PHILOLOGIA

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Letter from the Editors

We would like to begin by saying that it is an honor to lead Virginia Tech’s premier student research journal. We are proud to report a record number of submissions to this year’s publication; selection was a difficult process as so many students in the College of Liberal Arts and Human Sciences are pursuing such fascinating and impressive research projects.

This was a year of firsts for the journal: this issue contains the first non-English piece and the first paper from a student attending a school other than Virginia Tech. In fact, this was the first year Philologia has accepted submissions from outside of our university, and we hope that opening our college’s journal to student work from other universities will help make Philologia increasingly visible and will enhance its national presence. We are proud to continue Philologia’s tradition of interdisciplinarity, publishing work from across the wide range of fields represented in the College of Liberal Arts and Human Sciences.

We would like to take this opportunity to remember Sara Iona Musick. Sara, who graduated from Virginia Tech in 2009, was a founding editor of Philologia. She passed away this year. We are grateful for her contribution to the creation of a journal that so effectively showcases the impressive work done by CLAHS students.

This edition would not have been possible without the guidance and support of Dr. Marc Lucht, Ryan Rideau, our faculty reviewers and board, and Associate Dean Robert Stephens. Their help has been indispensable throughout this process. We would also like to extend thanks to Dr. Luke Plotica, Dr. Debra Stoudt, and Dr. María del Carmen Caña Jiménez for their assistance in the editing process. Of course, none of this would be possible without our crack team of associate and layout editors—thank you.

Sincerely,

Demi Lee
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Acknowledgements

Virginia Tech University Honors proudly supports Philologia.

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Creative Scholarship
Mr. Peyton

Sometimes I wonder if my seventh grade writing teacher is homophobic.
No memory of mine would suggest so,
but I guess none would suggest otherwise, either.
Maybe I picture him specifically, of all the influences in my life,
because I looked up to him so damn much,
and I’m at a point in my life where I’m just expecting this kind of let down.
Maybe it’s because he was a straight cis white male
who never had us read any contemporary novels
by female writers, queer writers, or people of color,
but loaded us up on the image of the discreetly masculine white guy
faced with that same, boring, ever-so-troubling internal conflict
that almost every single man seems to be facing these days,
—but who gets rewarded for it none the less—
because he’s just so brilliant, that man, isn’t he?

But nothing upsets me more than the thought
of the very person who inspired me so much
—the same person who told little thirteen year old
wanna-be punk me that I could do big things—
hating those big things I’m doing.
I wish I could ask him, after all, he’s only an email away.
but the thought of him hating
the very queerness that fuels my writing hurts me,
and I’m not in the mood to kill my childhood heroes tonight.

Miranda Marques is a third year English major concentrating in Creative and Professional Writing. A native New Jerseyian trying to survive life in the South, they consider themself an activist, organizer, and writer.
Research Articles
The process of judicial review remains fundamental to the American political order, even as legal theorists continue to debate its legitimacy. Both sides of the argument make appeals to democracy in order to bolster their arguments: those who oppose judicial review claim that it is antithetical to democracy, while its supporters maintain that it enhances it. Yet this widespread commitment to democracy obscures conceptual inconsistencies within legal theorists’ work. If we are to use democratic legitimacy as the touchstone in debates about judicial review, then we must be precise in our understanding of how American democracy actually functions. This paper aims to address this deficit by adopting the perspective of Thomas Hobbes and Karl Marx to explore some fundamental aspects of American democracy that are missing from the judicial review debate. These twin analyses should inform the broader discussion by offering an external perspective not biased by prior commitments to democracy. My aim is not to advance a substantive argument for or against judicial review. Rather, I will show the importance of thinking deeply about the way our democracy actually functions before we can productively consider the merits of judicial review as a means of preserving it.
Introduction

The American political order is exceptionally adept at inviting scholarship that questions the very foundations of its authority and legitimacy. Perhaps it is due to the United States’ youth that serious and sustained debates about our most fundamental institutions and practices rage on. In particular, legal scholars debate the legitimacy of the practice of judicial review and disagree about whether it is acceptable for the courts to overrule laws passed by a majority of elected representatives. Despite the intensity of these disputes, their content reveals a shared commitment to democracy that appears to be beyond contestation; the presumption that democracy should be preserved is the starting point that frames our discussions. Many of those who oppose judicial review claim that it is antithetical to democracy, while its supporters often maintain that it does not affect the quality of our democracy – or even enhances it. However, if we are to use democratic legitimacy as the accepted point of departure for positions on judicial review, we must be precise in our understanding of how our democracy actually functions. We cannot leverage the concept of democratic legitimacy in theory without a thorough grasp of what it looks like in practice.

This paper will keep the tensions of the legitimacy of judicial review in sight while venturing outside the contemporary debate to provide fresh analysis of the true structure and function of American democracy. Contemporary legal scholars have fruitfully explored these questions, but this paper will instead consider the works of two foundational political theorists: Thomas Hobbes (1588-1679) and Karl Marx (1818-1883). Although neither of these thinkers wrote directly about American politics or judicial review, their theoretical and temporal distance from the current debate is useful in providing external perspectives not biased by prior commitments to democracy. This will allow us to examine some of the premises of both sides of the debate concerning the legitimacy of judicial review in a way not usually possible by considering only contemporary scholarship.

I will first adopt the perspective of Thomas Hobbes to identify the “sovereign” of the American political order – the component that wields ultimate control – as a committed supermajority of the electorate. Because the courts, with their power to review legislation, play only a marginal role under a Hobbesian analysis of the structure of governmental power, I suggest that in order to justify judicial review in terms of democracy, one must first recognize the power of the true sovereign. If theorists truly care about the legitimacy of democracy, it would make more sense for them to first consider the legitimacy of the structure of sovereignty. In the second section I adopt the perspective of Karl Marx on inequality to look beyond the formal structure of our political order to see how democratic institutions have developed in a way that systematically disenfranchises certain groups of people. I will argue that scholars concerned with the legitimacy of judicial review must recognize that the courts are often complicit in a system in which power can be highly unequally distributed.

Hobbes’ and Marx’s political theories diverge dramatically in many respects, but what unites them for the purposes of this paper is their investigation of the underlying power structures of a society. Both thinkers were ultimately concerned with that which is capable of wielding power in a polity, and the contribution of this paper is to apply this classical power analysis to the contemporary debate over judicial review. My aim is not to advance a substantive argument for or against judicial review, though I will consider how Hobbes and Marx themselves might contribute to the debate. Rather, I hope to show the importance of considering the foundational power structures of the American government. We must think deeply about the way our democracy actually functions before we can productively consider the merits of judicial review as a means of preserving it.

Section I: Hobbesian Analysis

(i) The American Sovereign

Thomas Hobbes composed his seminal work, Leviathan, in the midst of the political tumult of the English Civil War, and the account of the state he develops reflects the anxiety of the times. Hobbes is supremely concerned with securing order in political life, a conclusion he reaches through his “state of nature” thought experiment. He contends that humans are locked in a perpetual state of conflict in the absence of political coercion. Only by coming together to form a government can individuals escape the state of nature and ensure the security they need to go about living productive lives. People cannot be expected to honor commitments they make, unless they have a credible threat that raises the costs of breaking them: this is the necessary function of government.¹ This establishes Hobbes as a legal positivist, committing him to the idea that it is incoherent to speak about the law in the absence of political institutions. It is therefore essential for every political order to settle the question of who or what is sovereign – defined as the person or institution that wields ultimate decision-making power, the “Author of all the Actions” of government.² Despite conventional political imagery and rhetoric, every society must have a final decision-maker. In order to truly understand the United States government, according to

¹ Thomas Hobbes, Leviathan, 88-90.
² Ibid., 122-123.
a Hobbesian perspective, we must answer who or what is sovereign.

It may here be objected that Hobbes’ concern with delineating the rules that enable social order may not be very useful in analyzing the contemporary American political order; Washington, though polarized and perhaps uncivilized, is surely no state of nature. Yet aspects of modern debates about the direction and role of government and policy reveal intractable differences among Americans. As Alasdair MacIntyre has argued, contemporary disagreement over moral issues may be on some level insurmountable; arguments often stem from different moral premises or empirical assumptions, preventing conclusions as the two sides talk past each other and leaving “no rational way of securing moral agreement in our culture.” There are also persistent disagreements about what our fundamental ideals of liberty and equality require of us and of our political system. These arguments often play out in the arena of the Supreme Court. In Roe v. Wade, for example, the justices seemed to disagree at a basic level about whose rights counted more – those of the mother or those of the state governments. This would come as no surprise to Hobbes. The reality that these sorts of stubborn disagreements will always exist is the reason he thinks having a sovereign is paramount – and the reason why Hobbes remains relevant. Without a sovereign, the United States would be consumed by the intensity of its internal disagreements.

The task is now to determine who or what the sovereign is in the American political order. I should first concede that applying Hobbes’ concepts to American democracy is at times a stretch; he would vehemently object to many aspects of our government. I only intend to employ his thinking to the relatively specific issue of the following analysis. Given that some scholars in the debates surrounding the legitimacy of judicial review question the appropriateness of the Supreme Court acting in the capacity of sovereign, I begin the search with the Court. It has the power to overturn law, and in some cases dramatically so. Landmark cases like Brown v. Board of Education and Lawrence v. Texas, in which the Court overturned years of precedent and established new paradigms of jurisprudence, seem to fit the definition of sovereign as the actor that speaks the final word on national disagreements. As Chief Justice John Marshall famously stated in Marbury v. Madison, “it is emphatically the province and duty of the judicial department to say what the law is.” However, the Court’s ability to arbitrate disputes is structurally limited. It can only weigh in on issues that appear before it in the form of cases. Moreover, it is dependent on the executive branch for enforcement of its judgment. Perhaps the most serious blow to the idea of the Supreme Court as sovereign is the fact that its interpretive powers are fundamentally contingent upon another component of the political order: the Constitution. No matter what strategy of interpretation the justices invoke, they must ultimately remain faithful to the Constitution. The Supreme Court, then, does not meet Hobbes’ definition of the sovereign.

If the Court’s power to mete out final judgment is dependent on the Constitution, perhaps the Constitution is in fact the sovereign. The Constitution marks the true founding of the United States government as it stands today and enjoys a correspondingly preeminent role in our civic culture. Yet the Constitution by itself is not sovereign in any active sense. It is a document incapable of unilaterally adjudicating between competing forces in our democracy. Rather, the Constitution encodes the terms of American sovereignty. It sets the principles by which government functions, including who can change the basic structure of the government. Article V specifies the process by which the Constitution may be amended, thereby providing an avenue by which yet another entity may enter the complex web of American decision-making: the citizenry.

Through the amendment process, American citizens have ultimate authority to make changes to the Constitution and thereby to the political order. Yet it is important to note that it takes a special and motivated group of people to do so. Bruce Ackerman describes these as committed supermajorities – instances of “We the People” taking the wheel of power and steering government in a different direction. The New Deal coalition’s refutation of the Lochner-era’s emphasis on freedom of contract in exchange for greater state involvement in the economy represents one such instance. For Ackerman, this is a legitimate democratic expression of a supermajoritarian movement. The rarity of and amount of energy required for these events shows that Article V does not allow the American people to exercise real sovereignty as Hobbes envisioned it. But when these supermajorities do mobilize effectively, their actions ripple through the mechanisms of American power: as the Constitution changes, so must the perspective of the Court whose charge is to interpret it. It should be noted that citizens do not directly vote to ratify constitutional amendments; the approval of state legislatures or special state ratifying conventions is required. Yet the momentum required for reaching that stage can really only result from a popular movement of the kind Ackerman describes. “We the People” are the final theoretical piece of the sovereignty puzzle – the citizens are the final arbiters, at least when they are able to form supermajorities capable of starting a constitutional movement. The great irony – and the fundamental

1Alasdair MacIntyre, After Virtue: A Study in Moral Theory, 6.
2Marbury v. Madison, majority opinion (1803).
3Jay Ruckelshaus, We the People, Volume 1: Foundations, 284
problem for Hobbes – is that even though the people are sovereign and thus supposedly the source of ultimate decision-making power, they frequently disagree and are often unable to form consensus on an issue.

(ii) Implications for the Debate over Judicial Review

For Hobbes, the key to understanding a political order begins by identifying the sovereign, the entity that exerts ultimate control. The preceding analysis concludes that the sovereign in American democracy is “We the People.” Yet it is important to note that the mobilization of a committed supermajority is exceedingly difficult. Citizens must first agree on the terms of a specific amendment and then overcome profound collective action problems to organize a group with any chance of succeeding. The process is so onerous that only ten amendments have been ratified in the past century. Ballot initiatives and state referenda offer other avenues of popular sovereignty and require fewer organizational hurdles but still do not allow the people the full exercise of Hobbesian sovereignty. If the supposed sovereign exercises its decision-making powers so infrequently, who or what fills the void the rest of the time?

We must consider Ackerman’s distinction between “normal politics” and “higher lawmakers” to make sense of this discrepancy.7 “We the People” only exercise sovereignty during instances of higher lawmakers, i.e., particularly intense political moments that incite citizens to campaign as a supermajority. The vast majority of the time, we relegate political authority to the system of government the Constitution delineates – including our representative institutions and the judiciary. Even though “We the People” may be the nominal American sovereign, they can only exercise that sovereignty when sufficiently mobilized. This suggests that our political order in fact consists of multiple sovereigns whose ability to express power depends on the circumstances. In effect, American democracy consists of a system of divided sovereignty – the type of system that Hobbes thought was sure to fail. The Constitution contains the conditions of sovereignty that undergirds the system, our representative government (including the courts) acts upon it most of the time, and “We the People” have the power to change it when the political conditions are favorable.

Hobbes would argue that I simply misidentified the sovereign, because there has to be one. If the significance Hobbes ascribes to understanding who or what the sovereign is in a government is correct, then the fact that the United States has a system of divided sovereignty is the most basic reality about our democracy. Therefore, when we speak of the “American democracy,” we are referring to the structure of divided sovereignty as the basis of government.

Because the opposing sides in the debate over the legitimacy of judicial review claim to be committed to preserving democracy, a solid recognition of the fact that we have no single sovereign should inform our discussion in a fundamental way. I submit that the contemporary discourse over judicial review does not adequately understand the divided nature of sovereignty in the American system. Scholars’ use of the term thus reveals significant differences in their conceptions of democracy.

Even though some constitutional theorists define democracy differently, it does significant work in their theories about judicial review. Jeremy Waldron is concerned with democracy’s commitment to majority rule, and is deeply distrustful of the legitimacy of any decision made by nine justices over the deliberations of the will of the majority enacted through its representatives.8 For Ronald Dworkin, in contrast, such interpretations are merely “statistical”; they focus on the technical details of numbers rather than democratic norms and are therefore inadequate. Judicial review is democratic insofar as it ensures outcomes-based respect for all citizens – that is to say, judicial review should legitimately be used to advance the rights of marginalized Americans and not necessarily in virtue of its structural accountability to majority rule.9 When the Supreme Court struck down the Texas sodomy law in Lawrence v Texas, it was protecting the rights of gay Americans to be treated equally and so was not acting undemocratically, according to Dworkin’s conception.

What these and other theorists share is the use of the word “democracy” – not any mutual understanding of what our democracy actually looks like. For Waldron, democracy’s virtue is in its procedural advantages – attributes which judicial review endangers. But for Dworkin, democracy is a robust commitment to a specific political and moral egalitarianism, which can be buttressed by judicial review. These fundamental discrepancies risk diluting the debate over the legitimacy of judicial review by allowing scholars to talk past one another.

From a Hobbesian perspective, the most important fact about American democracy is that the nominal sovereign – We the People – plays only an infrequent role. The appeals to democracy that theorists like Dworkin and Waldron make must recognize this reality to be valid, instead of assuming that our system of interlocking checks and balances provides for a uniformly seamless execution of power. In order to align the debate more closely with a Hobbesian analysis, then, we have at least two options. First, theorists

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7 Bruce Ackerman, We the People, Volume 1: Foundations, 266-268.
may keep their preoccupation with democracy and explore questions about the legitimacy of the nature of sovereignty in America. This would move the debate away from the merits of judicial review and towards more general questions about the kind of democracy we want to have. Hobbes, for his part, would be very troubled by a government without a single, fixed sovereignty to resolve disputes. Or second, theorists could consider dropping democracy as a justification for their positions on judicial review. This would perhaps lead to other premises with less conceptual inconsistency among the theorists. Given that democracy holds such rhetorical weight, though, it is unlikely that everyone would agree to immediately drop it from their arguments’ arsenals.

Section II: Marxian Analysis

(i) Beyond the Formal Structure

If adopting Hobbes’ analytical perspective helped elucidate the essential power structure of the United States government, employing a lens influenced by Karl Marx will now allow us to explore some of the consequences of that power. Marx was intensely concerned with the influence material factors have on our lives and how our socioeconomic positions determine opportunities in life to an overwhelming degree. Moreover, our rank in the economic system dictates class positions that form the lion’s share of our identity and are the primary loci of social action.10 Marx believes we must examine the history of institutions and their effects on various classes in order to truly understand what is happening in any political order; it is not enough to simply describe the institutional arrangement. Before we can ask questions about whether or not judicial review is legitimate, we need to examine how the formal structure of our political order has treated or mistreated its citizens. In this way, Marx challenges contemporary assumptions that idealism and hard work are universal antidotes to economic and political misfortune. Like Hobbes, Marx holds no entrenched commitment to the intrinsic virtues of majoritarian representative democracy, so this analysis does not presume its infallibility. This Marxian critique reveals powerful forces that have caused serious disenfranchisement based on race and class lurking below the surface of the formal political structure.

Any analysis of the history of race in the United States, however brief, must consider the institution of slavery. Although chattel slavery was abolished with the 13th Amendment, scholars like Cheryl Harris argue that a legacy of structural racism persists.11 Harris examines the effect one’s racial identity has on one’s position in society, an approach with which Marx would sympathize. Specifically, she associates the quality of being white with the idea of property, maintaining that the benefits of being white are similar to the broad expectations and liberties conferred through property regimes – that is to say, whiteness confers on a person the degree of social capital exclusive to individuals of that race. Furthermore, this bias is not just a psychological factor, but rather a component of our political order that has been reified and legitimized through law, creating a kind of “phantom objectivity”.12

Harris’ project shows that the political order has perpetuated a legacy of racial oppression through the legal system. The Supreme Court’s jurisprudence reveals insensitivity to the sordid tradition of racial oppression. For example, the plaintiff argued in McCleskey v Kemp that Georgia’s capital punishment policies were “racially disproportionate” in effect and resulted in excessive sentencing for African-Americans. Although McCleskey and his team marshaled statistical evidence indicating a significantly higher death penalty usage rate for African-Americans, the Supreme Court upheld his sentencing on the grounds that it was impossible to prove discriminatory purpose.13 For Harris and perhaps for Marx, this failure on behalf of the Court to remedy his situation was predictable. The problems lie with the structure of the government itself. Attempts to engage with the system to rectify the negative effects of racial distinctions, through traditional political avenues and movements are destined to fail.

Of course, sometimes our political institutions have acted in ways that protect racial minorities, potentially challenging Marx’s critique. In Brown v Board of Education, the court declared that segregation in public schools was unconstitutional (although a committed Marxist would claim that even this superficially progressive ruling was made to serve the interests of those in power.) Owen Fiss, while not a Marxist, draws a distinction that is helpful here in determining why the Court sometimes acts to protect the rights of minorities and sometimes does not.14 Fiss maintains that the courts may interpret the Equal Protection Clause of the 14th Amendment with either an antidiscrimination principle or a group-disadvantaging principle. The antidiscrimination principle does its best to root out arbitrary bias in the law while ostensibly preserving a commitment to racial neutrality. The group-disadvantaging principle, in contrast, recognizes that there are some classes of people – like racial minorities – that suffer from a lasting and significant history of discrimination; the principle then interprets the Equal Protection Clause to try to remedy injustices.15

11 Cheryl Harris, “Whiteness as Property.”
12 Ibid., 1718-1720.
13 McCleskey v. Kemp, 556.
15 Ibid., 147-50.
it is not quite clear which principle is being used, because both apply: school segregation policies were both racially discriminatory and actively discriminated against a historically disadvantaged group. The McCleskey decision, though, was a clear refutation of Fiss’ hope that the group-disadvantaging principle would guide justices to a more robust interpretation of the Equal Protection Clause.\textsuperscript{16} It seems the Court does not consider the effects of racial discrimination as sufficient grounds for action, but demands proof of discriminatory intent.

Fiss’ group-disadvantaging principle is crucial for a Marxian analysis because it captures the reality that there are deep societal pressures some minority groups face that others do not. His work translates Marxian insight into the language of the Court. Harris and Marx would likely argue that the group-disadvantaging principle should have been applied in McCleskey. It does not make sense to anatomize each individual case for evidence of explicit discriminatory intent, because doing so ignores the reality of group identity and the real consequences of invidious discrimination based on group. The McCleskey decision was inappropriate because it presumed neutrality of the races in capital punishment sentencing where none existed – and therefore overlooked the fact that the odds were already stacked against McCleskey.

In addition to leaving racial minorities disadvantaged, the structure of American democracy also disenfranchises some of its citizens by privileging the wealthy over the poor in the political process. Specifically, Court decisions have enabled individuals and corporations to spend lavishly on candidates in elections. In Buckley v Valeo, the Court designated campaign contributions as a form of free speech protected by the First Amendment. The Court further loosened restrictions on contributions in Citizens United v Federal Election Commission. The five-justice majority here argued that the government may not restrict the rights of corporations to donate to campaigns: “Political speech is indispensable to decision-making in a democracy, and this is no less true because the speech comes from a corporation rather than an individual.”\textsuperscript{17} Even though these decisions might not compromise our political order’s formal commitment to the equality of citizens, a Marxian analysis encourages us to look beyond the face of these policies to examine their outcomes and view how they predictably disadvantage certain groups.

The liberalization of campaign finance law amplifies the political influence of wealthy Americans relative to the voices of the poor. Our system of representation forces politicians to continually solicit funds, naturally predisposing them to cater to the interests of their donors. Marx would interpret these policies as a move to protect the interests of those with wealth and systematically exclude the interests of poor citizens from the government’s proceedings. Economic power matters, and increasingly so. This provides another example of how American democracy – ultimately through the power of Court rulings – conceals important realities about inequalities. The Marxian analysis concludes that at least some of the social evils we see result from the structure of the American political order – specifically, in these cases, of the federal judiciary.

(ii) Implications for the Debate over Judicial Review

The aim of this paper has been to specify in more detail what the power of American democracy looks like in order to have a more informed debate about the legitimacy of judicial review, given the presumption that democracy is generally valid. Karl Marx’s contribution to this task is to point out just how far our sanguine civic rhetoric about the value of democracy is from reality. By identifying where our judicial system systematically fails to account for the interests of disadvantaged minorities, a Marxian analysis can help bend our conception of American democracy closer towards the truth. While Marx’s ideology is by no means free of controversy, his method of critically examining the material inequality of our society helps establish a baseline from which we can proceed. Theorists and politicians may dispute the connection between present inequities and historical oppression or prioritize other concerns over reducing inequality, but Marx is helpful in encouraging everyone to recognize some unfortunate realities of our society.

Some may interpret Marx’s positions as being sympathetic to strong judicial review. If only the Court would act more often with the group-disadvantaging principle in mind, the argument might run, then the practice of judicial review could be a proactive way to redress social ills. Within the context of any particular case, Marx might indeed advocate a decision that works to the benefit of historically disenfranchised groups, like the majority’s decision in Brown or the dissent in McCleskey. Yet it is important to note that strong judicial activism does not always benefit the disadvantaged classes of society. The fact that lawyers diagree about how best to interpret the Constitution means that sometimes the Court’s decision can further alienate certain groups.

This leaves present day Marxists in a bit of a quandary in regards to the contemporary debate over the legitimacy of judicial review. On the one hand, judicial review has been used effectively to counter aspects of our political order that systematically disenfranchise certain groups. But on the other hand, there is nothing intrinsic about the pro-

\textsuperscript{16}Jedediah Purdy lecture, 27 March 2014.

\textsuperscript{17}“Citizens United v. Federal Election Commission,” 3.
cess of judicial review that guarantees equality-producing outcomes. Given my earlier conclusion that Marx would blame the entire political system for these and other problems, he would probably prefer to scrap the debate altogether rather than take a side. Judicial review requires interpreting the Constitution, which encodes the opinions of a profoundly privileged class. Even if they were not depending on a document with such a dubious history, the justices themselves are not likely able to truly account for the way racial minorities and poor Americans have been disadvantaged, Marx might say. In this spirit, it would be better to reform the system as a whole with an eye towards meaningful equality rather than attempt to tinker within the existing one. For Marx, then, no matter what answer we agree upon in the debate over the legitimacy of judicial review, we will be wrong.

Conclusion

This paper joins the debate over judicial review not to take a stand on its legitimacy or illegitimacy, but to show how the appeals to democracy both sides make ignore crucial realities of the concept. I adopted the perspective of Thomas Hobbes to explore the fundamental power mechanisms in the United States government and that of Karl Marx to demonstrate how that structure contributes to systemic disenfranchisement of racial minorities and the poor. Although these thinkers prompt different questions about American democracy, their approaches are complementary: Both allow for a clearer understanding of the way power is actually contained in and expressed by the United States government. With a solid understanding of the structure and function of American democracy in mind, legal theorists are then free to drop appeals to democracy from their arguments about judicial review or continue to use them. However, given the flaws in the outcomes our democracy has produced that have been pointed out in this paper, they would likely have to do so with further qualification and justification. Now that some of the conceptual cobwebs have been swept away and the most important issues brought to the foreground, a more intellectually honest and constructive debate over the legitimacy of judicial review can begin.

Works Cited


U.S. Constitution. 1787, Philadelphia.
HEIDEGGER’S CONCEPTION OF AUTHENTICITY AND ITS TIE TO PASSION AND FULLNESS
Awake!
By Christina Muehlbauer

In his book, *Being and Time*, Martin Heidegger explores the meaning of authentic existence and how to avoid inauthenticity. In order to live an authentic lifestyle, Heidegger stresses that one must accept her temporality; listen to her own conscience; and act with resoluteness while straying from idle talk, curiosity, and ambiguity, which constitute inauthenticity. This paper ties together Heidegger’s *Being and Time* with Salinger’s *Franny and Zooey* by showing that Salinger’s characters Franny and Zooey are two characters who illuminate the challenges of living an authentic lifestyle. Though an authentic Being proves arduous and difficult to animate in a highly inauthentic world, *Franny and Zooey* stress that inauthentic living leads to emptiness, which shows that striving for an authentic Dasein is worthwhile. With much self-evaluation and an openness to an inner call of passion alongside a willingness to listen and act, this paper concludes that *Franny and Zooey* proves that authenticity is not only possible, but also exemplifies that it is the only way to live a full and beautiful life.
In order to understand what authentic living entails, one must first grasp Heidegger’s notion of Dasein. If strictly considered linguistically, the word Dasein translates from German into English as existence, being there, or presence, which are all primarily nouns. However, one “cannot define Dasein’s essence by citing a ‘what’ of the kind that pertains to a subject-matter,” as Dasein’s Being encompasses an intangible and dynamic state of existing (Heidegger 32). One must consider Dasein as a verb instead of a noun to best understand it. Moreover, Dasein’s “Being” cannot have the character of an entity” or thing; instead, one must recognize its human-specific implications (Heidegger 23). In Being and Time, Heidegger mostly focuses on human beings and their relations to the world; thus, Dasein’s Being excludes all other entities. That is to say, all other beings (including stars, trees, probably animals, etc.) are not describable as Dasein. In order to depict Dasein in an honest way, Heidegger places importance on “the basic state of Dasein’s everydayness,” which he believes will illuminate human Being in a non-romanticized and realistic way uncorrupted by theoretical prejudice (Heidegger 38). Therefore, when examining Dasein, one must focus on the everyday actions of humans. Rather than viewing Dasein as a definable thing that is, one might better understand Dasein as a Being that does. Dasein actively exists in the world, and, Heidegger tells us, takes a stand on who and what it is through that activity.

In addition, one should not view Dasein as a point on a timeline, fully existing only in the present. “Dasein stretches itself along” the temporal dimension of life, and “as long as Dasein factically exists, both the ‘ends’ and their ‘between’ are” (Heidegger 426). In other words, Dasein’s Being acts as a field that projects itself forward to explore and seize or avoid its potential possibilities and retrieves the past in order to appropriately modify its Being. Dasein’s Being “includes inquiring as one of the possibilities of its Being”—these possibilities are made imaginable by its ability to interpret its past and possible futures, and they are made achievable by Dasein’s ability to choose to exist in a certain way (Heidegger 27). Dasein always has the ability to comport itself within the world at the present time with purpose and care. In recognizing Dasein as a Being of possibilities, one must also acknowledge that one possibility does not independently take priority over another; moreover, Dasein should not “be construed in terms of some concrete possible idea of existence” (Heidegger 69). Instead, it is up to each Dasein to uncover the kind of Being it wants to be by interpreting its past and own possibilities, and by interpreting its past and future in terms of each other. Therefore, Dasein is an ever-interpreting Being that must strain meaningful and directional truths out of everyday occurrences.

Because Dasein proves capable of interpretation and choice, Heidegger states it becomes an inauthentic Being when it takes part in idle talk, which transpires when one misrepresents some truth by speaking about trivialities that then appear important and with confidence but when really filled with ignorance. Language serves as a primary form of communication, allowing one to express himself and his ideas. However, when Dasein speaks only to superficially fill space or silence, speech risks reducing “matter[s] of consequence” to trivialities, and making it appear that trivialities are matters of consequence (Heidegger 212). The ultimate goal of such a conversation lies not in truth or understanding of an entity, but instead in what Heidegger calls inauthentic Being-with. In this way, Dasein loses “its primary relationship-of-Being towards the entity talked about, or else has never achieved such a relationship,” directing language from a place of expression to a place of triviality (Heidegger 212). When one speaks just to speak, he proves guilty of idle talk. Idle talk “releases one from the task of genuinely understanding,” as it “is something which anyone can rake up” and which one needs no thought to execute (Heidegger 213). For example, when one Dasein interacts with another, silence (or the thought of it if idle talk stifies any possibility of it) may incline either Dasein to feel uncomfortable. This may lead one to force out of his mouth some topic that he does not actually know anything about, such as a shooting he heard about on the news, in hopes of conversation. Neither Dasein brings up the topic because of some direct relationship with the event or hope of really understanding it; instead, one Dasein shoves inauthentic idle talk out of its mouth simply to say something to the other. In speaking about a matter with which they do not have a real relationship while nevertheless pretending to understand, the conversationalists cover up the truth of the shooting. Thus, Heidegger asserts that idle talk affirms inauthenticity in that it cloaks reality.

Also, Heidegger argues that curiosity leads Dasein to an inauthentic existential state where seeing every part of the world in a superficial way is its only goal. Curiosity, or “the tendency towards a peculiar way of letting the world be encountered to us in perception,” motivates most Daseins and allows them to care about learning and seeing (Heidegger 214). However, curiosity is not always an innocent desire. Instead, one might not explore for the sake of really learning something in a deep or sustained way, but instead just so that he has seen one more place. Curiosity does not involve “observing entities and marveling at them,” or being “amazed to the point of not understanding;” instead, inauthentically curious people just want to be able to say that they are well-versed and well-traveled (Heidegger 217). The incessant desire for the always new hinders the possibility of lingering long enough to really understand something. And idle talk influences curiosity in that society expects one
to travel everywhere, resulting in one truly seeing nothing. Today, when walking through an art museum, many people may be found not looking at the art with their eyes, but through the lens of a camera on their phone. Or, they may simply not be looking at all, but might be updating their Facebook statuses so that they can prove their trip actually happened. In living this sort of curious lifestyle, one exists in an inauthentic way.

Due to a Dasein’s tendencies to speak with authority about superficial knowledge, ambiguity floods what one can deem reliable or real. As a result of every person’s ability to talk about something and have an opinion on it without actually understanding it, “it becomes impossible to decide what is disclosed in a genuine understanding, and what is not” (Heidegger 217). As a result of idle talk and curiosity, “[b]eing ‘in on it’ with someone” becomes more important than genuinely understanding (Heidegger 218). The possibility of empty desire for satiation and status through simple or cursory speculation takes away from one’s ability to trust another Dasein when it speaks about something it has experienced. Moreover, the possibility of insincerity and inauthenticity clouds every interaction with ambiguity.

