to destroy the enemy’s power transmitter. It was after that success that it became apparent the SOE had a chance of succeeding and helping the war effort end early.

The second objective was to “strain the enemy’s resources of manpower.”¹⁷ Without manpower a country cannot fight. Germany was losing soldiers every day. They were then forced to draft more of their men from factories and other industrial sites. They were then forcing foreign individuals into working in their factories. If an individual was forced to work in the factories, then they were suggested to be slow in their work, not keep up the essential duties to maintain working machines, supplement foreign substances in the machines. If the machinery could break, then the enemy would be forced to deal with those issues. Another area that would strain the enemy would be acts

16. William Collins, *SOE Manual: How to Be an Agent in Occupied Europe* (London: Harper Collins, 2014), loc 68 of 2215, Kindle.

17. Collins, *SOE Manual*, loc 68 of 2215, Kindle.

of sabotage that would necessitate enemy soldiers' having to investigate and request additional manpower, which would then limit manpower in other areas. SOE agents would sabotage an area of little interest to ensure it would be watched to clear way for a more crucial area of sabotage instead, a technique employed for the D-Day invasion.

The third objective was to undermine the enemy's morale. The manual talks about how toward the end of WWI German soldiers were hungry and depressed. The leaders were overwhelmed by constant losses and were harsher than usual to their men, which diminished morale. If an agent could help diminish the morale of the enemy, it would help the war end early. The agents were taught not to lie or spread rumors to the enemy; there would be no way to ensure they would believe them. Instead, they were trained to aggravate the frustrations the enemy already had:

Fan their dissatisfaction with their conditions, and also the anxiety they must feel for their family relations in North German towns which have been heavily blitzed by the RAF. You can play on the feeling of loneliness some of their troops must experience in remote stations, and on the terror they must feel at the chance of being stabbed in the back by the foreign population.¹⁸

If an agent could play on existing grievances, then it would go a long way in helping sow discontent within the enemy's military.

The fourth and final objective was to raise the morale of the occupied, the most difficult objective to manage. During the occupation of many European countries, people had witnessed so much murder and violence. Many individuals were forced to watch their homes burn, their neighbors shot in the streets and large-scale massacres take place. To raise the morale would be to convince them there was hope, and that was something many individuals could not bear to have because they knew of the brutality of the Nazis firsthand.

If the morale of the occupied could be raised, then they

18. Collins, *SOE Manual*, loc. 118 of 2215, Kindle.

would be willing to help the allied forces in small missions and to help fight back when the allied invasion took place. One of the major morale-raising operations was the spread of propaganda. In multiple countries there was the use of an underground resistance that was already working to spread pamphlets of propaganda. In Norway, one such man, Gunnar Sønsteby, worked with the underground resistance before being recruited by the SOE. In July 1940 he met with some students and aired their grievances of the censored newspapers. There were 200,000 German soldiers in Oslo at the time, and the students wished to fight. So Gunnar and some students decided the best thing to do would be to distribute secret newspapers to inform the public of what was really happening in the war effort. It had become so dangerous to report news from the BBC that if a person were caught distributing newspapers, or writing news, they were arrested and either killed or sent to concentration camps.¹⁹

Once in finishing school, the agents were taught the espionage aspects of their job. They were taught burglary, lock picking, and personal security, including the importance of maintaining their covers as well as the importance of maintaining consistency during interrogations. But perhaps the most important lesson was how to maintain secrecy and when not to speak. During finishing school one such secret test was when various young men were sent to a local bar. They were then met by Christine Collard, who, unbeknownst to the agents, was an agent herself and who would continue to drink with them and then ask questions. If any of the young men said too much, they were immediately disqualified from continuing their training.²⁰

In finishing school, they were also taught Morse code and how to operate a radio. Radio operators were in constant need. The average lifespan of a radio operator was six weeks²¹ due to the Germans' being able to track radio operators via mobile

19. Joan Ringelheim, "Oral History Interview with Gunnar Sonsteby," *United States Holocaust Memorial Museum*, United States Government, February 9, 2000. <https://collections.ushmm.org/search/catalog/irn507295>.

20. Loftis, *Code Name*, 20

21. Nigel Morris, "History – World Wars: The Special Operations Executive 1940–1946," BBC, February 17, 2011, http://www.bbc.co.uk/history/worldwars/wwtwo/soe_01.shtml, 3.

D/F units also known as Funkpeilwagens.²² These vans would track radio waves and could track underground radio operators if they stayed on too long, or if they transmitted the same time and same day. Unfortunately, many radio operators committed those same mistakes. Yolande Beeman was one such agent. She was caught and arrested. She was tortured and beaten but did not reveal any information. She was executed on September 13, 1944, at the German concentration camp Dachau. If a radio operator were caught, not only were they arrested and interrogated, but their radios could be used by the Germans to contact the SOE in London and use it consistently to gather intelligence. On one such occasion the Germans captured fifty agents as they parachuted into the Netherlands.²³

Another part of their training was the use of interrogations. The agents would be awakened in the middle of the night to catch them off guard. They would then be interrogated, and if they gave anything away, they were released as an agent. It was common practice that if an agent were captured and arrested, it would be best to remain silent for forty-eight hours, which gave enough time for the circuit to notice their absence and to alert the SOE to alert other agents and have them go to ground to avoid suspicion.²⁴ Multiple agents relied heavily on that training during the field. Only a small percentage of agents broke after the forty-eight-hour mark. Most agents kept silent during their time as a prisoner whether that meant release or, most often, their death.

