



**New Voices, New Views:  
Reimagining Political Participation**

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EDITED BY

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# Table of Contents

<b>Letter from the Editor</b>	<b>5</b>
<i>Devin O'Brien</i>	
<b>The COVID Curse: The Spectacular Collapse of Pandemic Era Governments</b>	<b>6</b>
<i>Michael Albino</i>	
<b>A Decline in Funding on College Campuses: The Future of the Humanities and Social Sciences</b>	<b>10</b>
<i>Lauren Baskin</i>	
<b>The Affirmative Action Debate: The Future of Diversity in Higher Education</b>	<b>13</b>
<i>Makenzie Cossette</i>	
<b>Progress and Pitfalls: Assessing the Impact of UN Resolution 1325 on Women, Peace, and Security at 25</b>	<b>18</b>
<i>Kate Czajkowski</i>	
<b>An Argument for the Luddites</b>	<b>24</b>
<i>Milla Daigle</i>	
<b>Gray Areas and Red Tape: The Interplay of Politics and Healthcare in Abortion Regulation</b>	<b>28</b>
<i>Medha Illindala</i>	
<b>Navigating the Political Court: The NBA's Political Pivot and the Clash of Activism in the 21st Century</b>	<b>34</b>
<i>Jack Jenkins</i>	
<b>The Psychology of Apology: Restorative Justice in Schools and Prisons</b>	<b>37</b>
<i>Matthew Koleszar</i>	
<b>Corporate Co-Optation: The Threat of Brand Activism</b>	<b>42</b>
<i>Gabriel-James Morgia</i>	
<b>Border Policy and the NYC Migrant Crisis</b>	<b>47</b>
<i>Dhruv Nimmagadda</i>	
<b>There's Blood on the Field: Unmasking Sportswashing</b>	<b>52</b>
<i>Alessandro Portolano</i>	

<b>Examining the Implications of Proposed Increases in South Korean Medical School Admissions</b>	<b>56</b>
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*Ashley Soto*

<b>The Relationship Between Slavery, Liberty, Fredrick Douglass and the Constitution</b>	<b>60</b>
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*Huiling Yin*

## Letter from the Editor

Devin O'Brien

April 22, 2024

Dear Readers,

It is my great privilege to write to you as the Editor-in-Chief of the University of Connecticut's Undergraduate Political Review. This semester we are proud to publish our eighteenth edition of the journal. With each edition, our writers explore the complex political issues that shape our world.

All articles in this journal are written and edited entirely by undergraduate students. Together, our writers and editors engage in a rigorous drafting process to create polished scholarly articles. Past editions have asked writers to address specific themes. This edition did not have an assigned theme, but we observed a strong interest in political phenomena originating from bottom-up processes or otherwise non-elite actors. So, we have decided to name this edition "New Voices, New Views: Reimagining Political Participation."

The success of this journal would be impossible without the support of many individuals. First, I must thank and celebrate our writers and editors for all of their hard work. Their dedication to improving their craft as writers and political thinkers is evident in the amazing articles they have produced. Kieler Langemo, the Assistant-Editor-in-Chief, has also made invaluable contributions. Additionally, I must thank Dr. Oksan Bayulgen, Dr. Evan Perkoski, and the University of Connecticut Department of Political Science for their strong support for our journal.

I also thank you, our dear readers, for supporting this journal. We are very grateful for the encouragement our political science community provides. Now more than ever, the world needs to develop and celebrate political thinking to seek solutions for the challenges that lie ahead. We hope you enjoy what some of the finest political minds at the University of Connecticut have to offer. Last, I am excited to announce that Makenzie Cossette will be the next Editor-in-Chief of UPR, with Medha Illindala as the Assistant-Editor-in-Chief for the 2024-2025 academic year. I would like to wish Makenzie and Medha luck in their respective journeys as the next leaders of UPR, and in upholding the academic excellence of our department, our university, and all future Huskies. It has been a privilege for me to serve as the Editor-in-Chief for this past academic year.

If you have any questions for us or are interested in joining the Undergraduate Political Review at the start of next semester, please feel free to contact us at [uconnpoliticalreview@gmail.com](mailto:uconnpoliticalreview@gmail.com).

Sincerely,

Devin O'Brien, Editor-in-Chief

# The COVID Curse: The Spectacular Collapse of Pandemic Era Governments

Michael Albino

There has been plenty of well-documented research that incumbent governments benefit in times of crisis. The “rally-around-the-flag” effect, as it is called, argues that political divisions temporarily dissipate and the general public unites behind the government in times of crises, before reverting to pre-crisis means. The COVID-19 pandemic, at the time of its initial outbreak, appeared to be no different. Yet, four years on, the popular support of political parties that occupied governments during the coronavirus pandemic have not reverted to their pre-pandemic levels; instead, these parties have faced, or are predicted to soon face, historic electoral defeats that have no parallel. This article argues that one of the long-term effects of the coronavirus pandemic was a worldwide increase in political consciousness, one that transformed initial goodwill and popular support into widespread discontent. We will look at four contemporary political parties that have had their fortunes greatly changed in the last four years as examples of this phenomenon: the United Kingdom’s Conservative (Tory) Party, Germany’s Christian Democratic Union (CDU), Canada’s Liberal Party, and New Zealand’s Labour Party.

The COVID-19 pandemic and subsequent quarantine measures left people detached from the routine of their daily lives. An implicit impact of these changes was an increased focus inwards that has established a wave of heightened political consciousness worldwide. But what does that mean, exactly? Political consciousness is, as Professor Anna Rulska-Kuthy writes, “personal awareness of politics, position in the political system and history, and actions one perceived as available to take in an effort to influence the political reality in which one operates.”<sup>1</sup> As the later examples will show, as the general public had additional time and ability to analyze their political realities, their discontent with the status quo grew. It is still true that the initial “political flight to safety” that the general public takes in times of crisis and uncertainty is still at play;<sup>2</sup> yet as we will see, this does not last long in any of the example countries analyzed.

Starting with the United Kingdom, the incumbent Conservative Party has experienced a tumultuous past four years. At the start of the COVID-19 pandemic, the party was buoyed by a landslide election win in December of 2019, in which the Conservatives under Prime Minister Boris Johnson won the largest majority government since Margaret Thatcher. Johnson had always been a controversial figure before his stint as Prime Minister, from being one of the most vocally ardent pro-Brexit politicians in 2016 to unlawfully proroguing parliament in 2019.<sup>3</sup> Yet in the midst of COVID-19 quarantine measures, his approval reached record highs. An April 2020 Ipsos poll found that 51 percent of Britons had approved of the Prime Minister, up 17

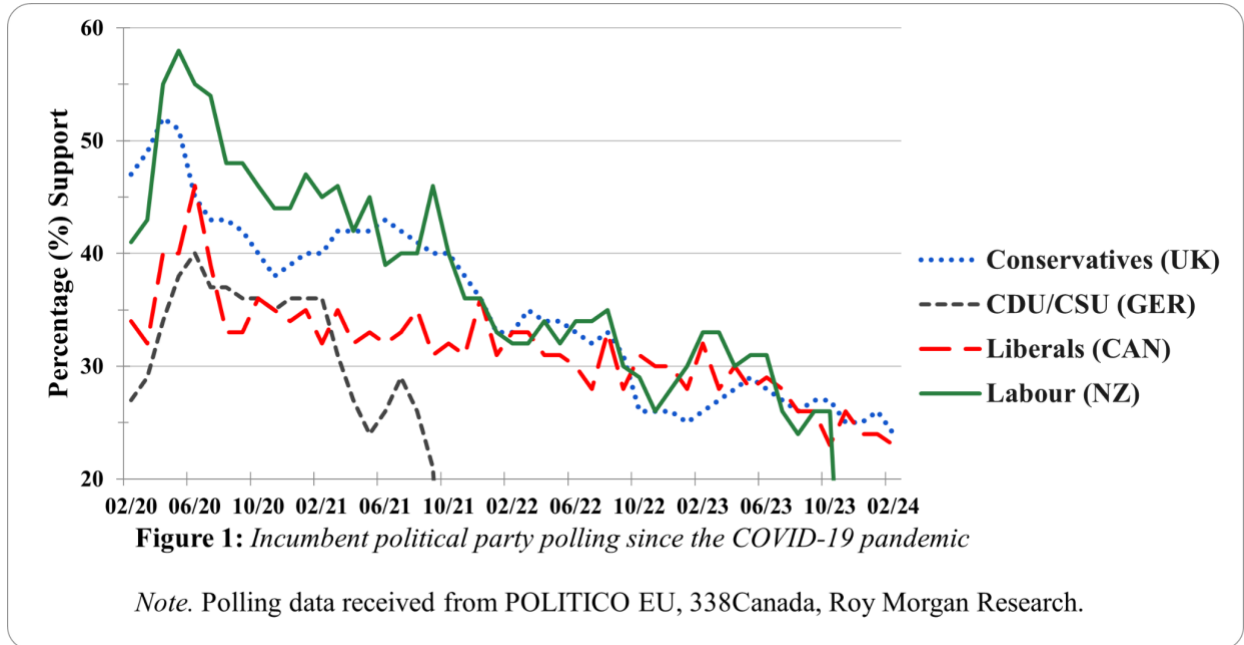
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<sup>1</sup> Rulska-Kuthy, Anna M. 2014. “Political Consciousness.” In Springer eBooks, 4865–68. [https://doi.org/10.1007/978-94-007-0753-5\\_2193](https://doi.org/10.1007/978-94-007-0753-5_2193).

<sup>2</sup> Bisbee, James, and Dan Honig. 2021. “Flight to Safety: COVID-Induced Changes in the Intensity of Status Quo Preference and Voting Behavior.” *American Political Science Review* 116 (1): 70–86. <https://doi.org/10.1017/s0003055421000691>.

<sup>3</sup> AP News. 2023. “Boris Johnson’s Career Spanned Dizzying Heights and Tumultuous Lows” Associated Press. June 10, 2023. <https://apnews.com/article/boris-johnson-resigns-partygate-lockdown-misled-parliament-64a8697c9ccbed381915fbfe45ffe028>.

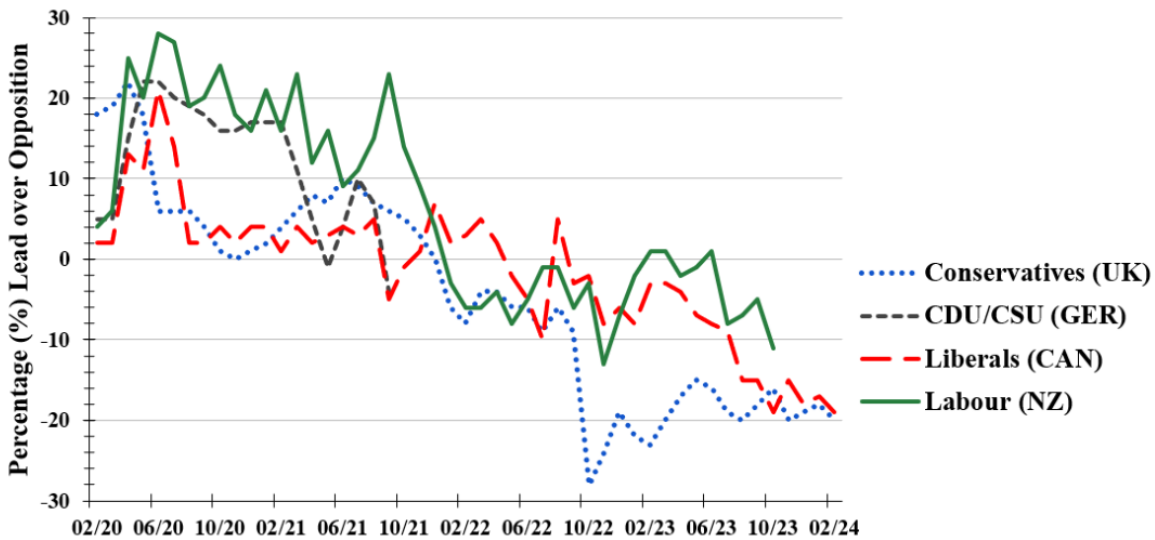
percentage points from the month before.<sup>4</sup> Compare that level of support to the present-day Conservative Party, in which it has cycled through three Prime Ministers in four years and is currently down 20 percentage points to the opposition, the Labour Party. After fourteen years of being in office, the general public has become increasingly aware of and dissatisfied with the Conservative Party's status quo.



The picture is quite similar in other nations, as seen in the graph above. Tracking the topline party preference of these four incumbent parties, we find that while in office all four parties saw a surge in support in early-to-mid 2020. After the initial shock of the pandemic, these parties then hemorrhaged popular support. In Germany, the ruling CDU/CSU went from polling at 40 percent in April 2020, far above any other party, to being ousted from office for the first time in 20 years in September 2021. The topline results, however, do not show this full story. Each of these countries exist in vastly different political landscapes; the United Kingdom only has two major political parties while Germany has four, meaning that record highs for the CDU/CSU do not appear all that impressive at first glance compared to the Conservatives in the UK. To fix this, we can look at the same polling results but relative to their main opposition.

<sup>4</sup> Gottfried, Glenn, Gideon Skinner, and Cameron Garrett. 2020. "Boris Bounce as Brits Rally Round Him." Ipsos, April 17, 2020. <https://www.ipsos.com/en-uk/boris-bounce-brits-rally-round-him>.





**Figure 2:** Incumbent political party polling relative to their largest opposition party

*Note.* Polling data received from POLITICO EU, 338Canada, Roy Morgan Research.

A positive score indicates that the party is leading their opposition, while a negative score indicates the political party is trailing the main opposition party; this adjusted graph highlights a universal decline in support for incumbent political parties. All four political parties at the beginning of the COVID pandemic initially led their main opposition: that opposition being the Labour Party in the UK; the Greens/SPD in Germany; the Conservatives in Canada; and the National Party in New Zealand. Yet regardless of how many parties or the specific political climate of each of these countries, by late 2021 and early 2022, each had begun trailing the opposition in polling. In New Zealand, the ruling Labour Party won a landslide election in the midst of the pandemic in 2020; just three years later, they experienced a landslide defeat and were sent into the opposition.<sup>5</sup> In Canada, the ruling Liberals have seen their support collapse since the pandemic; although an election is not expected until 2025, it is predicted that Prime Minister Justin Trudeau's party will be defeated by Pierre Poilievre's opposition Conservatives.<sup>6</sup>

This is not to imply that domestic issues or scandals have no impact on these parties' political support. Instead, the pandemic's strengthening of political consciousness among the general public has increased the salience of these scandals and issues. Scandals did not just start existing after April 2020. Rather, voters are more harshly critiquing the performance of incumbent governments as they become more aware. At the same time, any and all alternatives to the current status quo are viewed in a more positive light and boosted. This does not have to have any ideological coherence. For example, in Germany, although the CDU/CSU is no longer

<sup>5</sup> Regen, Helen, and Jerome Taylor. 2023. "New Zealand shifts right as voters punish ruling party." CNN. October 14, 2023. <https://www.cnn.com/2023/10/13/asia/new-zealand-general-election-labour-national-intl-hnk>.

<sup>6</sup> Patel, Raisa. 2024. "Justin Trudeau and his Liberals hit new lows, poll suggests." Toronto Star. January 10, 2024. [https://www.thestar.com/politics/federal/justin-trudeau-and-his-liberals-hit-new-lows-in-support-poll-suggests/article\\_a5946cb4-afdc-11ee-a900-b33b1ef8c981.html](https://www.thestar.com/politics/federal/justin-trudeau-and-his-liberals-hit-new-lows-in-support-poll-suggests/article_a5946cb4-afdc-11ee-a900-b33b1ef8c981.html).

in government and in opposition to the ruling “traffic light coalition” (of the German Social Democrats, Free Democrats, and Greens), voters are flocking to the far-right Alternative for Germany as an opposition to the mainstream political parties.<sup>7</sup> That such a far-right, extremist party could reach upwards of 20 percentage points of support would be deemed unthinkable before the pandemic.

This cannot be waived away as a reversion from pandemic political irregularities; the political changes since the COVID-19 pandemic must be nothing less than a global political realignment. As seen in nations around the globe such as the United Kingdom, Germany, New Zealand, and Canada, incumbent governments have been and will continue to be the ones that suffer from growing political consciousness among the general public.

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<sup>7</sup> Oltermann, Philip. 2021. “Germany Election: Worst Ever Result Momentarily Silences CDU.” *The Guardian*, September 27, 2021. <https://www.theguardian.com/world/2021/sep/26/germany-election-worst-ever-result-momentarily-silences-cdu>; Ziener, Markus. 2023. “Germany Bewildered About How to Halt the Rise of the AfD.” *POLITICO*, October 3, 2023. <https://www.politico.eu/article/germany-bewildered-about-how-to-halt-the-rise-of-the-afd/>.

## A Decline in Funding on College Campuses: The Future of the Humanities and Social Sciences

Lauren Baskin

One of the most personalized and exciting times during the college experience is picking a major. However, the past ten years in academia have shown an increase in public and private funding for science, technology, engineering, and mathematics (STEM) degrees and careers—in some ways, designating a clear boundary between them and the remaining humanities and social sciences. Given the ever-changing technological and scientific advances throughout our society, this prevalence seems inevitable, however, the progression of the STEM curriculum, research funding, and resource allocation on college campuses leaves many people wondering about the Humanities and Social Sciences—are they being forgotten, or is the landscape of academia simply changing?

The studying of the humanities and social sciences have been around for centuries, and this education has led to a multitude of careers ranging from law, business, art, to archaeology. As the funding and advocacy for STEM careers continues to increase, however, there has been a perpetually present stigma surrounding certain careers in the humanities and social sciences. In a time of increasing college tuition and student debt, many students are pursuing careers that they feel will “pay off” more quickly. Thomas Gilmore, an alumnus of economics and politics at Ave Maria University states, “academia today is dominated by the utilitarian mindset that values an education strictly on its monetary potential...While this is not necessarily an objective evil, we must understand what we lose in the process: knowledge for the sake of human fulfillment and flourishing.”<sup>8</sup> As students pursue majors in the humanities and social sciences, they may develop internal criticism and skepticism for their future career interests. This growing deficit in national appreciation for these majors should not only expose the necessity for better funding for the humanities and social sciences, but also that STEM educations should include a more well-rounded, humanities/social sciences supplemented curriculum. As elaborated by journalist Sherry Van Sloun, “students should have the freedom and encouragement to explore...other classes that allow growth beyond the myopic view of a specific technical curriculum as narrowly defined in graduation requirements.”<sup>9</sup> By encouraging students to curate a more well-rounded education, the stigmatization of higher education and the careers that follow it will reduce; students will not only begin to explore their education from a transactional perspective but become increasingly aware of the myriad of careers they can pursue. Journalist Nathan Heller explores how this issue can be traced back to many different factors, however, it is important to understand the ways in which higher education institutions and trends in the economy are perpetuating certain attitudes towards the STEM fields: “When the economy has looked up, humanities enrollments have continued falling. When the markets have wobbled, enrollments

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<sup>8</sup> Barton et. al. 2023. “The Decline of Liberal Arts and Humanities.” WSJ. March 28, 2023. <https://www.wsj.com/articles/the-decline-of-liberal-arts-and-humanities-western-philosophy-college-students-major-degrees-progressive-conservative-odysseus-6f327963>.