Heidegger explains that Daseins live a fallen lifestyle because they exist in a world where empty inauthenticity might leak into any situation. In existing with and similar to others who place concern not in understanding but in seeming to understand, Dasein has gotten lost “in the publicness of ‘they’” (Heidegger 220). However, if Dasein were to detach itself from the ‘they’, it would risk falling into groundlessness and solitude—following a crowd does not require nearly as much work as formulating one’s own opinion or making one’s own most choices. Therefore, easiness or comfort constantly tempts Dasein into the state of falling. When one lives in easy conformist compliance with the ‘they’ and believes the illusion that he “is leading and sustaining a full and genuine ‘life,” Dasein finds itself in a state of tranquility (Heidegger 222). Moreover, in this tranquil state, one thinks he or she knows everything, when in reality, “the right question has not even been asked” (Heidegger 222). In blurring and covering the truth by speaking about something without really knowing about it, Dasein further alienates itself from any potential possibilities of an authentic Being. This alienation of self draws Dasein into a certain inauthentic possibility of its Being. As a result, if it ever attempts to be authentic, it will find itself buried and covered with ambiguity and entangled within its inauthentic identity. When it conforms to the masses of the ‘they’ and hides the possibility of being authentic from itself, “Dasein plunges out of itself into itself, into the groundlessness and nullity of inauthentic everydayness” (Heidegger 223). In other words, Dasein is a falling Being. However, even an authentic Being does not fully overcome this falling state; rather, authentic existence “is only a modified way in which such everydayness is seized upon” (Heidegger 224).

Thus, though perhaps one can never fully escape a fallen lifestyle, he can challenge himself to question himself and to appropriately modify his Being. In order to be authentic, Dasein must awaken.

According to Heidegger, being authentic necessitates facing up to one’s own temporality—no one can escape death, and confronting the fact of the inevitability of one’s death forces one to embrace existence. Only once one acquaints himself with “the finitude of [his] existence,” or with the possibility of no more possibilities, can Dasein be snatched “back from the endless multiplicity of possibilities, which [include]… those of comfortableness, shirking, and taking things lightly” (Heidegger 435). One does not have an infinite amount of time to complete an important task or to create and leave behind something beautiful. Temporality allows for things to matter, if only one allows his finitude to awaken him and make him aware. In its essence, “care is grounded in temporality” (Heidegger 434). Also, because only Dasein can determine what matters to it, Dasein must be the one who ultimately chooses the kind of future it is to obtain. In that no one else can die for it, death “lays claim to an individual Dasein” (Heidegger 308). Since my death is my own, death individualizes, and really facing up to my own death can extricate me from my entanglement in the inauthenticity of the “they.” Living authentically and realizing one’s own temporality proves impossible when attached to the mass of the ‘they;’ thus, Dasein alone must harbor the power to make a change in his own life. Dasein must not only know that it will die individually, but that knowledge can bring it to consider how to live as an individual.

When Dasein frees itself from the “they,” the call of one’s conscience becomes an authentic way of knowing what it ought to be doing. According to Heidegger, “conscience summons Dasein’s Self from its lostness in the ‘they’” (Heidegger 319). One will never experience an erroneous calling; however, he might misunderstand it if he has not properly detached himself from the ‘they.’ Therefore, in order to authentically understand the calling of one’s conscience, it becomes imperative that one first accepts oneself as an individual. Once this occurs, one may feel anxious about the potential possibility of nothingness; concurrently, one may derive a “conscience [that] manifests itself as the call of care” in order to combat this uncanny feeling of “lostness” that presents itself as anxiety (Heidegger 322). To authentically recognize one’s own conscience, one must first recognize its fallen state and feel guilty about it. He should not feel guilty in the sense that his Being lacks something that must be filled; instead, he should feel “guilty in the way in which [he] is’” (Heidegger
After recognizing his fallen state and feeling guilty, he may want to peel himself away from the ‘they’ and care enough to listen to his conscience in an untainted state. Once this happens, Dasein “has chosen itself” (Heidegger 334). When Dasein listens to its call of conscience without wondering what others will think of it or if others will judge it, instead “allowing understanding [to arise] out of one’s own Self,” “the less the meaning of the call gets perverted… by what is fitting or accepted” (Heidegger 186, 325). For example, if a woman going to college feels passionately about cooking, but she takes only science classes that will help her become a nurse because her mother would rather her daughter be in the medical field, inauthenticity would flood her Being. In adopting another’s desires or preferences as her own, she loses sight of her own possibilities. Rather than considering her parent’s opinions, she would be acting with more authenticity if she were to do something she really cares about, like taking cooking classes so that she could become a chef. People must listen to the call of their conscience that necessarily needs to originate from within.

Heidegger also asserts that being authentic requires resolute commitment to the Self; however, what one commits oneself to and how one executes it can be subject to modification. The “reticent projection upon one’s ownmost Being-guilty, in which one is ready for anxiety,” constitutes resoluteness. As a result of Being-guilty and authentically fleeing anxiety by listening to one’s call of conscience, what one cares about reveals itself—one must loyally commit to whatever is revealed about the existence of the Dasein’s Self in order to be authentic. Notably, resoluteness neither implies a detachment from the world, nor does it “isolate [Dasein] so that it becomes a free-floating ‘I’… as authentic disclosedness is nothing else than Being-in-the-World” (Heidegger 344). Instead, resoluteness involves one existing in such a way where he or she does not disguise himself or herself from others when interacting with them. However, because Dasein can be right or sure about some things, it also can be wrong or unsure about some things, too. One “cannot become rigid” in one’s resolute commitment, but must keep it “held open and free for the factual possibility” (Heidegger 354). Moreover, if Dasein finds itself peeling off another layer of disguise from something that he or she previously held to be an absolute truth, Dasein must be willing to modify his or her commitments.

Because Dasein inescapably exists in the world, authentic resoluteness implies that one must do something that connects oneself to that world, consequently connecting it to other Daseins—Being-with is an unavoidable characteristic of Dasein. Dasein undoubtedly is a social being that inherently craves and depends upon a connection with others because “knowing oneself is grounded in Being-with” (Heidegger 161). Because Dasein lives in the same world as other Daseins, their fields of existence will inevitably overlap. As a result of Dasein’s existence in the world alongside the other people that inhabit it, “Being-with is one relationship in which [Dasein] already is” (Heidegger 162). When one Dasein “helps the Other become transparent to himself,” Dasein does not need to be fearful of involving itself with the ‘they’; on the contrary, in this way, Dasein exhibits authentic Being-with (Heidegger 159). In addition, one must not conceal oneself in order to genuinely exist with others. In being authentically resolute, “a primordial truth of existence” becomes visible to both the other Dasein and to itself (Heidegger 354). Moreover, if two people authentically throw themselves into some kind of work with vigor and passion,
they may become “authentically bound together…which frees the Other in his freedom for himself” (Heidegger 159). If a Dasein stays careful not to fall into the ‘they’ and remains true to itself, it becomes a plausible candidate for authentic Being-with.

In Salinger’s *Franny and Zooey*, Franny Glass, one of the story’s main characters, speaks in a bitingly critical tone towards her blatantly inauthentic boyfriend, Lane Coutell, and about all the other phony or inauthentic people she encounters. Franny proves to be an aspiring authentic being in that she recognizes the inauthenticity of the ‘they,’ of those who “look like everybody else, and talk and dress and act like everybody else,” a group she currently feels includes almost every person (Salinger 24). Franny addresses those who inauthentically conform and lead ambiguous lives with disgust. She becomes angry and upset with those who “sounded too campusy and phony, or that smelled too high heaven of ego” and it completely drains her to speak or think about them (Salinger 144). She becomes “pale as hell” when she does, and even faints after not being able to connect with her phony boyfriend (Salinger 26). What is more, Franny proves authentic in her attempts to not become lost in the conformity of the ‘they’ by saying a certain prayer in order to “purify her whole outlook and get an absolutely new conception of what everything’s about” (Salinger 37). By spending most of her days reciting a prayer so that she may reveal truth, Franny shows resolute commitment in straining to authentically discover the world. She claims that “knowledge for the sake of knowledge… is the worst of all,” for the same reasons Heidegger claims that curiosity is inauthentic: people do not really care about the internal benefits of learning, but instead they care about being able to say they know about something (Salinger 145). Though being authentic requires much effort and the awareness of inauthenticity proves distressing, the search for truth takes priority in Franny’s life.

On the contrary, Lane displays inauthenticity, from getting upset when Franny orders a chicken sandwich at a fancy restaurant, to being the kind of Dasein who “couldn’t let a controversy drop until it had been resolved in his favor” (Salinger 17). In expecting a certain behavior out of Franny and fearing the judgment that might come if she ordered a simple chicken sandwich, he exposes that his priority is others’ judgments. Also, as Lane is unable to end an argument without being right, he shows resistance to modification and that he cares less about truth and more about a certain view of himself or position in society.

Later in the story when Zooey Glass, Franny’s brother, is introduced, he exhibits authenticity in his awareness. In telling Franny that he is “in love with Yorick’s skull” and that he “wants an honorable goddam skull when he’s dead,” Zooey authentically realizes his death as a possibility (Salinger 197). In Shakespeare’s *Hamlet*, Hamlet holds up Yorick’s skull and reminisces on how memorably exceptional Yorick was when alive. Therefore, in stating that he is in love with Yorick’s skull, Zooey shows that he not only authentically acknowledges his own temporality, but also that he realizes he must fervidly do something that grows from his call of conscience in order to become a certain kind of Dasein. One cannot become a skull held up and remembered by thoughtlessly doing something normal or typical. Rather, as Zooey explains, you have to authentically “earn it—… if you’re an actress, you’re supposed to act” (Salinger 197). After expressing his love for Yorick’s skull, Zooey then goes on to tell his sister that “an artist’s only concern is to shoot for some kind of perfection, and on his own terms, not anyone else’s” (Salinger 198). Zooey makes clear that beautiful art can only arise from authenticity within the Self and from resolute commitment to one’s conscience.

Also, Zooey manifests authentic Being-with in helping Franny become more self-aware. Although Franny accurately detects inauthenticity, she unjustifiably directs her anger that fills her towards the phony people instead of towards phony actions. Zooey does not criticize his sister in a malicious way; rather, he sheds light on her everyday actions that may have become hidden from Franny in their everydayness. In recognizing the misdirection of her anger, Zooey states to Franny, “I mean you don’t just despise what they represent—you despise them. It’s too damn personal” (Salinger 161). He explains to her that it is unfair to hate a whole person rather than merely the person’s actions. Zooey tells her, “you tell me about it as though [this guy’s] hair was a goddam personal enemy of yours. That is not right—and you know it” (Salinger 161). In helping Franny become translucent to herself, Zooey reveals Franny’s mistakes to her in an authentic way. Additionally, he tells her that though “a mob of ignorant oafs with diplomas” exists, that in rare occurrences, “a great and modest scholar” who is “no faculty charm boy” and whose words always seem “to have a little bit of real wisdom in it—and sometimes, a lot of it,” exist, too (Salinger 160). By directing her mind towards the awareness of authenticity in others and helping Franny see herself more clearly, Zooey demonstrates how to authentically Be-with another.

Through living authentic lifestyles, Franny and Zooey are able to open their eyes wide and take off any kind of inauthentic blinders. In comparison, any other kind of living leads to blindness. Although Dasein might be driven to madness when looking through authentic eyes and from seeing itself surrounded by an alarmingly high number of conformists, it all becomes worth it when one is able to recognize an authentic action, which does exist. To be able
to stop and say “God damn it,… there are nice things in the world—and I mean nice things,” and to truly mean it, makes putting up with all of the ugly things consistently worth it (Salinger 151). Only in knowing “the expression ‘wise man’” is being misused when “used in reference to some nice old poopy elder statesman” (as Franny does) can Daesin even be able to open its ears and hear the correct usage of the word wise (Salinger 146). Knowing what is not authentic allows one to be able to know what is authentic. Also, it becomes possible for one to create awe-inspiring things when living authentically, and to leave behind an authentically beautiful part of oneself through the form of art. When one influences another authentic being to feel something, one acts in a way that transcends what any kind of typical language could ever grasp. In living authentically, Franny and Zooey truly live.

Although being authentic might prove arduous and draining, it is the only way that Dasein can transcend superficiality and feel anything sublime or horrifying. An authentic interaction might leave Dasein with a real kind of smile on its face and an overwhelming feeling of bliss, or it might leave it with a terrible nasty feeling in the pit of its stomach. Truth can be ugly, or it can be inexplicably beautiful; regardless of which kind it is, it will always allow for one to feel alive and awake in a way an inauthentic person could not even fathom. To conform and follow the masses is to become dead before dying. Some may claim to prefer the tranquility of numbness to feeling; however, when Dasein does not wish to feel or search for truth, it subsequently only grazes the outside layers of the world. In numbly living, a person can never reach or know the core of truth, or even recognize it when one sees it. As previously stated, Dasein fundamentally craves Being-with in order to know itself and Others. Therefore, if Dasein does not attempt to peel off the layers masking truth, then it could never authentically disclose or recognize authenticity. Consequently, the connection an inauthentic Dasein feels with another Dasein proves hollow. Idle talk and the acceptance of superficial curiosity leads to emptiness. Striving for authenticity then becomes essential for satisfying fullness and provides an escape from meaninglessness.

If one is to ever create or be something beautiful, he or she must live through passion. As Franny explains, if one ever wants to be a great poet, he or she is “supposed to leave something beautiful after [he gets] off the page” (Salinger 19). Beauty, which connotes magnificence and exquisiteness, could never be something common, since what is common could not ever be something extraordinary. Anything beautiful requires passion to be expressed. If one ever wants to know what it is like to marvel at something or to truly see it in its essence, one must place aside his inauthentic tendencies and give priority to the process of uncovering. Therefore, in order to perceive a world where truth, beauty, and vitality exist, one must necessarily live an authentic life. An empty life can only be filled through the perceptions of an authentically awake eye.

REFERENCES


Christina Muehlbauer is currently a junior at Virginia Tech studying Philosophy and Biology. Upon graduation, she hopes to attend veterinary school.
This compilation of poetry is a reflection on 16 contemporary Hispanic works that examine various forms of violence. Each poem explores themes from a specific work and casts them in a light that might contrast or exaggerate the ideas of the original work. The variety of poetry styles is a representation of the varying manifestations of violence in society: political, social, domestic, emotional, and more. Furthermore, the poems examine the perception of violence from the perspective of the victim, perpetrator, objective viewer, and even personified objects. As a whole, this compilation serves as a collage of violent themes and aims to encourage the audience to critically examine the way they perceive both violence and the representations of violence in literature, cinema, and media.
En esta compilación de poemas, nosotros hallamos nuestra inspiración en las obras que discutimos durante el transcurso del semestre. También, incorporamos el tema de la violencia a través del contenido, el estilo y el formato de los poemas. Escribimos una variedad de tipos de poemas de acuerdo a las distintas manifestaciones de la violencia en el mundo y exploramos perspectivas diferentes en cada obra.

Sarah:

El poema sobre Mateo solo refleja su vida de violencia y abuso. Menciona que la Tía Cecilia domina la vida de Mateo y de su hermana y es a causa de ella que los niños no tienen vidas normales ni libres aunque no han hecho nada equivocado para merecerlo. Al final de la historia, los de los niños son derrotados por Tía Cecilia. Por eso, el poema termina con el sonido de un gato –la manera en que Mateo es realmente tratado.

El poema sobre El regreso tiene que ver con el misterio de la vida. El protagonista del film estuvo sorprendido por sus sentimientos. Creía que le daba igual toda su vida pasada en su país de origen, Costa Rica, pero cuando regresó a Costa Rica, sus sentimientos cambiaron lentamente.

El poema sobre el texto de Žižek tiene que ver con las diferencias entre los dos tipos de violencia –la objetiva y la subjetiva. Las dos son fuertes. La violencia subjetiva es muy importante porque está dentro de muchos de los textos que leímos/veíamos durante el curso. El poema sobre The Beehive Project refleja los problemas que los creadores del proyecto tienen con la sociedad, construida parcialmente e influida por el neoliberalismo. El proyecto es un grupo de obras que explica quejas y desigualdades sobre los cambios en la sociedad latinoamericana.

Anthony:

El primer poema lo escribí desde la perspectiva de la bruja en el cuento de Hansel y Gretel. Ella está engañando a una víctima inocente pidiéndole ayuda con la fiesta que ella va a cocinar. Sin embargo, no sabe que va a ser parte del menú. El tema principal de la violencia en Hansel y Gretel fue la violencia infantil que también se muestra en este poema a través de la falta de conciencia que un niño tiene sobre la violencia.

En el segundo poema es otra representación de la falta de conciencia de la violencia de los niños. Inocencia infantil es un tema principal en Los colores de la montaña. El niño sólo quiere jugar al fútbol, pero su padre no le dejó porque él es mayor y sabe de los problemas en Colombia. El tercer poema está escrito en forma de un poema diamante que tiene una estructura específica de la utilización de algunas palabras. Las palabras que elegimos muestran la idea central de El Asco. El último poema tiene un tema central de Los peor. Este poema está escrito desde la perspectiva de un hombre estéril que no puede tener una familia y que su esposa no está satisfecha. Esto demuestra la violencia lenta de la que hemos hablado en clase debido a los agroquímicos.

Michael:

Mis poemas representan las cuatro obras que he elegidos de varias maneras. La película Un Chien Andalou dirigida por español Luis Buñuel, La Rambla paralela del colombiano Fernando Vallejo, los poemas del guatemalteco Maurice Echeverría y Los combatientes de la española Cristina Morales. El poema Soñar de arena representa la violencia de Un Chien Andalou por el estilo inconexo similar al de la película. Un Chien Andalou salta entre escenas violentas. Además este poema es un resumen de la película y la violencia demostrada. El poema, El tiempo, representa la violencia y la historia de La Rambla paralela a través del contraste entre el tema de tiempo y el tema de las experiencias y emociones.

Escribir un poema sobre cuatro poemas de Echeverría era muy simple. La violencia aludida en sus poemas era la de los conflictos civiles del pasado, y los problemas sociales del presente. Es obvio que Echeverría desea un país mejor y a través mi investigación, creo que él no quiere la ayuda externa. Tú muestra estas ideas. El último poema, El teatro de la vida, captura la violencia en la España actual. Esta violencia se evidencia por medio del contraste entre lo real y la actuación.

Blair:

El primer poema tiene inspiración del documental Alma: hija de la violencia y el documental sobre las pandillas. Uso el tatuaje para representar las consecuencias de pertenecer a una pandilla—ambas las positivas y las negativas. El tatuaje visible de Alma en el documental inspira la descripción al principio, entonces uso imaginaria violenta casi como un serpiente para describir el impacto de las pandillas en las vidas de los miembros y relacionarlo así con la sociedad. Después, escribí sobre Señor que conoce la luna. Alineé las líneas del poema en opuestos lados del papel para crear una mezcla de las perspectivas de los desnudos y los vestidos. Enfatizo las diferencias entre los dos grupos y, al fin, sus sentimientos parecen muy similares. Hay una sutil referencia al rechazo de lo que es diferente.
En el poema sobre Historias del Kronen, escribí desde la perspectiva de Carlos y su relación con el alcohol y la forma en que este afecta a su papel en la sociedad y sus sentimientos. La violencia es obvia en una referencia a la muerte de Fierro. Por fin, el poema sobre el artículo de Elaine Scarry sobre la tortura es una alusión al proceso de interrogación y su falso propósito—solamente es una justificación fingida de la tortura para enfatizar el poder del torturador. El protagonista del poema no quiere justificar este poder en su torturador.

Introduction: The Tyrant’s Bloody Robe - Slavoj Žižek

Las desapercibido

La violencia es obvia,
Cuando es algo subjetivo,
La violencia es escondida
Cuando es algo objetivo,
En los dos casos es dolorosa
La violencia es obvia,
Cuando es algo tangible,
La violencia es escondida,
Cuando es invisible,
En los dos casos es dolorosa,

La violencia es obvia,
Cuando hay cardenales,
La violencia es escondida,
Cuando las palabras son usadas para dañar,
En los dos casos es dolorosa,

La violencia es obvia,
Cuando hay heridas,
La violencia es escondida,
Cuando la herida es en la gente marginalizada,
En los dos casos es dolorosa,

La violencia es obvia,
Todo el mundo quiere solucionarla,
La violencia es escondida,
Cuando está dentro del sistema,

La violencia es escondida,
Cuando nadie sabe que existe,
Cuando crea gentes marginalizadas,
Cuando la falta de atención es peligrosa,

En todos casos, la violencia es dolorosa,
En todos casos, la violencia es poderosa,
La violencia existe en varias formas

Un Chien Andalou - Luis Buñuel

Soñar de arena

Atrapada debajo de la arena
Yacer, dormir, esperar
La muerte ha pasado
El hombre, la monja, la bici, la muerte
La mujer, el ojo, la mano, el insecto
El tiempo es la ilusión.
La imaginación verdad y
La realidad falsa.
¿Esto es mi sueño?
¡Despiértame!
Atrapado debajo de la arena
Aun así, caminan, el hombre y la mujer.

“Hansel y Gretel” - los hermanos Grimm

Cocina

Tan joven.
La carne es tierna y suculenta
Vamos a ayudar a preparar la fiesta.
El tipo más raro.
Tenga una golosina
Usted no será decepcionado.
Sólo los mejores ingredientes.
No debe contarle mi secreto:
Las cebollas, especias y verduras para el estofado
Ahora sólo falta el ingrediente final:
¡Usted!

La Rambla paralela – Fernando Vallejo

El tiempo

¿Qué es la vida?
¿Un segundo, un minuto, una hora?
¿Un día, una semana, un mes?
¿Quizás un año?
15 minutos, una ducha.
8 horas, cada noche.
El tiempo es la moneda,
Pero no es la vida.
Felicidad y tristeza,
Alegria y pena,
Alabanza y queja,
Estos crean la vida.
Mira en el espejo
Olvida lo malo y,
Cuenta lo bueno.
Eso es la vida.

Los colores de la montaña – Carlos César Arbeiaéz

Colinas Verdes

Fuera, en la naturaleza
Las aves y los animales andan libres.
Veo montañas,
pastos inmensos
Y las colinas verdes.
El fútbol es mi vida.
Jugar con amigos.
Estoy atrapado,
No libre como los animales
Mi padre no lo permitirá
Yo sólo quiero al fútbol jugar

Mateo Solo – Evelio Rosero Diago

Vida de un gato

Recordando una vida mejor,
Llena de amor,
Esperando una vida mejor,
El cielo es gris, sin color.

Sin derechos ellos viven,
En una jaula como si hubieran cometido un crimen,
Pero son inocentes en realidad,
Tía Cecilia no permite la amistad,
El abuso es fuerte,
No hay nadie para defenderle,
Cada día parece más como animal,
No es una vida normal,

La hermana está loca,
Los niños son una derrota,
Sin poder,
No hay nada que puedan hacer,
Miau miau,
Miau miau

Señor que no conoce la luna – Evelio Rosero Diago

La dicotomía

No se llevan la ropa…
Sus cuerpos son deformados…
No tienen la ropa…
Son emaciados…
No tienen respeto por sí mismo
Son diferentes…
Me dan asco…

… Se esconden sus cuerpos en tela
… Sus cuerpos parecen fingidos
… Tiene una obsesión con su dinero
… Son gordos
… Tienen las prepotencias pomposas
… Son diferentes
… Me dan asco
The Structure of Torture: The Conversion of Real Pain into the Fiction of Power – Elaine Scarry

La pregunta

¿Qué quiere saber?  
No sé nada, solamente el dolor.  
Le he dado mi esperanza, mi alma, mi identidad  
Pero todavía quiere más.

¿Qué quiere saber?  
Sabe que soy inocente  
Mi único crimen  
Es no lo justifica usted.

¿Qué quiere saber?  
La única cosa de sobra  
Es mi vida  
Pero no se satisfaría.

¿Qué quiere saber?  
No tiene una pregunta.  
¿Sí?

¿Sí?

¿Sí?

The Beehive Project

Los cambios de la sociedad

La injusticia por Latinoamérica,  
Es un grave problema,  
Las vidas son duras,  
Nadie puede escapar,

Desde el colonialismo,  
La región ha sufrido desigualdades,  
El arte del proyecto,  
Muéstralo en los murales,

Cambios de la sociedad,  
Y cuestiones del medio ambiente también,  
Son resultados del neoliberalismo,  
Los problemas todavía permanecen

El Asco: Thomas Bernhard en San Salvador – Horacio Castellanos Moya

Mi país

El Salvador  
Asqueroso, Vergonzoso  
Engaña, Miente, Estafa  
Neoliberalismo, Gobierno, Pasaporte, Seguridad  
Huyo, Abandono, Corro  
Confundido y en conflicto

Los Peor – Fernando Contreras Castro

Paternidad

Trabajo muchas horas del día para mantener a mi esposa.  
El dinero que gano no es una gran cantidad  
Y en el trabajo tengo poca variedad.  
El empleo es escaso y estoy desesperado  
Hago lo mejor para proporcionarle una vida feliz.  
Horas en la fábrica  
Trabajando sin parar  
Pero ella no es feliz  
Lo que ella quiere que no se lo puedo dar:  
Una familia

Los poemas de Maurice Echeverría

Tú

Eres la guerra  
Eres la muerte  
Eres la pena  
Tú eres el pasado

Eres las pandillas  
Eres las drogas  
Eres las luchas  
Tú eres el presente

Eres la educación  
Eres la esperanza  
Eres el cambio  
Tú eres el futuro.

Tú eres tus palabras
Tú eres tus acciones
Tú lo eres todo.

Alma: hija de la violencia – Miquel Dewever-Plana e Isabelle Fougére

El tatuaje

Descansa debajo de la clavícula
Se desliza a través del hombro y a lo largo del brazo.
Cambió de opinión y vuelve al hombro.
Hace espirales alrededor del cuello
Aprieta
Estrecha
Constríñe
Poco
a
poco.

La tinta penetra a través de la piel
Se dispersa en el torrente sanguíneo
Bloquea los capilares
Se deposita en los órganos
Daña
Lastima
Envenena
Poco
a
poco.

Atrae a la policía
Preocupa a la familia
Desalienta a empleadores potenciales
Grita “¡déjame solo!”
Repele
Rechaza
Ahuyenta
Poco
a
poco.

Toma posesión de la vida.
Poco
a
poco.

El regreso – Hernán Jiménez

La vida es curiosa

Puede correr de su pasado,
Puede esconderse de su pasado,
Pero nunca pueda escaparlo,

La vida es curiosa,
La vida está llena de sorpresas,

Aun rechazando la subsistencia,
La familia siempre será la familia,
El hogar siempre será el hogar,

La vida es curiosa,
La vida está llena de sorpresas,

Dios se mueve de manera misteriosa,
Quizás lo que odia,
En realidad es lo que ama,

La vida es curiosa,
La vida está llena de sorpresas

Historias del Kronen - José Ángel Mañas

La botella

La botella me llama, calladamente.
Me tienta, coquetamente.
Me seduce, suavemente.
Me recuerda a anoche, fugazmente.

Sucumbo a su tentación
Y su poder líquido me calienta la garganta
Mis padres se disipan
Nadie es intimidante
Nunca más.

Tras el volante.
La policía no me importa
Las reglas no me conciernen
No hay consecuencias
Nunca más.

El embudo en su boca
Su debilidad se desvanece, finalmente
Soy lo más fuerte
Él no está vivo
Nunca más.
La botella me llama, calladamente.
Me tienta, coquetamente.
Me seduce, suavemente.
Me recuerda a anoche, fugazmente.

Los combatientes – Cristina Morales
El teatro de la vida
La violencia en las casas
El sexo en las escuelas
Las drogas en las calles
Todas estas son parte del espectáculo.

La verdad en sus ojos
Las mentiras en sus corazones
La esperanza en sus sonrisas
Todas estas son parte del espectáculo.

Los personajes anónimos
Ellos son el espectáculo.

El espectáculo por todo
El espectáculo de todo
El teatro de la vida.

**Los combatientes – Cristina Morales**

*El teatro de la vida*

La violencia en las casas
El sexo en las escuelas
Las drogas en las calles
Todas estas son parte del espectáculo.

La verdad en sus ojos
Las mentiras en sus corazones
La esperanza en sus sonrisas
Todas estas son parte del espectáculo.

Los personajes anónimos
Ellos son el espectáculo.

El espectáculo por todo
El espectáculo de todo
El teatro de la vida.

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**Anthony Nguyen:** Anthony is a senior double majoring in International Studies and Spanish.
Gender Neutral Housing (GNH) is “a housing option in which two or more students share a [room] in mutual agreement, regardless of the students’ sex, gender, gender identity, or gender expression.” GNH is a new policy occurring in college housing developments. The goal of this study is to determine whether Virginia Tech students would welcome GNH as a housing option for all students and whether students feel having the option would improve their college experience. Our results indicate that the majority of students believes GNH could improve the overall campus living experience at Virginia Tech should it be implemented.
Gender Neutral Housing (GNH) is a recent housing option offered on some college campuses. Wentworth Institute of Technology offers a definition of GNH as “a housing option in which two or more students share a [room] in mutual agreement, regardless of the students’ sex, gender, gender identity or gender expression.” Would GNH significantly improve the college experience for students at Virginia Tech? The goal of this research is to determine student reactions and perceptions that could affect the implementation of GNH at Virginia Tech.

Our study is important to individuals in the LGBTA+ community, especially those who identify as transgender or non-gendered. Its results will show willingness of the community at large, including the LGBTA+ community, to accept GNH. These results also indicates that the policy would make dorm life more acceptable for students of a range of gender identities. Overall, the results of our study may provide insight for the development of a GNH program at Virginia Tech as well as at other universities.

Literature Review

Terminology and Concepts

GNH is the beginning of a new wave in college housing development. Currently, most colleges offer co-ed dormitories that allow males and females to live in the same buildings, but males and females cannot share rooms. GNH allows for students of differing gender identities to share rooms if they so choose. Before we begin our discussion on GNH, we should clarify vocabulary associated with the acronym LGBTA+. First, the term LGBTA+” stands for lesbian, gay, bisexual, transgender, and asexual individuals. The “+” indicates additional members of various gender and orientation identities. The acronym LGBTA refers to the Virginia Tech organization: The Lesbian, Gay, Bisexual, Transgender Alliance of Virginia Tech. LGBTA is often the central support group on college campuses for those who identify with the LGBTA+ community.

To understand LGBTA+ issues, it is necessary to have a clear understanding of the difference between sex and gender. Sex refers to one’s biological identity, determined at birth. Gender is a social, not biological, construct in that one’s gender is something that they create individually (not assigned at birth) through interactions with society. According to Maria Anderson, society historically has been rooted in a “binary culture,” in which the only recognized gender identities are male and female. As a result, an individual’s role in society has been expected to be either male or female. Those who do not adhere to these binary roles, sometimes including homosexuals, bisexuals, transgendered, and other individuals, often face discrimination in a binary society.

Other important distinctions are the differences among homosexuality, transgender and transsexual. Homosexuality refers to “an enduring pattern of behavior” with those of the same sex. Transgender is an umbrella term used to refer to all terms that encompass the general idea of someone’s identifying gender not being the same as their biological sex. Terms that would fall under the transgender category include transsexuals, cross dressers (also known as ‘transvestites’), and drag queens/kings. “Transsexual” refers to someone who takes measures to change their sex (though sometimes transssexuals will avoid some or all sex change surgeries). When one is in the process of changing their sex, they are categorized more specifically as a “male-to-female” or a “female-to-male” transsexual. It should be noted that at times male-to-female transsexuals are referred to as transgender females, and female-to-male as transgender males.