In 1940 the civilian population gathered in the roads, which hampered the ability for the allied forces to prevent the German invasion. It had been discussed in the SOE training manual to utilize the civilian population and to organize them when the invasion happened so it did not handicap any plans the allied forces were creating.²⁵ They planned to use the BBC radio to send a message when they needed civilian help. When the allied forces were planning D-Day, on June 1–4 BBC radios trans-

22. Loftis, *Code Name*, 85.

23. Loftis, *Code Name*, 117–18.

24. Loftis, *Code Name*, 149.

25. Collins, *SOE Manual*, loc 190 of 2215, Kindle.

mitted a “standby order,” letting resistance movements know it was time to wait. The message was “when a sighing begins, In the violins, of the autumn-song,” the first three lines of a popular French nursery rhyme. Resistance movements had received telegrams with instructions to blow rail lines, destroy communication, destroy petrol pumps, and execute well-timed guerilla attacks. They were warned not to alert the enemy to any large-scale attacks so that there would be no retribution against them.²⁶ They wanted to prevent another massacre from taking place. Attacks had been occurring for two weeks previously to help ensure they were well executed. Because these attacks had taken place, Germany knew there would be an imminent invasion but did not know the precise location.

The evening of June 5, 1944, everyone in France was listening to the radio, waiting for news of the imminent invasion. As it was announced, there was an increase of resistance activity. In Normandy there were 950 railroad explosions, which isolated Normandy and helped the D-Day invasion take place without reinforcements arriving.²⁷ Shortly before the invasion started, the BBC radio aired a message calling for civilians to stay off the roads and to leave their towns. They were instructed to carry light as they evacuated. At the end of the war in May 1945, President Dwight D. Eisenhower exclaimed that

[T]he disruption of enemy rail communications, the harassing of German road moves and the continual and increasing strain placed on German security services throughout occupied Europe by the organised forces of Resistance, played a very considerable part in our complete and final victory.²⁸

Many historians claim that the invasion of D-Day on June 6, 1944, ultimately turned the tide and helped the Allies win the war. However, without the help of the SOE agents behind enemy lines, their use of guerilla warfare and untraditional fighting, the war would have turned out vastly different. Traditional warfare can only be fought for so long before something has to change.

26. Rose, *D-Day Girls*, 245.

27. Rose, *D-Day Girls*, 248.

28. Morris, “History – World Wars,” 4.

Clearly Winston Churchill, Hugh Dalton, and Colin Gubbins knew what it was that had to change, and because of their leadership in establishing the SOE, the war was won when and how it did. In truth, the SOE changed how wars have been fought, instituting more guerilla warfare instead of battlefield warfare. And it is clear that without the SOE involvement, WWII would have turned out dramatically different with more casualties as well as other wartime losses.

THE US SUPREME COURT'S
STANDING DOCTRINE:
HISTORICAL IMPLICATIONS ON THE
AMERICAN SYSTEM OF JUDICIAL
SEPARATION OF POWERS

Dallas M. Karren

Limitations on the classifications of affairs applicable on the federal level from Article III, Section II, Clause I of the US Constitution eventuated in the Standing Doctrine (henceforth SD) as a prevailing tradition and theory behind judicial separation of powers in American legal jurisprudence. SD places “constitutional and prudential restraints on the power of the federal courts to [consider or] render decisions”¹ and is largely concerned with maintaining the powers separation of national government by ensuring the “proper—and properly limited—role of the courts in [our] democratic society.”² However, in adopting this doctrine, “the Court has severely restricted the kind of interest that will be recognized.”³ This paper will briefly analyze the positive and negative implications of SD in the context of separation of powers.

To appropriately interpret SD, it is necessary to adequately understand its importance and the accompanying provisions it carries. Standing, or *locus standi*, is nowhere explicitly mentioned

1. “ArtIII.S2.C1.2.5.1 Standing Requirement: Overview,” Constitution Annotated, Library of Congress, https://constitution.congress.gov/browse/essay/artIII_S2_C1_1_5_1/ALDE_00001197/.

2. *Warth v. Seldin*, 422 U.S. 490, 498 (1975).

3. Bruce J. Terris, “Ex Nihilo: The Supreme Court’s Invention of Constitutional Standing,” *Environmental Law* 45, no. 4 (2015): 851.

in the supreme law of the land, yet “few principles of constitutional law seem as solidly established.”⁴ As a relatively new constitutional concept, it has been difficult to establish SD standards due to historical inconsistencies and vague generalizations. Fortunately, the court has provided a synopsis of the contemporary philosophy in *Friends of the Earth, Inc. v. Laidlaw Environmental Services (TOC), Inc.*, wherein SD criteria requires that

a plaintiff must show (1) it has suffered an “injury in fact” that is (a) concrete and particularized and (b) actual or imminent, not conjectural or hypothetical; (2) the injury is fairly traceable to the challenged action of the defendant; and (3) it is likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision.⁵

To bring a lawsuit to the federal government, the plaintiff or appellant must first prove that they fit these basic requirements of injury in fact, causation, and redressability, among others that will be discussed momentarily. Otherwise, they will be determined to lack standing, and the case will be dismissed without consideration of the merits or claims of unconstitutionality. Nonetheless, exceptions to this generic rule have been granted in special conditions;⁶ taxpayer suits are also occasionally afforded narrow exemptions for injuries.⁷

Furthermore, “generalized or widespread” injuries shared by large portions of the public are insufficient to confer standing, as claimants have to be distinct from the general public.⁸ An injury presented must be “personal and individual.”⁹ However, while the injury needs to be “distinct and palpable,”¹⁰ if the “harm is concrete, though widely shared, the Court [may find] ‘injury in fact’”¹¹ Typically, one can receive standing only to sue only on behalf of themselves and is not permitted to

4. Terris, “Ex Nihilo,” 850.

5. *Friends of the Earth v. Laidlaw Environmental Services*, 528 U.S. 167, 180–81 (2000).

6. *Roe v. Wade*, 410 U.S. 113 (1973).

7. *Flast v. Coben*, 392 U.S. 83 (1968).

8. *Schlesinger v. Reservists Committee*, 418 U.S. 208 (1974).

9. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992).

10. *Warth*, 422 U.S. at 501.