<sup>9</sup> Sloan, Sherry Van. 2022. “The Future of American Education: It’s Not All about STEM.” Council on Foreign Relations. October 28, 2022. <https://www.cfr.org/blog/future-american-education-its-not-all-about-stem>.

have tumbled even more. Today, the roller coaster is in free fall.”<sup>10</sup> This begs the question of what entity is actually influencing these standards: do we blame academia, the government, the entire job market, or is this a problem of collective modern ideology of what an education actually should be? Is this changing landscape even a question of blame?

While there are many factors influencing this changing culture in academia, the job market ultimately influences a lot of students and their sense of belonging within the institution. As schools like the University of Connecticut undergo serious budget cuts, these allocations negatively impact the humanities and social sciences departments. According to a 2017 study led by APSA Educate, “only 1.77% of all bachelor’s degrees awarded are in political science—the lowest level ever recorded.”<sup>11</sup> While the rate has not dropped to a point of concern since then, it is evident that there is a lack of advocacy for certain social science and humanities majors. But this dilemma can be solved from the inside, as Kathryn Palmer, a reporter for Inside Higher Ed states, “we could do a much better job in terms of articulating both the skills students are getting that are incredibly valuable and transferable, but also in encouraging students to start thinking about what they’d really like to do.”<sup>12</sup> One of these improvements can begin through the reallocation of funding at universities, and through the enhancement of academic support for all students. By becoming more involved in the students’ development and centering academic counseling around individual interests, it is possible to start shifting the focus on a well-rounded education.

As the STEM fields persist within academia, faculty and professors have found ways to integrate the ideal “transferable skills” that STEM majors present. Journalists, Mary Sue Coleman and John Hennessey, describe this dilemma, stating “Time-worn distinctions between ‘hard’ and ‘soft’ disciplines are blurring as faculty develop new ways of integrating technology into research, pulling multiple disciplines together to solve problems, and applying the knowledge created to challenges in the broader world.”<sup>13</sup> This increasing intersection is not only a solution to the established binary between STEM and the humanities and social sciences, but also a revelation as to why an interdisciplinary education is so important for all individuals pursuing higher education. In the same way that humanities and social sciences are integrating technology into their research and teaching, it is important for STEM fields to offer a more diverse and intersectional understanding of the world. Coleman and Hennessey reiterate this point, encouraging that “we collectively need to get away from inflexible, binary choices. The crucial issue is not whether a student will be a ‘science and technology person’ or a ‘humanities and social sciences person’... a person needs both types of skills and knowledge to innovate and lead.”<sup>14</sup> The changing climate in academia for humanities and social sciences majors can

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<sup>10</sup> Heller, Nathan. 2023. “The End of the English Major.” *The New Yorker*. February 27, 2023. <https://www.newyorker.com/magazine/2023/03/06/the-end-of-the-english-major>.

<sup>11</sup> Ishiyama, John. 2020. “Rethinking the Undergraduate Political Science Major.” APSA. September 30, 2020. <https://educate.apsanet.org/rethinking-the-undergraduate-political-science-majo>.

<sup>12</sup> Palmer, Kathryn. 2023. “Debunking Perceptions about Value of Humanities Degrees.” *Inside Higher Ed*. November 1, 2023. <https://www.insidehighered.com/news/students/academics/2023/11/01/humanities-majors-make-more-workers-without-degrees#:~:text=%E2%80%9CWe%20could%20do%20a%20much>.

<sup>13</sup> Coleman, Mary Sue, and Hennessey, John. 2013. “Lessons from the Humanities and Social Sciences.” *Washington Post*, November 14, 2013, sec. Opinions. [https://www.washingtonpost.com/opinions/lessons-from-the-humanities-and-social-sciences/2013/11/14/7441f9b6-4655-11e3-a196-3544a03c2351\\_story.html](https://www.washingtonpost.com/opinions/lessons-from-the-humanities-and-social-sciences/2013/11/14/7441f9b6-4655-11e3-a196-3544a03c2351_story.html).

<sup>14</sup> Coleman and Hennessey, “Lessons from the Humanities and Social Sciences.”

be daunting; however, it is important for students to recognize how their time and money can be used to effectively execute a career in *any* major, and that higher education can be an inclusive and constantly evolving place.

# The Affirmative Action Debate: The Future of Diversity in Higher Education

Makenzie Cossette

## Introduction

Since the 1960s, colleges and universities across the nation have employed affirmative action policies to address racial inequality and combat exclusion within American society.<sup>15</sup> The idea of higher education institutions considering race and other demographic factors as a means of deciding who to accept has generated controversy since its inception.<sup>16</sup>

In its earliest form, affirmative action was created in 1961 by President John F. Kennedy through his signing of Executive Order 10925.<sup>17</sup> This executive order “required all federal contractors to take “affirmative action”—the first use of the phrase in this context—to ensure all job applicants and employees were treated equally, regardless of race, creed, color or national origin.”<sup>18</sup> As the civil rights movement continued throughout the 1960s, the utilization of affirmative action policies spread from the employment sector into other aspects of life, eventually impacting higher education institutions in the late 1970s.<sup>19</sup>

Many believe that colleges and universities considering race in admissions decisions are taking proactive steps to create a more inclusive and representative class of students. Proponents of affirmative action policies argue that these measures are critical for dismantling the systemic barriers for minority students regarding the accessibility of higher education.<sup>20</sup> In this view, proponents emphasize the deliberate consideration of race in admissions decisions is not merely about achieving strict numerical diversity but is fundamentally rooted in the acknowledgment of historical disadvantages faced by certain racial and ethnic groups.

On the other hand, Americans also criticize race-conscious admissions for a plethora of reasons. Some critics argue that affirmative action policies are no longer necessary to create more equitable admissions decisions because society has reached sufficient racial equality. Others argue that affirmative action policies undermine the intelligence and ability of minority applicants, casting a stigma on their achievements by suggesting they may have gained

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<sup>15</sup> Shafer, Leah. "Case for Affirmative Action." Harvard Graduate School of Education, July 11, 2018. <https://www.gse.harvard.edu/ideas/usable-knowledge/18/07/case-affirmative-action>.

<sup>16</sup> Hartocollis, Anemona. "Affirmative Action: What It Is and How It Works." The New York Times, October 31, 2022. <https://www.nytimes.com/2022/10/31/us/politics/affirmative-action-history.html>.

<sup>17</sup> "Affirmative Action." History.com. June 13, 2023 <https://www.history.com/topics/us-government-and-politics/affirmative-action>.

<sup>18</sup> "Affirmative Action." History.com.

<sup>19</sup> Britannica, T. Editors of Encyclopaedia. "Affirmative Action." Encyclopedia Britannica, June 29, 2023. <https://www.britannica.com/topic/affirmative-action>.

<sup>20</sup> Totenberg, Nina. "Supreme Court Delivers Decision on Affirmative Action." NPR, June 29, 2023. <https://www.npr.org/2023/06/29/1181138066/affirmative-action-supreme-court-decision>.

admission to a particular institution based on factors unrelated to their academic merit.<sup>21</sup> Arguably the most common criticism is that affirmative action policies constitute a form of “reverse racial discrimination,” and should therefore be abolished.<sup>22</sup>

On June 29, 2023, in *Students for Fair Admissions, Inc. (SFAI) v. Harvard and SFAI v. University of North Carolina (UNC)*, the United States Supreme Court struck down the use of affirmative action policies in higher education across the nation.<sup>23</sup> This Supreme Court case ended the race-conscious approach to college admissions that had existed since the 1960s. The court’s decision has led to public discourse and created consequences for diversity and equality in higher education.

### The Supreme Court’s Decision

The Supreme Court’s Decision in *Students for Fair Admissions, Inc. (SFAI) v. Harvard and SFAI v. University of North Carolina (UNC)* marked a significant departure from decades of legal precedent, reshaping the legal landscape of college admissions and sparking debates across the nation.<sup>24</sup> The legal question was whether it is constitutional for higher education institutions to consider race as a factor in admissions.<sup>25</sup>

In both cases, the plaintiff was Students for Fair Admissions Inc., a non-profit legal advocacy organization that sought to eliminate the consideration of race in college admissions.<sup>26</sup> The organization held that both Harvard College and the University of North Carolina had committed constitutional violations through their affirmative action initiatives. The court ultimately agreed with SFAI, holding that both Harvard College and the University of North Carolina violated the 14th Amendment of the Constitution and Title VI of the Civil Rights Act of 1964 by considering race as a factor in their admissions processes.<sup>27</sup>

Due to the contemporary nature of this case, the implications of the decision are not entirely known. Moving forward, colleges and universities across the nation are prohibited from factoring race into their admissions decisions. As a result, higher education institutions must redefine their approach to creating a diverse student body.

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<sup>21</sup> Totenberg, Nina. "Supreme Court Delivers Decision on Affirmative Action."

<sup>22</sup> Menand, Louis. "Have We Outgrown the Need for Affirmative Action?" *The New Yorker*, January 20, 2020. <https://www.newyorker.com/magazine/2020/01/20/have-we-outgrown-the-need-for-affirmative-action>.

<sup>23</sup> *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. \_\_\_\_ (2023)

<sup>24</sup> Shams, Shahrzad. "The End of Affirmative Action: The Latest in the Court’s Anti-Civil Rights Agenda." *The Roosevelt Institute*. June 29, 2023. <https://rooseveltinstitute.org/2023/06/29/the-end-of-affirmative-action/>

<sup>25</sup> "Students for Fair Admissions v. President and Fellows of Harvard College." *Oyez*. Accessed April 4, 2024. <https://www.oyez.org/cases/2022/20-1199>.

<sup>26</sup> Pham, Hoang, Imani Nokuri, Fatima Dahir, and Mira Joseph. "Students for Fair Admissions v. Harvard FAQ: Navigating the Evolving Implications of the Court’s Ruling." *Stanford Center for Racial Justice*, December 12, 2023. <https://law.stanford.edu/2023/12/12/students-for-fair-admissions-v-harvard-faq-navigating-the-evolving-implications-of-the-courts-ruling/>.

<sup>27</sup> "Questions and Answers Regarding The Supreme Court’s Decision in *Students for Fair Admissions, Inc. v. Harvard College and University of North Carolina*." *Department of Justice*, August 14, 2023. [https://www.justice.gov/d9/2023-08/post-sffa\\_resource\\_faq\\_final\\_508.pdf](https://www.justice.gov/d9/2023-08/post-sffa_resource_faq_final_508.pdf)

## The Justice's Opinions

Supreme Court Justice Clarence Thomas is well-known for denouncing affirmative action policies, arguing that they “impose a stigma on minorities.”<sup>28</sup> In his concurring opinion in *Students for Fair Admissions, Inc. (SFAI) v. Harvard and SFAI v. University of North Carolina (UNC)*, Justice Thomas stated “While I am painfully aware of the social and economic ravages which have befallen my race and all who suffer discrimination, I hold our enduring hope that this country will live up to its principles that ... all men are created equal, are equal citizens, and must be treated equally before the law.”<sup>29</sup>

Justice Sotomayer’s dissenting opinion in the case demonstrates a starkly different view. She argued that the decision subverts the constitutional guarantee to equal protection, and that “colorblind” admissions will only further exacerbate racial inequality in education.<sup>30</sup> Justice Kentanji Brown Jackson also delivered a powerful testimony in her dissent stating, “deeming race irrelevant in law does not make it so in life.”<sup>31</sup> The diverse perspectives among minority justices on the Supreme Court highlight the complexity of public opinion on the topic nationwide.

## Public Opinion

The American public’s reaction to the Supreme Court’s decision regarding affirmative action is dynamic and multifaceted. A recent Gallup poll from January 16, 2024, found that “two in three Americans say the Supreme Court’s decision is “mostly a good thing.”<sup>32</sup> However, public opinion is heavily divided on racial lines. White and Asian adults are most likely to view the decision favorably, whereas Black adults are most likely to view this decision negatively. Only 52 percent of Black adults agree with the court’s decision, according to the Gallup poll.<sup>33</sup> These results suggest that while a majority of Americans perceive the decision as favorable, the racial disparities in attitudes indicate a complex public response.

One aspect of the affirmative action debate that is often overlooked is how it impacts Asian American applicants. In *Students for Fair Admissions v. Harvard*, the nonprofit, SFAI argued that the university holds Asian American students to a significantly higher standard for admissions and subsequently commits an act of discrimination in doing so.<sup>34</sup> The organization claims that due to Harvard’s admissions process, the way they are able to get around concerns of bias is by “rating them lower on traits such as leadership and likeability.”<sup>35</sup> A recent poll from the Washington Post found that 65 percent of Asian and Pacific Islanders are opposed to race-

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<sup>28</sup> Totenberg, Nina. "Supreme Court Delivers Decision on Affirmative Action."

<sup>29</sup> *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. \_\_\_\_ (2023)

<sup>30</sup> *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. \_\_\_\_ (2023)

<sup>31</sup> *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. \_\_\_\_ (2023)

<sup>32</sup> McCarthy, Justin. "Post-Affirmative Action, Views on Admissions Differ by Race." Gallup. January 16, 2024. <https://news.gallup.com/poll/548528/post-affirmative-action-views-admissions-differ-race.aspx>

<sup>33</sup> McCarthy, Justin. "Post-Affirmative Action, Views on Admissions Differ by Race."

<sup>34</sup> Kaur, Harmeet. "How Asian Americans fit into the Affirmative Action Debate." November 3, 2023. <https://www.cnn.com/2022/11/03/us/affirmative-action-asian-americans-qa-cec/index.html>

<sup>35</sup> Kaur, Harmeet. "How Asian Americans fit into the Affirmative Action Debate."



conscious college admissions policies.<sup>36</sup> The contention over alleged higher standards for Asian Americans raises questions about equity in higher education admissions processes, prompting debates on how colleges and universities can successfully balance both diversity initiatives and fairness.

### Impact on Diversity in Higher Education

Many experts at colleges and universities nationwide have weighed in on the effects of their application cycles since the overturn of affirmative action policies. Several higher education institutions have reported significant declines in applications from minorities, especially African Americans.<sup>37</sup> The University of California Berkeley is one example of a prestigious institution that experienced this decline. Melissa Murray, the interim dean of the School of Law at the time, spoke out against the removal of affirmative action policies after a California referendum eliminated the consideration of race in college admission decisions in 2016.<sup>38</sup>

*"There was an immediate drop off in the number of African American students that was both a confluence of the change in the admissions policy, but also African American students not wanting to go [to Berkeley] under those conditions."*

Melissa Murray, former Dean at University of California Berkeley

While the effects of the nationwide removal of race-conscious admissions may not be very observable yet, what occurred in California at schools such as UC Berkeley likely foreshadow what will occur for the vast majority of colleges and universities.

Stanford University is another institution that has publicly denounced the recent Supreme Court decision. President Marc Tessier-Lavigne wrote, "I am deeply disappointed by today's U.S. Supreme Court ruling that upends the long-standing practice of race-conscious university admissions to help achieve a diverse student body."<sup>39</sup> Tessier-Lavigne explains that diversity makes the university stronger and will consider utilizing a "holistic approach" to their admissions in the future.

In response to the decision, many colleges and universities are trying to find other means of ensuring a diverse student body. One approach that Towson University in Maryland has taken to accomplish this feat is going test-optional.<sup>40</sup> Evidence suggests there are racial differences in performance on standardized tests like the SAT and ACT, favoring white

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<sup>36</sup> Anderson, Nick, Robert Barnes, Scott Clement, and Emily Guskin. "Over 6 in 10 Americans Favor Leaving Race Out of College Admissions, Post-Schar School Poll Finds." The Washington Post, October 22, 2022. <https://www.washingtonpost.com/education/2022/10/22/race-college-admissions-poll-results/>

<sup>37</sup> Totenberg, Nina. "Supreme Court Delivers Decision on Affirmative Action."

<sup>38</sup> Totenberg, Nina. "Supreme Court Delivers Decision on Affirmative Action."

<sup>39</sup> Strawser, Sebastian, and Rani Chor. "Stanford to Expand Outreach Efforts as Supreme Court Strikes Affirmative Action." Stanford Daily, June 30, 2023. <https://stanforddaily.com/2023/06/30/stanford-to-expand-outreach-efforts-as-supreme-court-strikes-affirmative-action/>

<sup>40</sup> Wood, Sarah. "How Does Affirmative Action Affect College Admissions?" US News and World Report, June 29, 2023. <https://www.usnews.com/education/best-colleges/applying/articles/how-does-affirmative-action-affect-college-admissions>.

applicants over those of color. The optional submission of test scores allows universities to create a more diverse student body without a formal affirmative action policy.

Some people oppose test-optional policies, regardless of view on the affirmative action debate, as a means of creating diverse classes of students. Attitudes toward race-conscious college admissions vary significantly, and since the court's decision was relatively recent, it is difficult to tell what the long-term consequences of the repeal of affirmative action will be. However, many experts argue that this new change will lead to less diverse student bodies. The decision is likely to create a ripple effect, impacting diversity, equity, and inclusion programs and initiatives to combat racial inequality nationwide.<sup>41</sup>

## Conclusion

The Supreme Court's landmark decision in *Students for Fair Admissions, Inc. (SFAI) v. Harvard and SFAI v. University of North Carolina (UNC)* has not only reshaped the legal framework of college admissions, but it has also sparked an intense and dynamic public discourse. While the majority of Americans perceive the decision as a positive development, a stark divide in attitudes is prevalent, highlighting the complexity of the issue. The impact of the decision in higher education has already resulted in a decline in applications from minority students at many institutions across the nation.

The potential long term social and economic consequences of the removal of affirmative action policies is unknown, but evidence suggests it could result in the elimination or modification of various programs and initiatives intended to reduce racial inequality.<sup>42</sup> Colleges and universities are currently navigating uncharted territories by attempting to create diverse student populations in the absence of race-conscious measures. The enduring legacy of this landmark Supreme Court decision lies not only in its legal ramifications, but also in its profound impact on the pursuit of equality and justice in nearly every aspect of American society.

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<sup>41</sup> Totenberg, Nina. "Supreme Court Delivers Decision on Affirmative Action."

<sup>42</sup> Totenberg, Nina. "Supreme Court Delivers Decision on Affirmative Action."

## Progress and Pitfalls: Assessing the Impact of UN Resolution 1325 on Women, Peace, and Security at 25

Kate Czajkowski

On October 31st, 2000, the United Nations Security Council adopted Resolution 1325 on Women, Peace, and Security (WPS).<sup>43</sup> Resolution 1325 was crafted to reaffirm the importance of women in the prevention and resolution of conflicts, peace negotiations, peace-building, peacekeeping, humanitarian response, and in post-conflict reconstruction.<sup>44</sup> The document also stressed the importance of women's equal participation and full involvement in all efforts for the maintenance and promotion of peace and security.<sup>45</sup>

As Resolution 1325 nears its twenty-fifth anniversary, it is worth considering whether its goals are actually being met. In 2022, women represented 46 percent of the briefers invited to speak to the Security Council under rule 39 of the Provisional Rules of Procedure, compared to 19 percent on average between 2013 and 2017.<sup>46</sup> However, in the same year, the number of women and girls living in conflict-affected areas reached 614 million, 50 percent higher than the number in 2017.<sup>47</sup> This dichotomy raises questions about the efficacy of Resolution 1325 and underscores the need for continued efforts to address the challenges faced by women in conflict-affected contexts. This paper will trace the history of UN Resolution 1325 and examine the effectiveness of its implementation by UN member states.