Rise of LGBTA+ Movement and the Contact Hypothesis

Gender movements began with the first wave of feminism, when women began to push for equal rights. However, this call for equality gained only limited traction until the second wave of feminism. The second wave went beyond a call for equal rights to a call for challenging the traditional notion of gender roles. Today this challenge to the traditional gender binary culture has been evolving into a third wave of awareness not just for women, but for LGBTA+ as well. As in the past, many homosexuals are victims of homonegativity, also called homophobia, which is discrimination against a person because they identify as lesbian, gay, bisexual, or transgender. In some cases, gay men face an extreme form of homonegativity due to the psychological effects of hypermasculinity: the strict, even aggressive, adherence to male gender norms.
In their study, designed to examine the relationship between contact and sexual prejudice, Axelton, Saucier, and Smith discuss the psychologist Gordon Allport’s contact hypothesis. Allport’s contact hypothesis states that “interaction and positive contact with a member of a negatively stereotyped group can lead to more positive attitudes, not only towards that individual, but also towards that individual’s group.”\(^{12}\) Investigating this hypothesis, many studies have shown that it is important for LGBT+ and non-LGBT+ members to have contact with each other in a positive environment, for such contact can cultivate feelings of acceptance, understanding, and non-discrimination. Findings suggest that contact between homosexuals and heterosexuals were negatively associated with sexual prejudice, meaning heterosexuals who had more positive attitudes towards homosexuals were often associates of homosexuals. The study also shows that some heterosexuals who may have never had contact with homosexuals before the study tended to have positive attitudes after having interaction during the study. This may suggest that even short interactions can have a significant impact on reducing discrimination.\(^{13}\)

The Residence Hall Mission

Kristen A. Renn, a scholar whose research focuses on identity in higher education, discusses three major areas of focus concerning LGBT+ issues: visibility, campus climate, and student identities and experience. Residence halls are a key aspect of campus life and climate, student identity development, and group visibility. Higher Education housing programs have a mission to provide students with an environment in which it is safe to learn and grow. One of their primary objectives is to assist students with personal growth and development, and the best way to ensure this is for the students’ residence halls to feel like home.\(^{14}\) Other researchers note that on-campus residents experienced greater cognitive and intellectual development, personal growth, improvement in leadership skills, higher graduation rates, and a better overall college experience, compared to off-campus residents.\(^{15}\) They also are less likely to participate in socially negative activities such as those related to alcohol.\(^{16}\) However, the results of these studies do not always hold for LGBT+ student residents.

As a result of homophobia and homonegativity, LGBT+ students may suffer psychological effects such as self-doubt, isolation, self-hate, and loathing as well as poor grades.\(^{17}\) The five biggest problems they face in traditional residence halls are lack of privacy, unaccepting roommates, harassment, difficulty coming out, and lack of desire to be involved in residence hall activities.\(^{18}\) The fact that many students establish their identities in their college years indicates a need to help create an open, friendly, and safe environment to facilitate all students’ self-exploration.

As noted above with Allport’s contact hypothesis, studies have shown that those who interact more with the LGBT+ community are more likely to become comfortable and accepting of LGBT+ people.\(^{19}\) Residence halls might expand their missions to make student living comfortable for all, including LGBT+ individuals. GNH is one way to further this goal.

Prevalence of Colleges Offering Gender-Neutral Housing

According to a 2010 study, only 54 of 4,000 American higher education institutions, or approximately 1%, offer some form of GNH.\(^{20}\) Currently at Virginia Tech, the Residence Hall Federation General Assembly is investigating the possibility of offering GNH. According to a 2014 article in Virginia Tech’s Collegiate Times, Kylie Gilbert, then president of the Assembly, makes the very important point that, “[GNH] is not just limited to the LGBT community — it applies to a wide spectrum of individuals. It can be applied to romantic, married couples, siblings, opposite gender best friends, doesn’t matter the gender.”\(^{21}\) The article also states that George Mason University will be offering GNH on its campus in the future, making it one of the first public universities in Virginia to do so.\(^{22}\)

An exploratory study on the prevalence of GNH and reasons for its inclusion into college housing programs was performed by Carroll, Larsen, and Willoughby, who noted four points in favor of GNH: (1) GNH breaks down traditional gender roles, allowing for more awareness and acceptance of LGBT+ issues; (2) it gives more housing options for LGBT+ and those who choose to live with the opposite sex or an LGBT+ member; (3) living with the opposite sex or other genders exposes students to the experience of developing social skills relating to and interacting with those of other sexes and genders and (4) there is no clear evidence that it will increase sexual activity among students utilizing the option.\(^{23}\)

From our literature review, we have determined that LGBT+ discrimination is still prevalent in society due to societal norms that favor a binary gender culture. One

\(^{12}\)Axelton et. al., 179.
\(^{13}\)Axelton et. al., 187-188.
\(^{14}\)Renn. 31-32.
\(^{15}\)Fanucce, 26, and Anderson, 31-32.
\(^{16}\)Anderson, 31.
\(^{17}\)Fanucce. 26.
\(^{18}\)Fanucce. 27.
\(^{19}\)Axelton, 187-188.
\(^{20}\)Anderson, 5.
\(^{21}\)Austin, Collegiate Times
\(^{22}\)Austin, Collegiate Times
\(^{23}\)Carroll, 739-41
way to break down this gender barrier is through increasing the community's awareness of LGBT+ issues. The best way for a college campus to increase awareness and acceptance of LGBT+ is through implementation of programs that provide LGBT+ individuals with a secure environment in which they can feel safe and be open about themselves and their identity. Currently, Virginia Tech provides this sense of security through The LGBT+ at Virginia Tech, and by advocating a "safe zone" for LGBT+ individuals. As cognitive development theories such as Allport's Contact Hypothesis suggest, the best way to increase awareness and acceptance is to expose people to that with which they are unfamiliar within positive environments. Mostly, the LGBT+ is a place for LGBT+ students to come together and is not where one would find high interaction between LGBT+ members and non-LGBT+ members. The introduction of GNH would attract more than just LGBT+ members and allow for a safe environment for LGBT+ members to associate with non-LGBT+ members while having a feeling of being at home.

Methodology

We used two samples in our study and two data collection methods. The first, SP1, was an availability sample. We used this sample to explore how members of the Virginia Tech student body felt about GNH. We developed a survey and made it available on a website. Because we were unable to use student emails and listservs, we contacted three residence halls: The Honors Residential College at East Ambler Johnston, Hillcrest Hall Honors Community, and The Residential College at West Ambler Johnston. An email was sent to the dormitory residents, who were asked to follow a link in their emails to complete the survey. 259 students completed the survey, and our analysis includes 234 of those responses.

The second sample, SP2, was a purposive sample used to explore how The LGBT+ at Virginia Tech felt about GNH. We contacted the organization to seek participation in our study. We used a snowball technique to obtain 10 participants. This sample was used in focus group interviews, and included LGBT+ members and other LGBT+ affiliated individuals.

Data Analysis

From the SP1 data we determined the percentage of students likely to support, oppose, or have no particular stance on GNH. We examined the demographic data to explore response trends for sections 2 and 3 of the survey (e.g., gender, sexuality, orientation, religious affiliation, ethnicity, age, family or friends identifying as LGBT+, and College membership). Section 2 of the survey is composed of five GNH related questions in which the respondent chooses one answer from a list of possible answers. The open-ended questions in Section 3 were analyzed both quantitatively and qualitatively.

We used seven grand tour questions during the focus group. We recorded answers and then transcribed the data for analysis. In the transcription, the names of the interviewees were omitted and replaced with numbers 1-10 to represent our ten participants. Participants were allowed to contribute other thoughts permitting us to gain more insight into LGBT+ perceptions regarding gender-neutral housing. We developed response categories from the interview data for easier analysis. Responses were then compared to the data from SP1.

Results

Of the approximately 1,230 students in the three residence halls participating in the survey, 259 students responded. Only 234 of the 259 students gave consent for their data to be included in the analysis. Responses to each question provided descriptive frequencies for VT student perceptions of Gender Neutral Housing. Some of our findings are presented below. The discussion includes analysis of sections 1, 2, and 3 of the web survey. Section 3 of the survey is given more attention because of the open-ended nature of the questions.

SP1 Results: Survey Sections 1, 2, and 3

The survey data showed the majority of survey respondents favor GNH. The only topic resulting in less than 50% agreement was regarding random roommate assignment with SP1-Section 2-Question 4 results of 38% yes and 41% no. 11% suggested that random roommate assignments should be available “in special situations.” Most of the respondents suggested random roommate assignments should involve an interview to determine why applicants were seeking GNH.

While many students identifying with specific religious affiliations also responded positively to GNH, most students offering negative responses were religiously affiliated.

Some respondents indicated a lack of understanding of the concept “Gender Neutral.” Of the respondents answering “yes” to the question, “Would gender neutral housing affect you?,” some students perceived that they would be forced to room with students of the opposite gender, resulting in discomfort and an inability to opt out of the program.
Respondents also felt a need for more education about GNH, particularly those favoring GNH. Students identifying themselves as LGBT+ felt they would be significantly affected by GNH and also had many concerns. Some believed that the community would lose respect for them for choosing to live in GNH. Others feared that non-LGBT+ would believe GNH is just for LGBT+ students, thus exacerbating the gap between each groups. Finally, some LGBT+ students believed only LGBT+ students would gravitate toward this housing option. Despite these concerns, the overall results from the survey indicate that students would like to see a GNH option available at Virginia Tech.

**SP1 Results- Survey Section 3**

Question 1 in this section asked “What does ‘gender neutral’ mean to you?” The majority of participants (57%) seemed to realize that GN does not just refer to the binary roles of men and women, but refers to all gender roles being neutralized. Some respondents did not indicate an understanding of the gender neutral concept (13%) and some believed its focus was on allowing men and women to live together (11%). 19% did not provide a response.

Question 2 was “Please describe any concerns you have with GNH.” Although responses varied, coding allowed us to determine the following:

- 6% of respondents were not in favor of gender-neutral bathrooms
- 8% of respondents were concerned about sexual assault and violence
- 22% of respondents believed couples would take advantage of the housing option
- 5% of respondents were concerned there would be a misunderstanding of the purpose of GNH
- 11% of respondents were concerned about morality or uncomfortableness in rooming with opposite sex
- 33% of the sample did not respond to the question
- 15% of the sample gave unrelated answers

From the results, it is obvious that the biggest concerns involve misuse of the policy by couples or those with bad intentions, such as “perverts.” Perceptions of the possibility of sexual assault against females or violence against LGBT+ were also indicated.

Question 3 asked respondents to share any personal narratives they have regarding GNH. The majority, 70%, had no personal experiences and were unaware of friends’ experiences. 10% of respondents believed GNH would promote a less discriminatory and more accepting community and 6% shared narratives to indicate how GNH would benefit LGBT+ students. Only 5% of respondents directly opposed GNH or had non-narrative answers unrelated to the question. Despite the low response rate for this question, it is evident that those who did respond believe that GNH will help the Virginia Tech community become less discriminatory and more accepting of gender expression.

Question 4 asked “If Gender Neutral Housing was available, would you participate?” 43% of respondents said no while, 22% said yes and 24% gave no answer. 11% said they would participate, depending on the exact policy in place. Question 5 asked, “Do you feel having Gender Neutral Housing as an option in residential housing would improve the overall college experience for Virginia Tech students?” The results showed that half of respondents, 51%, believed it would in fact improve the overall college experience at Virginia Tech. 24% gave no response or had no opinion, 14% said they believed it would not improve the experience, and 11% believed it would improve the experience for some students, mostly LGBT+ affiliates, but not everyone’s experience.

Question 6 stated, “If you have any relevant comments, suggestions, etc. you would like to express, please do so here.” Not all participants chose to respond, and those who did were mostly those who felt very strongly about the issue, either positively or negatively. Additionally, other individuals chose to include their opinions on how GNH could best be implemented and in other cases how the survey itself could be improved. Some responses indicated hostility to GNH altogether, while others demonstrated a lack of understanding about the purpose of GNH and about gender identities. However, a majority of the responses indicate support for GNH, including requests that it be implemented because it is an important and needed step, and praising Virginia Tech for considering it in the first place. A few responses mentioned using Hillcrest Hall as GNH because of experimental housing situations there in the past.

**SP2: Focus Group Analysis Results**

Focus group responses were coded as: (1) reasons why GNH is needed, (2) perceptions of the intended use of GNH, (3) thoughts on potentially unintended consequences, (4) reasons for participation or non-participation, and (5) thoughts on GNH implementation. Our findings are discussed below.

LGBT+ members felt a need for GNH as a “safe zone” for the LGBT+ community. Interviewees agreed that regardless of anti-discrimination policies at Tech, LGBT+ students are still going to face discrimination, so a GNH safe space would be both welcomed and utilized. Because
college is a fragile time in an individual’s development. GNH can help relieve discomfort, especially when someone is gender questioning or is in transition. Transgender students are most affected by GNH because they may be in the position of transitioning from one binary sex to another and should the transition occur during a semester in which they reside on campus, the rejection by roommates, hallmates, and other dorm mates could be uncomfortable or even dangerous.

Some of the LGBT&A students’ concerns mentioned are (1) that the majority of campus residents will not realize that GNH will be primarily used by LGBT&A+ individuals as a safe space, (2) that heterosexual and homosexual couples may abuse the system, and (3) fear that any anti-LGBT&A+ individuals allowed in GNH would violate the safe space for LGBT&A+ individuals.

LGBT&A members anticipated three potential consequences of GNH. First, they anticipated potential problems in random roommate selection. The group indicated a belief that random roommate selection would be done via the current campus lottery system, in which anyone could be selected to live in GNH. The biggest problem perceived was that ill-intentioned individuals could be allowed into GNH. One participant noted that although there is a possibility that ill-intentioned individuals may interfere with the “safe zone” aspect of GNH, the need is still ever present and fear should not be a deterrent. Further into the discussion, ideas for how random roommate selection could best be implemented were offered. A second concern was the placement of the dorm itself. Students did not want to be too far from campus, taking away from the campus life, or create the appearance or feeling of segregation; they also did not want to be too close to areas where discrimination could be an issue. One participant mentioned that Slusher Hall is small enough for staff to safely monitor and that it is also close to the center of campus. Others mentioned that West Ambler Johnston and other dorms that already have living and learning communities or other unique living situations. A third person expected a GNH consequence would be that other adults (e.g., students’ parents) would not understand or support GNH, believing it just an excuse for couples to live together, or that an LGBT&A+ student not yet out to their parents could be unintentionally outed to parents on move-in day into a GNH dorm.

A majority of respondents said they would love to participate in GNH, but would only do so as long as they were not taking away from someone who really needed it, such as a transgendered student or a student who has been harassed and was seeking a safe place. Some respondents also said that should a friend ask them to be their roommate for safety reasons, they would oblige. Others said they would participate should there be gender-neutral bathrooms available, mentioning awkward bathroom situations they had experienced.

Category 5 responses were numerous. Interviewees presented many suggestions for GNH implementation. The most extensive discussions were about how roommate selection could be carried out and the selection and training of Resident Assistants. The biggest concern was ensuring that those wanting to use GNH were doing so for the right reasons. First, it was suggested that students be properly advised on the GNH intent and purpose before the application process starts and that the availability of GNH should be widely advertised so that those who might need it would be aware of the option. Participants indicated that the GNH application should include language such as, ‘The purpose of the GNH dormitory is … GNH is not just for LGBT&A+ individuals, but for others such as …’.

Participants also recommended that the application be used as a screening mechanism to ensure that those who need GNH, such as those who feel uncomfortable or unsafe in typical dorm situations, married couples, transgender students or non-binary students, or roommates for disabled students of the opposite sex, are in fact those placed in GNH first. It was proposed that to ensure an applicant’s good intentions, all should have to write personal essays and/or go through an interview process.

One student suggested that the application should allow friends of differing genders or gender identities to live together regardless of LGBT&A+ status because sometimes they just feel more comfortable with each other, while others feared this would let in people who would abuse or compromise the system, like couples who break up and then have problems that affect other students in the housing area. Another student proposed a semi-random roommate selection process in which an individual could choose their top three preferred roommate identities to live with. Whomever they are assigned to should be of one of those identities. This was suggested because not all members of the LGBT&A+ community are accepting of all members of that community. For example, not all lesbians and gays are accepting of transgender students.

With regard to Resident Assistants, there was a general agreement that even in the current dorm system, it is often the case that RAs do not understand gender and sexuality related issues. Respondents thought additional RA training was needed to ensure their awareness of LGBT&A+ issues so that RAs can notice and react appropriately to potential issues, particularly violence. It was also suggested that RAs either come from or be recommended from within the LGBT&A+ community, and if possible, GNH applicants
should be aware of who the possible RAs may be. Participants unanimously agreed that at minimum RAs should be Safe Zone trained.

Finally, one of the most important points made was that an individual educated thoroughly in LGBTQ+ issues and preferably a member of that community, be present and involved in the implementation of GNH. The LGBTQ+ community should be involved in a proposal that is so important to them.

**Comparative Analysis of SP1 and SP2**

Some of the findings from the SP1 web-based survey were also present in the SP2 focus group results. First, both sets of respondents agree that Virginia Tech needs GNH and that GNH can potentially serve as a safe zone for LGBTQ+ students. This conclusion can be drawn from SP1, Section 3, Question 3 and from the focus group data. Responses from SP1, Section 2, Question 2 show that 58% of respondents agree that GNH should be an option at Virginia Tech. We also see similar concerns across both samples. For example, in SP2, Category 2, a major concern was that the majority of campus residents would not see GNH as a potential safe space for LGBTQ+ individuals and would use it for other purposes. This was reflected by 5% of respondents in SP1, Section 3, Question 2.

In SP2, Category 3, the main concern was that ill-intentioned individuals could be allowed into GNH. In SP1, Section 3, Question 2, 8% believed that “perverts” and physical or sexual abusers might be allowed in GNH and another 22% feared it would be misused by students for relationship purposes. In SP2, Category 4, most of the LGBTS+ participants said they would love to participate in a GNH option, while SP1, Section 3, Question 4 responses indicated that non-LGBT+ students would not use GNH: 43% said no, while 22% said yes, and 11% said yes under certain circumstances.

In SP2, Category 4, focus group respondents made suggestions for GNH implementation, especially in regard to how roommate selection would occur. Most students across both samples indicated potential problems with random roommate selection, as was shown in SP1, Section 2, Question 4. Students were asked if random roommate selection should be an option and 38% said yes, and 41% said no. Despite the lack of support for random roommate selection, in SP1, Section 3, Question 2 and SP2, Category 5, there was strong support for a managed roommate selection process for those who specifically apply for GNH. Another suggestion was made in regard to the bathroom policy. Many focus group participants felt that gender-neutral bathrooms were not just needed for transgendered students, but also for non-gender conforming and gender questioning individuals uncomfortable sharing a bathroom. SP1, Section 2, Question 3 respondents agreed; 56% of them would prefer gender-neutral bathroom availability.

**Conclusion**

The overall intent of this research was to explore the types of student reactions and perceptions that could be expected from the implementation of GNH at Virginia Tech. Many respondents think the option would improve their overall college experience. Although GNH may be strongly desired by the LGBTQ+ population, others are less enthusiastic about it. Though some non-LGBT+ individuals have suggested they may utilize it if given the option, there are still concerns about potential abuse of the policy. LGBTQ students feel deeply invested in and are very protective of the GNH process. Respondents offered suggestions which should be seriously considered in the implementation of GNH at Virginia Tech.

**References**


Research Articles


Wentworth Institute of Technology Gender Neutral Housing Assignment Request and Agreement. <http://www.wit.edu/reslife/policies/GNHForm.pdf>

Sara Emsley is a History major (recently transferred to West Point- US Military Academy); Katy Shepard is a triple major in Studio Art, Philosophy, and Political Science (graduated December 2014); LeAnn Rhodes is a Political Science Legal Studies major (graduating May 2015); and Kaitlin Winfree is a Political Science Legal Studies major (graduating May 2016).

Beginning as a research design assignment in a Research Methods class, we quickly became attached to our topic and designed it in a manner that would allow us to pursue it as an Undergraduate Research project. We'd like to give a special thanks to Dr. Brandy Faulkner for all her support and excellent guidance throughout the design, implementation, and analysis of our study.
This paper outlines how the migration of refugees impacts different regions. Often the issue is not that they are migrating, but what is imported along with them. The flow of refugees from one country to another, particularly in Central Africa, had detrimental consequences which led to a series of wars and destabilization of the region. Other refugees fleeing simultaneously for reasons of persecution can trigger broader issues. This paper asserts that both refugee-sending states and refugee-receiving states are more likely to initiate in militarized disputes against each other. The broader goal of this paper is to contribute toward research that examines the mutually reinforcing relationship between the state and the refugee, and how they influence each other’s paths toward eventual policy. Often, the issues and actors in civil wars span national boundaries and become part of a regional security dynamic, blurring the line between what is an internal war and a larger regional conflict.
As we look upon this picture, one can surmise that these people are refugees fleeing their country; why though, what were the conditions? This picture is of a group of refugees fleeing from Rwanda. According to the United Nations High Commissioner for Refugees (UNHCR), these refugees were part of one of the largest mass exoduses in history. Roughly 2.5 million Rwandans fled the 1994 genocide and its aftermath. The effects of the Rwandan genocide also impacted the outlying countries and would affect the entire continent.

How did an internal conflict that would lead to a civil war have consequences far reaching enough as to pose a serious threat to the security of an entire region? “Refugee manipulation” has become a very important idea for understanding ways in which transnational actors are sources of conflict. The refugee crisis is and has been the catalyst for conflict. Much can be learned from the genocide that erupted into the Great African War. The genocide led to mass refugee movements that fostered internal conflicts, and that in turn led to an outbreak of regional war. The events that transpired before and after the Rwandan genocide were the epicenter for this great war, and the movement of refugees that ensued destabilized the fragile peace and political balance in the region.

Defining a Refugee

The term “refugee” is not well defined. There is a need for a precise definition, for the term “refugee” constitutes a very powerful label, expressing need and concern for humanity, and calling for national and international attention. The United Nations’ 1951 Refugee Convention was one of the first pieces of legislation covering refugees. It also set into place obligations of the host state relating to refugee camps, along with the role of refugees in the state. Initially, this definition applied solely in the European sphere, but after 1967 was expanded to apply throughout the world. The 1951 Refugee Convention establishing UNHCR spells out that a refugee is someone who:

- owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country.1

This was later modified in 1967 by the Convention’s Protocol to include “persons who had fled war or other violence in their home country.”2 Refugee is defined by the UNHCR in this way, but each nation has its own definition and protocols governing labeling those who claim the status of a refugee. The United States, for instance, defines “refugee” as:

- any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, The term “refugee” does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.3

For most countries there is an additional condition requiring the “refugee” to provide proof establishing himself/herself as a refugee. To establish that the applicant is a refugee, the applicant must show that race, religion, nationality, membership in a particular social group, or political opinion, was or will be at least one central reason for persecuting the applicant.

Securitization of the Term “Refugee”

The 20th century has been labeled the “century of refugees” by the UNHCR, for within this time there was a steep increase in numbers worldwide. By the end of World War II in 1945, the worldwide count of refugees was at 2.1 million, a number that fell to 1.5 million by 1960 due to mass resettlement. By 1970, the number had risen to 2.5 million and 8.9 million by 1980. This number then doubled, reaching 17.2 million in 19904 then reaching an overall high at 20 million in 1992.5 There were 43.3 million forcible displaced people worldwide at the end of 2009.6 During the last decade of the 20th century, governments, international organizations, and the public became increasingly aware of the problems faced by refugees and internally displaced

3101(a)(42)(A) of the Immigration and Nationality Act (INA), United States.
people. Overall awareness has grown partly because of the large numbers involved and the experiences hosting refugees. The political and military activities of refugees in a host country have heightened risks to the stability and national security of the region/nation. Refugees are being viewed as future and potential threats to regional, national, and international peace and stability.

To understand why refugees, typically seen as a non-security issue, are viewed as potential threats, one must look at how security is defined within the scope of security theory. The main theory of securitization within international relations holds that an issue becomes a security threat not because it necessarily constitutes an objective threat to the state (or another relevant object), but because that actor or state has deemed it to be a security issue. The state then declares that relevant action must be taken in order to protect its survival from such threat. By claiming such actions, the actor has declared that it has the right to enact measures beyond the normal routine: extraordinary measures to ensure its survival. Security thus is not about an actual threat, but is something stipulated by the state as an issue of security. The state must also convince its citizens to accept the threat as something real and actual. Thus this definition of security is connected to social theory and the idea of manipulation of “truth.” Securitization is not an easy task; one must convince a targeted audience of the existence of a threat (Mogire 2011, Buzan et al 1998, Kingdon 1995).

The Copenhagen School of thought supports this idea: “Copenhagen School theorists argue that in international relations something becomes a security issue when it is presented as posing an existential threat to some object – a threat that needs to be dealt with immediately and with extraordinary measures to ensure its survival. The state must also convince its citizens to accept the threat as something real and actual. Thus this definition of security is connected to social theory and the idea of manipulation of “truth.” Securitization is not an easy task; one must convince a targeted audience of the existence of a threat (Mogire 2011, Buzan et al 1998, Kingdon 1995).

Refugee securitization links refugees to the idea of a threat. This idea solidified at the end of World War II. Although the concept of transnationals effecting change is nothing new, such phenomena are largely overlooked by the prevailing theory of Realism. Realism suggests that threats to states arise from other states, rather than from individuals. In the 1980s and the early 90s, however, terms such as “threat,” “war,” “combative,” and “intrusive,” became associated with refugees as they came to be seen as a problem. This shift likely occurred because of recent mass movements and their impacts in Africa. Policy makers concluded that refugees were a contributing factor to war, and it became common to focus on the needs of the host and their protection from these “invaders” (Loescher 1992, Zolberg, Suhurke, and Aguayo 1989). The UN issued a number of statements supporting this idea of a threat. For example, Sadako Ogata stated that, “Refugee problems invariably affect key state interests. They are related to matters of national, regional, and even international peace and security...” (Ogata 1997). This tendency to securitize transnational movements and refugee flow can also be tied with the idea of walled sovereignty (Brown 2010, Buzan et al 1998, London 1998). States have adopted these “walls” of legality and protection as means to protect their identity. States therefore have relegated refugees to a category of “others,” as undesirable. Sovereignty and identity are the two concepts that the state holds most dear: they are what differentiates a state from others, and represent national unity and pride. With an increasing flow of refugees fleeing into other states seeking a better life, countries fear that their identities will lose definition.

To summarize: securitization is a concept created by the state which is then reinforced by its audience, and influenced by the state in order to protect its identity and sovereignty. Thus a general negative notion is attached to refugees, for they are seen primarily as invaders. This notion will continue to gain purchase, as states become increasingly concerned with protecting borders and maintaining security from what we deem “others.”

Militarization of Refugees and Camps

To understand the security threat of refugees, one must examine the issue of refugee militarization. The militarization of refugees and their camps creates a state of lawlessness within the local region, often resulting in political violence caused by refugees. This leads to the possibility of a retaliatory strike against the host country from either the country of origin or that of a rebel group.

The term militarization describes a volatile situation including “non-civilian attributes of refugee populated areas, including inflows of weapons, military training, and recruitment. Militarization also includes

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org/4c1f08eb9.html.


8Buzan 1998

9Refugees Magazine Issue 109 (1997 In Review) - Forward."


actions of refugees and/or exiles who engage in non-civilian activity outside the refugee camp, yet who depend on assistance from refugees or international organizations.”

The issue of militarized camps is not entirely new, but has become more prominent since post-colonialism and the destabilization of Africa. Many refugee camps throughout Africa have become “hotspots” for rebel recruitment, promoting political violence. This phenomenon of refugee militarization captured international attention as a result of the Great Lake crisis, which then led to what is known as “the Great African War.” However, the challenge extends beyond Africa and is now recognized as a global problem, impacting Balkans, Palestine, and East Timor.

During the Cold War, nations used militarization and refugee movements as a tool for the destabilization of a particular region to gain leverage over a situation or another state. Loescher says, “The strategic and political interests of the West and its allies to maintain pressure against and to destabilize revolutionary states in the Third World, and through them, to raise the costs to their patron, the Soviet Union, were served by the continued military use of refugees.”

During the Cold War, both Western powers and the Soviets and their allies used refugees as means to pursue their ideological agendas and strategic interests, ignoring humanitarian precepts. The strategy was either to exploit an existing conflict or to aggravate a situation to promote conflict. The Cold War ensured a continuous flow of weapons to refugee groups in various theaters, for weapons were treated as incentives for potential allies (as in the Afghan resistance to Soviet occupation).

Militarization begins with the movement of refugees due to political violence, followed by a flow of rebels, weapons, and materials accompanying the mass of refugees into centers holding the displaced people. These camps become bases of operation for future attacks against the country of origin. War is then conducted through raids across borders, with camps providing the necessary manpower and supplies. Mogire states, “Refugee militarization has also become a common phenomenon as rebels increasingly find it easy to expedient to use refugees and refugee camps to pursue their armed insurgencies.”

Camps are targeted because of the vulnerable circumstances of their refugees. “Camps constitute a captive audience, extremely vulnerable to psychological and physical pressure from anyone in a position of authority, particularly from fellow refugees, who capitalize on refugees’ instinct to “stick together” in the face of adversity and alienation.”

There are several reasons for the militarization of camps. They are protected by international law, so there exists a “protected status” of people in the camps ensuring a degree of safety from possible reprisals. These camps allow guerrilla groups to become less dependent on third party political and economic backing. Camps provide localized manpower and constitute a hub for international aid, facilitating future resupply. Camps provide legitimacy to an organization, justifying a leadership that claims to fight for the rights of those in the camp. There also exists proximity to international borders, enabling operations to be conducted close to a home base and making it easier to retreat quickly, avoiding unnecessary casualties. Ultimately, “humanitarian relief assistance in refugee camps often serves as a magnet for and indirectly provides armed elements with economic resources independent of external patrons.”

Given a base of operations and accessible supplies, often free of charge, camps sometimes are profitable. The lack of security in camps helps rebel groups obtain supplies without having to comply with the jurisdiction of the host government. Integration is key for a rebel group to exist and continue in its actions; camps provide that cover to rebel forces, enabling them to avoid detection while they pursue their missions. Finally, many of these conflicts are secessionist movements occurring along borders. When militant groups are forced to flee the country, they typically relocate nearby in order to maintain geographic proximity to their theaters of operations and retain the material benefits of their refugee status.

Militarization occurs when rebel forces use camps and refugees as tools for the continuance of conflict. But the root cause can be traced in the actual flow of the refugees from political violence. The militarization of camps is tied to another term, “refugee warrior.” The terms “refugee warrior” and “refugee warrior communities” were first coined by Zolberg, Suhrke, and Aguayo in their influential 1989 study Escape from Violence. Zolberg defined refugee warrior communities as, “not merely a passive group of dependent refugees,” but as “highly conscious refugee communities with a political leadership structure and armed sections engaged in warfare for a political objective, be it to recapture the homeland, change the regime or

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13Mogire, Edward O. Victims as Security Threats Refugee Impact on

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16Zolberg et al.
secure a separate state ..."16 The concept of refugee warrior creates a complicated situation in which refugees, often seen as victims, now are seen as potential security threats. This is troubling, for it means that a group of secessionists has established itself as lawful refugees as a mask to disguise efforts to reclaim the country of origin. This situation occurs in a number of places, such as Africa, and Palestine, in their effort to establish a sovereign nation. It is worth noting that such armed resistance is a violation of international law, which states that refugees upon entry to camps are to be disarmed.

There are two reasons for a refugee to become militarized: manipulation into becoming a warrior or voluntarily deciding to fight. For years, refugees have been used as pawns on a massive scale to promote and tear down governments. The conflicts in which refugee manipulation has taken place include not only some of the most enduring and bloodiest in the world today, but also cases that imperil the stability of the receiving state. "Refugees turned resources" is the term commonly used in this context. This manipulation of the refugee regime has ramifications for the international scene. "Refugees turned resources" help prolong civil wars and threaten the security of surrounding regions. In cases where the military flees to another country, they need not admit defeat, for if they can secure and claim refugee status, they can then access international aid given to them to prolong the war. What is more, as Stedman and Tanner note, "Facing military defeat at home, the warring party uses the suffering of refugees for its own political purpose... As along as armies control the population, they can demand a seat at the table."17

Manipulation complicates distinguishing between non-combatants and combatants. There is no easy way to differentiate, so innocents are in many cases caught in the cross fire of conflicts, and this leads to cuts of humanitarian aid. The UNHCR has related challenges; their objective is to support victims of conflict, but when some victims themselves are fighting, it becomes difficult to determine who should receive aid. When a camp is militarized, it takes control of the rations and the process of supplies, so one cannot help a certain group without assisting militants as well. "When armies are facing military defeat at home, the warring party uses the suffering of refugees for its own political purpose: to siphon off aid, establish the international legitimacy of their cause, and, by manipulating access to them, ensure that they will not repatriate. As long as armies control refugee populations, they can demand a seat in negotiations."18 International assistance cannot remedy the situation, because if aid continues supplies end up in the hands of warriors, but if aid is withheld then innocents face danger of starvation or other extreme hardship.