11. Quoted in *Massachusetts v. EPA*, 549 U.S. 497 (2007).

assert the rights of others.¹² However, third-party standing may be granted if the person is able to demonstrate a degree of personal injury or “concrete interest in the outcome of the litigation,” and the primary party is unable to represent itself.¹³

Another customary method for an uninvolved yet implicated individual or association to obtain a degree of influence in a relevant case is via *amicus curiae*, a Latin maxim that translates to “friend of the court” and is commonly referred to as an amicus brief.¹⁴ A person or group who is not a party in the case but has a significant interest or stake in the matter may petition the courts to offer pertinent information or arguments the court may wish to consider concerning how the outcome can affect other persons or entities before ruling on a case. Ninety-eight percent of present-day Supreme Court proceedings have amicus briefs filings attached to them, with the most controversial cases receiving hundreds.¹⁵

Associations or institutions may also be granted Organizational Standing

to bring suit on behalf of its members when: (a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization’s purpose; and (c) neither the claim asserted, nor the relief requested, requires the participation of individual members in the lawsuit.¹⁶

States, for example, are able to sue against environmental harm for their citizens but not against the federal government via *parens patriae*. The alleged injury is further required to be “ac-

12. *Tileston v. Ullman*, 318 U.S. 44 (1943).

13. *Singleton v. Wulff*, 428 U.S. 106 (1976). Also see *Barrows v. Jackson*, 346 U.S. 249 (1953).

14. *Black’s Law Dictionary*, 10th ed. (2014), s.v. “brief.”

15. Allison Orr Larsen and Neal Devins, “The Amicus Machine,” *Virginia Law Review* 102, no. 8 (December 2016): 1902, <https://www.jstor.org/stable/24878283>.

16. *Hunt v. Washington State Apple Advertising Comm’n*, 432 U.S. 333, 343 (1977). See also *Warth*, 422 U.S. 490.

tual or imminent”¹⁷ and not an “abstract”¹⁸ or “hypothetical”¹⁹ inquisition. Behaving in a suppositional manner would leave the Supreme Court serving more within the capacity of a Constitutional Court and intrude on the democratic political process, violating the fundamental separation of powers structure.

Article III’s Case or Controversy Clause additionally requires that such litigation be ripe, per the Mootness Doctrine. This refers to the circumstantial timing in which the dispute is filed and heard. The contestation is intended to exist for the duration of all stages of the proceedings rather than limited to the initial or intermediate steps.²⁰ The court is constitutionally confined to adjudicating justiciable cases that are applicable to current conditions. Bringing a premature case will be considered not yet ripe. If the opportunity to take action surpasses, it will be labeled as moot and render the seeker without standing. However, as alluded to earlier, it is notable that an exception was granted in *Roe v. Wade* since the issue presented would otherwise never be able to be resolved within an appropriate frame of time.²¹ This is because a change in the law, status of the parties involved, or certain developments while the lawsuit is pending, may cause it to no longer present a justiciable case or controversy.

The essence behind SD is an attempt to draw the line between what is judicable and what ought to pertain to policy making. “Federal courts are not courts of general jurisdiction; they have only the power that is authorized by Article III of the Constitution and the statutes enacted by Congress pursuant thereto”²² through its enumerated powers found in Article I, Section 8 or actions under the implied powers that are both necessary and proper²³ to effectively fulfill the former. Justice Antonin Scalia argued in *Lujan v. Defenders of Wildlife*²⁴ that

17. *Whitmore v. Arkansas*, 495 U.S. 149, 155 (1990).

18. *O’Shea v. Littleton*, 414 U.S. 488, 494 (1974).

19. *City of Los Angeles v. Lyons*, 461 U.S. 95, 101–02 (1983).

20. *Lewis v. Continental Bank Corp.*, 494 U.S. 472, 477 (1990).

21. *Roe*, 410 U.S. 113.

22. *Bender v. Williamsport Area Sch. Dist.*, 475 U.S. 534, 541 (1986).

23. U.S. Const. art. I, § 8, cl. 18.

24. *Lujan*, 504 U.S. 555, (1992).

standing requirements emphasize the “separate and distinct constitutional role of the Third Branch” and serves to “identif[y] those ‘Cases’ and ‘Controversies’ that are the business of the courts rather than of the political branches.”²⁵ Thus, the courts are permitted to “entertain” proceedings when criteria are satisfied and theoretically obligated to relinquish control without considering the merits when they lack original, appellate, or “diversity of citizenship” jurisdiction. However, not issuing judgment on a case is essentially equivalent to ruling on it.

In Scalia’s mind, “standing was a way to constrain the federal courts and prevent them from usurping the authority of the political branches.”²⁶ The Framers intended for the judiciary to remain the “least dangerous branch” since it carries not the power of the sword or purse, “neither force nor will, but merely judgment” and must rely on the other branches.²⁷ The court further stated in *Schlesinger v. Reservists Committee to Stop the War* that dismissal of the Standing Doctrine would “require a court to rule on important constitutional issues in the abstract [that] would create the potential for abuse of the judicial process, [and thereby] distort the role of the Judiciary in its relationship to the Executive and the Legislature.”²⁸ Such action could invalidate certain safeguards and enable judicial autonomy to broaden at the expense of the other branches. Antonin Scalia, a proponent of SD, also affirmed this position in his dissenting opinion in *Arizona State Legislature*.²⁹

The independence of the courts prevents them from serving as “substitute forums for matters that should be left to the political process,”³⁰ thus preserving an essential democratic element of a representative republic. The juridical authority of the third branch stems from the will and consent of the people who are invested in the judiciary through appointments made

25. *Lujan*, 504 U.S. 555 at 576.

26. Tara Leigh Grove, “Justice Scalia’s Other Standing Legacy,” *The University of Chicago Law Review* 84, Special Issue (2017): 2251.

27. Alexander Hamilton, *The Federalist Papers: No. 78* (New York: 1788).

28. *Schlesinger*, 418 U.S. 208 at 222.

29. *Arizona State Legislature v. Arizona Independent Redistricting Commission*, 576 U.S. __ (2015).