### Creating the Women, Peace, and Security Agenda

Prior to the adoption of Resolution 1325 in 2000, there had been a growing international movement to recognize the unique impact of armed conflict on women and their role in peace and security efforts. In the 1990s, three groups of mutually dependent actors played a major role in the successful outcome of this campaign: a UN-initiated interagency group of women's advocates; a group of member states that would come to be known as the Friends of Women, Peace, and Security; and a transnational network of women's and human rights groups.<sup>48</sup>

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<sup>43</sup> United Nations, Office of the Special Advisor on Gender Issues and Advancement of Women, *Landmark Resolution on Women, Peace, and Security (Security Council Resolution 1325)*, New York, NY: UN Headquarters, 2000.

<sup>44</sup> United Nations, Office of the Special Advisor on Gender Issues and Advancement of Women, *Security Council Resolution 1325*.

<sup>45</sup> United Nations, Office of the Special Advisor on Gender Issues and Advancement of Women, *Security Council Resolution 1325*.

<sup>46</sup> United Nations, United Nations Security Council, *Women and Peace and Security: Report of the Secretary-General*, New York, NY: UN Headquarters, 2023.

<sup>47</sup> United Nations, UN Women, *Progress on the Sustainable Development Goals: The Gender Snapshot 2023*, New York, NY: UN Headquarters, 2023.

<sup>48</sup> Tryggestad, Torunn L. *Trick or Treat? The UN and Implementation of Security Council Resolution 1325 on Women, Peace, and Security*, *Global Governance* 15, no. 4 (2009), 539–57.

The catalyst came when women working closely with UN political and security departments learned that then-secretary-generals Boutros Boutros-Ghali and Kofi Annan were preparing to redefine UN peace operations in gender-neutral terms.<sup>49</sup> The UN Department of Peacekeeping Operations recognized that this redefinition would undermine a gendered perspective of conflict and ordered studies emphasizing the necessity of women's participation in conflict-affected areas.<sup>50</sup> Resulting documents, such as the Namibia Plan of Action on Mainstreaming and Gender Perspective in Multidimensional Peace Support Operations, strongly advised that Security Council resolutions setting up and extending peace support operations should incorporate a specific mandate on gender mainstreaming.<sup>51</sup> This term refers to the process of assessing the implications for women and men of any planned action, including legislation, policies or programs, in all areas and at all levels.<sup>52</sup> Such a mandate would strengthen Resolution 1325's existing framework by ensuring that the female perspective is considered long before any UN action goes into effect.

UN member states Namibia, Bangladesh, and Canada were particularly active UN member states in championing women's role in peace and security processes.<sup>53</sup> They formed the group Friends of Women, Peace, and Security in early 2000 to "promote the implementation of Security Council Resolution 1325 through: (i) information sharing; (ii) advocacy to promote women, peace, and security issues within and outside the Security Council; (iii) working toward concrete action to implement SCR 1325."<sup>54</sup> Today, the group consists of 67 member states that represent all five regional groups of the UN and the European Union.<sup>55</sup> The growing size of Friends of Women, Peace, and Security represents a widespread effort to address the issue of gender inequality within peacekeeping missions and signals positive change for women in the peacekeeping community.

Organizations such as the Women's International League for Peace and Freedom (WILPF), now known as the NGO Working Group on Women, Peace, and Security, also played an essential role in the campaign for Resolution 1325's adoption.<sup>56</sup> By drafting resolution text and advising Security Council members, these organizations drew attention to the unique impact of armed conflicts on women while demonstrating the importance of non-governmental groups in policymaking.<sup>57</sup>

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<sup>49</sup> Tryggestad, *Trick or Treat*, 546.

<sup>50</sup> Tryggestad, *Trick or Treat*, 546.

<sup>51</sup> Andjaba, Martin, *Letter Dated 12 July 2000 from the Permanent Representative of Namibia to the United Nations Addressed to the Secretary-General*, July 14, 2000.

<sup>52</sup> European Institute for Gender Equality, *Gender Mainstreaming Definition*, accessed April 14, 2024

<sup>53</sup> Tryggestad, *Trick or Treat*, 547.

<sup>54</sup> Tryggestad, *Trick or Treat*, 547.

<sup>55</sup> Government of Canada, Global Affairs Canada, *Statement on Behalf of the Group of Friends of Women, Peace and Security to UN Security Council Open Debate on Women, Peace and Security*, New York: UN Headquarters, 2023.

<sup>56</sup> Tryggestad, *Trick or Treat*, 548.

<sup>57</sup> Tryggestad, *Trick or Treat*, 548.

The momentum generated by these groups led to international efforts like the 1995 World Conference on Women in Beijing, China.<sup>58</sup> There, 189 countries unanimously adopted The Beijing Declaration and Platform for Action, an agenda for women's empowerment now considered the key global policy document on gender equality.<sup>59</sup> The conference marked a significant turning point for the global agenda for gender equality and paved the way for efforts like Resolution 1325.

### **Current Status of Women, Peace, and Security**

Resolution 1325's normative infrastructure rests on four pillars:<sup>60</sup>

- *Prevention*: improving intervention strategies in the prevention of violence against women, prosecuting those responsible for violations, and supporting women's peace and conflict resolution initiatives.<sup>61</sup>
- *Participation*: increasing the participation of women at all levels of decision-making in national, regional and international settings in mechanisms for the prevention, management and resolution of conflict, peace negotiations and peace operations, as soldiers, police, and civilians.<sup>62</sup>
- *Protection*: protecting women and girls from sexual and gender-based violence, including in emergency and humanitarian situations.<sup>63</sup>
- *Relief and Recovery*: advancing relief and recovery measures to address international crises through a gendered lens.<sup>64</sup>

At the time of writing, Resolution 1325's implementation has yielded mixed results across each pillar.<sup>65</sup>

Despite its critical importance in the protection of women, Resolution 1325's Prevention pillar has often been referred to as the "weakest 'P' in the 1325 pod."<sup>66</sup> In 2014, violence accounted for 13.4 percent of the world's GDP, with the value of the global trade in small arms and light weapons almost doubling between 2001 and 2011.<sup>67</sup> This global uptick in violence has

<sup>58</sup> United Nations, *Fourth World Conference on Women, 4-15 September 1995. Beijing, China*, accessed April 14, 2024.

<sup>59</sup> United Nations, *Fourth World Conference on Women*.

<sup>60</sup> Longhurst, Kerry, *The Women, Peace and Security Agenda: Reflections on the Effectiveness and Relevance of UN Security Council Resolution 1325*, *Alternatives*, 46 no. 2 (2021), 52-57.

<sup>61</sup> Longhurst, Kerry, *The Women, Peace, and Security Agenda*.

<sup>62</sup> Longhurst, Kerry, *The Women, Peace, and Security Agenda*.

<sup>63</sup> Longhurst, Kerry, *The Women, Peace, and Security Agenda*.

<sup>64</sup> Longhurst, Kerry, *The Women, Peace, and Security Agenda*.

<sup>65</sup> Longhurst, Kerry, *The Women, Peace, and Security Agenda*.

<sup>66</sup> Basu, Soumita, and Confortini, Catia, *Weakest "P" in the 1325 Pod? Realizing Conflict Prevention through Security Council Resolution 1325*, *International Studies Perspectives*, Volume 18, Issue 1, February 2017, Pages 43–63.

<sup>67</sup> United Nations, UN Women, *Preventing Conflict, Transforming Justice, Securing the Peace: A Global Study on the Implementation of United Nations Security Council Resolution 1325*, 2015

endangered millions of women involved in peacekeeping and security operations around the world.<sup>68</sup> Despite this, achievements in conflict prevention continue to be made. Since 2000, the United Nations Development Programme has successfully facilitated peaceful outcomes in conflict-affected regions such as Kenya, Lesotho, Tunisia, Nigeria, Fiji, and Ghana.<sup>69</sup> These successes indicate that efforts are being made to prevent conflict, even if not all are successful.

Participation is another pillar that has yielded disappointing results. Although UN Women, the UN entity dedicated to gender equality and female empowerment, has supported the implementation of women, peace, and security initiatives in about 70 countries,<sup>70</sup> women's representation in peacekeeping operations still remains very low.<sup>71</sup> Recommendations to improve these numbers include advocating for member states to support mediation efforts by setting measurable targets to increase women's direct participation in negotiating teams.<sup>72</sup>

The Protection pillar has generally been given more attention than its siblings.<sup>73</sup> As of March 2024, 108 countries and territories have adopted National Action Plans (NAPs) for advancing women's peace and security.<sup>74</sup> In addition, the multistakeholder Compact on Women, Peace and Security and Humanitarian Action reached 204 signatories in July 2023 and is currently tracking more than 1,200 advocacy, financing, policy, and programmatic actions in 156 countries and territories worldwide.<sup>75</sup> Although these positive steps underscore the international community's commitment to Protection, their non-binding nature highlights its inclination towards symbolic rather than concrete action.

Relief and Recovery's status as the most ambiguous and under-researched of WPS's four pillars has resulted in a severe lack of resources allotted toward its goals.<sup>76</sup> In 2021, women's rights organizations received only 0.13 percent of all Official Development Assistance

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<sup>68</sup> United Nations, UN Women, *Preventing Conflict, Transforming Justice, Securing the Peace*, 2015.

<sup>69</sup> United Nations, United Nations Development Programme, *United Nations Development Programme Fast Facts on Conflict Prevention*, 2013.

<sup>70</sup> UN, Office of the Special Advisor on Gender Issues and Advancement of Women, *Security Council Resolution 1325*.

<sup>71</sup> UN, Office of the Special Advisor on Gender Issues and Advancement of Women, *Security Council Resolution 1325*.

<sup>72</sup> UN, Office of the Special Advisor on Gender Issues and Advancement of Women, *Security Council Resolution 1325*.

<sup>73</sup> de Silva de Alwis, Rangita, *Reflecting on the 10th Anniversary of the CEDAW's General Recommendation 30 on Women Peace and Security*, Georgetown Institute for Women, Peace, and Security (blog), June 8, 2023.

<sup>74</sup> WPS Focal Points Network, *Resources*, accessed April 14, 2024.

<sup>75</sup> The Compact on Women, Peace & Security and Humanitarian Action, *The Compact on Women, Peace and Security and Humanitarian Action Homepage*, accessed April 14, 2024.

<sup>76</sup> True, Jacqui, and Hewitt, Sarah, *What Works in Relief and Recovery*, in Sara E. Davies, and Jacqui True (eds), *The Oxford Handbook of Women, Peace, and Security*, Oxford Handbooks (2019; online, Oxford Academic, 11 Dec. 2018).

(ODA), and groups working at intersecting forms of marginalization received even less.<sup>77</sup> Systematic underfunding of women’s rights organizations has led the UN to recommend that member states raise \$300 million in new funding pledges for women’s organizations in crisis settings by 2025 and allocate a minimum of 15 percent of official development assistance (ODA) to gender equality.<sup>78</sup> Insufficient funding remains a significant obstacle for UN-led initiatives. If member states do not commit to more spending, they risk depriving women of essential opportunities for participation and leadership in decision-making processes and undermining the intergovernmental body’s legitimacy.

### **A Failed Implementation?**

Resolution 1325 is not the overwhelming success that its supporters hoped it would be. However, there is no magic bullet for the challenges faced by women in conflict and conflict resolution. In the twenty-five years since its adoption, Resolution 1325 has created meaningful change for millions of women around the world, especially for peacekeepers like the current UN Special Adviser on the Prevention of Genocide Alice Wairimu Nderitu.

Mrs. Nderitu is a recognized voice in the field of peacekeeping, having led as a mediator and senior adviser in reconciliation processes among communities in her country, Kenya, as well as in other African settings. When I spoke to Mrs. Nderitu at a recent event commemorating the 75th Anniversary of the UN Genocide Convention at the University of Connecticut, I inquired about the influence of Resolution 1325 on her role as a peacekeeper in Kenya. She shared with me that prior to the adoption of Resolution 1325, peacekeepers were working “against such great odds,” fighting back against the idea that “because wars are fought mainly by men... women shouldn’t be in that space as well.”<sup>79</sup> Resolution 1325 offered an “infrastructure [that] has been extremely useful... has helped frame discussions of Women, Peace, and Security at all levels from the local to the international... has connected those of us that are local to the international.”<sup>80</sup> Mrs. Nderitu’s insights underscore the pivotal role Resolution 1325 has played in empowering women peacekeepers like herself to bridge local and international efforts and enable tangible change for women in conflict-affected regions.

### **Conclusion**

Current statistics and analyses show that Resolution 1325’s implementation has been flawed. However, it is undeniable that the document has created meaningful change for women over the past twenty-five years. For veteran peacekeepers like Alice Nderitu, the Women, Peace, and Security framework has been essential in shaping a more inclusive and equitable approach to conflict resolution— what is missing is funding and concrete action.

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<sup>77</sup> Dolker, Tenzin, *Where Is the Money for Feminist Organizing?: Data Snapshots and a Call to Action*, Association for Women’s Rights in Development, Association for Women’s Rights in Development, 2021.

<sup>78</sup> United Nations, United Nations Security Council, *Women and Peace and Security: Report of the Secretary-General*, New York, NY: UN Headquarters, 2023.

<sup>79</sup> Nderitu, Alice. *Conversation with Alice Nderitu on the Impact of Resolution 1325*, Interview by Katelyn Czajkowski, University of Connecticut, 2024.

<sup>80</sup> Nderitu, Alice, 2024.

UN Resolution 1325 stands as a beacon for gender equality in peace and security; without its guidance, the world risks perpetuating systemic injustices and worsening conflicts by excluding women from peace processes.

To fully realize the vision set forth by Resolution 1325, the international community must channel resources, both financial and operational, to bridge this gap. Only through concerted efforts, backed by tangible commitments and adequate funding, can we ensure that the promise of Resolution 1325 translates into a comprehensive and enduring transformation for women in conflict and post-conflict situations worldwide.



# An Argument for the Luddites

Milla Daigle

## Introduction

Technology has consumed our entire lives. We spend our days working on computers and entertaining ourselves on phones and virtual reality devices. Technology is central to our existence in our modern capitalist world. Yet, that does not necessarily mean that we benefit from these technologies. From increased rates of depression, polluted environments, and, perhaps most importantly, disconnect from our common man and labor, the proliferation of technology has brought numerous negative effects.<sup>81</sup> Simply put, technology does not work for the common man. This notion is founded in the fundamental ideology of the Luddites, a small nineteenth-century English labor movement that destroyed machinery in protest of horrid factory working conditions. Their actions represented a revolt against new technology that lowered their quality of work and wages and disconnected their labor from their products. In this article, I present the history of the Luddites and argue that these developments are occurring again with the emergence of artificial intelligence and the popularity of new “easy labor” technologies.

## Background

In 1811, Britain and its allies were fighting against France in the Napoleonic Wars. This turmoil brought intense poverty and economic instability to England. Such hardships were felt especially by laborers and artisans. Food and necessities were costly, and with the ongoing Industrial Revolution, work was increasingly becoming unskilled and low-paying. On March 11, 1811, a worker’s protest broke out in Nottingham. This was followed by nightly attacks on textile machinery which, after an especially poor harvest that year, gradually spread throughout England. The protestors named themselves after a mythicized apprentice, Ned Ludd, and used him as a figurehead for their resistance. The Luddites were working-class artisans and craftsmen who believed that new technologies, especially mechanized looms and knitting frames, were threats to their livelihoods. The Luddite ideology in its original form existed for an extremely short time—beginning majorly in 1811 and ending by 1813.<sup>82,83,84</sup> The Luddites primarily resided in Nottinghamshire, Derbyshire, Leicestershire, Cheshire, the West Riding of Yorkshire, and Lancashire.<sup>85</sup> They fought against capitalist ideals of cheap, unskilled labor. Anti-technology ideology did not originate with the Luddites, however. In 1675, machinery was destroyed by weavers in Spitalfields, and in 1768, Lancastrian cotton mill workers violently

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<sup>81</sup> Twenge, Jean M. “Why Increases in Adolescent Depression May Be Linked to the Technological Environment.” *Current Opinion in Psychology* 32 (April 2020): 89–94. <https://doi.org/10.1016/j.copsyc.2019.06.036>.

<sup>82</sup> Conniff, Richard. “What the Luddites Really Fought Against.” *Smithsonian Magazine*, March 2011. <https://www.smithsonianmag.com/history/what-the-luddites-really-fought-against-264412/>.

<sup>83</sup> Binfield, Kevin, and Adrian J Randall. 2015. *Writings of the Luddites*. Baltimore: The Johns Hopkins University Press.

<sup>84</sup> Andrews, Evan. “Who Were the Luddites?” *History.com*, June 26, 2019. <https://www.history.com/news/who-were-the-luddites>.

<sup>85</sup> Binfield and Randall, *Writings of the Luddites*.

revolted against new machines.<sup>86</sup> Following these initial attacks, the British parliament passed laws making machine destruction a capital felony and began stationing guards at major factories. This did little to stop the Luddites, however, as one of their most notable attacks occurred in April 1812, when around 2,000 protesters stormed a mill in Manchester. During the resulting chaos, the owner fired on the protestors, killing three and injuring eighteen.<sup>87</sup> However, the combination of an economic boom in Britain, the lack of free and open communication between protestors, and the brutal punishment they faced for protesting, each contributed to the Luddites' eventual failure.<sup>88</sup> Nevertheless, the Luddites' ideology persisted, as sporadic machine destruction continued in the years following their dissolution, albeit never to the extent of their prime.<sup>89</sup>

In the two centuries since their disbandment, the Luddites' ideology and legacy have been severely brutalized and misrepresented. Take this recent example of a study from the professional services company Accenture Australia, which called caution towards technology a "Luddite culture of following the herd instead of forging forward."<sup>90</sup> Or, take this 2016 Politico article referring to Hillary Clinton and Donald Trump's potential election as "The Return of the Luddite President," arguing that their technological "aloofness" made them Luddites.<sup>91</sup> The term Luddite no longer represents an undercover collective striving for better wages and the protection of workers' rights. It now means lazy, anti-progressive, or just unwilling to change. Another common misconception about the Luddites was that they patently opposed technology. In reality, they opposed the tragedy and human suffering technology brought. Sociologist Raymond Boudon confirmed this by noting, "This strategic interpretation of the Luddite movement is confirmed by the fact that the workers often destroyed only those machines which were turning out faulty goods."<sup>92</sup> These machines represented the new era of mass production and consumption, a far cry from the previous era's emphasis on well-crafted artisan goods. Thus, it was not simply industrial technology that the Luddites opposed, but this ideology of de-humanized production.

## Why The Luddites Remain Relevant

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<sup>86</sup> Binfield and Randall, *Writings of the Luddites*.

<sup>87</sup> Conniff, Richard, "What the Luddites Really Fought Against."

<sup>88</sup> Andrews, "Who Were the Luddites?"

<sup>89</sup> Conniff, "What the Luddites Really Fought Against."

<sup>90</sup> Manovel, Ian, and Leigh Donoghue. 2019. "Injecting Intelligence into Healthcare." Accenture, 2019. <https://digitalhealth.org.au/wp-content/uploads/2020/01/Accenture-AI-Health-Survey-Au.pdf>.

<sup>91</sup> Scola, Nancy. 2016. "The Return of the Luddite President." Politico, July 30, 2016. <https://www.politico.com/story/2016/07/luddite-president-clinton-trump-technology-226454>.

<sup>92</sup> Boudon, Raymond. 1989. *The Analysis of Ideology*. Chicago: University of Chicago Press.