Another challenge arises from the volunteer freedom fighter. The volunteer who commits to a military organization without being forced into it is a potential threat. For one who commits voluntarily is one who may manipulate others into joining. Those that sign up voluntarily join these military organizations because they believe them to be socially meaningful or economically rewarding, or because they are ideologically driven. Those forced from their countries into exile are more likely to join insurgent groups to retake their country; if a group can offer the political power necessary to retake a homeland, militarization becomes likely. Mogire suggests that, “…only a few political refugees will readily accept their new status as a permanent condition and, as a result, many will become involved in resistance movements.”19 A modern example of voluntary engagement can be seen in the Palestinian cause. Since the creation of the Israeli state, Palestinians have fought the Israelis using insurgent techniques to advance the agenda of independence and equal rights. These are modern refugee warriors. Nationalism and ideological notions are the primary reasons for voluntary enlistment. An earlier example occurred after World War Two, as Jewish refugees left Europe for the Middle East to establish a Jewish homeland. Unitling behind a common nationalistic ideal of Zionism prompted militarization. The Jewish refugees were some of the first nationalistic refugee warriors. Voluntary and united, they were in a strong position to effect change.

The militarization of refugees and their camps pose an international danger to the security and peaceful stability of regions. Refugee warriors can inflict a change in a region, drastically changing its political structure. But it is not only refugee warriors who make an impact, but also the states that manipulate situations in order to gain control or destabilize a local government or region, as seen with the Great Lakes Crisis. Here, the flow of refugees from ethnic conflict was the ripple that erupted into a regional war involving much of Africa: thus refugee crises have been catalysts for wider conflicts. Catalyzing forces include manipulations by host states and their exploitation of refugees, militarized camps that present targets for foreign interventions, which endangers those not involved with military groups, and domestic political turmoil, which

18Ibid.
19Mogire 2011
can have spillover effects for other states and may provoke conflicts and regional destabilization.

The Role of the Receiving State

There are many legal and normative dimensions of international law affecting refugees. International law requires that assistance must be given to refugees and be carried out in a nonpolitical, civilian, and strictly humanitarian manner. The role of a host country includes many responsibilities in securing, protecting, and safeguarding incoming refugees. Military attacks on refugees and camps of any kind are illegal according to international law. The fact is, political and military interference are quite common and demonstrate the gap between law and practice, however, there is no process or framework for addressing the problem. The role of the harboring state is in most cases the exploitation of the situation to further its interests.

Upon the influx of refugees, the receiving nation has the obligation to protect and ensure the security of those fleeing from both external and internal threats. In November of 1998, the UN passed a resolution on the role of the host country, noting, “…primary responsibility of States hosting refugees to ensure the security and civilian and humanitarian character of refugee camps and settlements in accordance with international refugee, human rights and humanitarian law…”20 Apart from the protection given by UNHCR statutes and international law, refugees also fall under the protection of the Fourth Geneva Convention and Additional Protocol I. This additional protection recognizes the vulnerability of refugees as aliens in the hands of a party to the conflict and the absence of protection by their State of nationality. Article 44 of the 4th Geneva Convention states that, “In applying the measures of control mentioned in the present Convention, the Detaining Power shall not treat as enemy aliens exclusively on the basis of their nationality ‘de jure’ of an enemy State, refugees who do not, in fact, enjoy the protection of any government.”21 What this means is that the host country must treat incoming refugees not as possible enemies, but as civilians fleeing their country. Interestingly, these laws were created by Western states themselves isolated from conflicts but nevertheless imposing legal requirements on other countries near war zones, typically third world countries. These countries often are already economically and politically unstable, and an influx of refugees can


into a country poses a harsh economic burden, and risks economic collapse and security destabilization. Capacity is key for determining whether the state can withstand the driving force of an influx in refugees. Many cannot, and, “For states that, for lack of capacity or resources, cannot legitimately guarantee that refugees will not organize attacks across the border against their country of origin, this poses a real problem.”

On the flip side is the concept of “will”: do states have an exterior motive to refrain from controlling refugees who have taken asylum in the country? Willingness describes the state’s attitude toward enforcing security in refugee-populated areas. Though most states do not have the capacity to exert total control over the situation, most have the power to manipulate it. A state sympathetic to the plight of a certain group may willingly act in such away as they will not take responsibility for the well being of hosted refugees. In this scenario, cross-border violence and attacks may occur. Ethnic ties are the greatest factor affecting a host state’s willingness to provide security. Ethnic ties between refugees and the local populace or the leading party in the government can be a deciding factor. In some cases, the government will use refugees or another ethnicity as a roadblock to prevent rebels (from another ethnicity) from resisting the government.

The economic situation is vital for determining the political goals and grievances of the receiving state. The refugee crisis studied at the host level suggests that the continuance or importation could and can be blocked at the state level before it spreads outward. The state’s political goals and the support it receives can be a deciding factor on civil war. Capacity was seen in the form of resources of the state and the likelihood of the continuance in conflict through refugees. “Will” is the desire of the state to prevent further violence. Economic gain is not the primary incentive for the spread of civil war, but more for political gains and the desire to address their grievances against the original state.

Importation of Conflict through Refugees

“Armed conflict is the central cause of massive refugee flows in the world today, and the political causes of armed conflicts frequently carry over to the country of displacement or to the camps themselves.” In many crises the influx of refugees threatens the stability of the region and can lead to the spillover of conflict into another country. As cross border attacks occur between refugees and combatants in another country, there is the risk of escalation and international war. The refugee crisis of 1994 genocide in Rwanda provides a key example of this phenomenon. The actions of the Rwandan Hutu refugees in Zaire eventually sparked two international wars that led to a mass population displacement.

There are three types of refugees within the context of militarization: situational, persecuted, and exiled. Situational refugees flee their home to escape intolerable conditions and general destruction wrought by civil war. Their general goal is to return home through peaceful means. They have very little political motivation to cause violence and will typically follow the direction of humanitarian groups. Persecuted refugees are those that flee due to direct persecution. Often they are willing to retaliate against their oppressors. They often join others who have been persecuted, and sometimes join military groups if invited. Lastly, exiled refugees are those that are forced to leave due to political action. They have the highest propensity for violence and often act to overthrow the government that had forced them into exile. This group is composed mainly of leaders and soldiers forced to flee because their government was overthrown.

Refugee flows resulting from “forced migration” often arise from armed political conflict. Forced migration often refers to the pressured movement of a people away from their home or region, and is often associated with violent coercion. Forced migration, as defined by “Forced Migration Online,” describes “People who are forced to flee their homes for one or more of the following reasons and where the state authorities are unable or unwilling to protect them: armed conflict including civil war; generalized violence; and persecution on the grounds of nationality, race, religion, political opinion or social group.”

Lischer describes five types of refugee-related political violence.

Types of Refugee Related Violence:
- Attacks between the sending state and the refugees
- Attacks between the receiving state and the refugees
- Ethnic or factional violence among refugees
- Internal violence within the receiving state
- Inter-state war or unilateral intervention

There are numerous instances of cross-border...
attacks occurring between the sending state and that of the refugees. During the 1994 Rwandan genocide, for instance, Hutu and Tutsi refugees initiated attacks against their former government. These attacks would target citizens of the opposite ethnicity as well as government infrastructure. Attacks between refugees and the sending state often result in the escalation of conflict and the raising of tensions throughout the region.

Instances of conflict between the receiving state and that of refugees are not very common, but do occur. The most common instance are riots and protesting between the local populace and refugees; in these situations violence occurs as a result of locals taking the law into their own hands. Local people will feel excluded from the benefits being received by the refugees and in many cases will take their anger out on the refugees.

Ethnic conflict among refugees is common, and is tied to internal violence. To give just one example, in August 1998, UNHCR reported that a quarrel between two women at a tapstand in Hagadera “turned into an inter-clan block fight in which four women were injured.” A few days later, “two refugees armed with a knife attacked a 40 year-old man in a revenge attack linked to the quarrel at the tapstand. He sustained serious injuries and was admitted to hospital.” Ethnic violence can lead to an outbreak of continuance violence which can result in a state of lawlessness capable of spreading. Incidents such as these create the possibility of an ethnic war in the area.

The last category is when violence occurs when refugees act as a catalyst for conflict between nations. In many instances, those that are driven out from their homeland will use their time in exile to regroup and launch an invasion of their home countries. In 1990, Tutsi refugees in exile launched such an attack against Rwanda to regain their country after being expelled earlier. From Uganda, they were able to push out the Hutu government. Hutu refugees in Zaire in turn would use their time in exile to also regroup and initiate a series of continued attacks against Rwanda. This escalated into a regional war when Rwanda invaded Zaire, which then, because of various alliances, involved half of Africa. Attacks between the sending state and refugees have the highest propensity for an escalation of an international conflict between various nations. This type of conflict occurs more frequently than any other type.

Crime is traditionally viewed as something that is an internal issue related to domestic law-enforcement, but crime cannot be viewed solely as a domestic issue. Crime in the 20th century has become an international concern, with markets being globalized in such a way that international crime has become very profitable. Transnational organized crime is an ever-changing industry, adapting to markets and creating new forms of crime. It is an illicit business that “transcends cultural, social, linguistic and geographical boundaries and one that knows no borders or rules.” How does this relate to refugees? With camps functioning as hotspots for future involvement in rebel activities, there is a tendency toward instability in the region and an upward trend in crime throughout the vicinity of the camp. Banditry, theft of property and animals, armed resistance can be traced to the influx of refugees into an area either by their direct involvement or movement of militia or rebels that follow.

Along with the ‘usual’ crime that follows a mass movement of a population is the issue of light weaponry and its smuggling. The proliferation and trade of such items has adversely affected human security and stability. Further use of weapons has prolonged civil wars and regional conflicts, creating an environment that further encourages their use and trade. Small arms and light weaponry has become a profitable market worldwide, and “were the dominant weapons used in all of the 95 internal conflicts around the world in the period between 1989 and 1996.” There are a number of ways in which refugees proliferate small arms, including movement by formerly militarized units that still bear their arms as they cross national borders and the use of refugee camps as storage sites for arms. Refugees are sometimes key in the transportation of small arms across borders and the camps provide the very protection from rival rebel groups and sending states. The Kakuma refugee camp in northern Kenya became a hub during the Sudanese civil war and provided weapons used by the SPLA. Weapons smuggled into Kenya from Somalia have fallen into the hands of Kenyan and Somali bandit gangs.

Contemporary refugees are characterized as victims because they flee a given situation. The fact is that not everyone is a victim. With every refugee, there are active and ex-combatants as well as former armed elements: soldiers, rebels, paramilitary forces, police and private individuals. Through direct or indirect involvement, refugees have “imported” many types of conflict and

insecurity ranging from crime to the far more serious interstate conflict.

Background on Central Africa

With the increased number of armed conflicts in Central Africa, there exist various social and security challenges caused by mass movements of refugees. Paul Collier and Anke Hoeffler assert that “Africa is the most conflict ridden region of the world and the only region in which the number of armed conflicts is on the increase.”34 Africa has more civil wars than any other single continent: 46.7 percent of all civil wars were in Africa.35 Refugee movements contribute to many of these intrastate wars. Africa’s disproportionate share of civil wars, coupled with the influx of refugee populations in many host countries, help to explain the inordinate political violence experienced by African refugees. How does a continent such as Africa come to have this burden? Much can be tied to its range of ethnic backgrounds. Ethnicity on its own does not constitute a cause of civil war, but as it becomes politicalized and connected with hierarchical standards ethnicity becomes problematic. Politicized violence arises typically from power and the need for resources among people, in most cases the elites. These elites belong to a particular ethnic class and this identity becomes basis for making claims on and seeking redress from the political system.

The colonization of Central Africa took place between 1870s and 1890s, when European states conquered and partitioned much of Africa, and divided various lands into holdings. These areas were then stripped of resources and colonized and its people in many cases either forced into a sub-citizen status or slavery. Tribal customs and traditions often were discarded and replaced with putatively “civilized” notions of society. In most cases, colonial governments could not fully control their holdings, so relied on local power structures to ensure order. These various factions and ethnic groups were then given special status within society.

In the context of central Africa, there are two dominant ethnic classes: Hutu and Tutsi. The troubled and complex dynamics of the relationship between the Hutu and the Tutsi predate the Rwandan genocide and the various ensuing wars. Their ethnic tension was intensified through the hierarchical standards established by European colonists. The Hutu or Bantu people were the indigenous persons of the regions presently known as Rwanda, Burundi, and the Congo. The Tutsi or Cushite people were originally from Ethiopia and migrated to Central Africa. The Cushite were cattle-herding warriors, and impressed their power upon the Bantu. Interestingly the Tutsi people were never numerically superior to the Hutu, and were always the minority. The Tutsi governed with a rigid hierarchical system in which the wealthy, even those who were Hutu, retained power.36

It was during the colonial era that British army officer John Hanning Speke created the racial hypothesis known as the “Hamitic Theory.” Speke suggested that the “Tutsis are more European than the Hutus. Their caucasoid facial features, combined with their smoother personalities was proof enough for him that they were more cultured than the Hutus. This theory was basis for all racial and cultural division between the Hutu and Tutsi in later years.”37 One race was seen as superior to the other, giving one even more power. The Belgian rulers put the Tutsi in power as royal masters over the Hutu. With independence, the monarchy was dissolved and Belgian troops withdrawn, creating a power vacuum both Tutsis and Hutus fought to fill.38 39

The internal strife that occurs within one state may impel groups in a neighboring country to assist their ethnic kin across the border. This cooperation generates rebel groups within refugee camps and the region, or motivates the host country to initiate cross border raids to weaken a particular group. This is what happened in central Africa, placing half the continent in war, causing the deaths of millions with the displacement of millions more. The following case study exemplifies the terms described above and provides context through a series of stories about the Great Lakes crisis occurring from the 1950s until the 2000s.

Case Study: Great Lakes Crisis of Central Africa

The Great Lakes Crisis is the common name associated with the conflicts beginning in 1994 with the Rwandan genocide coming to some closure with the Second Congolese War in 2003. In April 1994, with the genocide in Rwanda over, two million people had fled the country to neighboring hubs throughout the Great Lakes Region.

37 Ibid.
Many of these refugees were originally Tutsi, but with the tide of the war shifting the resulting mass became ethnically Hutu, fleeing the Tutsi Rwandan Patriotic Front (RPF). After the genocide, the RPF re-established Tutsi control of the Rwandan government. The Hutu refugees then established bases in refugee camps situated in Zaire where they would initiate raids into Rwanda. In a report by AEEEG, the death toll of those massacred in the Rwandan genocide is estimated to be 1,952,078 people.40 Millions died as a result of the wars that followed. How did genocide turn into a continental war?

The first link in this chain of events was the 1959 upheaval in which Hutu rebels began their rebellion against their Tutsi and Belgian oppressors. As the Hutu seized power and began stripping Tutsi communities of their land, many Tutsis retreated to exile in neighboring countries, where they formed the RPF. The RPF would be located primarily in Uganda, though Tutsis would be spread between Zaire and Burundi, training their soldiers and waiting for the time to unite and strike. By early 1961, victorious Hutus had forced Rwanda's Tutsi monarch into exile and declared the country a republic. After a U.N. referendum that same year, Belgium granted independence to Rwanda in July 1962. Tutsis created resistance groups throughout the neighboring countries, and in 1988, the RPF was formally created in Uganda. This was a Tutsi backed organization in which fought politically and with violence to regain Tutsi governmental control. At the time there was a general dislike and killing of Tutsis, resulting in a movement of Tutsis to Uganda. “While 50,000 to 70,000 Tutsi arrived in the initial refugee influx, periodic ethnic violence resulted in a refugee population of about 200,000 by 1990…”41

In 1981 civil war broke out in Uganda after a rigged election. The election was supposed to have instituted a democratic government after the fall of the dictatorship of General Idi Amin. The new president and victor of these manipulated elections, Obote, spurred conflict and redefined the definition of citizenship. Obote distrusted the refugees in the south because many had supported Idi Amin while he was in power. “In 1982 Obote, hoping to resolve the refugee problem and prevent challenges to his administration, expelled 60,000 ethnic Rwandans, accusing them of antigovernment activities...”42 Many Rwandan refugees caught in the middle of the Ugandan internal struggle for control joined the rebel movement against Obote. By early 1986, with the ousting of Obote, Rwandans found themselves sharing a certain amount of power with the government. At the same time, many of the native Ugandans resented the stay of the refugees and demanded their return home.

In neighboring Burundi, on October 21, 1993, the country’s first democratically elected Hutu president, Melchior Ndadaye, was assassinated by Tutsi extremists. As a result of the murder, violence broke out between the two groups, and an estimated 50,000 to 100,000 people died within a year. A 1996 UN report into Ndadaye's assassination and its aftermath concluded that "acts of genocide against the Tutsi minority were committed in Burundi in October 1993". (This was not the first time there were acts of violence against the two ethnicities. In 1972, the Tutsi controlled army conducted mass killings of Hutu.) In October 1993, in the aftermath of the assassination of the president and amidst the ongoing the Burundian civil war, a genocide occurred against Tutsis, in which as many as 25,000 were killed, followed by military and Tutsi civilian reprisals indiscriminately killing a similar number of Hutus.

On April 6, 1994, Rwandan President Juvenal Habyarimana was killed as his plane was shot down. The RPF blamed Hutu extremists in the Rwandan Government while the Government claimed that the RPF was responsible. The downing of the plane served as catalyst for the Rwandan Genocide, which began within a few hours. Over the course of approximately 100 days, between 500,000 and 1,000,000 Tutsi and politically moderate Hutu were killed in apparently well-planned attacks, on the orders of the interim government. This genocide had been carefully planned by members of government, including high positioned Hutus, and was supported and coordinated by the national government as well as by local military and civil officials and mass media; stockpiles of machetes were handed out as the massacres commenced.

When the peace agreement ended, the Tutsi RPF restarted their offensive, methodically taking control of the country from the north moving southward, cutting off government supply routes and taking advantage of the deteriorating social order. The international response was limited, with major powers reluctant to strengthen the token few hundred in the UN peacekeeping force. The RPF took control of Kigali on July 4, 1994, and the whole country by July 18, 1994. A transitional government was sworn in with Pasteur Bizimungu as President. Approximately one million people, mostly Hutu, fled to Zaire (now called the Democratic Republic of the Congo).

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Once the Tutsi had gained control over the country, Hutu leaders, soldiers, and citizens feared reprisals against the Hutu population. By the end of August, UNHCR estimated that there were 2.1 million Rwandan refugees in neighboring countries located in 35 camps. The two million refugees located in Zaire on the Rwandan border helped further destabilize the region. The Rwandan population in Zaire constituted a state in exile. Hutu leaders and ex-FAR (the ex Rwandan military) announced a provisional state within the camps and the area that surrounded them. In many cases, those left in Rwanda were encouraged or forced to move to these camps as a way to bolster the camps’ support systems. The more people living in the camps, the more established they became. Leaders in the camps militarized the situation, training for attacks across the borders. These raids targeted mostly the civilian population to show that the government could not provide security. “By 1995, the ex-FAR had expanded its operations to include small raids against soft, non-military targets, as well as acts of sabotage, political assassination of local government leaders, murder of genocide survivors and witnesses, and ambushes along remote roads. At times, the ex-FAR also directly engaged small RPA units.”

The refugee camps in eastern Congo served as de facto army bases for the exiled Interhamwe and genocidaires. They terrorized and robbed the local population with impunity until October 1996, when eastern Congolese Banyamulenge (Tutsi) led an uprising to force the Rwandans out of the Congo, sparking the first Congo War. The Banyamulenge were a minority of the South Kivu population, ethnically composed of Tutsi Congolese. Given the heightened ethnic tensions and the lack of government control in the east, the Banyamulenge rebellion’s goal was to seize power in Zaire’s eastern Kivu provinces and combat the extremist Hutu forces that were attempting to continue the genocide in their new home. However, the rebellion did not remain Tutsi-dominated for long. President Mobutu’s harsh rule had created enemies in virtually all sectors of Zairian society. As a result, the new rebellion benefited from massive public support and grew into a general revolution.

All this time, the Zairian government had been supporting the Hutu refugees and allowing the military build-up in the camps. Zaire was on the verge of civil war, its government was in shambles and people all across the country were frustrated. By supporting the refugees in the camps, Zaire was able to use the refugees as a way to block the incoming attacks from the rebels in the north. A virtual buffer zone was created by means of bodies. “Mobutu saw in the refugee’s arrival a multi-layered political opportunity...allow[ing] him to put proxy military pressure on his enemies in Kigali and Kampala; and finally he might use the refugees in local Kivu politics by distributing voter cards to them…Zairian protection enabled [refugees] to not only rearm but also to keep harassing Rwanda militarily from their safe havens in the camps…”

Constant attacks from these “safe havens” led to a tension that finally exploded; in September, 1996, a number of African countries led by Rwanda invaded Zaire. This was the start of the First Congolese War. Rwanda and its allies, Uganda and Burundi, backed the Tutsi rebels in the north while Laurent-Désiré Kabila launched an attack across the border. The combined effort was called the Alliance of Democratic Forces for the Liberation of Congo-Zaire, or AFDL. The bulk of Kabila’s fighters were Tutsis, and many were veterans of various conflicts. By December, they controlled eastern Congo, and in May 1997 they marched into Kinshasa and overthrew Mobutu’s government. The country was re-named the Democratic Republic of Congo and Kabila took over as president in September 1997.

Once in power, President Kabila attempted to curb the influence of his Rwandan and Ugandan allies. He began a wide recall of Ugandan and Rwandan forces out of Congo. Kabila found that the Hutu were better allies politically and made up the vast majority in his country; he began to side with them, allowing another build-up of forces along the eastern border near Rwanda. In response, Rwanda threw its support to the rebel Congolese Rally for Democracy (RCD) from eastern Congo, which was fighting to topple Kabila’s government. This also led to a renewed alliance with the Tutsis in the north of Congo. With Kabila firmly backing the Hutus, the rebels in the camps began to renew their cross border raids against Rwanda inflicting terror along the border.

In 1998, Rwanda and Burundi invaded Congo, initially interested only in hunting down the military and political leaders responsible for the 1994 genocide and permanently preventing future attacks across the border. Soon, however, Rwanda and Uganda became absorbed in exploiting Congo’s extensive mineral resources. This launched the “war of occupation,” which lasted from 1998-2003. In search of support, Kabila turned to Zimbabwe, Angola, and Namibia, paving the way for what was dubbed


The war that began nine months ago is in reality made of up several other conflicts with the result that six separate disputes are being waged on Congolese territory. In addition to the Congolese rebels challenging Kabila’s leadership, there is the war between Rwanda and the ex-FAR and Interahamwe; between Uganda and its own rebels, as well as Sudan; between the Angolan government and UNITA; between the Burundian government and the FDD rebels; and between Congo-Brazzaville and militias backing Lissouba, the deposed former president.

This account has been only partial, but was meant to give context to the terms outlined in the beginning of this paper. During the course of this entire conflict, the international community was for the most part non-responsive. “We are in a box. I asked you as experts: How can we get out of the box? We could not, but it was interesting to see that the fate of the refugees was the concern to some members of the international community, whereas for many others the main worry seemed to be about how business as usual could be reinstated...” This quote summarizes the facts of the situation, but does not forgive the global community’s lack of action, or, at the very least, attention. The so called “African problem,” as some call it, cost the lives of millions and could have been prevented at multiple times. The international community acted in a manner that was beneficial to their interests but with little regard for the precarious situation unfolding. Nor at the same time does the full burden of the responsibility belong to the international community; also responsible are the participants, the individuals who acted in such a disturbing manner. What do we take away from all of this? Similar events can occur elsewhere in the world, and the association of refugees and war is not solely an “African problem.” Given motive (persecution), and the typical state of unrest that follows any refugee migration, horrific events can ensue. More attention needs to be paid towards the conditions contributing to violence, and I hope that the international community will in the future pay close attention to situations of mass migration of refugees.

Research Articles

Africa’s First World War. Neighboring countries came to Kabila’s rescue, temporarily halting the Rwandan and Ugandan troops. The five-year conflict pitted Congolese government forces, supported by Angola, Namibia, and Zimbabwe, against rebels and soldiers backed by Uganda and Rwanda. All this can be traced back to the Hutu and Tutsi conflict. The crisis in central Africa continued for a number of years with intermittent moments of peace between 1998 and 2003. Congo remains an area of constant conflict due to rebel groups that are still active in the region.

Alliances with Congo-Why?

Angola had no confidence that a new president would be more effective than Kabila and feared that continued fighting would lead to a power vacuum that could only help UNITA.

Zimbabwe supported Congo backed government in exchange for rights of various resources. They were also backed economically by the French and other powers.

Namibia intervened in the conflict, although it has been suggested that Namibia was interested in Congo’s natural resources, especially copper.

Chad agreed to send 2000 troops. France had encouraged Chad to join as a means of regaining influence in a region where the French had retreated after the 1994 Rwandan genocide.

Sudan was mainly fighting rebel groups operating out of Congo, enjoyed the taking of resources from region.
Appendix A: Map of Great Lakes Crisis

Works Cited


101(a)(42)(A) of the Immigration and Nationality Act (INA), United States.


Eric Schneider
Research Articles


Eric Schneider is a senior as well as an Army ROTC cadet from Thousand Oaks, California pursuing a degree in Political Science (National Security) with minors in Leadership, History, and Asian Studies. His research with trans-nationals and the movement of conflict started when he worked at a refugee camp in Kakuma, Kenya as a teacher to aspiring college students in coalition with JRS (Jesuit Refugee Services). After graduation he will serve with the US Army as an officer. He would like to thank Professor Brett Shadle for his support and then those still in Kakuma for telling him their stories.
FACTORY FARMS: 
THE TIME FOR REFORM HAS COME
By Corey Harlow

The emergence of confined animal feeding operations brought with it many ethical, environmental, food safety and security, and health concerns. This research evaluates what the United States Environmental Protection Agency has done to regulate waste disposal, hazardous waste, and harmful runoff released by factory farms. In addition, it analyzes whether or not these regulations have been effective and efficient in conjunction with the regulations imposed on these operations under the Clean Water Act of 1972. I primarily used content analysis and qualitative methodology to reach my conclusions. First, the EPA’s regulations have been inefficient due to judicial processes and decisions made by the United States Circuit Courts of Appeals. Second, the states’ authorities in mandating and regulating provisions of the Clean Water Act pertaining to CAFOs have been ineffective. Finally, the environmental and farm petitioners along with lobbyists and other interest groups are greatly influencing the public opinion and the government’s response to regulating factory farms.
Introduction

In 2001, Nicolette Hahn Niman organized the first Summit for Sustainable Hog Farming, gathering experts from around the country in Bern, North Carolina. Among the many guests who attended was Don Webb, a tall, broad shouldered man with a persuasive southern accent. Don Webb, a well-known teacher and activist, once owned a factory farm. His story began with his need to supplement his income as a teacher. Persuaded by both land-grant universities and agribusinesses, Don developed an interest in hog farming. He decided it was best to “[dig] a huge hole for liquefied manure, [erect] a hog shed with slatted floor, and [fill] it with pigs.” Not until the place began to excrete odors unlike any Don had ever smelled before did his transformation from a commercial farmer to a known activist take place.

Don explained to the participants at the summit, “I kep’ callin’ the company who’ d sold me the equipmen’ an’ askin’ them how I could make it stop stinkin’ so bad.” He explained how a customer service clerk, whom he spoke with on the phone that day, sold him a chemical to add to his lagoon that would help in eliminating the odor. Don goes on, “So, I put my boat in the cesspool an’ rowed it way out to the middle of that slot. Then I poured the chemical in there and stirred it up like a giant pot o’ chili with one of them oars.” The fumes were so strong while Don was on the water that he recounted tears rolling down his eyes throughout the entire experience. Don soon found that the chemicals proved a failure and had in fact exacerbated the odor, which spread throughout his entire community.

Soon after this incident, Don shut down his operation. As Niman describes, Webb had a “Come-to-Jesus moment” when he met a very nice young man in a grocery store one day. The nice young man said, “Well, Mister Webb, I don’t mean to be rude, but it’s bout your hog lagoon. My family and I, we were jes’ wonderin’ if there’s any way you could stop it from stinkin’ so bad.” Shortly thereafter, Don closed down his facility and gave up raising confined swine as a supplemental career path.

Background

Ethical Concerns

Confined animal feeding operations (CAFOs), as the name suggests, restrain animals in indoor facilities or very tight pens, where the animals are forced to stand in their own feces day in and day out. As Eric Schlosser, author of Fast Food Nation, describes, “At times the animals are crowded so closely together it looks like a sea of cattle, a mooing, moving mass of brown and white fur that goes on for acres.” Confined indoors, these animals never see sunlight and spend their lives on slatted metal floors, through which their excrement is flushed and then piped into large waste lagoons, until it is processed into fertilizer. These lagoons, sometimes the size of several football fields, hold the feces and urine of hundreds of thousands of animals, confined head to jowl.

Besides being packed in metal barns, the animals in these facilities receive dirty food and water from their careless providers. At least seventy-five percent of American cattle are fed livestock waste as protein supplements. Bone and meat meal, among the most popular supplements, are produced from the ground and cooked leftovers of the slaughtering process, a practice detrimental to both humans and livestock. In 2004, The United States Food and Drug Administration announced a proposal to end the use of cattle blood, restaurant scraps, and poultry litter as feed in response to the outbreak of bovine spongiform encephalopathy in the United Kingdom. The proposal, like many others, has yet to be implemented. This outbreak showed a positive correlation between those animals being fed livestock waste and those who suffered from disease. Mixing nervous tissue with mince and other beef during the slaughtering process and then feeding this scrap product to cattle had caused rapid spread of disease throughout the European Union. In addition to the dangers associated with this practice, the consumption of blood along with waste

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2Ibid, 77.
3Ibid.
4Ibid.
5Ibid.
6Ibid.
7Ibid.
8Ibid
9Ibid, 78.
10Ibid.
11Ibid.
12Ibid.
13Concentrated Animal Feeding Operations, Confined Animal Feeding Operations, and Factory Farms will be used synonymously with one another throughout this analysis; all three will be abbreviated as CAFOs.
16Schlosser, Fast Food Nation, 202.
18Ibid.
containing high cellulose content makes it difficult for animals’ digestive systems to function properly.\textsuperscript{19}

In addition to being fed waste, cattle within these operations are often given growth hormones.\textsuperscript{20} The combination of high protein grain and anabolic steroids implanted in their ears ensures they are ready for slaughter in the correct amount of time.\textsuperscript{21} Cattle, for example, consume around three thousand pounds of grain in a feedlot in order to gain the four hundred pounds needed for slaughter.\textsuperscript{22} This consumption causes each steer to deposit around fifty pounds of urine and manure daily.\textsuperscript{23} As a government official explained, “the sanitary conditions in a modern feedlot [can be compared] to those in a crowded European city during the Middle Ages, when people dumped their chamber pots out the window, raw sewage ran in the streets, and epidemics raged.”\textsuperscript{24}

**Environmental Problems**

Indoor confinement systems break the natural nutrient and biogeochemical cycles of our planet including its nitrogen and phosphorus cycles.\textsuperscript{25} Heavy metals, feed-additive chemicals, pesticide residues, fecal bacteria, pesticides, and residues of medications in animal feed contaminate both the land and nearby water supplies.\textsuperscript{26} According to an article in *The Animals’ Agenda* by Michael W. Fox, livestock and poultry in the United States excrete about 158 million tons of dry weight basis manure per year.\textsuperscript{27} As Fox says, “If we put this much manure in boxcars, the train would stretch around the world four and a half times.”\textsuperscript{28} Around forty percent of the nitrogen and forty five percent of the phosphates in our nation’s rivers are due to confined animal feeding operations. Phosphate contamination has led to algal blooms, low dissolved oxygen content and increasing numbers of dead zones, and eutrophication.