30. Grove, “Justice Scalia’s Other Standing Legacy,” 2264.

by an elected official, the President—structured in this way to ensure judicial independence while preserving democratic elements. SD again restricts the courts to issues that are “traditionally amendable to, and resolved by, the judicial process.”³¹ The purpose of courts is to exercise the traditional Anglo-American role that they held at the founding.³²

However, the role of judges in governing our system can be said to be more pronounced today than in previous generations. In turn, SD protects the court’s legitimacy and integrity from “divisive political battles”³³ or converting into the center of “every important political or constitutional controversy.”³⁴ To this effect, Justice Brennan outlined in *Baker v. Carr* six factors as a guide to determining whether an issue meets the Political Question Doctrine. Issues belong in the political realm if there

is found a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it; or the impossibility of deciding without an initial policy determination of a kind clearly for non judicial [*sic*] discretion; or the impossibility of a court’s undertaking independent resolution without expressing lack of the respect due coordinate branches of government; or an unusual need for unquestioning adherence to a political decision already made; or the potentiality of embarrassment from multifarious pronouncements by various departments on one question.³⁵

Notwithstanding, it is arguable that all cases are, inherently at a minimum, partially political in nature. Regardless, the criteria provide conceptual understanding with regards to the political separation of powers. The objective of this is for the judiciary to refrain from cases that are explicitly the sole responsibility of

31. *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83, 102 (1998).

32. *Summers v. Earth Island Institute*, 555 U.S. 488 (2009) at 492–493.

33. Grove, “Justice Scalia’s Other Standing Legacy,” 2262.

34. Quoted in Tara Leigh Grove, “Standing Outside of Article III,” *University of Pennsylvania Law Review* 162, no. 6 (May 2014): 1352, <https://www.jstor.org/stable/24247855>.

35. *Baker v. Carr*, 369 U.S. 186, 217 (1962).

the legislative or executive branches. This circumvents the concentration of power within a single body through Montesquieu's model of preservation of checks and balances. For example, it would be inappropriate for the Supreme Court to interfere with the US Senate's proceedings during impeachment trials.³⁶ Conversely, "standing acts as a bulwark against congressional overreaching, preventing Congress from conscripting the courts in its battles with the executive branch" via citizen-suit provisions.³⁷

Inter-governmental disputes are becoming an increasingly troubling trend. Government officials frequently attempt to advance political agendas through the courts as federal litigation is a convenient and facile way they "avoid political responsibility for controversial decisions" and gain favor with constituents through position taking.³⁸ This practice presents a conundrum since it "would seem to *reduce* the power of the government institutions themselves."³⁹ Invoking Article III jurisdiction can damage public perception and societal opinion when abused beyond its justifiable extents. Recent dependency on the court, exacerbated by heightened ideological polarization among members of Congress and the American public, has resulted in "a corresponding decline of faith in the political process."⁴⁰

Although there is solid reasoning supporting the philosophy surrounding SD, it is not entirely without blemish. Some of the rules of SD can appear a bit arbitrary, and the lines around them are not always so clear. Standing is essentially a court-created doctrine promulgated out of necessity that has been allowed continued legal existence through precedent and solidification in American legal traditions. The majority of judicial processes, such as the Federal Rules of Procedure, are subject to regulation or backing by the legislature, but this is not the case with SD. Whereas "standing to sue" is determined on a case-by-case basis, it embodies a tendency to be interpreted either quite narrowly

36. *Nixon v. United States*, 506 U.S. 224, (1993).

37. Heather Elliott, "The Functions of Standing," *Stanford Law Review* 61, no. 3 (December 2008): 463.

38. Grove, "Justice Scalia's Other Standing Legacy," 2252–3.

39. Grove, "Justice Scalia's Other Standing Legacy," 2252.

40. Grove, "Justice Scalia's Other Standing Legacy," 2247.

or broadly in accordance with the predominant ideologies of judicial restraint or activism. Thus, interpretations of SD have been frequently subjected to alterations or amendments at the discretion of the court.

Furthermore, it is necessary that judges remain within the confines of legitimate judicial action and do not legislate from the bench by practicing legislative powers to create law or take upon themselves executive functions. The judicial powers of the courts are to “pronounce the law as Congress has enacted it,”⁴¹ so long as the law is constitutional, and in doing so, “are not free to simply substitute their policy views for those of the legislature that enacted the statute.”⁴² As the eighteenth-century French judge, nobleman, and influential political thinker Charles Montesquieu observed, it is requisite that “the power of judging be . . . separated from the legislative and executive powers.”⁴³ Otherwise, “were it joined with the legislative,” there would exist “arbitrary control, for the judge would then be the legislator.”⁴⁴ If the judiciary were to comport itself as an executive, “the judge might behave with all the violence of an oppressor.”⁴⁵ Our Founding Fathers were in accordance with Montesquieu—whose works they thoroughly contemplated—as James Madison additionally cautioned against “the accumulation of all powers, legislative, executive, and judiciary.”⁴⁶

Notwithstanding, as the nation faces new, complex challenges and the laws appear silent, or seem to overstep their boundaries, it is necessary to be able to scrutinize said laws and, if appropriate, to modify existing statutes or acts of government if so required. Judicial review represents a crucial segment of the US legal system. The power and responsibility of the judiciary branch to review and declare laws unconstitutional is not explicitly enumerated in the Constitution but rather was

41. *King v. Burwell*, 567 U.S. ____ (2015) (Scalia, J., dissenting).

42. Abner J. Mikva and Eric Lane, *Legislative Process* (Boston: Little, Brown and Company, 1995): 764.

43. Quoted in Madison, *Federalist Papers: No. 47*, (1788).

44. Quoted in Madison, *Federalist Papers: No. 47*, (1788).

45. Quoted in Madison, *Federalist Papers: No. 47*, (1788).

46. Madison, *Federalist Papers: No. 47*, (1788).

alluded to in 1788 by Alexander Hamilton when discussing the proposed federal judiciary in Federalist No. 78 and established from unwritten constitutional origins in *Marbury v. Madison*,⁴⁷ as well as the landmark English lawsuit *Dr. Bonham's Case*⁴⁸ before that. In *Bonham's Case*, Sir Edward Coke, then chief justice of England's Court of Common Pleas, declared that "when an act of parliament is against common right or reason, or repugnant, or impossible to be performed, the common law will control it and adjudge such act to be void."⁴⁹ Coke's declaration of common law supremacy and judicial rights of review became, as Associate Justice Holmes put it, "one of the foundations for American constitutional law."⁵⁰

From these English and American legal precedents developed the theoretical postulation that the High Court and common law system are the ultimate defenders of natural rights and keeper of balance in government. "The Court has the final say over when a right is protected by the Constitution or when a Constitutional right is violated. . . . It protects civil rights and liberties by striking down laws that violate the Constitution."⁵¹ Furthermore, "due to its power of judicial review, [the Court] plays an essential role in ensuring that each branch of government recognizes the limits of its own power."⁵² Assessing the constitutionality of the laws passed by Congress is an orthodox practice and essential to properly safeguard the integrity of the system.