A ride on Jeff Bezos' Blue Origin space spacecraft, which costs \$28 million, does not help any of the thousands of overworked and low-paid Amazon workers, nor the millions of others suffering down on Earth.<sup>93</sup> While he and Elon Musk work toward sending wealthy people into space (a ticket for SpaceX's Crew Dragon comes in at a mere \$55 million per ticket) the true price comes at the cost to the environment.<sup>94</sup> The usage of rockets, many using commercial hydrogen, kerosene, methane, and carbon-based fuels, emit dangerous black carbon into the atmosphere.<sup>95</sup> Black carbon from rocket launches can produce 500 times the warming impact of ground-level soot and 900 times the impact of regular carbon dioxide. These black carbon emissions are projected to double within the next three years as space tourism becomes increasingly commonplace.<sup>96</sup> In studying SpaceX rockets specifically, researchers discovered that the carbon dioxide emitted in just one kilometer of the ultrathin mesosphere equates to the amount of carbon dioxide found within twenty-six cubic kilometers of air.<sup>97</sup> The ecological footprint of these billionaires' whims should be alarming to any normal person, who cannot simply fly away was the Earth ever devastated by climate change. Unlike Bezos, Musk, and their ilk, the average person cannot merely leave their home once rising sea levels threaten to swallow it. Nor can they build dams along their houses to keep their loved ones safe. The impacts of climate change do not affect the people causing them, but the children who mine their lithium for meager livings, the people scraping underground for their precious iron, and the people without any say whether their world is polluted by the wealthy. Environmental impact—while not directly connected to the labor movement—is a consequence of our ever-increasing technological world and is an issue that deserves to be included within the Luddite movement.

The World Economic Forum estimates that, by next year, up to 85 million jobs could be completely replaced by Artificial Intelligence (AI).<sup>98</sup> In response to the fear of AI taking human jobs, PwC, an accounting and auditing firm, wrote that AI would, “but if you have the right skills, you'll get a better one.” Meanwhile, AI will “add more to global GDP by 2030 than the current output of China and India—combined. That growth will be more than enough to create many good jobs, while it will also change how current jobs are being done.”<sup>99</sup> This response innately

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<sup>93</sup> Kate Duffy, “What Will Space Tourists Get When They Fly with SpaceX, Blue Origin, and Virgin Galactic? Spacesuits, Sleeping Bags... And Jeff Bezos.” *Business Insider*, July 10, 2021. <https://www.businessinsider.com/ticket-spacex-blue-origin-price-cost-space-tourists-pay-2021-7#:~:text=A%20seat%20on%20Blue%20Origin>.

<sup>94</sup> Duffy, “What Will Space Tourists Get,” 2021.

<sup>95</sup> Ellen Phiddian, “How Much Greenhouse Gas Is Emitted by a Space X Rocket?,” *Cosmos Magazine*, April 7, 2022. <https://cosmosmagazine.com/space/astrophysics/greenhouse-gas-space-x/>.

<sup>96</sup> Robert G. Ryan et al., “Impact of Rocket Launch and Space Debris Air Pollutant Emissions on Stratospheric Ozone and Global Climate,” *Earth's Future* 10, no. 6 (June 9, 2022). <https://doi.org/10.1029/2021ef002612>.

<sup>97</sup> Ioannis W. Kokkinakis and Dimitris Drikakis, “Atmospheric Pollution from Rockets.” *Physics of Fluids* 34, no. 5 (May 2022): 1-12. <https://doi.org/10.1063/5.0090017>.

<sup>98</sup> Talmage-Rostron, Mark. “How Will Artificial Intelligence Affect Jobs 2023-2030.” Nexford University, September 26, 2023. <https://www.nexford.edu/insights/how-will-ai-affect-jobs>.

<sup>99</sup> Cameron, Euan. n.d. “How Will AI Change the Future of Work?” PwC. <https://www.pwc.com/gx/en/issues/data-and-analytics/artificial-intelligence/future-of-work.html>.

prompts the question: who will be replaced? The phrase “but if you have the right skills, you’ll get a better one,” is almost comically anti-worker. Does this mean that if AI takes your job, you simply do not have enough skills to deserve one? Additionally, the idea that AI will create more jobs may very well be true, but jobs for who? Jobs to replace the low-skilled ones they are taking over? Or, CEO and management opportunities for wealthy individuals looking to add another title to their LinkedIn? The established upper class of countries that embrace AI will certainly benefit from new jobs, while their workers will not have the “right skills” to find them. Alternatively, the “right skills” will be even lower paying - physical labor, janitorial, childcare, etc. Work that AI cannot do, but humans can for meager pay.

Modern-day Luddism would not be taking a hammer to our work laptops or phones. The Luddite hammer would instead be used symbolically against the technologies that repress the workers. The Luddite ideology would not entail the mass destruction of technology. As researcher Jathan Sadowski writes, it would “treat technology as a political and economic phenomenon that deserves to be critically scrutinized and democratically governed, rather than a grab bag of neat apps and gadgets.”<sup>100</sup> Why should we allow technology to thrive at the expense of man when current technologies serve to satisfy the wealthy’s whims while turning people into the assembly line itself? Do we exist to optimize our workday, discover the joys of space travel (if you have millions of dollars), and create “art” with too many fingers? Or, do we exist to create, learn, and revel in life outside of work and money? Should we, as a society, choose to embrace well-made handcrafted art, or cheaply made “products” effortlessly constructed by unthinking passionless machines? I am a Luddite. And you should be too.

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<sup>100</sup> Sadowski, Jathan. “I’m a Luddite. You Should Be One Too.” *The Conversation*, August 9, 2021. <https://theconversation.com/im-a-luddite-you-should-be-one-too-163172>.

## Gray Areas and Red Tape: The Interplay of Politics and Healthcare in Abortion Regulation

Medha Illindala

Healthcare in the United States is becoming increasingly politicized, specifically in the context of abortion and reproductive freedom. Over the past couple of years especially, the right to abortion, and the regulations surrounding it, have been heavily debated in the media. Since abortion at its core is a medical procedure, the language surrounding it can be misconstrued by those without a scientific background. The American College of Obstetrics and Gynecology defines an embryo as the state up to eight weeks following the last menstrual period, and a fetus from that point until delivery.<sup>101</sup> Politicians around the country are redefining these terms, creating murky waters for physicians to operate in. When politics and healthcare mix, conflict is inevitable.

Although there were cases debating abortion regulations prior to *Roe v. Wade* (1973), this particular case is often cited as setting the foundation for abortion rights and reproductive freedom. *Roe* is centered around the Due Process Clause of the Fourteenth Amendment and the Ninth Amendment's right to privacy.<sup>102</sup> Due process in the context of the Fourteenth Amendment protects the rights of unjust actions from state and local governments. At this point, the Supreme Court was mainly concerned with abortions where the fetus was "viable," meaning that it could survive outside of the pregnant person's body.<sup>103</sup> Justice Harry Blackmun created a "trimester formula," which established a timeline where states could regulate abortions, restricting any bans prior to viability and stating that at no point could the state value the life of the fetus over the pregnant person.<sup>104</sup> It is important to note that *Roe* did not completely decriminalize abortions at all levels, but instead focused on privacy rights and fetal viability.

Decided on the same day as *Roe* was *Doe v. Bolton*, a case that addressed the prohibition of medical abortion in Georgia except when performed by a licensed physician using their discretion to save a pregnant person's life.<sup>105</sup> This case, along with *Planned Parenthood of Central Missouri v. Danforth* (1976), worked to depoliticize abortion and leave the decisions of life-threatening emergencies and viability to medical professionals who possessed the scientific knowledge to address them, rather than attempt to define these scenarios through legislature.<sup>106</sup> Following *Roe*, states continued to regulate abortions through increasingly narrower policies. In 1992, The Court argued *Planned Parenthood of Southeastern Pennsylvania v. Casey*, again

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<sup>101</sup> "ACOG Guide to Language and Abortion," ACOG (American College of Obstetricians and Gynecologists), accessed March 23, 2024, <https://www.acog.org/contact/media-center/abortion-language-guide>.

<sup>102</sup> "Abortion," LII / Legal Information Institute (Cornell Law School, June 1, 2022), <https://www.law.cornell.edu/wex/abortion>.

<sup>103</sup> LII, "Abortion."

<sup>104</sup> LII, "Abortion."

<sup>105</sup> LII, "Abortion."

<sup>106</sup> LII, "Abortion."

bringing politics into medical decisions.<sup>107</sup> The Court discussed the constitutionality of various conditions accompanying the right to abortion. Parental consent, informed consent, and a 24-hour waiting period were considered constitutional, as they did not add an “increased burden” on patients.<sup>108</sup> However, spousal notification was considered an “undue burden” and unconstitutional. The concept of “unduly burden” became the new norm in abortion laws, defining which regulations were inappropriate to protect the right to abortion while also allowing states to continue their regulation. In 2003, Congress passed the Partial-Birth Abortion Ban, an act that banned third trimester abortions, a procedure only a handful of physicians in the country were able to perform at the time.<sup>109</sup> The American College of Obstetrics and Gynecology warns that “partial-birth abortion” is not a clinically correct term and is vaguely defined by the law, encouraging this procedure to be called “intact dilation and evacuation” instead.<sup>110</sup> Most recently, *Dobbs v. Jackson Women’s Health Organization* (2022) took the nation by storm by essentially overturning *Roe*. *Dobbs* affirmed that the Constitution does not guarantee a fundamental right to abortion, giving states the freedom to regulate it.<sup>111</sup>

Since *Dobbs*, many states have taken full advantage of this new jurisdiction, creating legislation with varying specificity of definitions that cause legal problems for physicians. Most abortion bans come with some sort of exception, which typically fall under four categories: to prevent the death of the pregnant person, to preserve the health of the pregnant person, when pregnancy is the result of rape or incest, or when the embryo/fetus has life-threatening genetic defects or anomalies.<sup>112</sup> The language in laws relating to preventing death or preserving health are often extremely vague. Arizona, Florida, and Ohio, among other states, cite an exception “when there is serious risk of substantial and irreversible impairment of a major bodily function,” while Kentucky and Louisiana say “to prevent serious, permanent impairment of a life-sustaining organ.”<sup>113</sup> Texas’ exception is “when there is a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that poses a serious risk of substantial impairment of a major bodily function.”<sup>114</sup> This issue is that “major bodily function” and “substantial impairment” are not defined. Physicians in these states struggle to make these decisions out of fear of monetary fines, jail time, or losing their license.<sup>115</sup> When a physician makes any judgment

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<sup>107</sup> LII, “Abortion.”

<sup>108</sup> LII, “Abortion.”

<sup>109</sup> LII, “Abortion.”

<sup>110</sup> “ACOG Guide to Language and Abortion,” ACOG (American College of Obstetricians and Gynecologists), accessed March 23, 2024, <https://www.acog.org/contact/media-center/abortion-language-guide>.

<sup>111</sup> “Abortion,” LII / Legal Information Institute (Cornell Law School, June 1, 2022), <https://www.law.cornell.edu/wex/abortion>.

<sup>112</sup> Mabel Felix, Laurie Sobel, and Alina Salganicoff, “A Review of Exceptions in State Abortion Bans: Implications for the Provision of Abortion Services,” KFF (blog), May 18, 2023, <https://www.kff.org/womens-health-policy/issue-brief/a-review-of-exceptions-in-state-abortions-bans-implications-for-the-provision-of-abortion-services/>.

<sup>113</sup> Felix, Sobel, and Salganicoff, “A Review of Exceptions in State Abortion Bans.”

<sup>114</sup> Felix, Sobel, and Salganicoff, “A Review of Exceptions in State Abortion Bans.”

<sup>115</sup> Aria Bendix, “Abortion Ban Exceptions: What Legally Constitutes a ‘Life-Threatening Emergency’?,” NBC News, June 30, 2022, <https://www.nbcnews.com/health/health-news/abortion-ban-exceptions-life-threatening-pregnancy-rcna36026>.

regarding the health or safety of their patient, they face the risk of a jury or court disagreeing, despite them not having any relevant medical knowledge about the situation. Providers have argued that the vagueness of the language in these laws are unconstitutional, as it puts them in uncertain positions that could be dangerous when treating a patient.<sup>116</sup> Physicians might be more reluctant to provide abortion care or even delay any treatment until the patient's condition is seriously life-threatening, potentially causing them much more harm. The determination of treatment is now left to the lawyers representing the hospitals, and not the actual healthcare professionals. In their lawsuit against Ohio's abortion regulations, physicians have cited a pregnant patient with stage III melanoma who was denied cancer treatment as it could harm the fetus and an abortion which would allow her to receive treatment. She had to travel to another state to receive the care she needed.<sup>117</sup>

Mental health conditions account for over 20 percent of pregnancy-related deaths, yet only Alabama has any exception on their abortion ban for "serious mental illness" as diagnosed by a psychiatrist. Alabama's ruling requires documentation that the patient would likely engage in behavior where they would harm themselves or the fetus due to their mental state.<sup>118</sup> No other state has this exception, and some states explicitly include that mental health cannot be used as a reason to terminate pregnancy.

Additionally, while most states allow for the removal of a dead fetus or embryo, they do not protect pregnant people from criminal liability for miscarriages. Pregnant people actively miscarrying may be denied care until all embryonic cardiac activity has halted, as any prior intervention would be considered an illegal abortion. In Louisiana, a woman came into the hospital with sharp pain and bleeding but was denied the standard treatment of mifepristone and misoprostol as the fetus, which had stopped growing weeks prior, still had faint cardiac activity.<sup>119</sup> This treatment would have greatly reduced her risk of sepsis and infection. Due to these restrictions, physicians are leaving these states or refusing to relocate there. This is creating maternity deserts, regions where there are no maternal medical providers nearby.<sup>120</sup> Recent studies have shown that maternal mortality rates are higher in states that restrict abortion.<sup>121</sup> Abortion regulations surrounding an embryo or fetus with abnormal defects are also poorly defined. The states with this exception limit the abortion to anomalies that would result in the death of the fetus at birth or soon after. Louisiana is the only state that has a comprehensive list of these conditions, but with its multiple abortion laws, the application of this exception is

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<sup>116</sup> Bendix, "Abortion Ban Exceptions."

<sup>117</sup> Mabel Felix, Laurie Sobel, and Alina Salganicoff, "A Review of Exceptions in State Abortion Bans: Implications for the Provision of Abortion Services," KFF (blog), May 18, 2023, <https://www.kff.org/womens-health-policy/issue-brief/a-review-of-exceptions-in-state-abortions-bans-implications-for-the-provision-of-abortion-services/>.

<sup>118</sup> Felix, Sobel, and Salganicoff, "A Review of Exceptions in State Abortion Bans."

<sup>119</sup> Felix, Sobel, and Salganicoff, "A Review of Exceptions in State Abortion Bans."

<sup>120</sup> Rachel Treisman, "States with the Toughest Abortion Laws Have the Weakest Maternal Supports, Data Shows," NPR, August 18, 2022, sec. Shots - Health News, <https://www.npr.org/2022/08/18/1111344810/abortion-ban-states-social-safety-net-health-outcomes>.

<sup>121</sup> Mabel Felix, Laurie Sobel, and Alina Salganicoff, "A Review of Exceptions in State Abortion Bans: Implications for the Provision of Abortion Services," KFF (blog), May 18, 2023, <https://www.kff.org/womens-health-policy/issue-brief/a-review-of-exceptions-in-state-abortions-bans-implications-for-the-provision-of-abortion-services/>.

unclear.<sup>122</sup> These laws also do not necessarily define “soon after birth”; Tay-Sachs disease is one example that results in death very early in childhood, but under the current definitions, it might not be considered as a valid condition to terminate. Religious freedom lawsuits are citing this disease and others to challenge the narrow regulations.

The lawyers who represented Texas (*Wade*) during *Roe v. Wade* argued that a fetus is a person, and a fetus should have the same protections guaranteed under the fourteenth amendment, including a right to life. During the case, Judge Blackmun denied this assertion, saying that “person” does not apply to the unborn, and should only be considered when a fetus is viable.<sup>123</sup> Since *Dobbs* overturned *Roe*, the fetal personhood argument can enter legal play. Arizona has already put this into effect; Governor Doug Ducey created an abortion ban that gave “an unborn child at every stage of development all rights, privileges, and immunities available to other persons, citizens, and residents.”<sup>124</sup> These laws are supported by Christian advocacy groups in the state; Cathi Herrod, the president of the Center for Arizona Policy, affirmed that she “stand[s] for the belief that human life begins at the moment of conception, that life is a human right, and unborn children deserve protection.”<sup>125</sup> Experts say that the vagueness of these laws puts pregnant people in a “legal gray area.”<sup>126</sup> Pregnant people and physicians may be at risk for criminal prosecution at any stage of pregnancy. For example, access to contraceptives could be called into question; religious groups argue that IUDs and Plan B prevent the fertilized egg from implanting and violate fetal personhood. If a fetus is now defined as a person, child endangerment laws can apply. Pregnant people, based on this law, could be prosecuted for drinking alcohol or eating certain foods that may “harm the fetus.” Georgia’s HB 418 policy (ruled unconstitutional in 2020) contained language that included claiming a fetus as a dependent on tax forms or including them in official population counts.<sup>127</sup> Since the overturn of *Roe*, politicians are bringing this idea back.

A recent example of fetal personhood policy is Alabama’s ruling calling any fertilized embryo an “unborn child.”<sup>128</sup> This includes embryos being used for in vitro fertilization (IVF). In IVF, the egg is removed from a patient’s body and combined with sperm in a lab. These embryos are then transferred into the patient’s uterus in hopes that it will implant. However, only some of the eggs exposed to sperm will fertilize, and a fraction of these will eventually become an embryo. Because of this, doctors typically fertilize more eggs than needed. Physicians recommend saving 2-4 embryos for each child they want.<sup>129</sup> These extra embryos also allow for

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<sup>122</sup> Felix, Sobel, and Salganicoff, “A Review of Exceptions in State Abortion Bans.”

<sup>123</sup> Madeleine Carlisle, “Fetal Personhood Laws Are a New Frontier in the Battle Over Reproductive Rights,” TIME, June 28, 2022, <https://time.com/6191886/fetal-personhood-laws-roe-abortion/>.

<sup>124</sup> Carlisle, “Fetal Personhood Laws Are a New Frontier in the Battle Over Reproductive Rights.”

<sup>125</sup> Carlisle, “Fetal Personhood Laws Are a New Frontier in the Battle Over Reproductive Rights.”

<sup>126</sup> Carlisle, “Fetal Personhood Laws Are a New Frontier in the Battle Over Reproductive Rights.”

<sup>127</sup> Carlisle, “Fetal Personhood Laws Are a New Frontier in the Battle Over Reproductive Rights.”

<sup>128</sup> Zoe Sottile, “Alabama Ruled Frozen Embryos Are Children. Here’s What It Could Mean for Embryos Frozen across the State,” CNN, February 26, 2024, <https://www.cnn.com/2024/02/26/us/ruling-impact-alabama-ivf-embryos/index.html>.