Land application is the process of storing manure and then directly applying it to crops as fertilizer.\textsuperscript{29} Though the use of manure as fertilizer is a seemingly green way to recycle earth’s nutrients, overapplication of manure on land, leaking or overflowing of CAFOs cesspools, and the redeposition of airborne pollutants into our nation’s waterways can contribute to both surface and groundwater contamination.\textsuperscript{30} In 1997 farmers in the United States produced 1.37 billion tons of animal manure.\textsuperscript{31} Most of this manure was then applied directly as fertilizer to fields or was stored in lagoons for future spraying of crops. Agrichemical runoff from fields and concentrated animal wastes produced by these industries allow fecal bacteria to contaminate our nation’s waterways; a prime example is the contamination of the Chesapeake Bay Watershed.\textsuperscript{32} At the Summit for Sustainable Hog Farming, Joann Burkholder, the scientist who discovered *Pfiesteria* (a dinoflagellate associated with algal blooms), says, “[the] spiking nutrient levels in North Carolina’s waterways coincided with the rise in industrial animal production.”\textsuperscript{33} It is a simple problem: too many animals being confined leads to too much manure for neighboring land to utilize. As Lauren Bush notes: “confined farmed animals produce three times the amount of waste that is produced by all humans in the United States according to the EPA.”\textsuperscript{34}

In addition to problems of runoff, gases produced by the manure in the lagoons lead to acid rain and the release of excessive amounts of methane into the environment, resulting in the exacerbation of global climate change. Bush outlines how between 1995 to 1998 factory farms were responsible for 1,000 spills of liquefied manure or other instances of pollution in at least ten states.\textsuperscript{35} This manure, often oversaturating the soil with nitrogen, percolates into the soil as rainfall occurs.\textsuperscript{36} Increased nitrate content in the water table is a leading environmental problem connected with CAFOs. The Worldwatch Institute notes, “As environmental science has advanced, it has become apparent that the animal agricultural sector is a driving force behind virtually ever major category of environmental damage now.

\textsuperscript{19}Schlosser, *Fast Food Nation*, 202.

\textsuperscript{20}It is because of the practices that the export of meat to the European Union cannot occur. Such practices are banned following the outbreak of Creutzfeldt–Jakob disease in 2009.

\textsuperscript{21}Anonymous, “Alternative to Pork Factory Farms Garners Support.”

\textsuperscript{22}Schlosser, *Fast Food Nation*.

\textsuperscript{23}Ibid.

\textsuperscript{24}Ibid, 201.


\textsuperscript{26}Ibid.

\textsuperscript{27}Ibid.

\textsuperscript{28}Ibid.


\textsuperscript{30}Moby and Miyun Park, *Gristle: From Factory Farms to Food Safety (thinking Twice about the Meat We Eat)* (New York: New Press, distributed by Perseus Distribution, 2010), 17.


\textsuperscript{32}Ibid.

\textsuperscript{33}Niman, *Righteous Porkchop*, 79.

\textsuperscript{34}Lauren Bush, as noted in Moby and Park, *Gristle*, 16.

\textsuperscript{35}Ibid, 18.

threating the human future—deforestation, erosion, fresh water scarcity, air and water pollution, climate change, biodiversity loss, social injustice, the destabilization of communities and the spread of disease.37

Food Safety Issues

The most recent statistics, published by the Centers for Disease Control and Prevention - 2013 - indicate 19,056 confirmed cases of bacterial and parasitic infection, 4,200 hospitalizations, and 80 deaths among 48 million residents of ten states, all as a result of foodborne illness.38 According to Bush, “Studies have linked farmed animal waste to pathogenic outbreaks of Campylobacter, Salmonella, Listeria Monocytogenes, Helicobacter pylori, E.Coli 0157:H7, [and Shigella Dystenteriae]”, all found in sources of drinking water.39 As a result of increased runoff, seafood also can become contaminated and cause food safety concerns that lead to long-term problems including heart disease, inflammatory bowel disease, neurological problems, autoimmune disorders, and kidney damage.40 Huge feedlots and the increased use of factory farms have provided the necessary means for these pathogens to incorporate themselves in our nation’s food supply. Now confirmed by the Food and Drug Administration and California’s Department of Health Services, the 2006 outbreak of E.Coli in Dole’s baby spinach was a direct result of feces into our nation’s waterways, and a prime example of how our nation’s agricultural practices can cause serious food safety concerns.41

Research and Analysis

Argument #1: Judicial Processes

Judicial processes and decisions made by the United States Courts of Appeals have made the EPA ineffective in regulating waste. In 1972, The Federal Water Pollution Act was implemented and created a procedure for a National Pollutant Discharge Eliminated System Permit.42 This permit helped the Environmental Protection Agency to regulate factory farms. Beginning in 1976, any CAFO with 1,000 animals or more was required to have an NPDES permit. Most medium sized CAFO with 300 to 1,000 animals were required to have an NPDES permit. Most medium sized CAFOs with 300 to 1,000 animals were required to have a permit if they emitted certain discharges. Small CAFOs with 300 or fewer animals were exempt.43

2001: Federal District Court Battle

The first challenge to the Environmental Protection Agency’s regulations came in 1988, with the federal judiciary’s decision in the Natural Resource Defense Council, Inc. v. EPA. In this decision, the District of Colombia circuit court held that the EPA’s jurisdiction is under the operative statutes and is therefore limited to regulating the discharge of pollutants only.44 According to provisions set forth in the Clean Water Act, the EPA has the duty to regulate pollution of surface waters.45 In addition, farmers were required by law to obtain and install manure-handling systems.46 New and existing facilities were also directed to submit an Environmental Impact Statement to the EPA for review.47 Following the circuit court’s decision on these provisions, the United States Department of Agriculture and the EPA held public listening sessions on the draft of the United National Strategy for Animal Feeding Operations. In 1999 the final draft was released, and in 2001 the Environmental Protection Agency took an additional step and held nine public meetings on the proposed CAFO regulations.48

This same year, 2001, Nicolette Hahn Niman criticized industries that were failing to meet these established provisions. Niman, with the help of Robert Kennedy, Jr., issued a certified letter against CAFOs for breaking a federal environmental law.49 She argued that hog facilities were breaking the Clean Water Act by failing to obtain pollution

49Ibid.
51Niman, Righteous Porkchop, 83.
permits and by both directly and indirectly contaminating groundwater, streams, and rivers.\textsuperscript{52} The Waterkeeper Alliance, along with other clean water advocates, joined her in this battle by filing amicus curiae briefs in the federal district court.\textsuperscript{53} Niman gathered experts in Bern, North Carolina, for the first Summit for Sustainable Hog Farming to advocate against liquid manure systems, confinement buildings, and sow crates.\textsuperscript{54} On September 7, 2001, The District Court held an oral argument between Niman and Smithfield Foods. Niman’s main argument was that Senator Robert Dole had clearly intended to regulate CAFOs by means of the Clean Water Act. Judge Malcolm J. Howard ruled in favor of Niman and the Waterkeeper Alliance, one of the few victories environmental advocates have had against CAFOs.\textsuperscript{55} As a result of this decision, issues of CAFOs would become mainstream and federal judiciaries across the country would hear cases at both the Circuit Court and District Court of the United States.

2003: Provisions and Response

In 2003, the Environmental Protection Agency administered the final National Pollutant Discharge Eliminated System Permit program and the Effluent Limitations Guideline for Confined Animal Feeding Operations.\textsuperscript{56} Signed on December 15, 2002, the CAFO final rule was published in the Federal Register on February 12, 2003.\textsuperscript{57} This provision assumed that all CAFOs have the potential to discharge pollutants and required each operation to obtain a NPDES permit.\textsuperscript{58} In addition, the act expanded the definition of exempt agricultural stormwater discharge to now include land application discharge.\textsuperscript{59} Farmers were also required to create site specific Nutrient Management Plans to ensure proper manure and wastewater storage, proper management of mortalities and chemicals, and appropriate site-specific protocols for land application.\textsuperscript{60}

Soon after the 2003 provisions were enacted, the second circuit court of appeals ruled in Waterkeeper Alliance v. the United States Environmental Protection Agency that the Clean Water Act was applicable only to regulate present or actual discharges made by CAFOs, and, according to the court, it was unconstitutional to require companies to apply for a permit based on the mere potential to discharge.\textsuperscript{62} In addition, the court ruled that the Nutrient Management Plans had to be included in the NPDES permit for them to be ruled constitutional.\textsuperscript{63} This court reversed all provisions implemented by the EPA in regulating CAFOs. Little ground had been gained in regulating factory farms.

2008: Provisions and Response

In 2008, the EPA made a final attempt to regulate factory farms. Given the court’s decision in Waterkeeper, the Clean Water Act was updated to require CAFO owners to seek coverage under a National Pollutant Discharge Elimination System Permit.\textsuperscript{64} This permit would be issued to any company that was currently or was planning to discharge waste.\textsuperscript{65} As an incentive to obtain a permit, CAFOs could now be held liable for failing to apply for a permit and permitting discharge.\textsuperscript{66} This Supplement Proposed Rule provided that a CAFO’s status of non-discharging will be based on an objective assessment of conditions at the CAFO. This assessment analyzes whether a CAFO is designed, constructed, operated, and maintained in a manner such that the CAFO will not discharge. In any instance where a CAFO can successfully pass this assessment, the operator may apply for a voluntary certification so that in the event of a discharge, a CAFO without a permit will not be liable for violation of the duty to apply, but only be in violation of the CWA’s prohibition against unpermitted discharges.\textsuperscript{67}

In an instance where a CAFO chooses to discharge and not apply for a permit, law enforcement may prosecute farmers for failing to apply for a permit and charge them with failure to apply liability.\textsuperscript{68} Following a supplemental proposal made in 2006, the issue of whether or not CAFOs should be made to apply for a permit on the mere proposal to discharge reached the United States Supreme Court for the first time in S.D. Warren Company v. Maine Board of Environmental Protection. The court declined to uphold the EPA’s requirement that factory farms apply for a permit if they proposed to discharge, based on the definition of “propose.”\textsuperscript{69} The court ruled that the EPA’s authority under the Clean Water Act was strictly limited to the discharge of pollutants in navigable rivers.\textsuperscript{70} Three years later, the Eighth Circuit Court of appeals made a decision in Service Oil Inc. v. The United States Environmental Protection Agency.\textsuperscript{71} In this decision,

\textsuperscript{52} Ibid. 64.
\textsuperscript{53} Ibid.
\textsuperscript{54} Ibid. 73.
\textsuperscript{55} Ibid. 87.
\textsuperscript{56} CAFO Rule History.”
\textsuperscript{57} Ibid.
\textsuperscript{58} Federal Register. “National Pork Producers Council v. United States Environmental Protection Agency.”
\textsuperscript{59} Ibid.
\textsuperscript{60} Ibid.
\textsuperscript{61} Ibid.
\textsuperscript{62} Ibid.
\textsuperscript{63} Ibid.
\textsuperscript{64} Bleshman, “National Pork Producers Council v. U.S. EPA.”
\textsuperscript{65} Ibid.
\textsuperscript{66} Ibid.
\textsuperscript{67} Federal Register. “National Pork Producers Council v. United States Environmental Protection Agency.”
\textsuperscript{68} Ibid.
\textsuperscript{69} Ibid.
\textsuperscript{70} Ibid.
\textsuperscript{71} Ibid.
the judges held that the EPA needed to obtain detailed data from a new point source applicant in order to fashion and issue an appropriate permit.\(^72\) They ruled that before any discharge occurs, a CAFO should not be considered a point source and cannot be required to obtain a permit.\(^73\) In addition, they stripped the EPA of its authority to assess penalties for failure to apply for the proper permit.\(^74\) Once again, all revisions implemented by the Environmental Protection Agency had been struck down by the judicial branch.

In *Carr v. Alta Verde Industries*, the Fifth Circuit Court ruled that feedlots discharging waste from stored manure and holding ponds during heavy rains did not need to apply for a NPDES permit.\(^75\) (Clearly, as long as there is enough rain to wash the discharge into our nation’s waterways or percolate far enough into the soil to contaminate our groundwater, regulation is far from needed.) In 2011 the Fifth Circuit reached another decision in *National Pork Producers Council v. The United States Environmental Protection Agency*, ruling again that the EPA lacked the authority to impose liability for failure to apply for a permit regulating CAFOs merely proposing to discharge pollutants.\(^76\) The court’s rational was based on strict scrutiny of the Clean Water Act.

**Argument #2: The Role of State and Local Governments**

Another argument stems directly from our nation’s system of federalism: the separation of powers between the national and state governments. As we have examined above, based on current standards implemented by the Environmental Protection Agency, farmers can determine whether or not they think they are polluting the environment and can apply for a permit only if they believe they will do so.\(^77\) Factory farms themselves are no longer considered polluters according to the Clean Water Act and therefore are not regulated by the Environmental Protection Agency’s standards.\(^78\) Janet Pelley notes that of the 15,000-20,000 concentrated animal feed operations that were operating in 1998, only 200 dairy, hog, and chicken farm operations had the required.\(^79\) According to recent estimates by the National Resource Defense Council, only twenty-five percent of existing factory farms have obtained a Clean Water Act permit.\(^80\)

State legislators have attempted to give pollution enforcement power to local governments, who could slow the proliferation of farms.\(^81\) The Environmental Protection Agency requires that farmers disclose information about emissions of ammonia and hydrogen sulfide from manure pits, material nearly impossible to regulate at the national level.\(^82\) In delegating this task to the state, the EPA has found that little has been accomplished in dealing with the lagoons. The National Resource Defense Council notes that lagoons are still being placed on land located above water sources such as floodplains, coastal waters, wetlands, and near wildlife refuges.\(^83\) States are not allocating an adequate number of employees and resources to enforce existing regulations. Simply put, there are not enough inspectors.\(^84\) Robert Kennedy, Jr. notes that few states are even attempting to enforce the pollution permits mandated by federal statute.\(^85\)

Jeff Vonk, the head of Department of Natural Resource in Iowa, says, “We just don’t get enough funding from the legislature to do these permits.”\(^86\) The Environmental Protection Agency has established the laws, but as Nicolette Hahn Niman explains, “An unfunded law is as good as no law.”\(^87\)

**Argument #3: Outside Influences on the Environmental Protection Agency**

**Congress and the Presidency**

As if opposition from the federal courts and state governments were not enough, the EPA also faces serious challenges from presidential administrations. During the Reagan Administration, the Justice Department, along with the Grain Inspection, Packers, and Stockyards Administration, backed large meatpackers who gained control of one local cattle market after another.\(^88\) Among the mega industries who benefited from the challenges to the EPA regulations were: ConAgra, IBP, Excel, and National Beef. Today, these companies slaughter 84% of our nation’s cattle and control 20% of live cattle through captive supplies.\(^89\) Captive supply means the cattle are maintained in company owned

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\(^72\)Bleshman, “National Pork Producers Council v. U.S. EPA.”


\(^74\)Bleshman, “National Pork Producers Council v. U.S. EPA.”

\(^75\)Ibid.

\(^76\)CAFO Rule History.”


\(^78\)Ibid.

\(^79\)Ibid.

\(^80\)Ibid.


\(^83\)Anonymous, “Alternative to Pork Factory Farms Garners Support.”

\(^84\)Ibid.

\(^85\)Niman, *Righteous Porkchop*, 90.

\(^86\)Ibid.

\(^87\)Ibid.

\(^88\)Schlosser, *Fast Food Nation*, 137.

\(^89\)Ibid.
feedlots or purchased in advance through contracts. In supporting such industries, not only did the Reagan administration encourage the increased use of factory farms, but it also created an issue of environmental justice by displacing smaller subsistence and commercial farmers.

More recently, the Bush administration allowed thousands of factory farms to escape penalties for fouling the air and water. In exchange, these operations served as a source of data to help curb future pollution by mega-operations. The Environmental Protection Agency was forced to agree to these negotiations, allowing operations to escape the payment of fines until the year 2010. Since this study was completed, the Obama administration has made little progress in trying to regulate CAFOs. In response to the study was completed, the Obama administration has made little progress in trying to regulate CAFOs. In response to the study was completed, the Obama administration has made little progress in trying to regulate CAFOs. In response to the study was completed, the Obama administration has made little progress in trying to regulate CAFOs. In response to the study was completed, the Obama administration has made little progress in trying to regulate CAFOs. In response to the study was completed, the Obama administration has made little progress in trying to regulate CAFOs. In response to the study was completed, the Obama administration has made little progress in trying to regulate CAFOs. In response to the study was completed, the Obama administration has made little progress in trying to regulate CAFOs.

In addition to resistance from the presidency, the EPA also faced resistance in Congress. In 1996, the Farm Bill gave over twenty million dollars annually to factory farms to aid in establishing contaminant lagoons. It is questionable whether this money is being spent properly. In 2001, Congress eviscerated the EPA’s enforcement budget and allowed corporate hog factories to proliferate with their profit-based profits. By imposing their own limitations on the EPA’s enforcement of pollution standards, each of the three branches of government has compromised the effectiveness of the EPA.

Lobbying and Special Interest Groups

The interconnectedness of politicians and regulators in the agribusiness and food industrial complex makes reform difficult. It is no surprise that politicians are bought off by intensive livestock industries. Free-market environmentalists tend to speak with their money rather than with reason. Unlike deep ecologists, who ascribe to nature intrinsic value, free market environmentalists rely on humans to place an extrinsic value on their environment. As a result of the rise of factory farms, small producers are being displaced. In addition, factory farms are being issued fast track permits known as “general permits” under the Clean Water Act. These permits are not site-specific and do not inform citizens living nearby about proposed construction of a factory farm. These permits also allow CAFOs exemption from required monitoring. Environmental justice is certainly threatened by factory farms. The geographic location of factory farms often results in the displacement of local populations, and those people, as well as those who suffer from their polluting discharges, are generally poor, minority populations.

The relationship between consumers, industry, and factory farms also complicates the ability to regulate CAFOs, and makes the passing of legislation very unlikely. As described in Fast Food Nation, McDonalds reduced its beef suppliers to five during the 1970s in order to achieve product uniformity. To do this, fast food industries limited the number of producers from whom they buy their products. This uniformity is dangerous, as it results in the spreading of pathogens, and, what is more, a few large corporations have gained control of the market and use unfair tactics to drive down the price of cattle. When cattle prices rise, mega-corporations simply flood the market with their own captive supplies.

In the Waterkeeper decision, which ruled that the Clean Water Act applied solely to regulating the discharge of pollutants, the amicus curiae briefs filed were announced publically. Among the environmental petitioners fighting on behalf of the Environmental Protection Agency were the Waterkeeper Alliance Inc., Sierra Club, Natural Resource Defense Council Inc., and the American Littoral Society. On the opposing side, the farm petitioners included the American Farm Bureau Federation, the National Chicken Council, and the National Pork Producers Council. In describing the decisions made by the Bush administration to exclude CAFOs from paying fines in exchange for research data, Ed Hopkins, the environmental quality director of the Sierra Club notes, “This decision is a great disservice for people who live around large factory farms. It basically gives these farms a free ride on the backs of the public. There’s really nothing in this that holds the polluters accountable for the toxic air emissions they release.”

Ibid.
Schlosser, Fast Food Nation, 137.
Ibid.
Ibid.
Heilrpin. “EPA strikes pollution deal with factory-style animal farms.”
Conclusion

With the various obstacles the Environmental Protection Agency has had to deal with and overcome, it comes as no surprise that it has been ineffective in regulating confined animal feeding operations. First, the EPA's regulations have been inefficient due to judicial processes and decisions made by the United States Circuit Court of Appeals. Second, the states' authority to regulate provisions of the Clean Water Act that apply to CAFOs has been ineffective. Finally, environmental and farm petitioners along with lobbyists and other interest groups influence the public's opinion and the government's response to regulating factory farms. In order to improve the EPA's effectiveness, two things need to occur. First, the United States Supreme Court must reverse decisions made in the circuit courts. Second, a shift towards localism and sustainable agriculture needs to occur. The time for reform has come.

Corey Harlow is a Masters of Arts student at Virginia Tech. In December, he graduated from Virginia Tech with a Bachelor of Arts in Political Science. His graduate research deals with the academic disciplines of environmental politics/policy, food politics, eco-violence, and political ecology. Corey has completed a great deal of research on concentrated animal feeding operations (factory farms) and why the United States Environmental Protection Agency has been ineffective in regulating such industries.

Corey is looking forward to continuing his journey as a graduate student at Virginia Tech, furthering his studies in environmental and food politics and policy along with public ecology. Corey is also a member of the Residential Leadership Community. Corey plans to graduate Spring 2016 with a Masters of Arts in Political Science from the Virginia Tech Political Science Department.

Corey would also like to thank Doctor Courtney I.P. Thomas, for the unconditional love and support that she provided throughout this journey. As an undergraduate mentor and now graduate committee chair, she has pushed Corey to excel in his career at Virginia Tech and provided him with numerous opportunities for growth. Corey thanks Dr. Thomas for always listening to him, supporting him, and encouraging him to be better. As both a friend and colleague, there is no other teacher as special and dedicated to their students.
The purpose of my project is to analyze how Virginians responded to the Intolerable Acts of 1774, which were mostly aimed towards Boston and Massachusetts. This analysis consists mainly of coal county and town resolutions passed during the summer of 1774 in response to the Intolerable Act. These resolutions reveal what many Virginian's were thinking during this time as well as the evolution of their sentiments. Through these resolutions and other documents of the time, I was able to construct a portrait of the Virginia colonial mindset towards these acts, and how they eventually affected the overall colonial response. My results showed that these acts worked, inadvertently, towards unifying colonists against British policy. Their responses during this year are necessary in understanding the American Revolution.
In short what further proofs are wanting to satisfy one of the designs of the ministry than their own acts...what hope then from petitioning, when they tell us that now or never is the time to fix the matter shall we, after this, whine & cry for relief, when we have already tried it in vain?. Or shall we supinely sit and see one province after another fall a sacrifice to despotism?
- George Washington to Bryan Fairfax, June 20, 1774

Introduction

The story of the Intolerable Acts begins on the evening of December 16th 1773, when a group of Boston citizens dumped into the harbor more than 300 chests of tea that had arrived from Great Britain. The act of protest was meant to display the colonists' apprehension to Parliament's passage of the Tea Act, which seemingly allowed the British government to control free trade by giving the East India Company a monopoly on the commodity. Also tied to this, was the matter of Parliament's right to tax the colonies, something that had been in dispute for years at this point. For the purposes of this paper, a detailed account of the Boston Tea Party is not necessary. What matters most, in this case, is Parliament's response of passing a series of acts known as the Coercive Acts, which came to be known as the Intolerable Acts in America. Mostly aimed towards Boston and the colony of Massachusetts, these acts sparked widespread resentment and resistance across all of British America. Virginians, like many of their fellow subjects, came together in hopes that they could fight back against these acts, and defend their rights and liberties.

The Intolerable Acts of 1774 were composed of four separate acts. The first of these was the Boston Port Act, which closed the port, effective June 1st, by means of a blockade by the British Navy. Exportation from the port would be completely halted on that date, and importation would only be allowed for goods that were for the British troops, and the bare necessities needed by the inhabitants of the city. The port would open again only when the citizens of Boston had made full compensation to the East India Company for the tea that had been destroyed.

The next of the acts was the Massachusetts Government Act. It effectively reshaped the entire structure of the Massachusetts government, by repealing the colony's original charter. The act heavily restricted the number of town meetings, only allowing one meeting per year, unless the governor gave special permission. Since British officials saw the town meetings as a device used by radical Bostonians to push their agenda, the act dictated what business could occur at town meetings. Town meetings would only deal with things such as election of officials and other matters that the governor of Massachusetts expressly allowed. It also gave the governor an even larger amount of power. The upper house of the colonial assembly, which was previously elected, was replaced with members chosen by the king. All in all, the new Massachusetts government was only a vague shadow of what it had previously been.

The Administration of Justice Act was the third part of this set of acts. This act empowered the governor to move a trial of any government official to another colony, or even to Great Britain, if he believed that a fair trial could not occur in Massachusetts. A transfer was allowed in cases where a capital offense occurred in the execution of official duties. The act did allow, however, for the governor to transfer the trial of a person who wasn't a government official, if they were working under the direction of a government official.

The last of the Intolerable Acts was the Quartering Act, which, while aimed at Massachusetts like the other acts, could be implemented in all the colonies. It permitted the housing of British troops in uninhabited buildings if suitable housing could not be found for them. Unlike the commonly held view, however, the act did not allow, or suggest, for the housing of troops in the homes of private citizens. Housing would have most likely not been in a family's house, but rather a warehouse that was not being used.

A fifth act is often included in the Intolerable Acts, as it was viewed by the colonists as part of them. The Quebec Act, or Canada Act, had the misfortune of being passed at the same time as the Intolerable Acts, though it was not formally a part of them. The act enlarged the territory of Quebec to include areas north of the Ohio River. It also allowed for the continual free exercise of Catholicism in the colony, which had previously belonged to the French. The clergy were still allowed to collect a tithe, or tax, from the Catholic inhabitants. Along with this, French civil law, which didn't include the right to a trial by jury, was allowed to continue. And a legislative assembly of appointed, not elected officials would also be created under the act.

mon Cause: American Response to the Coercive Acts of 1774, represents a comprehensive examination of the colonial response to the Intolerable Acts. Published in 1975, it is the only substantial work that provides an in-depth look at this topic. Readers of books on the American Revolution will likely see a relatively small number of pages dedicated to the Intolerable Acts, the colonial response, and will soon find themselves at the First Continental Congress. The months leading up to the First Continental Congress are often glossed over, as are the ones following.

The goal of this paper is to add to the current scholarship by shining a brighter light on the Virginian response to the Intolerable Acts. I have found that there is a stunning lack of attention given to this topic, which is clearly evident by the scarce amount of scholarship. Yet, by looking at what Virginians said themselves, through their resolutions, papers, letters, etc., one can create a vivid account of the Virginian response. The months leading to the First Continental Congress, and the ones after it, contain a wealth of knowledge of the Virginian attitude towards these acts. It is through all of this that I intend to show that Virginians began, more than ever, to form a sense of colonial unity, as well as push back against British policy with greater zeal.

The Initial Reactions

News reached Virginia about the Boston Port Act in late May of 1774. However, the news of the act put the House of Burgesses into a troubling dilemma. The Burgesses wished to make their position on the matter clear, knowing that the other colonies would look to Virginia for leadership. Virginia was the oldest of all the British American colonies, and was often viewed as the wise older sibling. John Cruger, speaker of the New York General Assembly, said in a letter to Peyton Randolph, speaker of the House of Burgesses, that Virginia was an “Ancient Colony and Dominion.” In comparison to her sister colonies, Virginia was also the largest and wealthiest of them all.7

Along with this, the other colonies recognized that Virginia’s support would not only be important, but influential at the same time. The Delaware Committee of Correspondence wrote to Virginia saying that the people of Delaware would listen to the colony’s opinion on the present affairs, as their resolutions would “have great Weight.” Virginia’s leadership in the developing affairs of British America would be crucial, and many people outside of the colony recognized that. Writing to Peyton Randolph, Charles Thomson of Philadelphia said that “All America look up to Virginia to take the lead on the present Occasion.” Compared to the other colonies, “None is so fit as Virginia. You are ancient, you are respected; you are animated in the cause.”8

The dilemma that arose for Virginia came from the fact that the representatives faced the possibility of the House being dissolved by the governor, Lord Dunmore, if they adopted any kind of stance against the new British policies. Having pressing matters to deal with in regards to the colony’s own affairs, the Burgesses didn’t want to be sent home before they could get any work done. However, knowing that the other colonies would look to Virginia for an answer, they felt the need to do something. On May 25th, the Burgesses made an attempt to find some sort of middle ground between not doing anything, and doing too much.9 The House adopted a resolution by Robert Carter Nicolas to turn June 1st into a “day of Fasting, Humiliation, and Prayer.”10 The hope was that by focusing on the difficulties that the people of Boston would soon face, they could show some opposition to the act, while not facing any backlash from the governor. The attempt, however, failed. The next day, summoning the Burgesses before him, Governor Dunmore with a copy of the resolution in hand, dissolved the House, saying that it reflected poorly on the King and Parliament.11 This dissolution outraged some of the Burgesses, with Landon Carter, a representative from Richmond County, having noted in his diary that the dissolving of the House for passing such a resolution was the first time that an act of that nature had ever been viewed as “derogatory” to either the King or Parliament.12

The dissolution of the House led the members of the late body to meet the next day, May 28th, at the Raleigh Tavern, to further discuss the current affairs. However, they failed to do much at this meeting. The members merely signed a limited non-importation agreement that would refuse the importation of East India Company goods, and even then, there were a couple of exceptions. They then asked the Committee of Correspondence to write to the other colonies to find out what their thoughts were about “the Appointment of Deputies from the several Colonies to meet annually in general Congress.”13 These measures, as

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8Ammerman, Common Cause, 30.
10Green, Landon Carter, 122.
12Green, Landon Carter, 818.
13Proceedings, May 28, 1774, Revolutionary Virginia, 2: 84.
Ammerman has observed, were overly moderate for the Burgesses.\textsuperscript{14}

However, Virginia would take a firmer stance the next day when a letter from the Annapolis Committee of Correspondence came to Peyton Randolph. The letter included in it a forwarded copy of resolutions from Massachusetts and Maryland, as well as a letter from Philadelphia, which all led the remaining Burgesses to regain some of their zeal. In order to consider the matter, Randolph called a meeting of the remaining twenty-five Burgesses that had yet to leave Williamsburg. Unlike the day before, as Ammerman shows, the Burgesses moved towards passing more aggressive resolutions. Most supported a full non-importation agreement, while there was a split between whether or not to adopt a non-exportation agreement as well, with some saying that such a move could very well harm the Virginia economy. In the end, given the small number of representatives present, they decided not to do anything that would have serious implications for the whole colony. Instead they would return to their respective homes, gather the sentiments of their constituency, and return to Williamsburg on August 1st to convene in a provincial congress.\textsuperscript{15}

The Summer Resolve

When the former Burgesses returned to their home counties and towns in order to gather the thoughts and opinions of their constituents, local meetings were held for the “Freeholder and other Inhabitants” of the area. The voice of Virginians could be heard from these local county and town meetings that took place that summer. Between the representatives’ return home and their return to Williamsburg, Virginians across the colony came together to debate the issues and express their thoughts not only to their representatives, but also to their fellow British subjects in the colony. This can be seen by the fact that so many local resolutions dealing with the matters at hand were published in the Virginia Gazette. After having adopted resolutions pertaining to, what some referred to as, the “distressed and alarming Situation of Affairs throughout the British Colonies in America,” the people repeatedly requested that their resolves be sent to the printers in Williamsburg for publishing.\textsuperscript{16} Virginians everywhere felt the need to send their resolves out as a declaration of their thoughts and feelings, a statement of their stance on the present conditions of their home.

In an address to the inhabitants of York County, Thomas Nelson captured the sentiments of many of his fellow Virginians. He started off by declaring that the British Parliament had attacked something that was much more important to all of them, to all of British America, than their lives: their liberty.\textsuperscript{17} Gordon Wood has remarked that liberty for the English, including the colonists, was of enormous importance. Unlike so many other people in the world, the English “had their habeas, their trials by jury, their freedom of speech and conscience, and their right to trade and travel; they were free from arbitrary arrest and punishment; their homes were their castles.”\textsuperscript{18} To Nelson, and so many other Virginians, an attack on and deprivation of their liberties was a denial of their status as freeborn Englishmen, a status passed down to them from their ancestors to be passed from them to their posterity. As subjects of the King of Great Britain, they were entitled to all the “Rights, Liberties, and Privileges” that any of their fellow English subjects enjoyed in the mother country. These rights and liberties, as the Albemarle County resolves announced, came first from nature, and were later confirmed by constitution and charters. And while many Virginians still wished to continue their connection with Great Britain, to continue to be subjects of that empire, they declared over and over that they would, under any circumstances, defend their rights as free Englishmen in order to prevent themselves from being driven into a state of slavery.\textsuperscript{19}

The possibility that Virginians could soon face such a deprivation of their rights and liberties that they would become slaves themselves is reiterated on numerous occasions during this time. While a powerful line of rhetoric, the meaning and history behind the prospect of the loss of liberty speaks volumes to the fears of Virginians. As Peter Dorsey has pointed out, living in such a major slave society, Virginians had a unique relationship with the concepts of freedom and tyranny.\textsuperscript{20} On one hand, Virginians grew up knowing and experiencing freedom and liberty as British subjects. Their liberty, as mentioned earlier, was seen to be the most robust in the world. Yet, on the other hand, they also witnessed the ultimate denial of freedom and liberty in slavery.

Slave owning planters were born as masters over other people. Slavery was their biggest fear, not only because it meant a loss of their rights, liberty, and freedom, but also because this close acquaintance with the practice brought home to them its horror. A letter from George Washington illustrates this point perfectly. While most people would simply state that the acts would force them into a state of

\textsuperscript{14}Ammerman, Common Cause, 31-32.
\textsuperscript{15}Ammerman, Common Cause, 32-33.
\textsuperscript{17}York County, Revolutionary Virginia, 1: 165.
\textsuperscript{19}Peter A. Dorsey, Common Bondage: Slavery as Metaphor in Revolutionary America (Knoxville: The University of Tennessee Press, 2009), 23.
slavery, and leave it at that, Washington went further, saying that they could be made “tame, & abject Slaves, as the Blacks we Rule over with such arbitrary Sway.” Washington’s addition to the common metaphor shows just how much he recognized the parallels between what Parliament was doing, and what slave owners, himself included, had been doing for over a century.