The power of constitutional review, to be exercised by [the judiciary], is implicit in the conception of a written constitution

47. *Marbury v. Madison*, 5 U.S. 137, (1803).

48. 8 Co. Rep. 114a, 77 Eng. Rep. 646 (C.P. 1610).

49. Quoted in George P. Smith, "Marbury v. Madison, Lord Coke and Dr. Bonham: Relics of the Past, Guidelines for the Present: Judicial Review in Transition?" *University of Puget Sound Law Review* 2 (1979): 258.

50. O. W. Holmes, *John Marshall*, 178 Mass. 624, 625 (1901), in *Collected Legal Papers* 266 (1920).

51. "About the Supreme Court," United States Courts, <https://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/about>.

52. "About the Supreme Court," United States Courts, <https://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/about>.

delegating limited powers. [The] constitution would promote discord rather than order in society if there were no accepted authority to construe it, at the least in cases of conflicting action by different branches of government or of constitutionally unauthorized governmental action against individuals. The limitation and separation of powers, if they are to survive, require a procedure for independent mediation and construction to reconcile the inevitable disputes over the boundaries of constitutional power which arise in the process of government.⁵³

The power of judicial review is a foundational concept that protects the fundamental values and freedoms of the nation. "So, [as] far as the American Constitution is concerned, there can be little real doubt that the courts were intended from the beginning to have the power they have exercised."⁵⁴

However, the right of the court to exercise judicial review is forcibly bound by SD. Otherwise, practically every piece of legislation passed by Congress or executive action would unavoidably be subject to second-guessing through court oversight. There would be virtually no foreseeable end to the backlogged lawsuits if it were too simple to procure access to the courts, which would further burden already strained public resources. In the scenario that the individual branches or governmental agencies could effortlessly file legal action against one another, such would inadvertently delineate the boundaries of separation.

The Standing Doctrine is a difficult question to develop a perfect answer for—or even to deconstruct to an exact science. SD represents one of the most heavily defended and critiqued political concepts entrenched in American legal frameworks. The restrictions placed by SD may limit the availability of justice to prevail in some cases by narrowing judicial review abilities and the types of cases that will be heard. However, it is plausible that the overarching interests of justice would be more harmed by loss or significant, unjustified alteration of this structure and

53. Eugene V. Rostow, "The Democratic Character of Judicial Review," *Harvard Law Review* 66, no. 2 (December 1952): 195, <https://www.doi.org/10.2307/1336837>.

54. Rostow, "The Democratic Character of Judicial Review," 195.

doctrine. Allowing courts unlimited or exceptionally broad discretion over the nation's affairs and civil disputes would prove detrimental to the judicial apparatus. The resulting usurpation of power from the other branches would damage the political and democratic processes and lead to frivolous lawsuits. While imperfect, the United States appears to have perhaps instituted a happy medium in the doctrine of standing, and the traditional philosophy of the separation of powers must be upheld and respected as a fundamental principle to the American system of government.

A STORY OF FALSEHOODS:
A HISTORIOGRAPHICAL RESEARCH
INTO LITERATURE ON KITTY
GENOVESE

Tallis Spalding

Her private life erased and hidden from the public eye until 2004,¹ Catherine “Kitty” Genovese became a horror story of what could happen to a young woman if she moved to urban cities to become a “career girl” in the mid-to-late 1960s. The false narrative put forward about Genovese’s life was popularized and constantly weaponized to promote the idea of urban apathy and the bystander effect² and continues to be weaponized in the modern day. Pliable forms of media, such as theater, film, and novels, have successfully managed to memorialize the false life of Genovese and the idea of urban apathy by creating a highly fictionalized story of Genovese and her brutal murder.³ It is easy to point fingers at the media for giving wrong information as the story persists, but following

1. Marcia M. Gallo, “The Parable of Kitty Genovese, the *New York Times*, and the Erasure of Lesbianism,” *Journal of the History of Sexuality* 23, no. 2 (May 2014): 275, <https://doi.org/10.7560/jhs23206>.

2. For the purposes of this paper, urban apathy is considered to be a “disease” affecting those who live in an urban environment. This “disease” causes those affected to become apathetic, or without concern, for their neighbors and those around them. The bystander effect is the representation of this illness, in which a person sees another in need and chooses to ignore them in favor of the idea that someone else will offer aid.

3. Melissa Jane Hardie, “Dead Spots in the Case of Kitty Genovese,” *Australian Feminist Studies* 25, no. 65 (September 2010): 346, <https://doi.org/10.1080/08164649.2010.504995>.

the threads leads back to the one man who started it all—A. M. Rosenthal, a journalist and editor for the *New York Times* from 1977 to 1986.⁴ Through the review of six scholarly works, this paper will present and dismiss many of the lies that surround Genovese's life and death. It will also cover why those ideas were so highly perpetuated and popularized, and how the false life Rosenthal created for Genovese still affects people, both academics and the average citizen, to this day.