<sup>129</sup> Sottile, “Alabama Ruled Frozen Embryos Are Children.”



genetic testing. Many families chose to freeze embryos; cancer patients who might lose fertility during treatment or families that want to wait before having kids or space the timing of their children benefit from this procedure. Unused embryos can be donated to other families, or they can be destroyed.<sup>130</sup> Keeping embryos frozen can be very costly for families, costing between \$500 and \$1000 a year.<sup>131</sup> Since Alabama's ruling, people could be held liable for the destruction of their embryos, whether intentional or not. IVF is an uncertain procedure, and there are chances the embryo will become unviable at any point. At least three IVF clinics in Alabama have since paused some of their IVF procedures due to legal uncertainty.<sup>132</sup> Since the embryos are now considered "children," freezing these embryos long term could be cited as "child endangerment." Families in Alabama in the process of IVF are scrambling to move their embryos to other states but are unsure of the potential legal implications of this.<sup>133</sup> Politicians from both parties in the state are working to clarify these definitions. Republican candidate Nikki Haley stated, "Government doesn't need to get into something this sensitive. This should be between the doctors and the parents, period... If they need to do legislation to fix it, that's fine, but I don't want states to have knee-jerk reactions to insert [the] government into the conversations with doctors and parents."<sup>134</sup> A few weeks after the initial ruling, some changes have been made.

In response to immediate backlash, legislators rushed to create a bill to protect healthcare workers involved in IVF services. The law "provide[s] civil and criminal immunity for death or damage to an embryo to any individual or entity when providing or receiving services related to in vitro fertilization," but does not move to remove fetal personhood from the question.<sup>135</sup> Additionally, companies that provide materials to be used during IVF, such as the liquid solutions used to grow embryos, can still face civil suits if their products damage or destroy the embryo.<sup>136</sup> A few IVF clinics have resumed their procedures, but some still remain cautious of the details of the bill. Barbara Collura, the president of RESOLVE: The National Infertility Association, is "relieved that Alabama clinics can reopen their IVF programs," but affirms that the "legislation does not address the underlying issue of the status of embryos as part of the IVF process — threatening the long-term standard of care for IVF patients."<sup>137</sup>

The World Health Organization (WHO) recognizes restrictive abortion laws as a barrier to comprehensive healthcare. Mandatory waiting periods, criminalization of abortion, biased counseling, and third-party authorizations are considered "not medically justified."<sup>138</sup> The

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<sup>130</sup> Sottile, "Alabama Ruled Frozen Embryos Are Children."

<sup>131</sup> Sottile, "Alabama Ruled Frozen Embryos Are Children."

<sup>132</sup> Sottile, "Alabama Ruled Frozen Embryos Are Children."

<sup>133</sup> Sottile, "Alabama Ruled Frozen Embryos Are Children."

<sup>134</sup> Nik Popli, "Lawmakers Call to Protect IVF After Alabama Ruling," TIME, February 27, 2024, <https://time.com/6835548/lawmakers-ivf-embryos-alabama-legislation/>.

<sup>135</sup> Adam Edelman, "Alabama Governor Signs Bill to Protect IVF Treatments into Law," NBC News, March 7, 2024, <https://www.nbcnews.com/politics/alabama-lawmakers-ivf-protection-bill-vote-rcna141710>.

<sup>136</sup> Edelman, "Alabama Governor Signs Bill to Protect IVF Treatments into Law."

<sup>137</sup> Edelman, "Alabama Governor Signs Bill to Protect IVF Treatments into Law."

<sup>138</sup> "Abortion," World Health Organization (World Health Organization, November 25, 2021), <https://www.who.int/news-room/fact-sheets/detail/abortion>.

intersection of politics and healthcare can be tricky to navigate. With the lack of medical knowledge of policy makers, and the legal uncertainty of health care workers, the debate on abortion regulation will likely continue, creating more and more gray areas. What is certain now is that policies need to be better defined with proper medical language in order to provide patients with prompt and appropriate medical care without worrying about the legal implications of saving lives.

# Navigating the Political Court: The NBA's Political Pivot and the Clash of Activism in the 21st Century

Jack Jenkins

## Introduction

For some NBA fans, watching and attending games is a way for them to escape reality through entertainment, distracting them from political issues. For some NBA players, they find the league to be a suitable platform to take advantage of expressing their personal views about political issues in order to promote societal change. The NBA is faced with a dilemma: allow the players to participate in activism or refrain from it as a means of respecting the voice of their fans and steering clear from political issues. This paper will explore the debate over activism demonstrated by NBA players through an analysis of activism during the pandemic, the financial implications that player participation in activism has for the NBA, and an analysis of the paradox between the NBA's Michael Jordan and LeBron James.

## Post-Pandemic NBA Activism

Players have a basic right to communicate and hold discussions as they wish, in accordance with their basic First Amendment rights. This very notion makes it difficult for the NBA front office to restrict player's comments; however, the debate of supporting versus disapproving players' comments is often quite controversial because it can possibly lead to fans disengaging completely with NBA-related entertainment. For instance, Phil Jackson, the face of professional basketball coaching in the 1990s and 2000s who won eleven championships in that span with the Bulls and Lakers, claims that he does not watch the NBA anymore.<sup>139</sup> His explanation: the NBA was "trying to appeal to a 'certain audience' with social justice efforts" in the bubble during the COVID-19 lockdown.

During the height of the COVID-19 epidemic in 2020, players wore jerseys with words like "Justice," "Equal Opportunity," and "Black Lives Matter," in place of where their last names would have been located, as a response to acts of violence against African Americans by police officers. On the podcast "Tetragrammaton with Rick Rubin," Jackson spoke on these "last name replacements" on the back of players jerseys, arguing that doing so was "trying to cater to an audience, or trying to bring a certain audience into play." He emphasized that the NBA "didn't know it was turning other people off," insisting that "people want to see sports as non-political," because it will inevitably result in disagreements that can range in extremity and are not worth these consequences.<sup>140</sup> This perspective may be significant to consider because it can prevent future cautions that the NBA may face and preserve the robust status of the league.

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<sup>139</sup>Sforza, Lauren. "NBA Champion Coach Phil Jackson Says He Doesn't Watch Basketball Anymore Because It Got Too Political." The Hill, April 23, 2023. <https://thehill.com/blogs/blog-briefing-room/3965389-nba-champion-coach-phil-jackson-says-he-doesnt-watch-basketball-anymore-because-it-got-too-political/#:~:text=Blog%20Briefing%20Room%2C,NBA%20champion%20coach%20Phil%20Jackson%20says%20he%20doesn%27t%20watch,because%20it%20got%20too%20political&text=Eleven-time%20champion%20coach%20Phil,audience%E2%80%9D%20with%20social%20justice%20efforts.>

<sup>140</sup> Hillyer, Quin. "Phil Jackson's Zen Is Right: Politics Doesn't Belong in the Arena - Washington Examiner." Washington Examiner - Political News and Conservative Analysis About Congress, the President, and the Federal

On the other hand, ESPN analyst Jalen Rose repudiated Phil Jackson's claims, asserting that Jackson "won championships with some of the greatest Black athletes in the history of the game" such as Michael Jordan and Kobe Bryant, and that he should respect players' choices and fully support their actions.<sup>141</sup> Rose reasoned that if anyone could have understood how a Black NBA player may have been feeling during this time of racism in the US, Phil Jackson would have and should have. Likewise, Former President Barack Obama praised the NBA's efforts in supporting the Black Lives Matter movement by "using their platforms to take a stand for racial justice and encourage civic participation."<sup>142</sup> The distinction in perspectives between Jackson's opposition to politics and Jalen Rose and Barack Obama's support for politics emphasizes how challenging it is for the NBA to display its voice, knowing that it is a win-lose scenario either way.

### Financial Implications

It is crucial to recognize that the NBA is a business. There are many events in the league's history that resulted in the loss of revenue due to political-related action. Specifically, NBA Commissioner Adam Silver confessed "the league had lost 'hundreds of millions of dollars' in revenue following a controversial fallout with China in October 2019" when Houston Rockets executive Daryl Morey posted to X (then-Twitter), "Fight for Freedom Stand With Hong Kong."<sup>143</sup> This tweet resulted in the Chinese Basketball Association temporarily ceasing "its relationship with the Rockets, while Chinese state television... announced that they would stop broadcasting NBA games," resulting in a huge fiscal loss to the NBA. This example demonstrates how the NBA's involvement in politics harmed the league's reputation amongst its fans, not only nationally, but globally. To protect both, the NBA must focus on whether to listen to the players and coaches whose fans are coming to see and support, or the fans themselves whose ticket-buying power directly provides income to the league.

On August 26, 2020, the NBA postponed playoff games because of the protests that were started by the Milwaukee Bucks to stand up against police brutality inflicted upon African Americans after the shooting of Jacob Blake.<sup>144</sup> On the other hand, Toronto Raptors shooting guard Norman Powell said in an interview that same year that when players promote the Black Lives Matter movement and engage in activism, they are "not getting the job done" and the political actions they are taking are starting to become redundant. Protesting an NBA game, kneeling for the national anthem, and other ways of activism may be an effective way for players to promote activism and make subtle changes, but it is worth wondering whether these acts of protest are always worth getting involved with, particularly when they cause harm to the

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Government, January 6, 2024. <https://www.washingtonexaminer.com/opinion/beltway-confidential/2718746/phil-jacksons-zen-is-right-politics-doesnt-belong-in-the-arena/>.

<sup>141</sup> Glasspiegel, Ryan. "Jalen Rose Slams Phil Jackson over NBA Bubble Remarks: 'Stop Watching Forever.'" *New York Post*, April 24, 2023. <https://nypost.com/2023/04/24/jalen-rose-slams-phil-jackson-over-nba-bubble-remarks/#>.

<sup>142</sup> Dicker, Ron. "Obama Congratulates Lakers; Trump Does Not." *HuffPost*, October 12, 2020. [https://www.huffpost.com/entry/barack-obama-congratulates-lakers\\_n\\_5f8446ecc5b62f97bac59fb8](https://www.huffpost.com/entry/barack-obama-congratulates-lakers_n_5f8446ecc5b62f97bac59fb8).

<sup>143</sup> Gordon, Jeremy. "The Messy Politics of the NBA." *The Nation*, September 21, 2022. <https://www.thenation.com/article/culture/nba-politics/>.

<sup>144</sup> Peters, Cameron. "How the Milwaukee Bucks Kicked off a Historic NBA Protest." *Vox*, August 26, 2020. <https://www.vox.com/2020/8/26/21403179/milwaukee-bucks-nba-protest-jacob-blake>.

league's reputation and alienate a substantial number of its fans, potentially turning them away from the league completely.

It is significant to note that the NBA's position on political and social events will never appeal to each one of its fans. However, it may be important to take into account the desires of the majority of its fans. According to the words of James P. Melcher, a professor at the University of Maine, "the NBA, with its more Black and liberal demographic bases, definitely helped itself a great deal [during the Black Lives Matter movement.] Not acting would have been a disaster for them."<sup>145</sup> When considering the diversity of the NBA's audience and its players, juxtaposed with fans of hockey or golf, taking a position to support its players and communities in matters involving race and social justice makes sense because the larger audience can empathize with the situation. For that reason, although the NBA's actions may upset or be considered a "distraction" to some fans, inaction had the potential to be drastically worse.

With respect to NBA fans who wanted to remove discussions about politics and social justice issues from the league in 2020, NBA veteran and 12-time All-Star Chris Paul believed it was necessary for establishing a sense of empathy amongst the players. Paul explained, "We're tired of seeing the same thing over and over again and everybody expecting us to be OK, just because we get paid great money...I'm glad that we got the chance to get in a room and talk with one another."<sup>146</sup> Importantly, no matter how passionately fans may feel that the NBA serves as an escape from the political issues, the truth is that many players simply cannot remove themselves from these issues themselves, and not talking about these issues would be impossible.

### **A Player Paradox: Michael Jordan and LeBron James**

The NBA represents a recent shift in brands taking stances on political issues. During a 1990 Senate race, the renowned six-time champion and five-time MVP Michael Jordan "declined to endorse a Black politician running against the notorious racist Jesse Helms," saying that "Republicans buy sneakers too." In the NBA documentary, "The Last Dance," Jordan claimed "I never thought of myself as an activist. I thought of myself as a basketball player. I wasn't a politician when I was playing my sport."<sup>147</sup> Jordan was more concerned about selling his sneakers and his bottom line than he was motivated to use his influence to take a position against racism and possibly affect the outcome of an election.

In contrast, during the 2016 election, four-time NBA champion and four-time MVP LeBron James "led rallies for Hillary Clinton two days" prior to election day and helped "swing the presidential race Joe Biden's way." James also influenced "political force as issues of racial justice and voter suppression" and "helped form a group that will spend millions of dollars to

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<sup>145</sup> Melcher, James P. "Will the NBA, NFL, and the MLB All Put Themselves out of Business by Taking a Social Stand or Will Their Popularity Continue to Grow Even..." Quora. Accessed April 8, 2024. <https://www.quora.com/Will-the-NBA-NFL-and-the-MLB-all-put-themselves-out-of-business-by-taking-a-social-stand-or-will-their-popularity-continue-to-grow-even-more>.

<sup>146</sup> Mannix, Chris. "Inside the 48 Hours That Brought Back the 2020 NBA Playoffs." Sports Illustrated, August 29, 2020. <https://www.si.com/nba/2020/08/29/players-owners-agreement-successful-protest>.

<sup>147</sup> "Michael Jordan Insists 'Republicans Buy Sneakers Too' Quote Was a Joke." The Guardian, May 4, 2020. <https://www.theguardian.com/sport/2020/may/04/michael-jordan-ESPN-last-dance-republicans-sneakers-quote-nba>.

battle voter disenfranchisement in predominantly Black communities.”<sup>148</sup> James’ actions represent a disregard for whether his support for a female Democratic candidate would affect his endorsements.

The paradox of Michael Jordan and LeBron James’s involvements in political matters (or lack thereof) is insightful because the outcomes of their actions resulted in opposing reports and commentary. Conservative reporters support the notion that NBA players should stay out of politics. Take, for example, Laura Ingraham, Fox News reporter, when she explained to LeBron James that he should “keep the political comments to [himself]...[and] shut up and dribble” – or when “Ted Cruz accused him of endangering cops, Enes Kanter Freedom labeled him an America hater, Tucker Carlson said he hates free speech and was ‘putting China first,’ and Clay Travis said he should ‘apologize to every police officer in America.’”<sup>149</sup> Michael Jordan was criticized for not taking a stand on political issues, and, when LeBron did take one, he was also met with ridicule and judgment by many. These dual perspectives suggest that whatever side is taken, unavoidably there will be backlash. However, the extent of that backlash is flexible depending on the side that is taken. It is important to consider other factors that may influence this differentiation, such as the rise of social media, increasing polarization in politics, and the Black Lives Matter movement, for example. Nonetheless, this scenario suggests that players’ political involvement results in a much greater backlash as compared to political isolation, not only for LeBron, but for the NBA.

## Conclusion

Although NBA players provide their fans with a much-needed respite from the real world, one that often involves political discussions, players should feel that they have a voice to discuss matters that affect them and their teammates, rather than “shut up and dribble.” However, players should not abuse their positions because doing so could spark chaos for themselves, their teams, and the NBA as a whole. In certain scenarios, where remaining silent is impossible, the NBA should not promote political stances or address political issues directly but should allow players and coaches to speak up and speak out when they believe it is necessary to do so.

# The Psychology of Apology: Restorative Justice in Schools and Prisons

Matthew Koleszar

## Introduction

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<sup>148</sup> Leitch, Will. “Lebron James Doesn’t Talk about Politics Anymore.” *Intelligencer*, October 26, 2022. <https://nymag.com/intelligencer/2022/10/lebron-james-doesnt-talk-about-politics-anymore.html>.

<sup>149</sup> Sullivan, Emily. “Laura Ingraham Told Lebron James to Shut up and Dribble; He Went to the Hoop.” *NPR*, February 19, 2018. <https://www.npr.org/sections/thetwo-way/2018/02/19/587097707/laura-ingraham-told-lebron-james-to-shutup-and-dribble-he-went-to-the-hoop>.

A boy steals his brother's toy. He plays with it and accidentally breaks it. The parent forces the "offender" to take a time-out. During his "sentence," the parent has the offender take responsibility and apologize to the "victim." The victim has an opportunity to express his grievance. The offender then comes up with a remedy for the harm, perhaps fixing the toy or using allowance money to buy a replacement. Ultimately, the reconciliation repairs the relationship between the two brothers.

It is common wisdom that children should admit their mistakes and reconcile after wrongdoings. However, the United States criminal justice system doesn't implement this idea, that many parents live by. Instead, we put criminals in "time-out" and expect them to rehabilitate. The US criminal justice system should adopt these same principles by shifting from retributive justice to restorative justice. A "tough on crime" political culture has prevented the shift from a punishment paradigm to a restorative paradigm.

### **Restorative Justice**

Restorative justice (RJ) seeks to repair the harm done to victims, addressing their needs above all else.<sup>150</sup> The offender must first comprehend the suffering they have caused. Next, the offender will remedy the harm, if possible.<sup>151</sup> The community may collectively decide the appropriate sentence for the offender in a "sentencing circle."<sup>152</sup> Only then is apology and forgiveness possible. Victim-offender mediation should only occur if the victim wants to reconcile.<sup>153</sup> Otherwise, RJ risks minimizing the impact of the victim's suffering. While apologies are important, RJ is more than just saying sorry. RJ empowers victims by giving them an active role in the justice process and rehabilitates offenders by allowing them to take responsibility and redeem themselves.

Trying to bring the offender and victim together is markedly different from our criminal justice system as it operates today. When an offender is first arrested, they are told that anything they say can be used against them in court.<sup>154</sup> In other words, they are discouraged from taking responsibility for their actions because it may jeopardize their case. During trial, victims may even be instructed not to make eye contact with their offender in court.<sup>155</sup> This separation prevents the offender and victim from healing and restoring their relationship.

While RJ is not widespread in our justice system today, it is not a new idea. It has roots in indigenous justice practices, such as "peace-making circles."<sup>156</sup> Hawaiian state prisons have

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<sup>150</sup> Wilson, Jon. "Victim-Centered Restorative Justice: An Essential Distinction." *Crime Victims Report* 9, no. 4 (2005). <https://justalternatives.org/>.

<sup>151</sup> Zehr, Howard. *The Little Book of Restorative Justice* (Vancouver, B.C.: Langara College, 2002), 20-1.

<sup>152</sup> "Sentencing Circles." California Courts. <https://www.courts.ca.gov/documents/SentencingCircles.pdf>.

<sup>153</sup> Bazelon, Lara Abigail and Green, Bruce A., "Victims' Rights from a Restorative Perspective," *Ohio State Journal of Criminal Law*, Vol. 17 (2020): <http://dx.doi.org/10.2139/ssrn.3493956>.

<sup>154</sup> *Miranda v. Arizona*, 384 U.S. 436 (1966).

<sup>155</sup> Weir, Julie A., and Lawrence S. Wrightsman. "The Determinants of Mock Jurors' Verdicts in a Rape Case." *Journal of Applied Social Psychology* 20, no. 11 (June 1990): 901-19. <https://doi.org/10.1111/j.1559-1816.1990.tb01467.x>.