More realistically, Virginians feared that their right of consent would be revoked. In their resolutions, the citizens of Fairfax County stated that it was an indispensable part of the British constitution that the people of the empire were not to be governed by any law that they had not consented to themselves, or by the representatives that they had chosen to act on their part. They then went on to say that the subjects of British America were not, nor could they ever be, fairly represented by the British Parliament. This unfair representation came from the fact that the colonists had no influence in determining the elections to Parliament. Because of this, colonists believed that Parliament, on many occasions, had interests that were not only removed from that of their British American subjects, but at times completely opposite.

Questions about representation and consent bring up the issues of taxes. The right of Parliamentary taxation had been in dispute for some time, beginning in force almost a decade earlier with the passage of the Stamp Act of 1765. Many colonists denied Parliaments right to tax the colonies, as virtual representation could never provide any real representation for the colonies. The inhabitants of Fairfax County would declare that “taxation and representation are in their nature inseparable.” The subjects in New Kent County joined in, saying that it was the right of the colonial assembly to levy taxes on the people of Virginia, where the people could truly be accurately and fairly represented. The colonists of Virginia thought that the provincial assembly had the only legitimate right to “impose Taxes or Duties” being that it was where “the legislative Authority of the Colony is vested.” In the minds of Virginians, it was only in the House of Burgesses, where members of local communities were elected, and not Parliament, that the people were actually represented.

From representation and taxes, many Virginians turned their attention to Boston in their resolves. In a letter, Edmund Pendleton of Caroline County expressed the view of many Virginians, saying that while he thought it was

wrong that the Bostonians destroyed the tea, the actions of Parliament went far beyond wrong, and were simply dangerous. For Pendleton, by “giving Judgment and sending ships and troops to do Execution in a case of Private property,” Parliament had initiated an “Attack upon constitutional Rights.”

The people of Dinwiddie County shared similar thoughts thinking that the acts passed by Parliament “deprive a whole People of their Rights for the Trespass committed by a few.”

Blocking the port of Boston, especially with warships, was seen as proof of Parliament’s intention to deprive the British colonists of their rights and liberties. The citizens of Dunmore County said that the use of a “military power,” by Parliament, “will have a necessary tendency to raise a civil war.” And the people of Boston would surely suffer under horrible conditions after being forcibly cut off from trade, and, in effect, their livelihood. In addition, the dissolving of Massachusetts’s assembly was not only unconstitutional in the minds of Virginians, but a direct violation of that colony’s charter. And the Administration of Justice Act, often called the “Murder Bill,” startled many Virginians. This bill, in their eyes, would allow authorities the power to simply kill someone and get away with it.

To so many Virginians, the acts passed by Parliament were not aimed solely towards Boston and the colony of Massachusetts. These acts were simply the opening salvos in what would eventually become an attack on all of British Americans’ rights and liberties. Given enough time, Parliament would pass legislation that mirrored that of the Intolerable Acts in each of the colonies. The most recent acts were nothing more than “a Prelude to destroy the liberties of America,” and should be seen “as a dangerous alarm.”

In order to preserve their liberties, Virginians considered completely stopping commerce with Great Britain. By cutting off commerce, Virginia could, as Thomas Nelson put it, “make those who are endeavoring to oppress us feel the Effects of their… arbitrary Policy.”

In general, Virginians were in agreement on non-importation from Great Britain, but there was some apprehension about stopping all exports. The former repre

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25 Dinwiddie County, July 15, 1774, Revolutionary Virginia, 1: 121.
26 Dunmore County, June 16, 1774, Revolutionary Virginia, 1: 123; Caroline County, July 14, 1774, Revolutionary Virginia, 1: 115; York County, Revolutionary Virginia, 1: 167.
28 York County, Revolutionary Virginia, 1: 166.
sentatives of the House of Burgesses could not agree to a non-exportation plan before returning home because some feared that such a plan would only prove detrimental to Virginia's economy. Others were not sure whether or not it was just to stop exports, considering the amount of debt that many Virginians still owed to English merchants. Thomas Nelson said something similar in his address, but stated that “no Virtue forbids” the stopping of importations. Eventually, however, most Virginians approved of a non-exportation plan. Virginians would have to put their hopes of amassing a fortune on hold for a time. But as Nelson put it to the inhabitants of York County, there was no point in having a fortune when it could simply be taken at any time.30

In their resolutions, Fairfax County stated that if the grievances of British America were not addressed by September 1st of 1775, they would not, as long as the other colonies followed the example, plant any tobacco. Many of the Virginia resolutions recommended stopping engagement in any kind of luxury, but instead engage in manufacturing and industry. The raising of sheep was particularly encouraged among people, and those who had large herds of sheep were also encouraged to sell some to their neighbors for a fair price, so that the production of wool in the colony would increase at a faster rate.31 A life of frugality and increased manufacturing was needed in the times ahead for Virginia. While cutting off commercial ties with Great Britain allowed Virginians and their fellow colonists to deal a blow to the mother country, it would subject them to many inconveniences and force them to rely on themselves for more and more things. However hard the struggles were, Virginians were prepared to take a hit in one part of their lives if it meant the preservation of something more important.

A Dialogue Between Friends

Up to this point, this paper has dealt with what could be described as a patriotic response to the Intolerable Acts. While there was certainly an overwhelming call for support and unity against the British policy, it is only fair to take a moment to note that there was not complete unanimity among Virginians. Some would have been against the actions presented in these summer resolves, or at least, unsure which side to choose. This point is illustrated beautifully in a handful of letters exchanged between George Washington and one of his neighbors, and friend, Bryan Fairfax. George Washington, who had presided over the Fairfax County Committee during its summer meeting, was an advocate of the common cause of America, and of defending his fellow subjects in Boston. Bryan Fairfax, on the other hand, falls somewhere between the two camps of colonists. While not a disinterested bystander, Fairfax himself was unable to fully commit to either side. A sort of moderate, the correspondence between him and Washington gives insight into the multitude of opinions that would have been present in Virginia during this time.

The correspondence began July 3rd, shortly before the meeting of the Fairfax County Committee, with a letter from Fairfax to Washington. In the letter, Fairfax informs Washington, that while he would have liked to work with him, he had to decline the position because he knew that he would not fall in line with the majority, or as he put it, “I should think Myself bound to oppose violent Measures now.” Fairfax was referring to the plan to stop trade with Great Britain. While this was a fast growing sentiment among the people of Virginia, Fairfax could only support a non-threatening petition to Parliament, in which the legislative body would be given an opportunity to repeal the acts. While not a believer in the right of Parliamentary taxation, Fairfax also was not a believer that a non-importation agreement would even be adhered to by the general public.31

Washington's response to this would be far from the moderate mindset that Fairfax held. Petition, in his mind, was nothing more than a waste of time, as it had been made in the past to no avail. And if the continued disregard for colonial petitions was not enough, the late acts of Parliament made it “as clear as the sun in its meridian brightness” that there was a plan to tax and deprive the American colonies of their rights and liberties. Not only had Parliament blocked the port of Boston with the British Navy, before any request for compensation was made, but the Administration of Justice Act effectively set a precedent for eliminated justice in the colonies. In Washington's eyes, petitions could no longer serve a purpose. Economic threats, in the form of boycotts, were a viable defense against Parliament's late, and potential, acts.32

However, for Washington, there was proof that the practices of Parliament were nothing more than the “most despotic System of Tyranny that ever was practiced in a free Government.” Their actions through laws, including their most recent ones, their debates while in session, and even the conduct of General Gage, the new military governor of Massachusetts, proved the existence of such a system. Their repeated attempts at taxing the American colonists were much too serious to simply address with a petition. They went against the very constitution of England and violated the laws of nature. For Washington, Parliament had

30York County, Revolutionary Virginia, 1: 166.
31Fairfax County, Revolutionary Virginia, 1: 130-132.
as much a “Right to put their hands into my Pocket, without my consent, than I have to put my hands into yours.” And as far as Fairfax’s continuing concern about non-importation and exportation, and the participation in it, Washington could only have faith in his fellow Virginians that there was “publick Virtue enough left among us to deny ourselves every thing but the bare necessaries of Life.”

Fairfax’s next letter reveals his opinions about many of the various parts of the controversy. Along with this, he also provides testimony about the thoughts of other like-minded men. He states that a Mr. Henderson thought that the Intolerable Acts could not have been avoided considering the conduct of the Bostonians. He also stated that Henderson thought that the Massachusetts Government Act was a suitable solution given the “factual Conduct of the people.” Fairfax himself thought Parliament had overreached in this act, saying that the constitution and charters should only ever be changed when the people have decided to change them, although he did add that a change in Massachusetts’s constitution could be good. As for the Boston Port Act, one can observe a marked difference from the overall attitudes of Virginians. Fairfax had only one qualm with the act, stating that he did not approve of the fact that the king could decide to keep the port closed even after the repayment of tea had occurred. He also stated that he thought that the tea should have been paid for in full before the other colonies pledged their support to Boston.

This correspondence between these two men also gives insight into what it would have been like for men of “dissenting” opinion during this time in Virginia. Fairfax, in his letters, mentioned several times that he knew that his opinions were not shared by many of his counterparts. In his first letter he stated that there were barely any in Alexandria that shared his views. One can see throughout this short correspondence a sense of confusion from Fairfax, as he tried to reconcile his disagree ment with that of the majority. In another letter, he went as far as to say that he had “Reason to doubt” his own thoughts, as “so many Men of superior Understanding think otherwise.” He went on to describe the opinions of some other men that shared his thoughts, so that Washington would not believe that his thoughts were “quite so singular as they appeared to be.”

Besides himself, Fairfax gives testimony to the

hardships that others had faced as a result of their controversial opinions. A Mr. Williamson confided in him that at a meeting at Fairfax County, there were some who felt that there was no point in speaking up against some of the resolves being brought up, and that they felt they could not speak their minds. At another meeting, this one in York, Fairfax explained to Washington that there were only two men who went against the will of the majority, and were therefore “very unpopular.” One can see, through Fairfax’s letters, how the minority dissenters were beginning to be shunned, in a sense, early on in the summer, a pattern that would continue to manifest throughout the year.

A New Train of Thought

By late summer Thomas Jefferson was working on what he hoped would become the instructions for the delegates to the general congress. Falling ill before he could deliver them himself, he sent two copies, one to Peyton Randolph, who would be the speaker of the meeting, and one to Patrick Henry. While not adopted by the convention, the document was printed in the Virginia Gazette and eventually in Philadelphia and London. Jefferson’s “A Summary View of the Rights of British America” can be seen as a somewhat more radical document than those produced before it during 1774. It certainly set forth a strong stance on the matters at hand, and was one of the first documents to make Jefferson known to the world.

One of the most striking parts of Jefferson’s “A Summary View” was the assertion that Parliament had no right to rule the British American colonies. Disregarding any talk of fair representation in Parliament, Jefferson holds that the colonies were independent from Britain since their founding. In Jefferson’s mind, “[Their [the initial immigrants to America] own blood was split in acquiring lands for their settlement, their own fortunes expended in making that settlement effectual; for themselves they fought, for themselves they conquered, and for themselves alone they have right to hold.” Jefferson is essentially asserting that from the day colonists stepped forth in the New World, acts of Parliament no longer applied to them. The original colonists, in his mind, simply adopted the same form of government, the British one, to which they had been accustomed. There were, however, no measures to force them to do this, nor to impede them from doing otherwise. For Jefferson, the fact that they had done this did not mean that Parliament’s reach extended to America. And as a result, no acts of Parliament were legally applicable in the colonies.

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13Editor’s Note, Revolutionary Virginia, 1: 240-242.
14Thomas Jefferson, “A Summary View of the Rights of British America,” August 8, 1774, Revolutionary Virginia, 1: 243-244.
It is worth pointing out that while this is certainly one of the more striking sections of Jefferson's "A Summary View," it was not a wholly original thought by the time he had written it. It is true that this, along with other features of the document, would lead some Virginians to label it as radical, and was certainly a reason for it not being adopted by the convention. Scholars have been quick to point out, however, that they often fail to recognize that the sentiments expressed in it were increasingly taking shape throughout Virginia during this time. One can observe this movement in Thomas Mason, a Burgess from northern Virginia, who had given this very same argument, saying that the colonists "owe no obedience to the British parliament, two branches of it being only your fellow subject, and not your masters." Writing under the pseudonym A British American, Mason published a series of letters in the Virginia Gazette from June to July. He would eventually shed the cover and announce his true identity in his last letter, something that was both uncommon, and as Robert Scribner has noted, was "not without courage."40

Mason's seventh letter is quite possibly the most gripping of the series. For a moderate man who advocated moderate measure, Mason drew a grim picture for colonists and rebuked any Parliamentary right to legislate for the colonies. He opened the letter with two simple questions, the answers to which had far reaching implications. So important were these questions to Mason that the answers the colonists gave would almost certainly "preserve or sink the greatest empire in the world, and extend happiness or misery to myriads of millions yet unborn." The first question was whether or not colonists would submit and acknowledge Parliament's perceived right to legislate for the colonies. The second was, if not, then how would they go about opposing such acts by Parliament.41

To the first question, Mason had strong words to whoever believed in Parliament's right to legislate for America. Vehemently against this notion, he would, like many Virginians, employ the metaphor of slavery to depict the colonists' subjugation to Parliament. The distinction, in Mason's mind, between trade regulations and taxes was so small and insignificant that it was not worth debating. Trade regulations, created by Parliament to effectively run the empire, had been an accepted part of colonial life. Even after the initial disputes started over taxation and representation with the passage of the Stamp Act in 1765, colonists were silent about these regulations, often referred to as Navigation Acts. However, by this time, the notion that Parliament could not even pass these for the colonies was beginning to take root. As Mason observed, such acts could just as easily deprive a person of their rights and liberties.42

Mason also attacked what he considered to be "feeble" protesters of Parliament's unjust power. Their descent into slavery could take place just as readily as for those who agree with Parliament in the first place. Virginia, as well as the rest of the colonies, should stand up to Parliament's rule. For those who knew that they had rights, it was high time to do more than simply protest. A moderate at heart, Mason still didn't believe that the colonists should "leave it to your growing posterity to enforce those rights" to which he knew they were entitled. Those without enough backbone should simply submit to slavery, apologize for their former missteps, and promise their undying loyalty to Parliament. As Mason remarked, though, these same people should be careful in their vain act of resistance against their "masters" that they ultimately "do not intend to persist in." Mason stated in an earlier letter that he was against rushing into any hasty resolutions.43

For Mason, it was time for the colonies to unite and stand up to Parliament's attempts to rule over them. The opportunity could not be passed by, as Mason stated that, "if America is not now ripe for asserting her just rights, she will be rotten before she is so." Even more crucial than the present moment was the future. The generations of people that would come after them depended on the efforts that had to take place at that time. Painting a truly grim picture of the future of British America, Mason continued, saying that the shackles of slavery would be so commonplace for their posterity that they would not even attempt to free themselves. It was then left up to the current generation to not only protect and assert their own rights, but those of the future. As Mason asked, would "three millions of people surrender their liberties without a single struggle?"44 Surely, the colonists would recognize the dire situation that was developing, and come to terms with the resistance that they had to put up.

Another notable part of Jefferson's "A Summary View" was the discussion of the King's power of veto. Jefferson went beyond merely discussing the veto, and went on to criticize the king for his use of it, or lack thereof; something that had not been done up to this point. Quite the opposite, in the county and town resolves, Virginians clearly praised their King, and pointed all of their frustrations at

Parliament instead. Many of the county and town resolutions adopted during the summer included a confirmation of their continued loyalty to the king, and affirming his right to rule. Even Mason, who suggested such a grim future for America, was a staunch supporter of the king. Mason’s problem was the British Parliament and aristocracy. This, as Robert Scribner noted, was simply seen as “amiable and supposedly helpless” to Mason, a sentiment shared by many of his contemporaries. While Jefferson’s A Summary View is far from renouncing what the local resolutions had said, it does go further by putting some of the blame on the king for the current state of British America.

Recalling that the king had the power to veto any law passed by Parliament, Jefferson called on him to use his power in order to defend the interests of his American colonies. Instead of doing this, however, he vetoed laws passed by American legislatures for, according to Jefferson, little or no reason. Jefferson then goes on to state that the king continually disregarded colonial laws in Great Britain. The king, “neither confirming them by assent, nor annulling them by his negative,” simply kept them there. By doing this, the colonists were potentially at risk of his passing a law long after it was initially proposed, thus potentially harming the colonists, whose situations may have changed. And at the same time, the king had set limits on his colonial governors and assemblies, forcing them to include a suspension clause in new laws. Because of this they could not pass a law, no matter how urgent, until “it has twice crossed the atlantic, by which time the evil may have spent its whole force.”

Jefferson’s “A Summary View,” along with its popularity, can be seen as the start of more radical thoughts emerging in the minds of Virginians, and their fellow British American subjects. Besides attacking the Intolerable Acts, and talking of the plight of Boston and Massachusetts, Jefferson challenged the colonists’ place in the empire. He attempted to paint a new history for the colonies, and give them new meaning with regard to their mother country. While not a pamphlet calling for independence, “A Summary View” can be seen as one of the first steps towards further challenges to Parliamentary powers, and eventually monarchical rule. Along with this, the popularity of Jefferson’s pamphlet transformed the voice of a Virginian into a statement from all of British America.

From Provincial Convention to the Rule of Committees

The local resolutions that came into being during the summer of 1774 time served as instructions for the delegates that would serve as representatives in the convention. 47 In Williamsburg on August 1st, 1774. At the meeting, the delegates did much the same thing that the people of their colony had done in the months preceding. They debated the issues, and came to decisions that would represent the opinions and interests of their constituents. The resolutions that they came to very much mirrored those that were produced in many counties in Virginia over the past summer. However, as the members of the meeting said, they were now presenting their grievances “unanimously, and with one Voice.”

The resolves adopted by the representatives at the convention started by endorsing a firm non-importation agreement. With the exception of medicine, Virginia would no longer import any British good after November 1st. The representatives also made clear that tea would never be imported or used again by any of them. And the Burgess, who in May originally aimed a weak non-importation plan at the East India Company, were months later taking a much stronger stance against the company. Believing that their fellow subjects in Boston had been and were being, “extorted” by the company for destroying the tea, the Virginia representatives announced that they would not import any commodity from the company until the inhabitants of Boston had been refunded the money that was wrongly taken from them. The other main point that can be taken from the resolutions was that a non-exportation agreement came into existence. Trying to find a way of justly stopping exportation, the representatives said that they would stop exporting all goods to Great Britain on August 10th of 1775 if American grievances had not been addressed. This would allow people in Virginia, who still owed debts to British merchants, to make good on payments that they had already promised to pay. For many Virginians, a non-exportation agreement was both a moral grey area and an economic blow. Not knowing the events that would take place that year, they already had planted a crop and wanted to ship it. By waiting until the next year, Virginians were able to deal with both areas of trouble that arose from a non-exportation agreement, more so than if one had been implemented immediately.

Along with the resolutions, the assembly of representatives also created a list of instructions for the delegates that would meet at the general Congress in Philadelphia. However, the delegates did not need these instructions. As Robert Scribner notes, the instructions were “pointed propaganda” to be printed in the Virginia Gazette. 48 All of them had participated in their own local county and town meetings before coming to the provincial meeting, and knew full well what their fellow Virginians wanted.

47 Convention Association, August 1, 1774, Revolutionary Virginia, 1: 232.
49 Editor’s Note, Revolutionary Virginia, 1: 236.
Moving forward to September 5th, fifty-six delegates met in Philadelphia for what would be called the First Continental Congress. All the colonies were present, with the exception of Georgia, which chose not to send delegates because it needed help from Great Britain pacifying Native Americans on its border. The Congress would work from September 5th to October 26th, and pass several important resolutions that had implications that affected Virginia and the rest of the colonies. Virginia played a pivotal role in the Congress, teaming up with Massachusetts to beat the more moderate colonies as much as possible.50

Samuel Adams along with his cousin John Adams came to the Congress already with a reputation for being radical Bostonians. During their travels to the Congress, they had learned that Virginia seemed to be just as radical as their own colony, and could prove to be a friend to Massachusetts. The delegates from Massachusetts, finding that Virginia would be willing to put up a strong fight against Great Britain, even if war occurred, befriended the delegates. Commonly referred to as the “Adams-Lee junto,” named after Samuel Adams and Richard Henry Lee, the two colonies fought together to get important measures passed. Knowing that they would be ignored more than Virginia for being perceived as more radical, the Massachusetts delegation had the Virginia delegation propose measures that they, more or less, thought of. Massachusetts was a strong force in New England and Virginia was the most powerful of the Southern colonies. Being that both had large populations and influence, an alliance between the two was a tremendous help to both. As John Ferling has observed, the “Adams-Lee junto” worked effectively. Not only were the two colonies able to get measures that they supported passed, but it also tricked many of the delegates into believing that Massachusetts was more moderate than previously thought. By the end of the Congress, Virginia over Massachusetts was believed by many delegates to be the more radical of the two colonies.51

There were two major decisions that the First Continental Congress made during the time it met. The first was to adopt a nonimportation plan that was proposed by Virginia for all the colonies. There was a division among the delegates, between those who wanted and those who did not want a boycott. However, as Ferling observes, the first North vs. South division can be seen among those who favored a boycott. Massachusetts came to the Congress seeking a complete ban that included both imports and exports. Virginia and other southern colonies on the other hand favored the immediate start of a non-importation plan, but wanted to wait till the next year to begin a non-exportation plan. Since their crops were already planted, enacting a non-exportation plan immediately would mean that they would lose their market. By waiting until 1775, Virginians, as well as the other southern colonies, would have much more time to prepare. Eventually, Massachusetts and the other northern colonies that favored a boycott gave in to southern demand, a pattern that Ferling stated would become commonplace in years to come.52

The second major decision by the Congress relates to the first, as when it adopted the non-importation plan, or the Continental Association, it placed enforcement of the Association in the hands of individual committees in the various counties, towns, and cities that made up the colonies. These committees were important not only because they helped enormously towards the success of the Association, cutting British imports by about three times, but also because their formation resulted in the election of thousands of people to public office. This decision provided many Virginians with a chance to hold their first public office. The increased chance for political participation did not go unnoticed in Virginia. As Ammerman has shown, surviving records indicate that at least 51 of Virginia’s 61 counties formed elected committees. It is most likely, however, that all of the counties formed such committees, as “the Association called for condemnation of counties which failed to do so, and there are no records of such condemnations.”53

These local committees took the charge of enforcing the Association very seriously. Many of the committees in Virginia circulated loyalty oaths among the people of their respective counties and towns, having them sign that they would uphold the terms of the Association. Those found to have gone against the agreement were often publicly ridiculed in the Virginia Gazette. However, the committees did not limit themselves to simply calling out a person who didn’t follow the Association. Those who spoke out against the “dearest rights and just liberties of America” found themselves feeling the wrath of these local committees as well. Malcolm Hart had to publicly apologize to the Hanover County Committee after it became known that he had said, “a little Gold, properly distributed, would soon induce the People to espouse the Cause of the Enemies of this Country.”54

An example of local committees taking it upon themselves to persecute those who spoke out against the

50Ferling, A Leap in the Dark, 112-114.
51Ferling, A Leap in the Dark, 114.
52Ferling, A Leap in the Dark, 116.
53Ferling, A Leap in the Dark, 121; Ammerman, Common Cause, 106, 106n.
54Resolutions Condemning David Wardrobe, November 8, 1774, Revolutionary Virginia, 2: 165; Hearty Sorrow of Malcolm Hart, December 1, 1774, Revolutionary Virginia, 2: 180.
American cause can be seen in David Wardrobe, a teacher in Westmoreland County. A letter that he wrote to Archibald Proven came into public scrutiny after it was printed in the Glasgow Journal. Charged with misrepresenting the affairs of Virginia, and deceiving the people of Great Britain, Wardrobe was summoned before the committee to stand judgement. However, before this could happen, the county in a set of resolves published in the Virginia Gazette called for Wardrobe to no longer be allowed to use the Copple Parish where he taught, and that all parents should take their children out of his school. After failing to come before the committee, and writing a letter “rather insulting, than exculpatory” for why he wasn’t there, he was publicly ridiculed for a second time, before finally apologizing publicly.55

The York County Tea Party

The culmination of Virginians’ response to the Intolerable Acts of 1774 occurred in November of that year in York County, showing that they were “very warm in the American cause.” On Monday the 7th, the ship Virginia came into harbor. It quickly became known by the inhabitants of York and Gloucester County that the ship contained two chests of tea. Twenty-three members of the Gloucester committee, along with an unspecified number of other citizens, assembled to discuss the proper course of action for dealing with the tea. Upon hearing that members of the House of Burgesses had begun deliberating on that same matter that morning, the people of Gloucester decided to wait until they heard the Burgesses’ answer. However, after waiting until after twelve o’clock, the members of the community decided to simply go to the ship so that they could meet with members of the York County Committee and discuss the problem with them.56

What had occurred during this time was an outstanding testament to Virginians’ commitment to the common cause of America. It spoke more than any set of resolutions or instructions ever could. When the members of the Gloucester community arrived, they “found the Tea had met with its desired Fate, for it had been committed to the Waves.” According to an account of the situation, published by the York County Committee in the Virginia Gazette, the people of York County had gathered at the ship at ten o’clock, and waited much like the people of Gloucester County for word from the House of Burgesses. However, after a messenger they sent to the House to inquire on the proper actions to take came back empty handed, the members of the York County community took matters into their own hands.57

According to the “official” report of what happened, this act of protest mirrored that of the Boston Tea Party. The York County Tea Party was a nonviolent act of protest, in which the people simply “hoisted the Tea out of the Hold and threw it into the River, and then returned to the Shore without doing Damage to the Ship or any other Part of her Cargo.” However, it should be noted that a later account would completely go against this image of a nonviolent tea party. A short extract, only eight lines, from a Virginian letter, informed readers of what had occurred at York County that day. Printed in several colonial newspapers in other colonies, at one point it stated, “it was with great difficulty that the ship was saved from being burnt.” Whether this account is true is impossible to know at this point, especially since it is never stated who wrote the letter. However, the short extract was never printed in the Virginia Gazette, which could signify that Virginians were attempting to paint a slightly more orderly image of that day.58

In either case, after coming to the ship only to see that the tea had already been disposed of, members of the Gloucester County Committee left and adopted a number of resolutions dealing with the situation. The Committee attacked John Norton, the British merchant who had sent the tea, saying that he “has lent his little Aid to the Ministry for enslaving America, and been guilty of a daring Insult upon the People of this Colony.” The York County Committee chimed in days later in a set of resolutions it adopted, saying that Norton would have known of “the Determination of this Colony with Respect to Tea” when he shipped it.59

Both the Gloucester and York County Committees also attacked the captain of the Virginia, Howard Esten, with Gloucester saying that “he has drawn on himself the Displeasure of the People of this County,” and York saying that he should have refused to carry the tea to Virginia in the first place. Esten, who had apparently been working in his trade for some twenty years, had, up to this point, been in good favor with the people of Virginia. However, even given this, his actions, and “departure from virtue and duty,” could not be overlooked. The people of Gloucester even went as far as to announce that they would not, from that point on, ship any of their tobacco on the Virginia, and recommended that the other counties of the colony follow suit.60

56New-York Journal, December 8, 1774, 2; A Daring Insult, 2: 163; Narrative of This Colony, November 7, 1774 Revolutionary Virginia, 2: 163.
57A Daring Insult, Revolutionary Virginia, 2: 163; Narrative of the Yorktown Tea Party, November 7, 1774, Revolutionary Virginia, 2: 164.
58Narrative of the Yorktown Tea Party, Revolutionary Virginia, 2: 164; Boston Evening Post, December 12, 1774, 2; Pennsylvania Packet, December 3, 1774, 3; Pennsylvania Gazette, November 30, 1774, 3.
59A Daring Insult, Revolutionary Virginia, 2: 163; Condemnation of Tea Merchants and Ship Captain, November 9, 1774, Revolutionary Virginia, 2: 166.
60A Daring Insult, Revolutionary Virginia, 2: 163; Condemnation of Tea Merchants and Ship Captain, Revolutionary Virginia, 2: 166; New-York Journal, December 8, 1774, 2.
A third person, however, felt the wrath of the people of these two counties more than John Norton or Howard Esten ever would. The merchant John Prentis, for whom the tea was shipped to, faced public ridicule in both of the counties’ resolutions. Gloucester County announced that Prentis had “justly incurred the Censure of this County, and that he ought to be made a publick Example of,” with York County approving, saying he should “be made to feel the Resentment of the Publick.” There is no doubt that many Virginians across the colony knew the name John Prentis by the end of the month, as both of the counties’ resolutions were printed in the Virginia Gazette on the 24th. In the same issue, a public declaration by Prentis in response to the problem was printed. Apologizing for the situation, Prentis stated that he did not mean to have “incurred the Displeasure…of the Publick in general, for my Omission in not countermanding the Order…for two Half Chests of Tea.”

Prentis’s public apology was seemingly only a half-hearted attempt to get back on good terms with his fellow countrymen. As a merchant, the public pressure and scrutiny that he faced most certainly affected his business. The one paragraph apology was most likely a way to make up for being caught. However, the experience did leave its mark on Prentis. On December 7th, less than two weeks after his public apology, he made sure to inform the James City County Committee that he had a shipment of cutlery after his public apology, he made sure to inform the James City County Committee that he had a shipment of cutlery that had arrived on a ship from Glasgow, which he had ordered the summer before. He told the committee that it was still “unopened, on Board of the Ship, at the Ferry, and submitted to the Committee to dispose of it as they thought proper.” Prentis certainly felt the backlash from his last mistake with the tea, and wanted to ensure that he did not cause yet another public outcry damaging to his reputation.

While not the three hundred chests of tea that characterized the Boston Tea Party, the York County Tea Party deserves to be seen in the same light as its Massachusetts antecedent. The Virginia version may have been on a smaller scale, but it still warrants a place in history. This event, like no other, sums up the sentiments of Virginians when it came to the Intolerable Acts.

At Year’s End

The year was coming to a close, and throughout it, Virginians had made clear their position on the affairs that now faced them and the rest of British America. The summer of 1774 was characterized by numerous county and town meetings, where the people of the colony came together to express their sentiments in declarations “intended to manifest to the World the Principles by which they are actuated in a Dispute so important” that it would shape the “political Existence of all America.” From this, Virginians sent their representatives to the colonial capital, where they presented a united front to the other colonies and Great Britain. In Philadelphia, the Virginia delegation helped to shape the affairs of not just their own colony, but that of all of British America. By the year’s end, Virginians had continued to show the zeal that they were known for.

Throughout 1774, Virginians had made it known that they were not willing to accept any deprivation of their rights and liberties. Just like their fellow American colonists, they were subjects of the British Empire after all, freeborn Englishmen under the protection of the English constitution. While separated not only by physical distance, but also in ideals, politics, and social customs, Virginia and her sister colonies had many differences. For many years they were linked together only by their common parentage. However, as time went by, and policy after policy from Great Britain continued to irritate and anger the colonists, these separate colonies began to come together. And during 1774, Virginia played an important part in this, seeing that “the closest union among Ourselves, and the firmest confidence in each other, are our only Security for those Rights, which as Men and Freemen, we derive from Nature and the Constitution.”

When Virginians looked to Massachusetts and the town of Boston, they saw something that invoked fear. In their eyes, the Intolerable Acts were a mechanism that would soon be used in all the colonies; Boston was simply the beginning. Historian Eric Burns, in his book about the beginnings of American journalism, summed up the view which as Men and Freemen, we derive from Nature and the Constitution.