Several scholars define who Kitty Genovese was versus who she was made out to be, with one of the more prominent authors in the field being Marcia M. Gallo, who wrote both "*No One Helped*": *Kitty Genovese, New York City, and the Myth of Urban Apathy* and "The Parable of Kitty Genovese, the *New York Times*, and the Erasure of Lesbianism." In these works, Gallo lays out the lies that A. M. Rosenthal wrote about Genovese's life, dispelling them in rapid succession. Both works have different arguments that point towards the same idea: Rosenthal erased Kitty Genovese's personal life because it was more convenient for him in the process of forging and pushing his own narrative. Gallo proposes that Rosenthal intentionally portrayed Genovese as a more sympathetic victim to the general populace of 1960s New York by erasing who she was and exaggerating the facts. Doing so made it easier for him to create the idea of the ailment of urban apathy that plagues cities and to make Genovese into a story that fathers and husbands could use to dissuade their daughters and wives from becoming "career girls."⁵

Gallo pulls from Rosenthal's articles on Genovese to present how she was portrayed after her death and then points out the inconsistencies and blatant lies about Genovese. To dissect these inconsistencies and lies, Gallo utilized interviews from Mary Ann Zielonko—her partner at the time—neighbors, friends, and even police reports. Gallo uses a multitude of scholars to help situate her work, citing a variety of different works surrounding

4. Robert D. McFadden, "A. M. Rosenthal, Editor of The Times, Dies at 84," *The New York Times*, May 11, 2006, <https://www.nytimes.com/2006/05/11/nyregion/11rosenthal.html>.

5. See Gallo, "*No One Helped*": *Kitty Genovese, New York City, and the Myth of Urban Apathy*, ch. 3 (Ithaca: Cornell University Press, 2015).

the 1950s and 1960s New York culture. “The Parable of Kitty Genovese, the *New York Times*, and the Erasure of Lesbianism” focuses mainly on the lesbian, gay, bisexual, transgender, queer, plus (LGBTQ+) community and their erasure within 1960s New York. On the other hand, *No One Helped* documents Rosenthal’s construct of Genovese’s false life to push the narrative of how apathy was plaguing those within urban cities.

While Gallo easily disproves the lies Rosenthal spread about Genovese’s life through a social perspective, Melissa Jane Hardie offered an aural and visual take on the Kitty Genovese case only a handful of years earlier. The main argument that Hardie makes in her 2010 article “Dead Spots in the Case of Kitty Genovese” is that in Kew Gardens, where Kitty Genovese was attacked and murdered, it would have been very difficult to have heard the attack or to have seen it happening.⁶ Hardie’s article brings into question the number of witnesses who actually witnessed the case rather than the infamous “38-witnesses” that Rosenthal so heavily pushed. Hardie uses reports from Genovese’s neighbors and investigators to showcase how difficult witnessing the crime would have been. Hardie goes further to offer the idea that the lies in the case of Genovese were perpetuated and became well known because pliable forms of media, such as theater and film, have popularized highly fictionalized accounts of Genovese’s life and death based on Rosenthal’s articles.⁷ Hardie’s article pulls from more primary sources than secondary, but the few scholars she cites help to situate her work in a more cultural frame, especially in the second half of her article, which peruses the idea of why Genovese’s case became so sensational in the genre of true crime.

Carrie A. Rentschler emphasizes the focus of Kitty Genovese’s murder and story in the realm of true crime in her 2011 article “An Urban Physiognomy of the 1964 Kitty Genovese Murder.”⁸ Rentschler paints a picture of how visual sources

6. Hardie, “Dead Spots,” 341–43.

7. Hardie, “Dead Spots,” 341, 345.

8. Carrie A. Rentschler, “An Urban Physiognomy of the 1964 Kitty Genovese Murder,” *Space & Culture* 14, no. 3 (August 2011): 310–29. <https://doi.org/10.1177/1206331211412245>.

and the manipulation of police photography helped to further Rosenthal's case for urban apathy. Drawing on the crime scene photography, the portraiture of Genovese, and the presumed inaction of the witnesses, the media painted a specific picture of the case and crime for the readers.⁹ Rentschler offers the idea that the police photography of the crime scene was angled in a way that Rosenthal could use it to further his argument of urban apathy, helping to sensationalize the case and the fictionalized account of Genovese's life. Rentschler's case stands in direct opposition to Rosenthal's argument, painting a clear visual of how he cherry-picked his evidence for the sake of an argument. Rentschler pulls directly from Rosenthal's articles, from the police photography of Kew Gardens, and other news articles around the time of Genovese's death and uses an analysis of many visual sources and criminal historians to situate her work.

Despite how many times the lies about Genovese's life and death have been proven false, they still reign as king in the story of Genovese's life, affecting the reliability of scholarly works with the misinformation of Rosenthal's story as well as women of the modern-day and their sense of safety. This argument can be seen prominently in "When Safety Becomes a Duty: Gender, Loneliness, and Citizenship for Urban Women" by Laura Hengehold and in "The Career Girl Murders: Gender, Race, and Crime in 1960s New York" by Marilyn S. Johnson. Hengehold's article mainly argues that a woman's fear comes from anxiety about being abandoned by those who have made themselves out to be their protectors and the "protectors" displaced personal anxiety as much as it comes from the fear of physical harm.¹⁰ Hengehold proposes the idea that Genovese's murder and Rosenthal's twisting of her story in order to push the idea of urban apathy contributed to the idea that women needed protectors lest they are assaulted and abandoned. Hengehold draws from her own experience with the case and the stories of other women who have been assaulted or who

9. Rentschler, "An Urban Physiognomy," 313–14.

10. Laura Hengehold, "When Safety Becomes a Duty: Gender, Loneliness, and Citizenship for Urban Women," *Women's Studies Quarterly* 39, no. 1/2 (2011): 48, <http://www.jstor.org/stable/41290277>.

fear being assaulted. She offers the idea that millions of women have read the case of Kitty Genovese and have since had the idea of the radical abandonment of raped women instilled in their psyche, creating the belief that no one will come to their aid.¹¹ Many of the scholars that Hengehold draws from to make her arguments help to give her article a framework in the history of victimology and crime.