<sup>156</sup> Lambson, Suvi Hynynen. "Peacemaking Circles." *Peacemaking Circles: Evaluating a Native American Restorative Justice Practice in a State Criminal Court Setting in Brooklyn*, January 2015.

taken to RJ because it resembles a traditional dispute-resolution practice called “ho’oponopono,” meaning “to make right.”<sup>157</sup> Huikahi re-entry circles welcome offenders back into their communities after they have served their sentence, giving offenders a chance to take responsibility for their actions and repair relationships. When offenders do take responsibility and engage with the healing process, re-entry circles lower recidivism rates.<sup>158</sup> Additionally, these circles help both parties heal emotionally. Victims also display fewer post-traumatic stress symptoms following RJ and report a high level of satisfaction with the process.<sup>159</sup> RJ has a positive psychological effect on victims because they are typically forgotten by our criminal justice system.<sup>160</sup>

By preventing crime, RJ can lower inmate costs. For every \$1 spent on RJ conferencing, the criminal justice system will save \$8 from reduced costs of reconviction.<sup>161</sup> Moreover, RJ reduces the demands placed on social workers, counselors, and welfare services. In the US, prisoners are a substantial burden on taxpayers: holding one inmate costs \$44,000 per year.<sup>162</sup> Furthermore, the US has the sixth highest incarceration rate in the world, at 531 people per 100,000. RJ can help address mass incarceration and its economic consequences.

But RJ has limitations. It cannot be applied to victimless crimes like marijuana possession or illegal immigration. As there is nobody to whom the offender can apologize and no victim who can offer their forgiveness. It is also difficult to apply RJ to especially heinous crimes that inflict trauma. After all, both the victim and offender must enthusiastically embrace

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<https://www.innovatingjustice.org/sites/default/files/documents/Peacemaking%20Circles%20Final.pdf>; 2nd ed. Lanham, MD: Rowman & Littlefield, 2010; Hand, Carol A., Judith Hankes, and Toni House. “Restorative Justice: The Indigenous Justice System.” *Contemporary Justice Review* 15, no. 4 (December 2012): 449–67. <https://doi.org/10.1080/10282580.2012.734576>.

<sup>157</sup> Andrew J. Hosmanek, Cutting the Cord: Ho’oponopono and Hawaiian Restorative Justice in the Criminal Law Context, 5 *Pepp. Disp. Resol. L.J.* Iss. 2 (2005) Available at: <https://digitalcommons.pepperdine.edu/drlj/vol5/iss2/6>

<sup>158</sup> Walker, L. & Davidson, J., 2018. Restorative justice reentry planning for the imprisoned: An evidence-based approach to recidivism reduction. In Gavrielides, T., (Ed.) *The Routledge International Handbook of Restorative Justice*, New York, NY: Routledge., Available at SSRN: <https://ssrn.com/abstract=3291843>

<sup>159</sup> Angel, C.M., Sherman, L.W., Strang, H. et al. Short-term effects of restorative justice conferences on post-traumatic stress symptoms among robbery and burglary victims: a randomized controlled trial. *J Exp Criminol* 10, 291–307 (2014). <https://doi.org/10.1007/s11292-014-9200-0>; Walker, Loren, and Rebecca Greening. “Huikahi Restorative Circles: A Public Health Approach for Reentry Planning.” *Federal Probation Journal* 74, no. 1 (June 2010). <https://www.uscourts.gov/federal-probation-journal/2010/06/huikahi-restorative-circles-public-health-approach-reentry>

<sup>160</sup> Nascimento, A. M., Andrade, J., & de Castro Rodrigues, A. (2023). The Psychological Impact of Restorative Justice Practices on Victims of Crimes-a Systematic Review. *Trauma, violence & abuse*, 24(3), 1929–1947. <https://doi.org/10.1177/15248380221082085>

<sup>161</sup> Kiener-Manu, Katharina. Crime Prevention & Criminal Justice Module: How Cost Effective is Restorative Justice?, April 2019. <https://www.unodc.org/e4j/en/crime-prevention-criminal-justice/module-8/key-issues/3--how-cost-effective-is-restorative-justice.html>.

<sup>162</sup> Bureau of Prisons, Justice. Notice, “Annual Determination of Average Cost of Incarceration Fee (COIF),” *Federal Register* 88, no. 183 (September 22, 2023): 65405, <https://www.federalregister.gov/documents/2023/09/22/2023-20585/annual-determination-of-average-cost-of-incarceration-fee-coif>.



RJ for the process to be effective. However, RJ can address the vast majority of crimes in the US: non-violent property crime.<sup>163</sup>

### The Punishment Paradigm

Since the late 1960s, the US government has waged a so-called “war on crime.” Advocates of this believed that harsher penalties would reduce crime through deterrence. The era saw longer terms of imprisonment, mandatory sentencing, three-strikes laws, capital punishment, increased prosecutorial discretion, increased police funding, and police militarization.

Politicians rarely support RJ because they fear it will hurt their candidacy. Since the war on crime, elections have become tests of “prosecutorial resolve”; a contest for who can be the toughest on crime.<sup>164</sup> In the early decades of the war, governors and mayors saw the most success when they espoused hardline policies like mandatory minimums, three-strike laws or the death penalty.<sup>165</sup> RJ practices contradict the hardline campaigning strategy that has worked for decades.

The war on crime has dehumanized offenders, making reconciliation and forgiveness difficult to justify. Ex-convicts suffer from social ostracization, contributing to “their sense that they were no longer considered citizens, even fully human, by other residents.”<sup>166</sup> They also face disenfranchisement and denial of “public benefits like student loans, food stamps and public housing.”<sup>167</sup> Prisoners are excluded from census statistics, meaning they literally do not count as human.<sup>168</sup> It is no surprise, then, that the state inflicts inhumane punishments like the death penalty, holding mentally ill inmates in solitary confinement, or working prison laborers under brutal conditions.<sup>169</sup>

The war on crime has failed. Harsher punishments do not decrease crime. Crime rates correlate with economic performance, not crime policy.<sup>170</sup> Policies like mandatory minimum and three-strike laws only expand the prison population.<sup>171</sup> Because these laws do not accomplish

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<sup>163</sup> Gramlich, John. “What the Data Says (and Doesn’t Say) about Crime in the United States.” Pew Research Center, November 20, 2020. <https://www.pewresearch.org/short-reads/2020/11/20/facts-about-crime-in-the-u-s/>; “Drug Related Crime Statistics.” National Center for Drug Abuse Statistics, January 1, 2023. <https://drugabusestatistics.org/drug-related-crime-statistics/>.

<sup>164</sup> Simon, Jonathan. *Governing Through Crime: How The War on Crime Transformed American Democracy and Created a Culture of Fear*. (Oxford: Oxford University Press, 2009), 34.

<sup>165</sup> Simon, *Governing Through Crime*, 56.

<sup>166</sup> Gottschalk, Marie. *Caught: The Prison State and the Lockdown of American Politics*. (Princeton: Princeton University Press, 2015), 79. <https://doi.org/10.2307/j.ctv7h0svq>

<sup>167</sup> Gottschalk, *Caught*. 1-2.

<sup>168</sup> Gottschalk, *Caught*. 256-7.

<sup>169</sup> Gottschalk, *Caught*. 73-4.

<sup>170</sup> Coates, Ta-Nehisi. “The Black Family in the Age of Mass Incarceration.” *The Atlantic*, October 2015. <https://www.theatlantic.com/magazine/archive/2015/10/the-black-family-in-the-age-of-mass-incarceration/403246/>.

<sup>171</sup> Coates, “The Black Family in the Age of Mass Incarceration.” *Atlantic*, 2015.

their goal of reducing crime, they subject criminals to unnecessarily brutal and arbitrary violence.

### The Psychology of Apology

We encourage apologies because they have psychological benefits for those who give them and those who receive them. Offering apologies reduces guilt and shame while increasing feelings of integrity and self-forgiveness.<sup>172</sup> Accepting an apology reduces retaliatory aggression and stress and increases willingness to trust.<sup>173</sup> For both parties, apologies lead to “increased... empathy, and decreased escalatory behaviors... and negative attributions.”<sup>174</sup>

Because these psychological benefits apply to adults and children alike, it is unsurprising that RJ is successful in both criminal justice and education. Teachers should not put misbehaving children in detention or suspension and expect them to change. Likewise, we should not put criminals in prison and expect them to change. Instead, we should focus on repairing the relationship between victims and offenders. In schools, punitive disciplinary measures and “zero-tolerance policies” disproportionately affect students of color and students from disadvantaged backgrounds.<sup>175</sup> When teachers use RJ, it leads to a drop in suspensions, misbehavior, absenteeism, and student arrests.<sup>176</sup> RJ also improves the overall school climate.<sup>177</sup> What is common sense for parents and teachers should be common sense in the criminal justice system, which too rarely delivers justice for criminals or their victims.

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<sup>172</sup> Schumann, Karina. “The Psychology of Offering an Apology: Understanding the Barriers to Apologizing and How to Overcome Them.” *Current Directions in Psychological Science* 27, no. 2 (April 2018). <https://doi.org/10.1177/0963721417741709>.

<sup>173</sup> Ohbuchi, K.-i., Kameda, M., & Agarie, N. (1989). Apology as aggression control: Its role in mediating appraisal of and response to harm. *Journal of Personality and Social Psychology*, 56(2), 219–227. <https://doi.org/10.1037/0022-3514.56.2.219>; Anderson, J., Linden, W. & Habra, M. Influence of Apologies and Trait Hostility on Recovery from Anger. *J Behav Med* 29, 347–358 (2006). <https://doi.org/10.1007/s10865-006-9062-7>; Kim, P. H., Ferrin, D. L., Cooper, C. D., & Dirks, K. T. (2004). Removing the Shadow of Suspicion: The Effects of Apology Versus Denial for Repairing Competence- Versus Integrity-Based Trust Violations. *Journal of Applied Psychology*, 89(1), 104–118. <https://doi.org/10.1037/0021-9010.89.1.104>

<sup>174</sup> Barkat, J. S. (2002). The effect of unilateral conciliatory initiatives on negotiation ripeness in seemingly intractable conflicts (Order No. 3037683). Available from ProQuest Dissertations & Theses Global. (304790340). Retrieved from <https://www.proquest.com/dissertations-theses/effect-unilateral-conciliatory-initiatives-on/docview/304790340/se-2>

<sup>175</sup> Adukia, Anjali, Ben Feigenberg, and Fatemeh Momeni. “From Retributive to Restorative: An Alternative Approach to Justice.” Education Lab, September 2023. <https://educationlab.uchicago.edu/resources/from-retributive-to-restorative-an-alternative-approach-to-justice/>.

<sup>176</sup> Fronius, Trevor, Sean Darling-Hammond, Hannah Persson, Sarah Guckenbug, Nancy Hurley, and Anthony Petrosino. “Restorative Justice in U.S. Schools: An Updated Research Review.” WestEd Justice & Prevention Research Center, March 2019. <https://www.wested.org/wp-content/uploads/2019/04/resource-restorative-justice-in-u-s-schools-an-updated-research-review.pdf>; Adukia, Anjali et al. “An Alternative Approach to Justice.” Education Lab, September 2023.

<sup>177</sup> Augustine, Catherine, John Engberg, Geoffrey Grimm, Emma Lee, Elaine Wang, Karen Christianson, and Andrea Joseph. “Can Restorative Practices Improve School Climate and Curb Suspensions? An Evaluation of the Impact of Restorative Practices in a Mid-Sized Urban School District.” *RAND Corporation*, 2018. <https://doi.org/https://doi.org/10.7249/RR2840>.

# Corporate Co-Optation: The Threat of Brand Activism

Gabriel-James Morgia

## Introduction

America is a divided nation, and corporations are not helping. In the current socio-political climate where ideological divisions seem to deepen by the day, the role of corporations in shaping public discourse has become increasingly significant. On one end of the polarized American political spectrum, one sees left-leaning activists supporting, and at times, ravenously intimidating companies into platforming the progressive ideas they support. On the other end, one sees right-leaning reactionaries vehemently renouncing companies for championing ideas they oppose. Yet, what both extreme poles miss in the fog of ideological fervor is that brand activism is a threat to all, not for the specific political values its agents may platform but for its potential to artificialize political culture. This essay seeks to apolitically investigate the complexities of brand activism, exploring its motivations and implications in contemporary society— ultimately warning that brand activism threatens to have a destabilizing effect on American political culture if not met with impartial skepticism as the most appropriate consumer ethic.

## The Rise of Brand Activism

Since the 1970s, consumer activism has become a mainstream activity due to the surge of mass consumer culture and the shift towards post-industrialism causing many to be more concerned about their political, economic, and social footprints.<sup>178</sup> Recently augmented by the connectivity and broadened perspectives provided by accelerated globalization and the meteoric rise of social media, such consumer activism has become an influential element of liberal societies. However, many of today's Americans, disillusioned by economic change and demonstrating unprecedented levels of distrust in public institutions, have begun digitally banging on the doors of corporations in search of support for various causes.<sup>179</sup> Seeing an opportunity, businesses around the country have not been shy in welcoming these frustrated visitors and the facades of their ideologies, strategically greeting their new allies at the front door with newly printed environmentally-friendly, rainbow-themed welcome mats.

Brand activism, defined as the phenomenon of brands taking public stances on controversial societal issues, has gained momentum in recent years.<sup>180</sup> Previously, brands avoided picking sides in contentious social debates for fear of negative backlash; yet, today, brand activism represents a core element of the marketing strategies of some of the most well-

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<sup>178</sup> Heldman, Caroline. "WE ARE THE 99%": Contemporary Consumer Activism." In *Protest Politics in the Marketplace: Consumer Activism in the Corporate Age*, 54–73. Ithaca, NY: Cornell University Press, 2017.

<sup>179</sup> Jones, Jeffrey M. "Confidence in U.S. Institutions down; Average at New Low." Gallup, 7 Feb. 2024, [news.gallup.com/poll/394283/confidence-institutions-down-average-new-low.aspx](https://news.gallup.com/poll/394283/confidence-institutions-down-average-new-low.aspx).

<sup>180</sup> Riaño, Vladimir Sánchez, Isabella Jordan Sorzano, Mónica Viñarás Abad, Carmen Llorente Barroso, and Gema Bonales Daimiel. "Generation Z's Consumer Activism and Their Perception Towards Brand Activism." In *Consumo, Marcas e Intangibles En El Público Infantil y Joven.*, 1st ed., 186–203. Madrid, Spain: Dykinson, S.L., 2023.

known corporations.<sup>181</sup> Many will be reminded of Nike’s lucrative stand against racial injustice with its “Dream Crazy” campaign featuring Colin Kaepernick or PepsiCo’s disastrous “Live for Now- Moments” campaign infamously starring Kendall Jenner trivially joining a protest and offering a police officer a can of Pepsi.<sup>182</sup>

The recent ascent of this phenomenon is fueled by a mix of factors, including the growth of social media, increased consumer scrutiny, and shifting cultural norms. In an era characterized by heightened social consciousness and unprecedented access to information, issues such as climate change, gender inequality, racial injustice, and economic inequality dominate public discourse, driving individuals and thus organizations alike to take a stance on these pressing matters.<sup>183</sup> Believing that corporate advocacy can amplify their voices and create meaningful change, activists support businesses that align themselves with their views and intimidate significant ones that do not.

In exchange for consumer activist support and protection from their attacks, corporate titans have increasingly begun championing activist causes. Generally, companies have recognized the value of aligning themselves with social causes as they seek to appeal to consumers and morally differentiate themselves from their competitors. According to a consumer study conducted in 2022 by Sprout Social, a top software and marketing analytics firm based in Chicago, 66 percent of consumers said it is important for brands to take public stands on social and political issues.<sup>184</sup> Reflecting this sentiment with strategic brand activism has proven effective for businesses, with the communication of brand activism and corporate social responsibility activities linked to increased purchase intention, improved consumer evaluations of brands, increased consumer loyalty and advocacy, and reductions in the severity of responses to negative PR.<sup>185</sup> Notably, in the last two decades, global cause marketing spending has gone from about \$120 million in 1990 to over \$1 billion today.<sup>186</sup> Yet, what began as a consumer-to-business call for accountability may soon become a business-to-consumer manipulation of public political culture.

## Contrasting Perspectives

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<sup>181</sup> Hydock, Chris, et al. “Should your brand pick a side? how market share determines the impact of corporate political advocacy.” *Journal of Marketing Research*, vol. 57, no. 6 (2020): 1135–1151. <https://doi.org/10.1177/0022243720947682>.

<sup>182</sup> Heldman, Caroline. “WE ARE THE 99%: Contemporary Consumer Activism.” In *Protest Politics in the Marketplace: Consumer Activism in the Corporate Age*, 54–73. Cornell University Press, 2017. <http://www.jstor.org/stable/10.7591/j.ctt1vjqq7j.8>.

<sup>183</sup> Vredenburg, Jessica, Sommer Kapitan, Amanda Spry, and Joya A. Kemper. “Brands Taking a Stand: Authentic Brand Activism or Woke Washing?” *Journal of Public Policy & Marketing* 39, no. 4 (2020): 444–60. doi:10.1177/0743915620947359.

<sup>184</sup> “#brandsetreal: Championing Change in the Age of Social Media.” Sprout Social, 4 Oct. 2022. [sproutsocial.com/insights/data/championing-change-in-the-age-of-social-media/](https://sproutsocial.com/insights/data/championing-change-in-the-age-of-social-media/).

<sup>185</sup> Torelli, Carlos J., Alokparna Basu Monga, and Andrew M. Kaikati. “Doing Poorly by Doing Good: Corporate Social Responsibility and Brand Concepts.” *Journal of Consumer Research* 38, no. 5 (2012): 948–63. <https://doi.org/10.1086/660851>.

<sup>186</sup> Domhoff, G. William. *Who Rules America? The Triumph of the Corporate Rich*. 7th ed. New York: McGraw Hill, 2014.

At its core, brand activism is driven by profit. While individuals within companies may genuinely believe in the causes they support, the firm's primary responsibility and thus motivation is to enhance its bottom line, either directly through increased sales or indirectly through heightened brand awareness and reputational enhancement.<sup>187</sup> Whether cloaked by altruism or not, such corporate activity is an emergent strategy initiated and monitored through the lens of financial gain. From this perspective, any foray into social or political activism is conducted in pursuit of strategic advantage, with companies leveraging their resources to enhance brand image and increase market share. Thus, while activists see companies as potential allies in the fight for social justice, corporations view their actions as calculated maneuvers designed to boost the bottom line.

Caught between these conflicting narratives, many find themselves in a state of ambivalence regarding brand activism. On the one hand, there is a recognition of the potential positive impact that corporate activism can have on pressing societal issues. The platforming of the marginalized and the injection of corporate capital and messaging power into relevant movements are positive aspects of brand activism that should not be disregarded by their very association with the corporate realm. Yet, there is also a sense of unease about the motives behind such actions. Recently, the term "woke-washing" has become a popular reference for corporate marketing communications perceived as inauthentically utilizing social justice themes to enhance optics.<sup>188</sup>

### **The Threat of Brand Activism**

Despite its growth, brand activism faces criticism from various angles. It is clear that consumers support or oppose specific instances of brand activism depending on their alignments with the social or political values being corporately platformed. Yet, aside from this partisan bickering, less discussed are the broader negative implications of brand activism on American political culture. Brand activism threatens to commodify and trivialize pressing social issues, fuel political polarization, and subvert traditional bottom-up activism.

To begin, the commodification of polarization and social unrest is a rarely recognized yet highly threatening by-product of brand activism. Successful instances of agile and resourceful brand activism by top corporations have signaled the benefits of using the volatility of the modern political discourse and social unrest to channel consumers' high emotions into consumption. Such opportunism reeks of inauthenticity, but it harbors an even more concerning threat. Rather than expensively addressing the root causes of societal problems, companies are incentivized to cost-effectively exploit these issues as marketing opportunities, seeking to capitalize on the heightened emotions and fervent activism of the moment. Simply put, the incentive for corporate participation is strategic capitalization, not the driving of social or political change. Not only does this type of opportunistic pursuit perpetuate a cycle of shallow engagement with social issues, trivializing the underlying causes, but it also reveals a concerning perverse incentive.