62Cutlery, Thread, and Herring, December 7, 1774, Revolutionary Virginia, 2: 175.
63Dinwiddie County, Revolutionary Virginia, 1: 120.
64Joint Committee to the Inhabitants of Charleston, S.C., May 31, 1774, Revolutionary Virginia, 2: 94.
would not be “indifferent spectators” to their plight.\textsuperscript{66}

In Boston, Virginians saw what could become of the rest of British America. Boston’s cause “is and ever will be considered the cause of America.” After trying on so many occasions to find redress for their grievances in the past, Virginians were tired of simply sending a dutiful and submissive message to their mother country. In 1774, Virginians, along with the rest of their fellow subjects, started to test their own strength, and began using more assertive measures to make it clear that they would not back down. Instead of simply sending a list of resolutions with a humble plea, they stood up and tried another tactic. While boycotts had been attempted in the past, the boycotts of 1774 would prove to be the most successfully executed yet. Moreover, as Virginians showed, the year would strengthen colonial unity and resolve, both at the individual colony level, and on the broader scale of British America. Virginians’ resolve, from their meetings, to their resolutions, to their tea party, testified to their commitment to the ever-strengthening common cause of America.

\textsuperscript{66}Joint Committee to Boston Town Committee, June 3, 1774, Revolutionary Virginia, 2: 112.

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A SURVEY OF THE RESPONSIBILITY TO PROTECT DOCTRINE IN THE CONTEXT OF THE SYRIAN CONFLICT

By Gizam Korkmaz

The Responsibility to Protect Doctrine emphasizes that sovereign states are responsible for protecting their people against crimes, genocides, and ethnic cleansing. But if states are unable to do so or cause mass atrocities within their borders, the doctrine allows the international community to use force as a last resort. The goal of this study is to look at different studies about the Responsibility to Protect Doctrine and use them to analyze Turkey’s approach to the ongoing Syrian conflict. The study starts out by looking at the evolution of the doctrine—it outlined some of the dominant political principles of our time with its official recognition in the 2005 World Summit. I also examine the shortcomings of the doctrine within the context of Turkey’s role in the Syrian conflict, since Turkey faced certain structural difficulties in its opposition to the Assad regime due to lack of international support for its humanitarian efforts. The study thus concludes that the doctrine’s effectiveness is still questionable since the conflict in Syria has been one of the biggest examples of the collective action problem. Lastly, the study draws certain recommendations from the conclusion, such as creating and providing new incentives for structural reforms within the international system.
Background on the Responsibility to Protect Doctrine

The inception of the Responsibility to Protect doctrine goes to the formation of the International Commission on Intervention and State Sovereignty (ICISS) in 2000 under the authority of the Canadian Government. The purpose of the commission was to redefine collective security by introducing the concept of shared responsibility. The ICISS Report stated that when a state's legitimacy is in question, in terms of its commitment to the protection of its citizens, the international community must intervene for the humanitarian purposes.1

The Responsibility to Protect doctrine argues that states have the primary Responsibility to Protect their citizens from heinous crimes, genocides, and ethnic cleansing. However, if states fail to protect their citizens against human rights violations, then the international community is justified in using collective force through the United Nations Security Council as a last resort after all diplomatic means fail (e.g., sanctions, mediation, prosecution by the International Criminal Court). The doctrine also states that there are six criteria justifying military intervention: presence of just cause and right intention; force being used as a last resort and in proportional means; the intervention having reasonable prospects such as a reasonable chance of success; and force being used by the right authority, which in this case is the UN.2

The report released by the UN High Level Panel on Threats, Challenges, and Change in 2004 stressed that global interconnectedness brought along certain threats to international peace and security, which required nations to work together in order to address challenges. Furthermore, the report argued for strengthening the UN in order for it to provide collective security more effectively. The report set basic criteria defining the goals set for the Responsibility to Protect doctrine. Its goals were: emphasizing development of countries to eradicate poverty; building public health capacity through biological security; responding to threats with a strategy of prevent and respond; using force only as a last resort with the existence of a commonly agreed upon criteria; articulating an effective counter-terrorism strategy in harmony with human rights; creating incentives for states to forego their nuclear activities; making structural changes within the UN (e.g. reforming the UN Security Council); focusing on post-conflict peace building by establishing a “Peace Building Commission”; and initiating certain changes to the Commission on Human Rights and strengthening the Secretariat.3


The Responsibility to Protect doctrines became officially recognized with the 2005 World Summit. Summit Leaders reached an agreement and endorsed this particular doctrine. This endorsement was later followed by Resolution 1674 on the protection of civilians in armed conflict and later reaffirmed in 2009 with Resolution 1894, which recognized that states had a Responsibility to Protect their citizens under the provisions of Responsibility to Protect, stated within paragraphs 138 and 139.4 The World Summit Outcome reads:

Each and individual State has the “Responsibility to Protect” its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.

The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the “Responsibility to Protect” populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those that are under stress before crises and conflicts break out.

The first comprehensive report on the Responsibility to Protect appeared in 2009, and was released by the UN Secretary General, Ban Ki-Moon. The report took the 2005 commitment further by supporting a three-pillar approach including the protection of state responsibilities, international cooperative action, and decisive and timely response of the international community in halting the human rights crises. The 2010 Report of Secretary Ban Ki-Moon later emphasized the further development of the 2009 Report and the improvement of the doctrine.5

A New Paradigm of International Relations

In their article, Richard Cooper and Juliette Kohler see Responsibility to Protect as a means to promote empathy and compassion.5 Responsibility to Protect creates a global social contract, which recognizes states’ sovereignty and the international community’s duty to respect states’ internal affairs. However, this doctrine also makes clear that the international community can no longer afford to witness the human rights violations in some countries. This justifies taking action against those outrageous crimes whereby the states lose their legitimacy. The authors see the global social contract as the expansion of human rights law, legitimized with the Responsibility to Protect doctrine. This doctrine includes certain steps such as responsibility to prevent, react, and rebuild, thus ongoing engagement to prevent conflict. Furthermore, the authors use this doctrine within the context of the United States. They reference historical examples from the US such as the abolition of slavery. The abolition of slavery is similar to the Responsibility to Protect in that they both indicate that even the most unthinkable is possible by defining moments that change the course of history. These moments bring humanity to higher levels of civilization with global efforts and recognize that prohibition is not only sufficient, but also that there is a greater need for implementation and enforcement of rules. The authors perceive a new leadership role for the US under the Responsibility to Protect since a stable world community would be in its national interest. With respect to this, the US should restore American leadership in human rights violation prevention by using the Responsibility to Protect doctrine.

Looking at the 1990s, it is evident that the international community has insufficiently responded to human rights violations in certain countries. Evans and Sahnoun review the humanitarian intervention principles and come up with a new definition for the Responsibility to Protect.7 According to them, intervention should be seen as protection, rather than pure right to intervene. The authors made clear that the UN failed to use the authority of international community in the 1990s and take action against the atrocities in Kosovo. Not to repeat those mistakes of the past, the institutional framework behind the Responsibility to Protect should be strengthened. As it is mentioned in the article, solving the inconsistencies within the UN Security Council would be the best place to start, since it is the core for military intervention decisions. There needs to be a stronger mechanism within the UN Security Council that would be able to apply the intervention principles more effectively.

Achiume makes a careful analysis of the concept of the Responsibility to Protect and applies it to the ongoing conflict in Syria.8 The concept of “Responsibility to Protect” provides a more equitable distribution of refugees by obligating the international community to take action, thus keeping the burden away from Lebanon and Turkey, which host most of the Syrian refugees. With this doctrine, other countries would feel obligated to intervene in order to provide humanitarian aid and thus cooperate with Lebanon and Turkey in order to share their burden of Syrian refugees. Even though international refugee law imposes no obligation on third party actors to provide assistance to states that host refugees, the Responsibility to Protect doctrine fills this gap and encourages international responsibility. Furthermore, this doctrine makes an emphasis on international engagement with sovereignty failures, and thus establishes itself as a significant force for the protection of human rights. Looking at the conflict in Syria, one can clearly see the operationalization of the Responsibility to Protect doctrine in terms of the international community’s support for both the refugees and refugee hosting countries.

University of California’s Human Rights Center Report applies the Responsibility to Protect doctrine to the context of the humanitarian crisis in Darfur, Sudan.9 In the case of Darfur, actions taken by the UN have been ineffective and the organization has been facing difficulties in operationalizing its post-Rwanda commitments. The international community should go beyond mere rhetoric inspired by its failure to halt the Rwandan genocide, and it should take action. However, the main question here is whether the Responsibility to Protect doctrine can be converted from

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8Achiume, Tendayi, “A Different Responsibility to Protect,” University of California, School of Law (2013).

principle into practice. The report makes certain recommendations in this context. Advocates for Responsibility to Protect should work to create a new paradigm for encouraging the international community to prevent and rebuild after mass atrocities. Furthermore, there needs to be a coordinated international educational campaign, which would publicize the objectives of the doctrine. High level advocates and international NGOs would be the best actors that would help promote the doctrine and mobilize grassroots support.

**Shortcomings of the Responsibility to Protect Doctrine**

Although it has not been long since the UN General Assembly endorsed the Responsibility to Protect doctrine, it has already become an organizing principle for global peace and security. Stahn emphasizes the doctrine’s ambiguities given the fact that different actors interpret it differently. Furthermore, Responsibility to Protect fails to be a legal norm because it does not always succeed in promoting the collective action of states supporting humanitarian interventions. The author uses reports from the ICISS, the High Level Panel, and the Secretary General’s Outcome Document from the 2005 World Summit to support his claims. These reports make it clear that the politically and legally undesirable right of intervention has been shifted to humanitarian intervention under the Responsibility to Protect doctrine, however, from the legal point of view there is no significant difference between both kinds of humanitarian interventions. The UN Secretary General’s report, “In Larger Freedom: Towards Development, Security, and Human Rights for All,” and the High Level Panel report, presented at the 2005 World Summit, show according the author that there has been a general international reluctance to carry out military action without the UN Security Council’s authorization. The international divisions surrounding this issue are the biggest impediment to the application of the doctrine as a legal norm. Therefore, it can be said that Responsibility to Protect is more of a political principle than international norm, as it was intended to be. There is need for cooperative state action and further commitment to the humanitarian crises in order to make the doctrine an international principle.

Weiss accepts the Responsibility to Protect as an essential framework for military intervention. However, he focuses on the shortcomings in the ICISS’ approach to Responsibility to Protect. ICISS takes states’ sovereignty into consideration and stresses that states should be the primary actors in solving humanitarian crises within their borders.

If they fail to do so, then the international community has the right to intervene. Weiss’ problem with ICISS comes from the international intervention. He highlights that the Responsibility to Protect doctrine can be used by states to enhance their national interests rather than humanitarian help (i.e. the doctrine can be used to make it appear that non-humanitarian intervention is really humanitarian intervention). Furthermore, most failed states cannot protect their citizens against human rights violations and it is only the democratic states that have both the authority and monopoly of force. The author mostly focuses on the role of the US in affecting the international community’s decisions about foreign interventions. He analyzes the American unilateral intervention in Iraq and within the context of Responsibility to Protect. He reaches the conclusion that the US uses the UN to pursue its national interests, even though it keeps using multilateral rhetoric. Consequently, the author reinforces the necessity of US dominance within the UN since the UN would not be able to flourish without American presence.

Karns and Mingst examine the US dominance within the UN from a different perspective. They assert that the American relationship with the UN has never been stable and depended more upon domestic factors than international. Even though the US was a staunch supporter of the UN after World War II and used it as a main instrument of its foreign policy, its devotion to multilateralism faded away after 1970s with changing domestic politics. One domestic factor was fluctuating presidential views about multilateral agreements. For example, there was a crisis of multilateralism during Reagan’s presidency, which showed that domestic actors such as Congress, the executive branch, public opinion, and NGOs responded to issues concerning the UN in different ways. The divergence negatively affected the American leadership role in the organization. In the end, the authors make it clear that the United States continues to play an important leadership role within the UN since it is still the largest contributor of funds. However, the US cannot strengthen its leadership without strong support, which comes from having stable domestic politics. In short, the authors come to the conclusion that domestic factors are what will decide the American role in the UN in the future.

Hamilton focuses on three challenges for Responsibility to Protect that threaten its implementation: lack of

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political will, authorization, and operational capacity. In order to build political will, there should be a coalition that would lobby for the implementation of the doctrine. The issue of authorization can be resolved by initiati ng certain reforms within the UN itself. These reforms can start by modifying the veto system within the UN Security Council for cases involving humanitarian crises. However, in order to initiate these reforms at the international level, there is a need for political will at the domestic level. Operational capacity also depends on political will and people’s willingness to commit to the implementation of Responsibility to Protect. Furthermore, Hamilton emphasizes the improvement of rapid reaction capabilities of regional forces. By analyzing these three challenges he concludes that even though the doctrine has its shortcomings, it is certainly a strong promise to people who experience human rights violations. In order to make the doctrine an international norm there is a need for political will for the implementation of reforms.

The Responsibility to Protect doctrine has been taken center stage in international debates about preventing mass atrocities. In this regard, Bellamy’s article analyzes the evolution of the doctrine over the past five years. The article focuses mainly on three questions and tries to answer them: what is the real function of the doctrine? What kind of model does it propose in the international arena? How did it contribute to the prevention of human rights violations so far? Bellamy sees the doctrine as both policy agenda and rhetoric that can be used in order to promote international intervention in the case of humanitarian crisis. For the second question, Responsibility to Protect offers a model for states’ responsibilities to ensure the well-being of its citizens and respect for international norms. The author adopts a skeptical approach when addressing the third question. He makes clear that Responsibility to Protect has not been very effective in practice and has failed to prevent humanitarian crises. However, the article reminds us that the doctrine has been fairly successful as a diplomatic tool and in rhetoric.

Ayoob analyzes the fault lines within international human rights protection. One of the contradictions in the international intervention is that the international community might choose certain places for intervention, while ignoring other places with the same humanitarian crises. In this way, the community has double standards and this makes the Responsibility to Protect doctrine ineffective. Another shortcoming is that violation of state sovereignty may threaten the international order in the long run, since this would be contrary to the principle of non-intervention. Ayoob uses this in the context of international intervention decisions that are undertaken regardless of the UN veto provisions. Furthermore, international interventions might be seen as colonial dominations and used in order to promote the interests of the interventionist powers. In conclusion, Ayoob recommends western nations to face their history and remember that they once were among the human rights violators. In this way, the power to determine where human rights have been violated should be less concentrated in the hands of the western powers. Thus, there is a need for equal dispersion of power among the members of the international community.

Luck explores different interpretations of sovereignty and how they are used in the context of Responsibility to Protect both by developing and developed nations. Both sides are reluctant to give their sovereignty away even if this is for the prevention of mass atrocities. Whereas developing nations are more concerned about territorial sovereignty, developed nations are concerned about their decision-making sovereignty. These concerns, as stated in the 2005 World Summit, create obstacles for the implementation of the Responsibility to Protect doctrine. However, these concerns also unite developing and developed nations on the grounds that they both want to preserve their national sovereignty and this can at the same time help them achieve consensus on the implementation of Responsibility to Protect.

Examining Turkey’s Approach to the Responsibility to Protect Doctrine in the Case of Syria

Turkey has certainly been one of the countries that has been most affected by the Syrian Conflict since its beginning in 2011. Even though the Turkish government tried to act as a mediator between the rebels and the Assad government at the initial stage of conflict, the Assad government’s oppressive actions against civilians turned a once Assad-friendly Turkish government into one of its loudest critics. The Turkish government since then has been channeling weapons and other equipment to the Free Syrian Army as well as sheltering many Syrian refugees and opposition activists. In this case, it can be said that the Syrian conflict has spilled over to Turkey.

When the conflict first started, the Turkish Foreign Minister, Ahmet Davutoğlu flew to Syria to deliver a final ultimatum; however, as the Assad government intensified its assaults on the civilian population, the Foreign Minister clearly stated that Turkey would not remain indifferent to continuing massacres by the regime in Syria. Furthermore, Turkish Prime Minister, Recep Tayyip Erdogan, called on the Assad government to step down in order to achieve peace in the region:


Without spilling any more blood, without causing any more injustice, for the sake of peace for the people, the country and the region, finally step down. We do not have eyes on any country’s land; we have no desire to interfere in any country’s internal affairs. But when person is persecuted, especially a people that are our relatives, our brothers, and with whom we share a 910 km border, we absolutely cannot pretend nothing is happening and turn our backs. The Turkish President, Abdullah Gül, also stated that Syria was at a dead end; however, this would never justify external intervention. In this way, Turkey made it clear that it only stood for the welfare of Syrian citizens and was against outside intervention.21


Tensions grew over the downing of a Turkish jet by the Syrian military in June 2012.22 Even though Turkey claimed that it was merely testing its radar systems, Syria insisted that the Turkish jet was within Syrian airspace to conduct surveillance. After the downing the Turkish Prime Minister stated that:


> The ongoing conflict within Syria also raised questions about Turkey’s support for certain radical groups within the opposition. Turkey got many criticisms from various international actors for turning a blind eye to jihadist groups, such as Al-Qaeda affiliated Jabhat al-Nusra entering into Syria via Turkey. Upon this, the Turkish government made statements denying their support for the jihadist groups. The Turkish Foreign Minister expressed that:


In this way, the Prime Minister openly threatened the Syrian government with military retaliation if there were to be any further violation of Turkish airspace. Even though Turkey opposed the collective action against Syria at the initial stages of the conflict, its stance has changed after the shooting of the jet. Turkey called an emergency meeting in Brussels in order to invoke Article Five of North Atlantic Treaty, which states that an attack against any member country is an attack against all, which also parallels the responsibility protect principle since they both support collective action. However, NATO Secretary, General Rasmussen, made it clear that NATO was not willing to take collective action against Syria even though it stood together with Turkey in a spirit of solidarity.23 As a bomb fell in a town of Turkish border and killed five civilians in October 2012, the Prime Minister toughened his rhetoric against Syria even more. He said:

> What did our forefathers say? ‘If you want peace, prepare for war.

In the context of Turkish culture, this line is crucial because it refers back to Turkish Independence from Britain after World War I. The Turks fought hard for their independence from the British mandate and they earned peace as a result. This line indicates the same relationship in the context of Syria by stating simply that Turkey is ready for war with Syria if that war will result in regional peace.

The Turkish government slowly transformed its soft power against Syria into hard power by placing a ban on all Syrian aircrafts in the country's airspace and grounding a Syrian passenger plane coming from Russia. All of these showed that Turkey was getting very close to sending troops into Syria in order to depose the Assad government. The Prime Minister even stated that “massacres in Syria that gain strength from the international community’s indifference are continuing to increase and Syria has become a terrorist state.” However, as NATO showed little interest into in collective action against Syria, Turkey backed down, and was certainly not willing to take action on its own.25

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We have said this over and over, both I and the prime minister. Turkey has no relations with any radical group in Syria, and I am especially referring to Jabhat al-Nusra. This accusation is ugly propaganda on the part of those who want to overshadow Turkey’s humanitarian policy in Syria.

Even though the Turkish government still believes that the most important thing to accomplish in Syria is the end of Assad, it cannot guarantee that the country will not fall into Islamist extremism after Assad and it is unquestionably aware of the possibility of a Syrian fracture. At this stage, Turkey’s policy of strong support of rebels has failed and also led to the empowerment of the rebels who are linked to terrorist organizations. Upon Turkey’s support of rebel groups, Syrian President, Bashar al-Assad, stated, “Turkey will pay a heavy price for supporting terrorists.”

Turkey’s most recent statements about the conflict in Syria were about the regime’s use of chemical weapons on civilians, which was defined as a red line previously by the Obama administration. As Russia proposed that the Syrian regime hand over its chemical weapons to the international community, Turkish President, Gul, stated that:

> We already knew that there was a great amount of chemical weapons in one of our neighboring countries. So cleansing Syria of chemical weapons is a significant development. One should be grateful for this. But this should not become a tactic; it should be a real cleansing. The second dimension to this is that the issue is not solely about chemical weapons. There is a country here where over 100,000 people have been killed, where a cruel civil war reigns, where people’s cities are destroyed. This must be stopped. There has to be a political strategy as a way out. Otherwise, no one can accept things going as they are. There is a need for a political exit strategy to form a new strategy that can end the war and allow people to live in their own country. It is very saddening that this hasn’t been brought forth yet.

By this statement, Turkey expressed its relief about Syria’s coming to terms with the international community on the matter of chemical weapons; however, the government reiterated its purpose of bringing peace to Syria, which can only be attained by the end of the Assad regime.

In this case, the situation in Syria remains uncertain, and Turkey, a country that has been involved in the conflict since its beginning, cannot offer any alternative solution to this dilemma. Turkey’s discourse has changed quite a bit since the conflict first started. The Turkish government’s first strategy was to act as a mediator in order to persuade its old friend to come to terms with the international community and respect human rights. As the Syrian government ignored Turkey’s warning, Turkey embraced a more aggressive strategy by supporting the rebels, which comprise of multiple terrorist groups, the most notorious one being al-Nusra. Furthermore, Turkey pressured the international community to take action against the Assad regime and asked NATO to invoke Article Five. As Turkey’s calls for an international response have been useless, especially with the recent settlement on handing over chemical weapons, Turkey decided to continue with its rhetoric against the Syrian regime and continue to take the burden of over 600,000 Syrian refugees in its border towns.

**Responsibility to Protect within the Syrian Civil War**

According to the Responsibility to Protect doctrine, Syria has the obligation to protect its citizens against human rights violations. However, in this case it is the Syrian state that is causing the humanitarian crisis. The Responsibility to Protect doctrine authorizes international action if the state fails to protect its citizens against human rights violations and in this respect, the UN and EU have already exercised diplomatic and economic sanctions against the Assad regime, which signified that the Responsibility to Protect was alive. However, these sanctions proved to be insufficient to avert the violence. The Responsibility to Protect doctrine also authorizes the use of force by the international community as a last resort. Even though Syria long ago lost its sovereign immunity to external interference, the international community is unwilling to intervene into the country since the UN Security Council has been experiencing structural problems, which are related to voting and national interests. In this context, the doctrine has undoubtedly been ineffective in Syria compared to Libya. With different circumstances in Syria (e.g. geopolitical setting, sectarian divisions as well as Russia and Iran’s commitment to the Assad regime), the Responsibility to Protect is mission impossible.

**Conclusion**

The Responsibility to Protect doctrine has been one
of the most influential human rights doctrines in recent years. This doctrine legitimizes external intervention by favoring human rights over states’ sovereignty. It also puts forward three core principles, which are the responsibility to prevent, react, and rebuild. By going through the three step analysis, this doctrine reminds us that states hold the primary Responsibility to Protect their citizens against genocide, war crimes, ethnic cleansing, and humanitarian crisis. The international community’s primary mission in this respect should be to assist states in protecting their citizens. However, if the state lacks this ability or the state is the one that commits the heinous crimes, then it should be the international community’s responsibility to prevent mass atrocities, first by diplomatic means, and as a last resort by force. However, it is fairly obvious that Responsibility to Protect did not really work as was intended. Its drawbacks, such as the inefficiency of the UN Security Council, which is the main decision making body within the organization regarding international crisis, led to stalemates within the international system.

This study has aimed to examine the manner in which a neighboring country such as Turkey could use the Responsibility to Protect principle to protect civilians in the Syrian conflict. It starts out by analyzing the doctrine and its evolution since its inception as well as discussing different studies about the doctrine. The study applies the Responsibility to Protect doctrine to the Syrian civil war as well and points out the failure of the international community to respond to the crisis. Furthermore, it investigates what Turkey has done to help to end the humanitarian crisis within Syria. In this respect, it emphasizes the absence of collective response by showing that Turkey has been one of the neighboring countries that had to undertake the burden.

This study tries to expand the concept of Responsibility to Protect by looking at the current literature on the subject. The current literature mostly focuses on the Responsibility to Protect doctrine’s rising popularity as a political principle as well as analyzing the shortcomings of international organizations with respect to the application of intervention principles. The scholars mostly side with reforms within the international system in order to strengthen the principle and make it more applicable in terms of humanitarian intervention. This study evaluates the doctrine by looking at its operationalization within the context of Turkey’s involvement in the Syrian conflict as well as pointing out certain drawbacks in the international community’s response to the conflict under the particular doctrine. This doctrine can be further analyzed as the conflict in Syria continues. In this way, the doctrine’s functionality can be better examined in the future as the Syrian conflict comes to an end and thus, enables lessons to be drawn from it.

Appendix

138. Each individual State has the Responsibility to Protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.

139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the Responsibility to Protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those, which are under stress before crises, and conflicts break out.

Works Cited


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This paper analyzes Phillis Wheatley’s motives in writing poetry and letters rooted in the classics. I looked further at her allusions to Greek and Roman literary form and content that referenced the topic of slavery. This study created an opportunity to devote attention to a remarkable young African woman who fought to overcome racial oppression in Revolutionary America through poetry. To complete this research I read her book Poems on Various Subjects, Religious and Moral, as well as several academic journal articles and biographies written by John Shields and other notable authors. Doing so allowed me to gain a deeper understanding of her background and the daily struggles she underwent. I bridged the gap between ancient classic literature and the colonial era through the examination of her literary works “To Maecenas,” “On the Death of a Young Girl,” a letter to Reverend Samson Occom, “His Excellency George Washington,” and “Liberty and Peace.” Phillis Wheatley incorporated classical form and content to express her opinion on freedom to effectively speak out on slavery not with her voice, but with her pen.
“Should you, my lord, while you peruse my song,
Wonder from whence my love of Freedom sprung,
Whence flow these wishes for the common good,
By feeling hearts alone best understood,
I, young in life, by seeming cruel fate
Was snatch’d from Afric’s fancy’d happy seat . . . .
Such, such my case. And can I then but pray
Others may never feel tyrannic sway?”
-To the Right Honourable William, Earl of Dartmouth
By Phillis Wheatley

Phillis Wheatley, an eighteenth century poet born in West Africa, arrived on American soil in 1761 around the age of eight. Captured for slavery, the young girl served John and Susanna Wheatley in Boston, Massachusetts until legally granted freedom in 1773. The Wheatleys supplied her with an unprecedented private classical education in which she learned how to read, write, and study works from Homer, Horace, and Virgil, among other notable writers. Classical literature, Christianity, and the issue of slavery influenced the poetry and letters she wrote throughout her early teens and adulthood. An overwhelming majority of her works included references to classical Greek and Latin poetry. Her intellectual curiosity inspired both her love for writing and poetry, as seen in her publication of Poems on Various Subjects, Religious and Moral in 1773.1

Scholars of literature have examined the works of Phillis Wheatley in significant detail and placed them in the context of the Revolutionary era.2 My paper analyzes Wheatley’s works to unveil the manner in which she questioned white authority over Africans both within and outside American borders. This study creates an opportunity to devote attention to a remarkable young African woman who fought to overcome racial oppression through her application of classical education to her poetry. Although she did not live to see the end of slavery, her works serve as evidence of the actions she took to counteract the effects of slavery. This paper will analyze Phillis Wheatley’s motives for writing poetry and letters which were rooted in her classical education, as well as the extent to which her allusions to Greek and Roman literary form and content referenced the topic of slavery in Revolutionary America.

1Phillis Wheatley became the first published African American, and upon its printing, sixteen notable men in Boston signed a letter to ensure that Phillis Wheatley did in fact produce the poetry included in Poems. Several of these names include that of Governor Thomas Hutchinson, Hon. James Pitts, John Hancock, Reverend Charles Chauney, and Mr. John Wheatley. [Phillis Wheatley, Poems on Various Subjects, Religious and Moral, Philadelphia: AMS Press Inc.: re-printed from the 1786 edition.]

2Several scholars’ works that I examined throughout the process of this paper include John C. Shields, Kenneth Silverman, Cynthia Smith, and William Henry Robinson. John Shields has contributed numerous books and journal articles analyzing her poetry, as well as synthesis of other historians’ writings on Wheatley.


In addition to monographs, historians have written numerous articles that approach more specific topics, such as political viewpoints in colonial Boston and the classical myths to which Wheatley alludes. Charles Akers’ article “Our Modern Egyptians: Phillis Wheatley and the Whig-Campaign Against Slavery in Revolutionary Boston,” relates Wheatley’s struggles as a female slave in Boston to ancient times. Furthermore, a book review by Betine van Zyl on Gregory Staley’s American Women and Classical Myths touches on several myths that Wheatley referred to in her poems. The biographies, articles, and published books on Phillis Wheatley create a substantial field of literary analysis. My argument will complement the works already written on classical allusions, but will add a new component to demonstrate the manner in which her education in the classics enabled her to question the institution of slavery on the same educational level as her counterparts.

**Background**

At about eight years of age, the young African girl had been carried away from her homeland in West Africa and brought to her new home in Boston, Massachusetts, after having been captured for slavery in 1761. John Wheatley, a prominent Boston merchant, named the girl Phillis, after the ship that carried her across the Atlantic, and gave her as a gift to his wife Susanna. The Wheatley family impressed onto Phillis their deep roots in Christianity; Phillis, according to them, had lived in darkness in the pagan land of Africa. As Susanna’s dying wish, John manumitted Phillis on October 18, 1773. However, she continued to live with the Wheatley family until she married a free African American man from Boston named John Peters in 1778.

Phillis Wheatley received what for a slave girl was an unprecedented classical education from Mary Wheatley, John Wheatley’s daughter (and one of twin children). Because many slaveholders did not have the opportunity to obtain the sort of education Wheatley had, it is likely they felt threatened by her knowledge of classical literature. Thomas Jefferson, although well versed in the classics, did not agree that the ownership of an educated slave was a good idea—such education threatened the way he chose to view society. Women during the revolutionary period did not have the privilege of attending Latin grammar school. Therefore, Mary most likely did not have the ability to teach Phillis Latin. Through his research, John Shields concluded it was more plausible to believe that Mather Byles, a nephew of a Harvard College graduate who lived near the Wheatley family, took an interest in her talent and provided her with an education in the Latin language. Both Mary and Mather supplied Wheatley with a strong classical education that allowed her to understand and use Greek and Roman form and content in her poetry.

Phillis Wheatley had her work published in several sources. The 1767 publication of “On Messrs. Hussey and Coffin,” in Rhode Island’s Newport Mercury newspaper demonstrated to the public her success in learning the English language and writing sophisticated poetry. The publication in the Mercury when she was just fourteen years old marked the beginning of the publication of her work. In 1771, Wheatley began to search for a patron to publish thirty-nine of her original poems. Her book Poems on Various Subjects, Religious and Moral fused Christian components with classical allusions and included references to the practice of slavery and her desire for equal freedoms. As an African slave girl, Wheatley had trouble finding someone who both supported and approved her work. In 1771 John Wheatley sent Phillis and his son, Nathaniel, over the Atlantic Ocean to England to meet with Selina Hastings Countess of Huntingdon, who later published Poems in 1773.

During the revolutionary period, white individuals did not commonly believe that blacks could have virtue and intelligence. For this reason, the introduction of Poems features a letter from John Wheatley with the signatures of men such as Governor Thomas Hutchinson, John Hancock, Reverend Charles Chauncy, John Wheatley himself, and fourteen other individuals, to verify the legitimacy of Phillis Wheatley’s poetry.

**Literary Analysis**

As mentioned earlier, Phillis Wheatley’s poetry addressed the issue of slavery in her writing. “To Maecenas,” written in 1773, is the first poem in Poems and demonstrates the concept of Horatian ode and Virgil’s subversive pastoral technique. Her praise for Maecenas mirrors that of Horace in his *Odes*, and the inclusion of the Roman slave

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11 Shields, Liberation, 58 and 77.
12 Winterer, 32.
13 Ibid., 25.
14 Ibid., 65.
15 Ibid., 25.
16 In October 1772, Phillis Wheatley wrote a poem for William
Terence creates a link over time between two enslaved poets. Another work included in Poems titled “On the Death of a Young Lady Five Years of Age,” displays a consistent use of heroic couplets in describing the tragedy of a five-year-old slave's death. The reader experiences a dose of the emotional strains brought upon enslaved African families and how death served as a freedom from slavery. Lastly, in the letter to Reverend Samson Occom, Wheatley alludes to Aristotle's theory of civic virtue, according to which each individual has the same intrinsic value, and from which follows the idea that the enslavement of humans should not exist. My analysis of “To Maecenas,” “On the Death of a Young Lady Five Years of Age,” and the letters to Reverend Samson Occom demonstrate that Phillis Wheatley expressed her distaste of slavery through her poetry by using classical references.