While Hengehold's article helps to give an idea of how the lies of the Genovese case affected society then and continue to affect society today, Marilyn S. Johnson's article about the effects of the Career Girl murders also helps to prove how Rosenthal's fictional story affected the culture of the United States in the 1960s and how it still affects people today by perpetuating those lies. Johnson's article argues that the stories of the Career Girl murders were used to further the racial tensions between middle-class white people in the urban landscapes and poor black people who were rallying for civil rights.¹² She also argues that the cases were used to perpetuate the idea that women needed male protectors, being unable to survive safely on their own.¹³ Rather than discussing how Rosenthal intentionally lied about Genovese's life and exaggerated the details of her death, Johnson quotes Rosenthal's articles and his version of the life of Kitty Genovese, taking his word as the complete truth. While this does call the rest of her article into question, Johnson's article helps to further prove the argument that Rosenthal's narrative on Kitty Genovese, although disproved, remains as one of the most prominent stories of Kitty Genovese's life, enough so that it affects scholarly works and not just modern culture. Johnson's article contains a heavy focus on women's history and how the culture of the time was radically changing yet still being used to reinforce old ideas of racial stereotypes and gender roles. All of these articles come together to paint a clear picture of how A. M. Rosenthal lied about Kitty Genovese to push his

11. Hengehold, "When Safety Becomes a Duty," 57–59.

12. Marilyn S. Johnson, "The Career Girl Murders: Gender, Race, and Crime in 1960s New York," *WSQ: Women's Studies Quarterly* 39, no. 1 (2011): 252. <https://doi.org/10.1353/wsq.2011.0006>.

13. Johnson, "Career Girl Murders," 257.

ideology, erasing intrinsic parts of her personal life to make her into a more “sympathetic” victim. Instead of stating in his articles that Kitty Genovese was a lesbian living with her partner, there was no emphasis placed on her sexuality, unlike the two white, heterosexual women who had been murdered in New York six months prior.¹⁴ With a lack of emphasis on her sexuality came an emphasis on the idea of her solitude, and in the trial to convict Winston Moseley, Genovese’s murderer, an emphasis was placed on how Moseley was looking for a woman who was alone.¹⁵ Moseley’s testimony and the murder of Genovese and previous career girls was used to help further the idea that white women were delicate creatures who needed white men to protect them from the black men who “targeted” these career girls, pitting the Women’s Movement against the Black Rights movement during the 1960s.¹⁶

Rosenthal clung to the infamous 38 witnesses who did nothing to help, consistently recalling them in his articles, just as they were recalled throughout Moseley’s trial.¹⁷ However, this number can be called into question. Melissa Hardie, in “Dead Spots in the Case of Kitty Genovese” notes that through several investigations done by Michael Hoffman, it would have been incredibly difficult to hear Genovese’s cries for help, let alone to see her being attacked at 2:30 a.m. With this knowledge, 38 witnesses suddenly becomes an unlikely number, but for Rosenthal, the number was grand and caught people’s attention; “38 who saw and did nothing” helped to propel his story into the limelight, where theater, film, and novels took hold of this idea and ran with it, helping to instill this false memory of Genovese in the American consciousness.¹⁸

Rosenthal’s story about Kitty Genovese had a bigger impact on the culture of America than anyone could have guessed it would. The story of her murder and the idea of urban apathy, along with the stories of a few other murdered women during

14. Gallo, “The Parable of Kitty Genovese,” 274.

15. Gallo, “The Parable of Kitty Genovese,” 282.

16. Johnson, “The Career Girl Murders,” 252, 257.

17. Gallo, “The Parable of Kitty Genovese,” 278.

18. Hardie, “Dead Spots,” 342.

this time, acted as the main proponent for the fight against women's independence in urban landscapes. The idea that was used to justify the Jim Crow violence and white supremacy once again picked up pace, become even more widespread in urban environments that white women were delicate beings who were being targeted by black men in urban landscapes, and they needed to stay home so their husbands, fathers, and brothers could protect them.

Even the term "Career Girl," which was coined for these women who were determined to work in the big cities, was utilized as a way to try to show women that their jobs would never be more important than their families. Pamphlets were handed out to these women, teaching them "self-defense" and to be wary of all strangers. The idea that a woman in a big city was always in danger and should consider everyone, specifically black men and immigrants, as strangers who were ready to attack them became mainstream, and it is a fear that still affects women today.¹⁹ Despite how desperately scholars have sought to spread the truth about Genovese and discredit Rosenthal, his mistruths continue to influence academic works. Unfortunately, the use of Rosenthal's misinformation brings into question the credibility of these essays if they were written after about 2004, when the true story of Genovese's life began to rise to prominence with Mary Ann Zielonko's interview regarding her at-the-time girlfriend, Kitty Genovese.

The lies that Rosenthal told about Kitty Genovese to push the idea that people in the urban environments no longer care about the other people around them and simply believe that someone else will deal with it have had a bigger impact than just on the lives of those who knew Genovese. It changed the entire subculture surrounding women in New York and other big cities. Women became more frightened of strangers; they were taught to hold keys in between their knuckles and to not leave the house if they could help it.²⁰ Racial tensions were further

19 Rentschler, "An Urban Physiognomy," 313; Hengehold, "When Safety Becomes a Duty," 58.

20. This point is arguably at the core of both Hengehold's "When Safety Become Duty" and Johnson's "The Career Girl Murders."

strained with the accusation that black men were targeting white women for crimes when statistics showed that the majority of abuse crimes against white women were committed by family members and friends who were usually white men.²¹ Rosenthal intentionally lied about Genovese's life to make her into a parable that people would remember, even if only the smallest portion was true. Genovese was not alone when she died, she was not ignored, and she was not a faceless woman who fit the idea of the "good Christian girl." She was a woman who made her path in life, she loved her girlfriend, and she had a lively and vibrant personality and brought joy to many people's lives. The story of her death was weaponized and used in the wrong ways, with lasting impacts. Perhaps we cannot change how deeply Rosenthal's account of Genovese's life has affected the culture of the United States, but it is about time these misconceptions no longer dominate the story of Genovese's life and death.

21. Johnson, "The Career Girl Murders," 251.

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Kathleen Caringella graduated in the Spring of 2021 with a degree in History and loved her time at Utah Valley University. Kathleen intends to attend graduate school with plans to teach and share her love of history. History has always been a passion of hers and even in the years between her schooling, she continued to learn and further her knowledge. She is

the mother of three young boys and works hard to balance her education and parenting. Her husband has been a great supporter and friend, whom she would like to thank. Kathleen loves to create, whether it's cooking, knitting, or other art forms and always has a project to keep her hands and mind busy. Kathleen can be contacted at kathleencarinella@gmail.com.