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<sup>187</sup> Vredenburg, Jessica, Sommer Kapitan, Amanda Spry, and Joya A. Kemper. 2020. "Brands Taking a Stand: Authentic Brand Activism or Woke Washing?" *Journal of Public Policy & Marketing* 39 (4): 444–60.

<sup>188</sup> Yoon, Yeosun, et al. "The effect of Corporate Social Responsibility (CSR) activities on companies with bad reputations." *Journal of Consumer Psychology*, vol. 16, no. 4 (2006): 377–390. [https://doi.org/10.1207/s15327663jcp1604\\_9](https://doi.org/10.1207/s15327663jcp1604_9).

The rise of brand positioning around political views raises another criticism of brand activism and a looming threat to socio-political stability. Of course, as companies align themselves with specific social and political causes, they risk alienating consumers who hold opposing beliefs. More important to the social discourse, however, is the threat this type of positioning poses regarding the strengthening of political division. Brands becoming increasingly political in their strategic positioning and subsequent communications could only work to widen political schisms as consumption would become increasingly embedded with a political context. Such a society would see ideologically different Americans dig their trenches deeper as buying behavior increasingly reflects political personality.

Lastly, the rise of brand activism also threatens to erode the value of grassroots activism. As corporate entities increasingly position themselves as arbiters of social change, they possess the potential to marginalize grassroots movements while co-opting their language and symbols for commercial gain. This co-optation crowds out the impact of grassroots activism and undermines its authenticity-driven strength for multiple reasons. For one, the Overton window, or range of acceptable speech, for corporations is much slimmer than that of the activists themselves. For instance, causes affecting the bottom-line face upper executive and shareholder opposition because of their limited financial benefit. Simply, corporations attempting to save face and preserve power by voicing social radicalism avoid economic radicalism.<sup>189</sup> Furthermore, grassroots activism is defined by its bottom-up growth and organic networking effects. The top-down approach of corporate brand activism is antithetical in its very nature, stripping away the organic collective solidarity at the foundation of authentic grassroots activism.

As brand activism evolves and grows, the skeptic must fear that the intrinsic value of protest will be eroded from what was once an essential source of political agency to a warped form of virtue-signaling consumption. Therefore, handing the venue of activism over to corporations should be treated cautiously. Protest is a key safeguard of political agency; blindly relinquishing such power to a group signaling ulterior motives is naïve. In short, this view urges the consumer to question whether their activism is up for sale— whether there is dignity and inherent value to the cause they aim to stand for.

### **Conclusion: Navigating the Complexities**

In conclusion, brand activism defies simple categorization. What commenced as a demand from below for accountability and support for socio-political change has now become a de-facto invitation for corporate manipulation of the political culture, warranting concerns about the commodification of polarization, the rise of political brand positioning, and the dilution of grassroots activism.

However, the recognition of these concerns does not necessarily entail the naïve acceptance of nor the contemptuous dismissal of brand activism but rather validates a need for reasonable skepticism. To truly be liberated from the cycle of political cynicism and ideological disillusionment, consumers must critically evaluate the actions of companies and determine for themselves whether those companies are hypocritically disguised beneath the aesthetic of protest or are authentic agents. Such investigations will likely uncover numerous inauthentic actors, potentially even the investigators themselves. Yet, there is no guarantee that all

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<sup>189</sup> Rhodes, Carl. "Getting Woke to Woke Capitalism." In *Woke Capitalism: How Corporate Morality Is Sabotaging Democracy*, 1st ed., 167–76. Bristol, UK: Bristol University Press, 2022.

corporations will fail the test of scrutiny. Some may be able to prove their authenticity through humility, sacrifice, transparency, and an internal commitment to externally proclaimed values; these are the businesses that those who so eagerly wish to fuse activism with consumption ought to champion. Ultimately, the path forward lies in consumers fostering a more nuanced understanding of brand activism- an approach that apolitically weighs the socio-political benefits and downsides of brand activism despite any ideological alignment the consumer may have with the brand. Only in this way can the consumers illuminate corporate deceit and hold the reigns as the ultimate leaders of change.

# Border Policy and the NYC Migrant Crisis

Dhruv Nimmagadda

## Introduction

The belief that anyone, regardless of background or circumstances, has the opportunity to achieve success and upward social mobility through pure hard work, determination and initiative is known as the American Dream. It is a concept crucial to the ethos of the United States, acting as motivation for Americans to pursue their goals and ambitions, while also being a driving force behind millions of immigrants seeking better lives in the US.

Immigration has played a central and transformative role in shaping the US throughout its history. From its earliest days to the present, waves of immigrants have brought their cultures, traditions, and aspirations to the US, contributing to its rich tapestry of diversity. What pulls people to the US is its presence as a beacon of hope and opportunity, as well as an escape from hardship, poverty, prejudice, and political turmoil. This is what makes the US so unique, earning it the name of being the melting pot of the world.

Regardless of immigration being a pillar of American values, the topic of immigration is one that divides opinions. As the number of people immigrating to the US through various and sometimes illegal means, the US struggles to take more people in. This leads to the crises that arise in cities which simply cannot afford to house such vast numbers of migrants. This paper will analyze the implications of an excess of migrants requiring shelter, specifically in New York City, and potential policy changes needed to solve a broken immigration system.

## Obligation to Shelter

Why has NYC in particular seen such an influx of migrants? The fact is that the city has an international draw and aura to it, being that it is one of the most famous cities in the world. It's viewed as the city of opportunity.

An important ruling in a 1979 case in the New York State Supreme Court, named *Callahan v. Carey*, offers an explanation to the rising problem of overpopulation within NYC. As modern homelessness in the city emerged in the 1970s, many people were left to fend for themselves on the streets, leading to many deaths and substantial injuries. In the wake of this wide scale poverty and suffering, lawyer Robert Hayes, future co-founder of the Coalition for the Homeless, brought forward a class action lawsuit on behalf of all the homeless men in NYC. It read that the basic and essential right to shelter should exist within the city, as he cited Article XVII of the New York State Constitution, which states that the support and aid of the needy is a public concern and should be provided by the state.<sup>190</sup> The decree enacting this policy was signed two years later after intense negotiation between plaintiff and the city, serving as precedent and a foundational decision for the extending of shelter rights to both homeless women (*Eldredge v. Koch*) and families (*McCain v. Koch*) in NYC.<sup>191</sup> This essentially

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<sup>190</sup> "The Callahan Legacy: Callahan v. Carey and the Legal Right to Shelter." Coalition For The Homeless. Accessed March 13, 2024.

<sup>191</sup> "The Contentious History behind New York City's Right to Shelter." State Court Report. Accessed March 13, 2024. <https://statecourtreport.org/our-work/analysis-opinion/contentious-history-behind-new-york-citys-right-shelter>.



established NYC as a haven for those seeking asylum, as the city was required to shelter all homeless people within city lines.

### Analyzing the Problem at Hand

It has been well documented that the ruling in *Callahan v. Carey* has been continuously attempted to be overturned or nullified, as it has caused great stress to the city's municipality budget. On various occasions, the city has been found to violate the constant decree, and in 2003 and 2006 the city had developed a policy of shelter termination rules and notices, leading to a drastic rise in the homeless population on the streets in 2009.<sup>192</sup>

This constant struggle between the city and the decision of *Callahan v. Carey* led to a breaking point, being the current day influx of migrants. Mayor Eric Adams has essentially ended the functionality of the famous "right to shelter" policy of NYC after 42 years. But this wasn't a surprise, as for months he had warned of this decision coming, and even attempted to free the city of this decree through court.<sup>193</sup> Now, adult migrants will only be allowed to stay in shelters for a maximum of 30 days, under a new scale back agreed by officials.

The policy of providing all homeless people with sheltering services served as an encouragement for many migrants to come to NYC, said Andy Newman, reporter for the New York Times in an interview with Dave Davies of NPR.<sup>194</sup> As people realized there was shelter provided for them indefinitely, the global phenomenon we see today was created.<sup>195</sup> With NYC already being a popular immigration location due to it being a major port and home to Ellis Island, this unique right to shelter policy only further made it a viable option for those coming from the border seeking asylum.

The problem lies in the fact that the city did not have the facilities to house so many people at once. Homelessness has always been rather high in the city, but the influx of migrants has exacerbated the issue. As of June 2023, a grave milestone was reached with almost 100,000 people being housed in homeless shelters, with more than half of those people being migrants.<sup>196</sup> Various videos of migrants sleeping on cardboard outside hotels have surfaced across the internet. As with a lack of shelters available for these people to stay in, there have been emergences of illegal makeshift shelters. The New York Police Department has started to bust illegal housing shelters, found in commercial buildings such as old furniture stores, where

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<sup>192</sup> "The Callahan Legacy: Callahan v. Carey and the Legal Right to Shelter." Coalition For The Homeless. Accessed March 23, 2024. <https://www.coalitionforthehomeless.org/our-programs/advocacy/legal-victories/the-callahan-legacy-callahan-v-carey-and-the-legal-right-to-shelter/>.

<sup>193</sup> Hogan, Gwynne. "New York's 'right to Shelter' No Longer Exists for Thousands of Migrants." THE CITY - NYC News, December 18, 2023. <https://www.thecity.nyc/2023/12/18/nyc-right-to-shelter-no-longer-exists/#:~:text=Posted%20in%20Shelters-,New%20York's%20'Right%20to%20Shelter'%20No%20Longer%20Exists%20for%20Thousands,purposes%20that%20era%20is%20over.>

<sup>194</sup> Davies, Dave. "How NYC Is Coping with 175,000 Migrants from the Southern Border." NPR, February 15, 2024. <https://www.npr.org/2024/02/15/1231712535/how-nyc-is-coping-with-175-000-migrants-from-the-southern-border>.

<sup>195</sup> Davies, Dave. "How NYC Is Coping with 175,000 Migrants from the Southern Border." NPR, February 15, 2024. <https://www.npr.org/2024/02/15/1231712535/how-nyc-is-coping-with-175-000-migrants-from-the-southern-border>.

<sup>196</sup> Newman, Andy. "A Record 100,000 People in New York Homeless Shelters." The New York Times, June 28, 2023. <https://www.nytimes.com/2023/06/28/nyregion/nyc-homeless-shelter-population.html>.

people have been forced to pay some sort of rent to sleep in tightly packed and dangerous quarters.<sup>197</sup> Sheltering this many people, to put it simply, has become unsustainable and has put a strain on the city's services. In the fiscal year of 2023, NYC has spent approximately \$1.45 billion to help out migrants. Without any sort of impending policy change, this number will increase to \$12 billion to help these asylum seekers.<sup>198</sup> "It's not going to get any better. From this moment on, it's downhill. There is no more room," said Mayor Adams.<sup>199</sup>

## A Partisan Issue

So, who or what is to blame for this catastrophe? Rather than one specific cause, the ongoing problem seen in NYC is a result of many factors, such as a lack of budgeting and proper funds from the government to deal with this and the city's policy of right to shelter. However, this ongoing crisis shines light on a problem that many Americans believe is the country's most pressing issue right now, that being immigration policy and border control.

The US-Mexican border and the influx of illegal immigrants through that boundary has been a heated partisan issue, one that Democrats and Republicans typically do not see eye to eye on. Pew Research conducted a survey where both parties were asked about their opinions on various aspects of immigration. The study found that 91 percent of Republicans and Republican-leaning independents agreed that border control was the utmost security issue. While just 51 percent of Democrats and Democratic-leaning independents declared the same thing.<sup>200</sup> This difference in priority and ideology regarding immigration has been shown in policy preferences by each party. While Republicans tend to favor more deportations and an increase in security along the border, Democrats tend to favor policies centered around building a path to citizenship for illegal aliens. This has been seen in the Biden administration's actions on immigration earlier on in his term. Within his first 100 days in office, President Biden undid many previous policies implemented by the Trump administration. Biden strengthened DACA, a bill that ensures immigrants who immigrated illegally to the US have protection against deportation upon turning 18. Along with immediately undoing Trump's advancement of immigration enforcement.<sup>201</sup> He has been a big advocate of allowing more new immigrants into the US, while giving millions of unauthorized immigrants who are already in the country a pathway to legal

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<sup>197</sup> Stallone, Michael. "NYC Migrant Crisis: What We Know about the 2 Illegal Busted Shelters." FOX 5 New York, February 29, 2024. <https://www.fox5ny.com/news/nyc-migrant-crisis-bronx-queens-locations-busted>.

<sup>198</sup> "Updating the Costs of NYC's Asylum Seeker Crisis." Welcome to NYC.gov. Accessed April 7, 2024. <https://www.nyc.gov/content/getstufdone/pages/asylum-seeker-update>.

<sup>199</sup> Cineas, Fabiola. "New York City's Not-so-Sudden Migrant Surge, Explained." Vox, September 26, 2023. <https://www.vox.com/policy/2023/9/26/23875580/new-york-city-migrant-crisis-influx-eric-adams>.

<sup>200</sup> Oliphant, J. Baxter. "Republicans and Democrats Have Different Top Priorities for U.S. Immigration Policy." Pew Research Center, September 8, 2022. <https://www.pewresearch.org/short-reads/2022/09/08/republicans-and-democrats-have-different-top-priorities-for-u-s-immigration-policy/>.

<sup>201</sup> Bradner, Eric, Betsy Klein, and Christopher Hickey. "Biden Targets Trump's Legacy with First-Day Executive Actions | CNN Politics." CNN, January 21, 2021. <https://www.cnn.com/2021/01/20/politics/executive-actions-biden/index.html>.

status. In contrast to the Trump Administration having centered around restrictions of legal immigration, particularly having family immigration reduced.<sup>202</sup>

### **Need for Cooperation**

The need for mutual political cooperation from both political parties is crucial in solving the immigration problem. As the country and subsequently the government is as partisan and divided as ever, it is in the best interest of the US government to come together and rather than put aside their differences, utilize them to create a bipartisan plan. A new plan of this nature has been supported by the Biden administration, one which aims to solve a multitude of national issues, emphasizing immigration. The administration believes that it will be the toughest and fairest border reform measures seen in decades, dedicated to making the US safer, securing the border, and improving the treatment of migrants at the border, all while preserving legal immigration.<sup>203</sup>

This new border control bill will place more power to the Department of Homeland Security, and give it needed resources in order to properly execute their border duties.<sup>204</sup> This would aid in the protection of American cities from masses of illegal immigrants seeking asylum, adding more security and stability to the process to prevent crises like NYC's.

Through increased funding, this bill also addresses a concern that is shared by humanitarians and advocates across the country. That being the treatment of immigrants detained at the border. Our border security does not have the adequate resources needed to properly take care of detainees. While the government tries to process them, many are left without food, water, or proper shelter, leading to a humanitarian crisis at the border. Increased funding will allow for more ethical and moral treatment of these detainees.

Along with this, the bill also plans to expedite the process of offering work authorization to hundreds of thousands of migrants, allowing them to work for wages to better their conditions, which in turn helps local economies as well as the federal economy.<sup>205</sup> This would aid places like NYC from the pure financial strain they have been under through this whole crisis.

This bipartisan bill proposed in the Senate offers an opportunity to start a new trend of immigration and national security politics that would be united and together. Biden has even extended his hand out to former President Trump to help rally support for the passing of this new bipartisan immigration plan. "Join me – or I'll join you – in telling Congress to pass this

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<sup>202</sup> Krogstad, Jens Manuel. "Key Facts about U.S. Immigration Policies and Biden's Proposed Changes." Pew Research Center, January 11, 2022. <https://www.pewresearch.org/short-reads/2022/01/11/key-facts-about-u-s-immigration-policies-and-bidens-proposed-changes/>.

<sup>203</sup> "Fact Sheet: Biden-Harris Administration Calls on Congress to Immediately Pass the Bipartisan National Security Agreement." The White House, February 5, 2024. <https://www.whitehouse.gov/briefing-room/statements-releases/2024/02/04/fact-sheet-biden-harris-administration-calls-on-congress-to-immediately-pass-the-bipartisan-national-security-agreement/>.

<sup>204</sup> Bipartisan border security package myth vs. fact. Accessed March 23, 2024. <https://www.sinema.senate.gov/wp-content/uploads/2024/02/Bipartisan-Border-Security-Package-Myths-vs-Facts.pdf>.

<sup>205</sup> Fact Sheet: Biden-Harris Administration Calls on Congress to Immediately Pass the Bipartisan National Security Agreement." The White House, February 5, 2024. <https://www.whitehouse.gov/briefing-room/statements-releases/2024/02/04/fact-sheet-biden-harris-administration-calls-on-congress-to-immediately-pass-the-bipartisan-national-security-agreement/>.

bipartisan border security bill,” Biden said, addressing Trump directly. “We can do this together.”<sup>206</sup>

However, this truce seems very unlikely. Trump directly blamed Biden for a series of recent crimes that migrants were accused of committing in the US, stating “The United States is being overrun by the Biden migrant crime.”<sup>207</sup> This highlights the difficulties and degree of effort needed between leaders in order to truly begin to fight battles together, rather than separately. Because only then can we truly solve prominent issues at the nation’s hand.

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<sup>206</sup> Williams, Michael. “Takeaways from Biden and Trump’s Dueling Visits to the Border | CNN Politics.” CNN, March 1, 2024. <https://www.cnn.com/2024/02/29/politics/takeaways-biden-and-trump-border/index.html>.

<sup>207</sup> Williams, Michael. “Takeaways from Biden and Trump’s Dueling Visits to the Border | CNN Politics.” CNN, March 1, 2024. <https://www.cnn.com/2024/02/29/politics/takeaways-biden-and-trump-border/index.html>.

## There's Blood on the Field: Unmasking Sportswashing

Alessandro Portolano

Imagine the bright lights of the world's most prestigious sporting events attended by notable celebrity athletes. Think of soccer superstars Neymar Jr. and Cristiano Ronaldo taking to the pitch alongside other high-profile players from around the globe. With the world's eyes captivated, the harsh reality of human rights abuses and autocratic control rumbles quietly in the background. As the Saudi Grand Prix kicks off, the plight of women and LGBTQ+ individuals in the kingdom persists, alongside the ongoing tragedy of migrants and asylum seekers facing violence at the Saudi-Yemeni border.<sup>208</sup> Amidst the glamor of sports, the memory of Jamal Khashoggi, the journalist murdered in a Saudi consulate, becomes a mere afterthought.<sup>209</sup> Similarly, the cases of Saudi citizens sentenced anywhere from 10 to 45 years for expressing dissent on social media are relegated to the sidelines.<sup>210</sup> This realm of sports offers a pristine façade behind which human rights violations and oppression can quietly persist.