"MAECENAS, you, beneath the myrtle shade, Read o'er what poets sung, and shepherds played. What felt those poets but you feel the same? Does not your soul possess the sacred flame? Their noble strains your equal genius shares In softer language, and diviner airs. While Homer paints, Io! circumfus'd in air, Celestial Gods in mortal forms appear; Swift as they move hear each recess rebound, Heav'n quakes, earth trembles, and the shores resound. Great Sire of verse, before my mortal eyes,"

Legge titled “To the Right Honourable Earl of Dartmouth,” who served as the Secretary of State for the American colonies from 1772 to 1775 and shared a friendship with Selina Countess of Huntingdon. Wheatley wrote on how the roots of her love for freedom sprung from her enslavement as seen in the first two lines, “Should you my lord, while you peruse my son, wonder whence my love for Freedom sprung.” She hoped Legge would share the same ideals as the Countess of Huntingdon (“Phillis Wheatley’s Poem on Tyranny and Slavery 1772,” The Gilder Lehrman Institute of American History http://www.gilderlehrman.org/history-by-era/road-revolution/resources/phillis-wheatley%20%99s-poem-tyranny-and-slavery-1772 (Accessed April 24, 2014). The Countess of Huntingdon also shared a friendship with merchant and philanthropist John Thornton who invested his life into mission work. Thornton worked closely with the Countess in the support of Elezer Wheelock’s Indian Charity School located in New Hampshire. John and Susanna Wheatley disbursed the funds given by the Countess and Thornton, which is how the link between London and Boston originated for the Wheatley family. Samson Occom, a figure discussed under the Literary Analysis section, raised funds for the Indian school and studied as a pupil for Wheelock, which created yet another political friendship of Phillis, Thornton, and the Countess. Given the positive relationship and similar ideals, John Wheatley encouraged Phillis and Nathaniel to travel to London and meet with the Countess to inquire support as a patroness. (Kenneth Silverman, “Four New Letters by Phillis Wheatley,” Early American Literature 8, No. 3 (Winter, 1974): 257-271.)

The lightnings blaze across the vaulted skies, And, as the thunder shakes the heav'nly plains, A deep felt horror thrills through all my veins." (Wheatley)17

The first poem in Poems of Various Subjects, Religious and Moral, titled “To Maecenas,” displayed her knowledge of the classics by her use of Horatian ode pattern and the tactic of subversive pastoral similar to Virgil’s Eclogues.18 The Horatian ode addresses a personal subject in the form of praise for an acquaintance or notable figure. The ode uses pentameter that may read similarly to ABABC DECDE or ABABB ABABB, with each letter having a set number of syllables and a rhyming scheme. Consistently using such a scheme gives the poem shape and movement.

“Maecenas, you, descended from many kings, O you who are my stay and my delight, There is the man whose glory it is to be So famous even the gods have heard the story … What links me to the gods is that I study To wear the ivy wreath that poets wear.” (Horace)19

Several examples in the poem point to the conclusion that Wheatley had a strong understanding of the classics. The title itself indicates that Phillis Wheatley was versed in Horace’s Odes and his poetic conversations with Maecenas, his patron.20 Both Horace and Wheatley praise Maecenas—Horace to his patron, and Wheatley in pure admiration. In the first four lines of “To Maecenas,” Wheatley places Maecenas in a heavenly realm reading the works of the most accomplished poets when she interrupts him. This imagery informs the reader of Maecenas’ respected opinion in the literary world. Horace described Maecenas as a “descendant from many kings” who should receive all praise.

“Thy virtues, great Maecenas! shall be sung In praise of him, from whom those virtues sprung: While blooming wreaths around thy temples spread, I’ll snatch a laurel from thine honour’d head, While you indulgent smile upon the deed.”21 (Wheatley)

The reference to the laurel in Wheatley’s poem reflects Horace’s mentioning of the ivy wreath in his Odes. In this section of “To Maecenas,” Wheatley asserted that her poetic voice would gain power and recognition. Her selection of the term “snatch” seems particularly important in relation to Wheatley’s place in colonial society as an African slave. Recognition of her work would not simply be...
handed to her; rather she would have to work hard and confidently take the laurel crown that poets wore and place it upon her own head.22 Maecenas’ smile implies that he is welcoming her into the realm of literary prominence. Phillis Wheatley drew from both the content and form of Horace’s Odes in “To Maecenas,” while adding a pastoral aspect as Virgil did in Eclogues and as discussed later.

Phillis Wheatley’s place in society was comparable to that of Terence, an African-born Roman playwright in the first century. She names him in line thirty-seven:

“The happier Terence all the choir inspir’d
His soul replenish’d, and his bosom fir’d;
But say, ye Muses, why this partial grace,
To one alone of Afric’s sable race
From age to age transmitting thus his name
With the first glory in the rolls of fame?”23

“Sable” marks Africa as the mourning race, an evident theme throughout Poems. Interestingly, Thomas Jefferson argued African slaves in Rome had the capacity to learn, while colonial African slaves had no hope for intelligence.24 John Adams urged others to read Terence “because Terence [was] remarkable, for good morals, good Taste, and good Latin.”25 For this reason, Wheatley felt pressure to distinguish herself as a talented poet. Terence linked her to the ancient world through African identity and through their similarities in using the stroke of a pen to push the boundaries in gaining freedom. “To Maecenas” served as an assertion that she, like Terence, would become a well-known poet and others would praise her work.26

In addition to the Horatian ode and reference to Terence, Wheatley incorporated into “To Maecenas” a subversive pastoral technique similar to that used in Virgil’s Eclogues. A pastoral technique refers to pastoralism, associated with a shepherd’s life, in the description of physical surroundings. With short descriptions of natural phenomena, the technique adds artificial simplicity to the setting of the poem. The first stanza of “To Maecenas” printed above uses words such as shade, sacred flame, air, and heaven in the plains and skies. Virgil collected ten poems into The Eclogues that dealt with the typical life on a farm. Wheatley did not use pastoral exactly as did Virgil, but the way in which she depicted the setting reflects her knowledge of his use in The Eclogues.

Because of her status as an African slave, Wheatley could not directly criticize white authorities or even slavery. For example, she frequently wrote about freedom and Christian ideals rather than directly addressing slavery as an issue. Looking deeper into “To Maecenas” reveals how she understood the difference between her social standing and that of Terence, despite both having been born in Africa. Thomas Jefferson and John Adams regarded Terence as particularly intelligent and capable of writing even given his status as a Roman slave.27 As a colonial slave, Wheatley did not receive the same praise. She cried out to the Muses in line thirty-nine, questioning the reason for partial grace to “one alone of Afric’s sable race.” Terence was one of the most read classical writers of his time, and she could not achieve the same reputation that he achieved. She chose to note his birth in Africa after line thirty-seven to stress that the two poets came from the same birthplace. Perhaps a bit of jealousy arose in Wheatley in the lines concerning Terence; his writing brought him social freedom, and hers had yet to do so.

The poem “To Maecenas” makes evident that Phillis Wheatley faced several challenges due to her race and gender. During the eighteenth century, much of the population did not see Africans as equal to the white population. “To Maecenas” incorporates classical form and content from Horace’s Odes and the subversive pastoral technique to address the limitations Phillis suffered in society and in the appreciation of her work due to her status as a slave. Although she received a classical education, many Bostonians failed to recognize her capability as an educated poet, which explains the inclusion of a letter of authenticity from her owner, John Wheatley, in Poems.

Constant discrimination based upon her race makes its way into not only “To Maecenas,” but also in “On the Death of a Young Lady Five Years of Age”.

“This known, ye parents, nor her loss deplore,
She feels the iron hand of pain no more;
The dispensations of unerring grace,
Should turn your sorrows into grateful praise;
Let then no tears for her henceforward flow,
No more distressed in our dark vale below,
Her morning sun, which rose divinely bright,
Was quickly mantled with the gloom of night.”28

26 Other poems written by Phillis Wheatley that present Horatian ode include “On Recollection,” “On Imagination,” and “Thoughts on Works of Providence.” (Shields, Liberation, 150.)

27 A statement by Thomas Jefferson himself demonstrates his opinion on Wheatley: “Misery is often the parent of the most affecting touches in poetry. Among the blacks is misery enough, God knows, but not poetry. Love is the peculiar oestrum of the poet. Their love is ardent, but it kindles the senses only, not the imagination. Religion, indeed, has produced a Phillis Wheatley; but it could not produce a poet.” (Gates, 44.)

28 Wheatley, Poems, 17.
Also written in 1773, “On the Death of a Young Lady Five Years of Age” uses the form of the Horatian ode and portrays the hardships undergone by the typical slave family. In the case of this young lady’s family, Wheatley instructs the parents to “turn sorrows into grateful praise,” for their daughter no longer had to endure the social chains of slavery. The life of an enslaved African had little freedom, but rather was filled with servitude and racial oppression. Historians have questioned inspiration for writing this piece—was she trying to comfort the parents whom she left behind? Did she want to justify her new place in the American world defined by education and religion? Were her intentions in writing more religiously or politically motivated? Perhaps she was comparing the death of this young girl to her experience in coming to America. Despite the life-changing event of being forced into slavery, she did receive instruction in the Christian faith and priceless education that had brought her many life altering opportunities.

Phillis Wheatley’s theme of racial oppression continues in her letter to Reverend Samson Occom in year 1774 as seen below:

“I have this Day received your obliging kind Epistle, and am greatly satisfied with your Reasons respecting the Negroes, and think highly reasonable what you offer in Vindication of their natural Rights: Those that invade them cannot be insensible that the divine Light is chasing away the thick Darkness which broods over the Land of Africa; and the Chaos which has reigned so long, is converting into beautiful Order, and reveals more and more clearly, the glorious Dispensation of civil and religious Liberty, which are so inseparably united, that there is little or no Enjoyment of one without the other: Otherwise, perhaps, the Israelites had been less solicitous for their Freedom from Egyptian Slavery; I do not say they would have been contented without it, by no Means, for in every human Breast, God has implanted a Principle, which we call Love of Freedom; it is impatient of Oppression, and pants for Deliverance; and by the Leave of our Modem Egyptians I will assert, that the same Principle lives in us. God grant Deliverance in his own way and Time, and get him honor upon all those whose Avarice impels them to countenance and help forward the Calamities of their Fellow Creatures.”

Wheatley’s letter to Occom, an Indian and Presbyterian minister, was written in response to Occom’s indictment of Christian ministers who owned slaves during the upheaval of the American Revolution. The significance of Wheatley stating, “for in every human breast, God has implanted a principle, which we call love of freedom,” relates to the classical tradition of civic virtue, a philosophical concept in which Aristotle particularly believed. Wheatley praised Occom for his vindication of the natural rights she similarly believed Africans should have.

The passage in her letter to Occom suggests that Wheatley internalized virtue more intimately as a part of one’s spiritual being. She claimed that God created virtue, and therefore each individual inherently has virtue, despite his or her outward appearance. She drew from Aristotle’s belief but intertwined with it her Christian faith to question further the validity of the institution of slavery. This finding complicated my research. At first, I believed she directly referenced Aristotle, but, as my research reveals, she merely drew upon the basic idea of civic virtue. Civic virtue to Aristotle included actively governing or being governed, where as Wheatley Christianizes and internalizes inherent virtue in her letter to Occom.

To continue the theme of freedom and virtue seen in her letter to Occom, I chose to draw from Otis’ The Rights of the British Colonies Asserted and Proved printed in 1764, ten years before Wheatley wrote the letter to Occom. By 1764, the American colonies felt cheated by the taxes levied upon them by Britain. Parliament had issued the Sugar Act in 1764 and the Stamp Act in 1765 without providing direct representation of the colonies in Parliament. Politicians such as James Otis and Daniel Dulany began to express their discontent in order to seek change in all aspects of society. In Otis’ The Rights of the British Colonies Asserted and Proved printed in 1764, Otis stated:

“The colonists, black and white, born here, are free born British subjects, and entitled to all the essential civil rights of such, is a truth not only manifest from the provincial charters, from the principles of the common law, and acts of parliament; but from the British constitution which was re-established at the revolution, with a professed design to secure the liberties of all the subjects to all generations.”

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32James Otis, The Rights of the British Colonies Asserted and

Ibid.
Otis wrote about how each colonist, black or white, should legally receive essential civil rights. Ironically, at the time, colonists had asserted these rights to equality in Parliament while simultaneously supporting the slave trade, forced labor, and stealing another human being's inherent rights. Wheatley's reference to political liberty parallels civil liberty and the equal inherent virtue that she alluded to in her letter to Occom. Her knowledge of Aristotle's political theory of civic virtue allowed her to make the connection between present and past occurrences. Although Wheatley did not live as a typical slave, e.g., receiving an education, writing to public figures, and sleeping in a bed, she still endured its institutional bondage.\(^{33}\)

The literary analysis of “To Maecenas,” “On the Death of a Young Lady Five Years of Age,” and letter to Reverend Samson Occom, depict how Phillis Wheatley examined the issue of racial oppression in Revolutionary America through her written works. Her use of Horatian ode and subversive pastoral in “To Maecenas” displayed her knowledge of classical literary composition. She also referenced Latin playwright and former slave Terence, with whom she shared common oppressive challenges. Her use of the subversive pastoral technique allowed her to quietly supply an argument against the status quo without drawing further attention to herself. She learned this tactic from studying Virgil’s Eclogues. “On the Death of a Young Lady Five Years of Age” places emphasis on death as an escape from the hell on Earth that is slavery. Lastly, her letter to Reverend Occom reveals her understanding of Greek political theory and Aristotle’s basic thinking about civic virtue. She claimed that God created both humans and virtue; therefore all individuals are inherently equal. Wheatley intertwined Christian concepts with political theory, which allowed her to effectively add depth to her argument posed against the institution that stole the early part of her life. Although Wheatley died as a free woman in 1784, she remained enslaved to racial oppression.

**Evaluation of Mythical Allusions**

The literary analysis on “To Maecenas,” “On the Death of a Young Girl Five Years of Age,” and letters to Occom, reveal Phillis Wheatley’s knowledge of how to compose her works in imitation of classical writers such as Horace, Virgil, and Aristotle. She also included many mythical allusions throughout her works. With her knowledge of the Latin language, she alluded to mythology in twenty-six out of thirty-nine of her works in *Poems*. Several of these poems include “To Maecenas,” “Ode to Neptune.”\(^{34}\) Delindus R. Brown and Wanda Anderson, “A Survey of the Black Woman and the Persuasion Process: The Study of Strategies of Identification and Resistance,” *Journal of Black Studies* 9, no.2 (Dec. 1978), 237.

“An Hymn to Morning,” “On Recollection,” “Niobe in Distress,” “Chloe to Calliope,” and “An Answer to Rebus,” where Wheatley references either mythological figures or their stories themselves.\(^{34}\) This section will compare the mythical allusions Wheatley made in “His Excellency George Washington” and “Liberty with Peace.”

Published in October 1775, “His Excellency George Washington,” included the personification of America in the form of Columbia, the goddess of freedom, a name first used in this way in 1761.\(^{35}\) The poem included the personification of America to create a separation from the British Empire. The Columbia Wheatley depicted in “His Excellency” merged two Christianized classical mythological figures, namely Phoebus Apollo and Pallas Athene.\(^{36}\) Wheatley commonly included Christian characteristics in her poetry, so the Christianization of Columbia comes as no surprise:

“See the bright beams of heaven’s revolving light
Involved in sorrows and the veil of night!
The Goddess comes, she moves divinely fair,
Olive and laurel binds Her golden hair:
Wherever shines this native of the skies,
Unnumber’d charms and recent graces rise.”\(^{37}\)

Columbia wore a crown constructed from olive and laurel, which further expands on the common theme of freedom throughout Wheatley’s poetry. It is significant that Colombia wears this crown because the combination of laurel and olive denotes freedom as a result of victory. Columbia’s “golden hair” bound by the olive and laurel alludes to Apollo, as do many references to gold in classical mythology.\(^{38}\) Columbia’s femininity in “His Excellency” therefore came from Athena, the goddess associated with wisdom and war. The inclusion of olive and laurel gains greater significance in the discussion of Athena in that olives symbolize peace. Athena as the goddess of war would reach peace through military prowess.\(^{39}\) Similarly, winners in battles during Roman times would receive this crown as a triumphal trophy, as did victors in Olympic competitions. Given its context, the olive and laurel wrapped around the goddess of freedom’s golden hair would ensure a victory for America in their battle against Britain and give a sense of historical resonance and importance to the American Revolution.

Wheatley’s poem “His Excellency George Washington” incorporates another reference to classical mythology into her political poetry of the Revolutionary era:  

\(^{34}\)Mason, 26.  
\(^{36}\)Ibid., 264.  
\(^{37}\)Phillis Wheatley, “To His Excellency George Washington,”
“Muse! Bow propitious while my pen relates
How pour her armies through a thousand gates,
As when Eolus heaven’s fair face deforms,
Enwrapp’d in tempest and a night of storms;
Astonish’d ocean feels the wild uproar,
The refluent surges beat the sounding shore;”

Wheatley used Aeolus, god of wind, as a personification of the rough waters between Britain and America. The storms of Aeolus refer to the recurring hardships between America and Britain in the dispute over representation and independence and the ocean separating them that caused so much separation. Her poem not only alluded to the freedom America was fighting for from Britain, but also to the consciousness of those in bondage to their inherent freedoms as humans.

In a later reference to “His Excellency George Washington,” Phillis Wheatley wrote “Peace and Liberty” in 1784, one year after the end of the Revolutionary War:

“For Galia’s Power espous’d Columbia’s Cause,
And new-born Rome shall give Britannia Law,
Nor unremember’d in the grateful Strain,
Shall princely Louis’ friendly Deeds remain;
The generous Prince th’ impending Vengeance eye’s,
Sees the fierce Wrong, and to the rescue flies.
Perish that Thirst of boundless Power,
that drew On Albion’s Head the Curse to Tyrants due.
But thou appeas’d submit to Heaven’s decree,
That bids this Realm of Freedom rival thee!”

This poem classified America as the “new-born Rome,” and shares political and mythical similarities with her 1775 “His Excellency George Washington” in terms of Britain’s ‘thirst of boundless power’ and the wearing of a laurel and olive crown. In Virgil’s Georgics, the text Wheatley referenced in both poems, Augustus is praised for essentially rebuilding the city of Rome after the conclusion of civil war and bringing his people out of the dust and into a new era. Likewise, Washington would lead America through the process of gaining independence from Britain.

Phillis Wheatley wrote both “His Excellency George Washington” and “Liberty and Peace,” on the process of gaining independence from Britain with the personification of Columbia, the American goddess of freedom, who wore a crown of olive and laurel. The combination in Columbia’s character of elements of Apollo and Athena symbolizes the strength of America and its general who led America in the revolution against Britain. Freedom endures as a common theme in both poems, which also draw from mythical figures and allude to classical symbols such as the olive and laurel crown.

Conclusion

Living in revolutionary America as an African poet, Phillis Wheatley faced a multitude of challenges. The world, it may have seemed, stood against her. However, she received a classical education from her master’s daughter, Mary Wheatley. Through her education she learned classical form and content from Horace and Virgil, and became well versed in Greek and Roman mythology. Thomas Jefferson notably denied the authenticity of her work out of fear of her knowledge about subjects much of society had not had the opportunity to learn. Given this challenge, John Wheatley encouraged Phillis to travel to London for publication of her work Poems of Various Subjects, Religious and Moral. Granted manumission in October 1773 as Susanna’s death wish, Wheatley continued her writing and remained as a guest in the Wheatley home.

The content and form of her literary works may be contributed to her education in the classics. In analyzing her literature, I argued that “To Maecenas,” “On the Death of a Young Lady Five Years of Age,” and letter to Occom illustrate that Wheatley examined the issue of racial oppression in Revolutionary America. Wheatley referenced Horace’s Odes in multiple ways in “To Maecenas” in order to assert her poetic voice in the literary world and to receive power and recognition as a poet. “On the Death of a Young Lady Five Years of Age” gave the reader a sense of the emotional tolls of slavery, and how death served as a release from hell on Earth. Aristotle’s theory of civic virtue came into play in her letter to Reverend Samson Occom where she claimed all individuals are inherently equal since God created each and every human. Although she Christianized the theory of civic virtue, she drew first from Aristotle’s basic philosophical points.

Phillis Wheatley also used mythical allusions in “His Excellency George Washington” and “Liberty with Peace” in the depiction of Columbia as the American goddess of freedom. Given the combination of Apollo and Athena’s characteristics, Wheatley effectively portrayed Columbia as a powerful leader with mythical elements. The symbol of laurel and olive in her freedom crown denotes freedom as a result from victory, ensuring a victory for America in

(1775): lines 7-12.
Steele, 265.
Ibid., 265.
the battle against Britain. Her poem “Liberty with Peace” also alluded to Columbia as the valiant personified American goddess as seen in “His Excellency” written nine years earlier.

Phillis Wheatley effectively voiced her thoughts on the institution of slavery through her poetry. Despite the obstacles that lay in her path, she eventually received proper recognition of her works. Wheatley’s education in the classics shaped the form of her writing and contributed to the content of her work. Allusions to classical Greek and Roman literature saturated her poetry throughout her career, which ended when she died in 1784. Her enslavement fueled her passion for freedom. Phillis Wheatley incorporated classical form and content to express her opinion on freedom to effectively speak out on slavery not with her voice, but with her pen.

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Sydney Jeanne Vaile is a senior at Virginia Tech studying History and Political Science. Her passion for history took off her junior year of high school, and has since grown. In the summer of 2014, she interned with the National Archives Boeing Learning Center in Washington, D.C., where she saw the many different approaches she could take in the field of education. As an undergraduate, she assisted the research of Dr. Hidalgo in *Encyclopedia of the Caribbean*, and Dr. Wallenstein in his second edition of *Cradle of America: Four Centuries of Virginia History*. Sydney also served as a research assistant to Dr. Winling and his study of African Americans in Blacksburg, Virginia between 1900 and 1940. She has presented research at the Virginia Tech Undergraduate Research Conference, served as officer for Phi Alpha Theta National Honors Society, and worked in Newman Library’s Special Collections. Her dream is to attend University of Maryland to earn a dual Masters of Arts in Library Science and History, and work in the field of education to inspire students in each of their endeavors.
Research into Silent Film Foley

Demetria Lee and Tyler Gass

Silent film was, in fact, not silent. In order to create a realistic scene, filmmakers use an art form called Foley, the recreation of sounds in the post-production process. The “silent” refers only to the lack of spoken words; scenes featuring running horses or a gun being shot would have been accompanied by the clomping of hooves or the bang of the pistol. The sound of footsteps can be simulated by recording someone walking on a similar surface to the character on-screen; the sound of the person’s pants brushing can be replicated by rubbing cloth together near a microphone. Other sounds are not so easily recreated. For example, one would not break someone’s arm in order to produce that sound. Instead they must turn to more creative methods, such as crunching a head of frozen lettuce.

Foley, named after its creator, Jack Foley, has changed dramatically since its advent in the early 1900s. Today, a Foley artist has increasing options—most notable of these is the computer. But how were sounds recreated for early films? A lot of this information has been lost; most film studios did not keep a record of what they used to make their sound effects. Jessica and Jennifer Davison have been figuring out how turn of the century filmmakers recreated their films’ sounds. They selected two movies: The Great Train Robbery (1903) and The Suburbanite (1904). Using a mix of literature and trial and error, they have been attempting to simulate the sounds used in the original production. In order to keep the Foley authentic, Jessica and Jennifer only use objects that would have been around when the films were made. Of the experimental part of the process, Jessica said: “We go to stores, play with objects, and read how other Foley artists recreate sounds for current films. We have found that a balloon makes a very convincing gunshot noise. Once you like a sound, you then have to check to make sure that it would have been around during the date the movie would have aired.” When the film required the sound of a human body hitting the ground, Jessica and Jennifer tried recording several different types of balls hitting the floor in a bag. They tried tennis balls and golf balls before discovering that baseballs served the sound the best.

Once the method of simulation has been decided, the Foley artist must figure out the timing so that what the audience hears coincides with the action on screen. “Getting timing down requires us to know the movie perfectly, which takes a lot of practice. You learn counts. For example, there might be three counts after he walks in the door, then a hit, then another count, and then he hits the floor. You have to know the counts so that the sound and the movie are in sync. This is called “catching the falls.” Every time you add one sound you go back and add another; the idea is to give the movie as many layers of sound as we possibly can.”

Their project unites two fields within their department: cinema and theatre. “The theatre and cinema department at Virginia Tech wasn’t always one department, and there is still a very large disconnect. With this project we are trying to bridge that gap. We are using films to create a theatrical experience. Doing Foley is fun to watch and, if you stage it properly, you can have a cinematic experience as well as a theatrical one.”
Moroccan and American Hybrid Bathroom Design

Tina Homayoun

Undergraduate Residential Environments and Design major Alexandria Hubbard recently returned from studying abroad in Turkey, Morocco, and Sri Lanka through the 21st Century Studies Nomadic Program. While exploring new cultures, Alexandria spent time observing and learning about the beautiful structures of mosques, kitchens, and, most importantly, bathrooms. In Morocco, she and her peers realized the bathrooms were not only visually unfamiliar, but also functionally different from those in the United States. Instead of wallpaper, bathrooms were lined completely by tile, showers contained larger heads and were exposed, toilets were often just a hole in the floor and required one to squat, and there was lower water pressure than here in the U.S. Eventually, the group learned that these differences actually had notable health and environmental benefits lacking in the standard American restroom.

At the time, Alexandria was assigned to pursue a research project inspired by her study abroad experience. Fascinated by the benefits of these foreign bathrooms, she decided to “design a bathroom that encompassed all of the efficiency I saw when I was abroad, but still keeping the style and comfort of an American bathroom.” Using the interior design software 2020, Alexandria created a floor plan for the following hybrid: Moroccan fundamentals such as tile, squat toilet, and efficient water conserving fixtures (toilet, shower, and faucet), joined together with American design.

Her research started with the adaptation of water conservation through low-flow fixtures. In Morocco, “water is recycled through the bathroom from one fixture to another. The water comes out of the faucet, and after going down the drain gets recycled through a pipe in the wall to the toilet.” To promote water conservation in her own design, she chose fixtures by WaterSense, a partner with the U.S Environmental Protection Agency providing “consumers with easy ways to save water […] without compromising performance.”1 This program aims to protect the future of our world’s water supply, and by providing the options of using more or less water per flush, water can be saved.

For Alexandria, the squat toilet was the most memorable component of the Moroccan bathroom. “My first time using the squat toilet was actually during a group outing in a mosque. It was so embarrassing. But after the initial experience I got extremely comfortable using this type of toilet and even noticed the health benefits.” After research, she found that “the physical position of squatting while using the bathroom is much more natural, and relieves the user much more thoroughly than a sitting toilet. While sitting is more comfortable, the modern toilet has also brought about more straining causing hemorrhoids, colon disease, pelvic floor issues, and constipation.” However, keeping her own initially uncomfortable experience in mind, and with an understanding

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1 http://www.epa.gov/watersense/about_us/what_is_ws.html
of most Americans' unfamiliarity with this sort of design, Alexandria created a toilet seat that would encourage Americans to practice this healthy habit but with options to squat or sit.

Another important component was tile. Usually used in American restrooms for aesthetic purposes, tiles actually serve as a better alternative to basic wallpaper. "Mold is a common fungus found in damp locations, and after one too many hot showers can become a problem. Minerals, fungi, and other common health assailants can be held at bay, keeping the air quality and overall health and wellbeing of the environment, home, and household within in safety." Several samples and options of tiles were introduced in her design to make the restroom healthier.

Other important factors include ADA compliancy and options to accommodate different budgets. "Aging in place and independent living has always been a priority of mine as a designer. Making a design universal and compliant with the Americans with Disabilities Act allows the user to age in their home gracefully and independently without the fear of safety hazards and accessibility barriers that they at one point did not experience." Her design includes 3 sets of fixtures "based on collection, style, and budget." Alexandria collected sample tiles from Dehart Tile Company in Christiansburg that matched the tiles in her design. She proves that her layout is actually accessible in the real world. "People think it's a lot harder or more expensive to make these changes. But I'm giving options that prove otherwise."

Her final product was a beautiful, 3-D perspective, including floor plans, pictures, and detailed descriptions of all fixtures and tiles, and prices. Alexandria expresses her understanding that people may be hesitant to change, but believes that after the right accommodations and time, people will adapt. It is amazing to see that other cultures have mastered such an efficient and aesthetically pleasing toilet system. While cultural preferences have kept us from change, Alexandria’s optimism and the remarkable adaptions of the Moroccan restroom suggest the possibility in the near future.
In 1798, the famed Reverend Thomas Robert Malthus published his Essay on the Principle of Population, which suggested the epidemics served to check population growth, preventing a species from exceeding the carrying capacity of our environment. Disease is one such check, and throughout history one can find many prominent examples of sickness culling the population. These waves of sickness also bring mass hysteria once people see that a disease is becoming epidemic. The reason that plagues are so easy to find in history is because the media reacts, reflecting the mood of the people and inciting more panic with alarmist articles featuring no information. Over the course of the last year and a half, Virginia Tech undergraduate students have been researching an epidemic in recent history, the Russian flu, which swept the world between 1889 and 1890.

The Russian flu, known as such because of its origination near Moscow, is significant because it is the first epidemic to occur following the development of global communication; for the first time in history, people were able to communicate faster than the sickness was spreading. This was important because although this particular flu was very virile, it was not particularly deadly, and being alerted of this before the sickness spread to a new area allowed the world to prepare better. As a result, with the invention of the telegraph, scientists were able to track the progression of both the morbidity and mortality of the illness. Additionally, media coverage of the sickness was widespread as well, enabling the students to track it by following coverage in the media of the time. The goal of this research was to perform a case study of the relationship between the spread of the disease and the spread of related information. This case study analyzed the epidemic by using geographical representations, depictions of the impact that the disease had on society through illustrations in media, and diagnosis of the disease from the perspective of a contemporary physician. In addition, the students compiled more than 200 articles to a database of texts related to the flu.

Before research began, the undergraduate students who would do the research were picked based on their focus of study and foreign language skills. The ten students were then divided into three groups, each with a different focus of research. Many of the documents that these teams analyzed came from Europe and were written and mapped in native languages; as such, members of the research group included students fluent in English, Spanish, French, and German. Of the 200 odd articles included in the database, many are in their
Much of the project involved working with published information such as newspapers and maps. One of the groups took on the role of analyzing geographical data related to the flu. By using printed newspaper reports to map the spread of the disease and the introduction of public health measures, the group was able to chart the morbidity and mortality rates of the flu as it spread. As a part of their research, the group used these charts and a map from the 1890s to create an animated map showing the spread of the disease across the world in dated, two week periods.

Another group of students analyzed the disease from a physician’s perspective. Physicians of the time were under extreme duress, as alarmist news reports of the apparent deadliness of the disease pressured doctors to make correct diagnoses and treat the illness properly. However, in spite of having a high morbidity rate, the Russian flu was not a deadly pandemic – only around a million people died of it worldwide. At the time, it was believed that the sickness stemmed from environmental factors such as temperature and atmospheric pressure. Doctors kept detailed records of patients and symptoms, including factors such as environmental and atmospheric temperatures, because of fears associated with the rapid spread and aggression of the outbreak.

Veronica Kimmerly, one of the undergraduate researchers on the project, asserted that “Since this was before germ theory, people were afraid that cholera would come after the flu since they are both seasonal sicknesses. Flu shows up in winter, and then in spring, cholera shows up because there is a lot of unclean water around.” Uncertain of the cause of the illness, doctors treated patients based on individual symptoms as opposed to treating all cases of the flu identically. People were advised to stay inside, warm, and away from the weather. In doing so, people isolated themselves from people with the sickness.

The final group of students worked to tie together the whole project by exemplifying how global communication influenced the spread of information regarding the disease – the social impacts. Many of the text records from the initial onset of the pandemic were alarmist, feeding the frenzy of scared citizens with suggestions that the sickness might lead to cholera. According to Kimmerly, “When this flu broke out, people thought that the flu would not be too bad, but assumed that cholera would be awful in the spring as a result.” One of the biggest impacts of this illness was that it helped prove that cholera and the flu were unrelated, leading to advances in treatment for both. Once the flu was discovered to not be very deadly, the lighthearted portrayal of the sickness
in the media helped prevent mass hysteria even as it continued to spread. The group states, “From our numbers, roughly two-thirds of every major city got the flu.” Examples found by the group include pictures of a tent used for treatment, two musicians performing a song about influenza, and clothes being distributed to sick families. There is also an array of cartoons related to the illness.

The Russian flu is not a very well-known pandemic; it did not eradicate one-third of the populace, as did plague. However, this makes it all the more important for information to be readily available, a task that these Virginia Tech students went about achieving admirably. The Russian flu was far more influential than it is given credit for. Being the first pandemic to occur once global communication was established helped to set the basis for studies on the relationship between the media and the masses during times of crisis.
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