Ashlyn Covington is a junior at Utah Valley University who will be graduating with a degree in Political Science with an emphasis in American Government in 2023. She was born and raised in Mesa, Arizona and now lives in Provo. Ashlyn is looking forward to interning for The Capital Research Center this summer in Washington DC. She hopes to pursue a career in politics, either by working for an interest group as a lobbyist on Capitol Hill, or as a political analyst. She enjoys serving those in need and participating in a number of political clubs on campus. Besides politics, her other hobbies include reading books, watching movies, traveling, swimming, and spending time with friends and family. Ashlyn can be contacted at 10880358@my.uvu.edu.

Miriam Funk Draper is a senior studying political science with an emphasis in global politics. Originally from Tucson, Arizona, Miriam developed an interest in immigration policy during her teenage years. As an undergraduate student, a large portion of her research has focused on immigration. On campus, she has been involved with a variety of extracurriculars and currently serves as Vice President of the Wolverine Pre-Law Association. Within the community, she has consistently volunteered with local organizations. Namely, the International Rescue Committee, CourtWatch Provo, and Primary Children's Hospital. Miriam's experiences as a volunteer have allowed her to apply her classroom studies to real-world scenarios. They also brought to light ways the systems she worked in could be improved. Recently, she accepted a full-tuition scholarship at Wake Forest Law's JD program. In addition to her career as an attorney, she plans on staying involved in the public sector by taking on pro-bono cases and pushing for legislative reform. Miriam can be contacted at miriamfunk44@gmail.com.

Samuel Elzinga is a recent graduate of Utah Valley University, where he graduated with two bachelor's degrees: a BA in Political Science with an emphasis in World Politics, and a BA in Integrated Studies with emphases in Russian and National Security Studies. A lifelong enthusiast of Central Asia, Samuel spent much of his undergraduate career studying

the region and participating in activism to support marginalized communities. This included multiple delegation visits at the United Nations as the president of the Utah International Mountain Forum, a coalition of clubs at UVU. Furthermore, Samuel was editor in chief of the UVU Journal of National Security, the president of the foreign affairs club, the student coordinator at the Center for National Security Studies, and many other positions. He is currently a senior research consultant at the Oxus Society, where he conducts data analysis. He is also a full-time data analyst for Convert LLC. Samuel can be contacted at samuel.elzinga@gmail.com.

Allison Fannin is a senior at UVU and will soon graduate with her BA in History. Every year for Christmas, her parents would give her a new book to read for the break and it would usually be something about history, which only fueled her passion more. She spends her free time reading, writing, watching movies, and playing games with her family. She would also like to express her immense appreciation to her parents for their unconditional love and support during her education. Allison can be contacted at afannin123@gmail.com.

Emily Humphreys graduated from UVU with a Bachelor of Arts in the spring of 2021. She is 28 years old and is the middle child of five siblings. She has lived in Utah her entire life and has always loved history and mythology ever since she was little, having loved to look through books describing ancient civilizations whenever her family went to the library. She still loves to read, and her passion for knowledge has only grown. Currently, she is a writing tutor and history fellow at UVU and is slowly working on writing a novel. Emily can be contacted at 10622171@uvu.edu.

Dallas M. Karren is a senior Political Science student at UVU with an emphasis in Public Law and Political Philosophy, and minors in Constitutional Studies and Spanish. Dallas did religious service in the LDS mission Colombia Bogotá North from 2016-2018 and is interested in Latin American affairs. He is a member of the UVU Global Student Engagement Council and the current President of the Utah International Mountain Forum. He has spoken at the 65th and 66th sessions of the UN Commission on the Status of Women; and co-authored two separate written statements published and distributed as official UN documents of the UN Economic and Social Council. His political commentary has been featured on the website of the Joseph Rainey Center for Public

Policy. Dallas has hosted such dignitaries such as Ambassador Harold Forsyth, Chair of the Organization of American States (OAS) and Permanent Representative of Peru to the OAS, as well as helped host the ambassadors of several countries during the fourth Utah Diplomatic Conference on International Trade Relations. Dallas also served the Editor-in-Chief of the 2020 volume of the Youth and the Mountains academic research journal and will intern for the district office of Congressman John R. Curtis this summer. He aspires to attend law school and earn a Juris Doctor degree and particularly enjoys constitutional law. Dallas can be contacted at dallas.karren@gmail.com.

Jarom Loch and his lovely wife sail the Provo Main at the head of a disorderly crew that includes a scruffy cat, an ungrateful bearded dragon, and a sickly leopard gecko. When he is not reading or writing, which isn't often, he can be found plinking alt-rock melodies on his guitar, howling along to Journey songs, or investigating canyons along the Wasatch Front. As Ryan Reynolds would say: don't have a good day-- have a great day. Jarom can be contacted at 10612123@uvu.edu.

Tallis Spalding graduated with a BA in History in Spring 2022. She plans to attend a graduate program to gain a master's degree in History in the pursuit of knowledge. She hopes to eventually publish some books in the future. With well over two hundred books on her bookshelf, she hopes to add some of her own to that collection one day. In her free time she writes, cross stitches, and works on her small business, always chasing after the next creative venture, be it in work or in her personal life. Tallis can be contacted at talspalding@gmail.com.

Alitha Thompson is the Vice President of the Utah International Mountain Forum and President of the Utah Valley University Foreign Affairs Club. She is happily married to her best friend and is a mother of 5 children aged 11, 9, 7, 5, and 3. She is a Political Science major at Utah Valley University with a dual minor in Chinese Language and Chinese Studies. She dreams of a globalized world where families can prosper together, believing no family should be torn apart in order to provide a better life. Alitha believes that every person, no matter which culture or country they belong to, all wants the same thing: to be able to live their dream and provide for their family, and that the only way to accomplish this is by working together, accepting each other's differences and embracing our similarities. Alitha can be contacted at alitha.j.thompson@gmail.com.