Saudi investors' interest in global sports has caught the world's attention through the billions of dollars spent hosting high-profile international sporting events and buying teams worldwide. These investments aim to translate newfound wealth into global influence by garnering the soft power associated with sports. This tactic is known as sportswashing, wherein regimes divert public attention away from morally questionable behavior by utilizing the widespread appeal of sports. Authoritarian regimes have long utilized sportswashing as a viable method to promote a favorable image of their nation to the world. For instance, Benito Mussolini used the global spotlight of the Italian-hosted 1934 World Cup to advertise fascism.<sup>211</sup> Similarly, Adolf Hitler's Berlin 1936 Olympics held similar motivations, with the added effect of Olympic imagery playing to Nazi racial myths by linking Nazi Germany to Ancient Greece. Few international observers recognized that an oppressive state operated behind Berlin's celebrations and glitter.<sup>212</sup> Sportswashing enjoyed continued prominence outside European fascist regimes when Zaire's infamous Mobutu Sese Seko hosted the iconic "Rumble in the Jungle" boxing match between Muhammad Ali and George Foreman in 1974. Mobutu's infamous kleptocratic regime gained legitimacy by associating itself with the struggles of anti-colonialism and the "back-to-Africa" movement.<sup>213</sup> While these examples show continuity in

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<sup>208</sup> Saudi Arabia: Mass killings of migrants at Yemen border. Human Rights Watch. (2023, September 4). <https://www.hrw.org/news/2023/08/21/saudi-arabia-mass-killings-migrants-yemen-border>

<sup>209</sup> BBC. *Jamal Khashoggi: All you need to know about Saudi journalist's death*. BBC News. (2021, February 24). <https://www.bbc.com/news/world-europe-45812399>

<sup>210</sup> Bronte, T. D. *Saudi Arabia punishes critical tweets with the death penalty or 45 years in prison*. EL PAÍS English. (2023, October 3). <https://english.elpais.com/international/2023-10-03/saudi-arabia-punishes-critical-tweets-with-the-death-penalty-or-45-years-in-prison.html#>

<sup>211</sup> Ricatti, F. La Roma: Soccer and Identity in Rome. *Annali d'Italianistica*, (2010): 28, 217–236. <http://www.jstor.org/stable/24016395>

<sup>212</sup> United States Holocaust Memorial Museum. *THE NAZI OLYMPICS BERLIN 1936*. United States Holocaust Memorial Museum. (n.d.). <https://encyclopedia.ushmm.org/content/en/article/the-nazi-olympics-berlin-1936>

<sup>213</sup> Erenberg, L. A. "Rumble in the Jungle": Muhammad Ali vs. George Foreman in the Age of Global Spectacle. *Journal of Sport History*, (2012): 39(1), 81–97. <http://www.jstor.org/stable/10.5406/jsporthistory.39.1.81>

authoritarian regimes using sports to mask wrongdoing, the advent of broadcast television and rising accessibility to international sporting events has allowed the potential audience of sportswashing to grow tremendously.<sup>214</sup> As humans become more connected in the hyper-globalized modern world, authoritarian leaders can project a positive image and manipulate more people than ever before.

Sportswashing falls under the umbrella of public diplomacy, wherein the targets are the public of other nations, as opposed to their governments and policymakers. Authoritarian leaders keenly recognize the communicative power of sport to control the international narrative.<sup>215</sup> Opening ceremonies represent the quintessential opportunity for public diplomacy, as nations can widely disseminate a favorable narrative showcasing the history and culture of the host nation to global audiences. The chance to host a mega-event like the Olympic Games enables leaders to “cut through the noise of global information society to disseminate a series of widely heard, reputation-enhancing messages over a sustained period.”<sup>216</sup> The flood of various channels with positive reporting helps drown out unfavorable coverage. While social media is bombarded with sporting-related posts with the keyword “Saudi,” attention is diluted away from troubling issues. Likewise, the deep emotional connections and sense of identity offered by sporting clubs and events can make fans victim to the “halo effect,” wherein people adopt positive impressions of an entity and display favoritism towards it in multiple aspects. In a sporting environment, fans may subconsciously adopt positive perceptions of the sportswashing entity by associating it with the sport they love. This manufactured positive association by the sportswasher may significantly bias fans' perceptions as they form judgments regarding any moral transgressions at hand.<sup>217</sup>

An infamous recent example of sportswashing saw Qatari state-funded initiatives successfully bring the most celebrated sporting event in the world to its small Gulf peninsula: the illustrious 2022 FIFA Men's World Cup. The lineup of recent World Cup hosts follows a curious trajectory, with neither Qatar nor the preceding host, Russia, laying claim to a distinguished soccer heritage akin to that of Brazil, the host in 2014. Notably, Qatar had never competed in a World Cup before securing automatic qualification as the host nation in the latest iteration of the tournament. Correspondingly, the corrupt bidding process for World Cup hosting has come under scrutiny, with murky backroom deals awarding the right to host the prestigious tournament to the highest bidder.<sup>218</sup> Saudi Arabia hopes to host the 2034 iteration of the famed tournament, with the dysfunctional and downright fraudulent bidding process failing to penalize

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<sup>214</sup> Fruh, K., Archer, A., & Wojtowicz, J. Sportswashing: Complicity and corruption. *Sport, Ethics and Philosophy*, (2022): 17(1), 101–118. <https://doi.org/10.1080/17511321.2022.2107697>

<sup>215</sup> Jonathan Grix & Donna Lee. Soft Power, Sports Mega-Events and Emerging States: The Lure of the Politics of Attraction, *Global Society*, (2013): 27:4, 521-536. DOI: 10.1080/13600826.2013.827632

<sup>216</sup> Fruh, K., Archer, A., & Wojtowicz, J. Sportswashing: Complicity and corruption. *Sport, Ethics and Philosophy*, (2022): 17(1), 101–118. <https://doi.org/10.1080/17511321.2022.2107697>

<sup>217</sup> Fruh, K., Archer, A., & Wojtowicz, J. Sportswashing: Complicity and corruption. *Sport, Ethics and Philosophy*, 17(1), 101–118.

<sup>218</sup> KHAN, S. FIFA's Calling: Giving Qatar the Red Card. *Harvard International Review*, (2014): 36(1), 50–52. (2014).<http://www.jstor.org/stable/43649249>

bidders with questionable human rights records.<sup>219</sup> The motivation behind hosting the World Cup is far from mysterious, as these nations perceive international sport as a method to manufacture relevance in the global community. Hosting, and to a lesser extent participating in, commercial mega-events like the Olympics or the World Cup enable nations to communicate celebrated shared values to valuable audiences. At the international level, participation in international sports signifies sameness, a powerful source of legitimacy. Successfully hosting major sporting events showcases shared social norms while at the same time bolstering international prestige and soft power.<sup>220</sup>

Beyond hosting tournaments, Saudi Arabia seeks to flex its financial muscle through team acquisitions. Saudi Public Investment Fund made history in 2021 when it acquired Premier League club Newcastle United for a figure upwards of \$400 billion USD.<sup>221</sup> Though seemingly politically insignificant, fans of a state-sponsored team may subconsciously harbor a positive image of their owners if they associate them with their team's success. Moreover, wealthy owners' money and sponsorships can propel performances and bring these teams to the forefront of competitions, further enhancing their visibility.<sup>222</sup> Although official ownership of soccer teams is left to Saudi shell companies and funds, the link between team and state is impossible to neglect. One study directly linked the frequency of high-cost player acquisitions of state-owned clubs to variations in the oil market.<sup>223</sup>

Despite being classified as among the most advanced economies by the World Bank, the wealthy Saudi monarchy continues to engage in egregious human rights abuses and state repression, tarnishing its international reputation.<sup>224</sup> To change this narrative, Saudi Arabia hopes to manipulate international sporting's billions-strong audience to manufacture relevance outside the petroleum market. From running disruptive competitor competitions like LIV Golf to ambitious deals to host the FIFA Club World Cup, Saudi investors have made no secret of their ambitions to conquer the realm of international sports. Since assuming the role of Saudi Arabia's de facto ruler in 2017, Crown Prince Mohammed bin Salman (MBS) has spearheaded an unprecedented wave of investments in sports.<sup>225</sup> Saudi officials assert that these endeavors aim to diversify the nation's predominantly petroleum-based economy, typically contributing between 30 and 40 percent of the GDP annually. However, critics contend that Riyadh's motives involve engaging in sports washing to mitigate its widely criticized human rights

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<sup>219</sup> *Saudi Arabia launch bid to host the 2034 World Cup | reuters*. Reuters. (2024, March 2). <https://www.reuters.com/sports/soccer/saudi-arabia-launch-bid-host-2034-world-cup-2024-03-02/>

<sup>220</sup> Jonathan Grix & Donna Lee. *Soft Power, Sports Mega-Events and Emerging States: The Lure of the Politics of Attraction*, *Global Society*, (2013): 27:4, 521-536, DOI: 10.1080/13600826.2013.827632

<sup>221</sup> Nober, A. HOW OIL-RICH NATIONS ARE INVADING GLOBAL SOCCER. *Harvard International Review*, (2022): 43(1), 18–23. <https://www.jstor.org/stable/27275724>

<sup>222</sup> Nober, Andrew. "HOW OIL-RICH NATIONS ARE INVADING GLOBAL SOCCER." *Harvard International Review* 43, no. 1 (2022): 18–23. <https://www.jstor.org/stable/27275724>.

<sup>223</sup> Nober, Andrew. "HOW OIL-RICH NATIONS ARE INVADING GLOBAL SOCCER."

<sup>224</sup> Nober, Andrew. "HOW OIL-RICH NATIONS ARE INVADING GLOBAL SOCCER."

<sup>225</sup> MacInnes, P. *Mohammed bin Salman says he will "continue doing sport washing" for Saudi Arabia*. *The Guardian*. (2023, September 21). <https://www.theguardian.com/world/2023/sep/21/mohammed-bin-salman-says-he-will-continue-doing-sport-washing-for-saudi-arabia>

record.<sup>226</sup> When challenged with these allegations, MBS retorted that he “doesn't care.”<sup>227</sup> Aligning with this stance, MBS maintains that this strategy is pivotal to Saudi Arabia's ambition of emerging as one of the premier tourist destinations globally. In a rare interview with Fox News, he stated, “If sport washing can boost my GDP by even 1%, then I will persist with it.”<sup>228</sup>

The next time the World Cup or the Olympics is held in an exciting new location, it is crucial to consider the broader context beyond the thrill of the competition. While sports offer a platform for unity and celebration, they are also increasingly becoming arenas for authoritarian regimes to clean and manage their image. The public alone can determine whether this investment is successful or not.<sup>229</sup> The extent to which authoritarian regimes rely on marketing strategies instead of genuine reform to salvage their reputation hinges on the popularity of events, teams, and athletes. While many fans hope for sports to remain apolitical, the pervasive presence of sportswashing demands otherwise. Until a shift occurs, athletes, advertisers, media outlets, and governing bodies must acknowledge the impact of sportswashing in concealing human rights abuses.

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<sup>226</sup> Berman, N. *Saudi Arabia's investments raise questions of "sportswashing."* Council on Foreign Relations. <https://www.cfr.org/in-brief/saudi-arabias-investments-raise-questions-sportswashing>

<sup>227</sup> MacInnes, P. *Mohammed bin Salman says he will "continue doing sport washing" for Saudi Arabia.* The Guardian. (2023, July 13). <https://www.theguardian.com/world/2023/sep/21/mohammed-bin-salman-says-he-will-continue-doing-sport-washing-for-saudi-arabia>

<sup>228</sup> MacInnes, P. *Mohammed bin Salman says he will "continue doing sport washing" for Saudi Arabia.*

<sup>229</sup> Irwin, A. *Explainer: What is sportswashing and why should we care about it?.* Australian Human Rights Institute. (n.d.). <https://www.humanrights.unsw.edu.au/students/blogs/what-is-sportswashing>



# Examining the Implications of Proposed Increases in South Korean Medical School Admissions

Ashley Soto

## Introduction

On February 20th, thousands of trainee doctors and interns in South Korea's capital, Seoul began resigning from their hospital positions in protest against the government's decision to increase the number of students annually admitted into South Korean medical schools.<sup>230</sup> Reactions to these protests have varied, with many either lauding or deploring them. This article will explain the rationale behind the protests and their repercussions, explore viewpoints favoring and against the admission increase, and conclude with an argument for why it ultimately benefits South Koreans.

## Background

Since 2006, the government's mandated annual quota for medical school admissions has been frozen at 3,058 students. In early February, however, the government announced plans to increase admission to 5,058 between 2025 and 2029.<sup>231</sup> Since that announcement, over 9,000 of South Korea's total 13,000 medical interns and residents have refused to work.<sup>232</sup> In response, the government scheduled a return-to-work order for February 29th and announced that anyone failing to follow the order could have their medical license suspended for one year, face three years imprisonment, or receive a 30 million South Korean Won (\$22,500 fine).<sup>233</sup> After February 29th, officials representing the Health Ministry began inspecting hospitals to confirm the number of remaining absences from the strike. By March 5th, there were still roughly 7,000 strikers. Accordingly, authorities began notifying protestors about license suspension proceedings.<sup>234</sup>

## The Rationale Behind the Proposal and Protests

In justifying their decision to increase medical school admissions, the South Korean government cited the longstanding need for more doctors considering the country's fast-aging

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<sup>230</sup> Kim, Hiyun-Jin and Jiwon Song. "Here's Why Thousands of Junior Doctors in South Korea are Striking, and What it Means for Patients." 2024. AP News. February 27, 2024. <https://apnews.com/article/south-korea-doctors-walkouts-patients-explained-326632dd061fc3b004b663cc761f9016>.

<sup>231</sup> Young, Jin Yu. "What to Know about the Doctor Protests in South Korea." *New York Times*, February 29, 2024. <https://www.nytimes.com/2024/02/29/world/asia/doctor-strike-south-korea.html?searchResultPosition=3>.

<sup>232</sup> Kim, Hiyung-Jun and Jiwon Song. "What's Next for South Korean Doctors Who Face License Suspensions Because of Walkouts." 2024. AP News. March 4, 2024. <https://apnews.com/article/south-korea-doctors-strike-24373cfcff51b743b394d60d29411c49>.

<sup>233</sup> Kim, Hyung-Jin and Jiwon Song. "Thousands of Korean Doctors Face License Suspensions as Seoul Moves to Prosecute Strike Leaders." 2024. AP News. March 5, 2024. <https://apnews.com/article/south-korea-doctors-strike-suspension-21eafd3cfd55059c6b553400e54bc996>.

<sup>234</sup> Kim and Song, "Doctors Face License Suspensions."

population (seniors require greater medical services than younger people). They currently estimate that without the admissions increase, there will be a shortage of 15,000 doctors by 2035.<sup>235</sup> Moreover, the current ratio of doctors to the overall population is about 2.6 per 1,000 people, which ranks among the lowest for developed countries.<sup>236</sup>

Meanwhile, the protestors oppose the admissions increase for several reasons. First, they are concerned that medical schools cannot handle swelled student populations they were not designed to accommodate. They fear this will prompt decreases in the schools' quality of education and will worsen South Korea's incredibly competitive medical landscape.<sup>237</sup> The protestors also believe that new medical school admittees will mostly pursue careers in currently popular and lucrative fields such as plastic surgery and dermatology, while ignoring those urgently needing more professionals like pediatrics, obstetrics, and emergency departments.<sup>238</sup> Therefore, they believe that the admissions increase will fail to produce its intended benefits to public health. Additionally, the protestors worry that the admissions increase will lower trainees' income. Currently, trainees are typically paid \$3,000 every month for roughly 80 to 100 hours of work per week, meaning they are underpaid and overworked.<sup>239</sup> Ostensibly, the admissions increase would alleviate those workloads. However, the protestors contend that these conditions stem from a shortage of senior staff, whose numbers would remain unaffected by the admissions increase. Moreover, with increased competition among trainees, many might be forced to accept lessened wages and worsened workloads to remain within the field.<sup>240</sup>

With the proposed admissions increase, many anticipate a substantial rise in medical school applications over the coming years. This is concerning since medical work brings considerable social respect and financial security in South Korea. Therefore, many incoming medical school applicants may apply for prestige and wealth, rather than their desire to help others. Indeed, over the last few years, there has been a surge in applicants retaking the College Scholastic Ability Test (CSAT), which must be passed to attend college.<sup>241</sup> With the proposed admissions increase, individuals who previously scored poorly on the CSAT will likely attempt to retake it, hoping they eventually earn one of the new medical school openings and become successful doctors. Naturally, then, protestors worry that the flood of new applicants will include less-than-qualified candidates who would have otherwise been mustered out of the system before the admissions increase.

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<sup>235</sup> Park, Ju-min and Jack Kim. "Explainer: Why are South Korean Trainee Doctors on Strike Over Medical School Quotas?" Reuters. Feb. 21, 2024. <https://www.reuters.com/world/asia-pacific/why-are-south-korean-trainee-doctors-strike-over-medical-school-quotas-2024-02-21/>.

<sup>236</sup> Park and Kim, "Explainer."

<sup>237</sup> Park and Kim, "Explainer."

<sup>238</sup> Kim, Hiyun-Jin. "South Korea Takes Steps to Suspend Licenses of Striking Doctors After They Refuse to End Walkouts." AP News. March 4, 2024. <https://apnews.com/article/south-korea-doctors-strike-license-suspensions-ca9f3e96de730b4f29d6e55f940b305f>.

<sup>239</sup> Kim, "South Korea Takes Steps."

<sup>240</sup> Park and Kim, "Explainer."

<sup>241</sup> Lee, Na-hye. "Why do Korean Students Obsess Over Admission into Medical Schools?." *Korean Biomedical Review*, 10 July 2023. <https://www.koreabiomed.com/news/articleView.html?idxno=21545>.

Currently, medical schools in Seoul are considered South Korea's most prestigious. Oftentimes, high schoolers and others seeking to attend such schools will relocate to Seoul, as graduating from high school in Seoul or receiving private tutoring in Seoul significantly improves one's chances of being accepted into the city's top medical schools.<sup>242,243</sup> Therefore, protestors are concerned that with the admission increase, thousands of additional people will relocate to Seoul, contributing to the city's overcrowding problem and depriving other regions of qualified doctors.<sup>244</sup> However, the government has announced efforts to combat these issues. Health Minister Cho Jyu-hong stated that his agency is attempting to specifically increase the current admissions quota in smaller regions to target disparities.<sup>245</sup>

The admissions increase serves as one of several proposals within South Korean President Yoon Suk-Yeol's broader healthcare policy, which he announced a few months before a crucial parliamentary election.<sup>246</sup> Despite opposition from detractors, Yoon's firm support for the admissions proposal has garnered considerable public praise and boosted his approval ratings. This sudden popularity stands in contrast to Yoon's previously low approval after poorly handling repeated disasters and scandals.<sup>247</sup> Consequently, some remain skeptical whether the admissions increase was motivated by Yoon and the government's genuine efforts to improve South Korea's healthcare system or simply to improve their electability in forthcoming elections.

## Conclusion

Although I recognize the protestors' legitimate concerns, I also recognize that these strikes have harmed patients, as numerous hospitals have been forced to reject the sick and injured while planned surgeries and procedures have been postponed. For example, one woman underwent cardiac arrest and died after seven hospitals turned her away due to capacity constraints stemming from absent protesting staff.<sup>248</sup> In another instance, a man's post-surgery follow-up had to be rescheduled over two months because of the protests.<sup>249</sup> Meanwhile, he is forced to continue living without having received proper medical attention, thereby increasing his

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<sup>242</sup> Lim, Jeong-Won. "Is the Prestige of Seoul National University All it's Hyped Up to Be?" *Korea JoongAng Daily*, September 24, 2022. <https://koreajoongangdaily.joins.com/2022/09/24/why/Korea-Seoul-National-University-SNU/20220924070013928.htm>.

<sup>243</sup> Cho, Jung-Woo. "Why do Young People Keep Flocking to Overcrowded Seoul." *Korea JoongAng Daily*, September 9, 2023. <https://koreajoongangdaily.joins.com/news/2023-09-09/national/socialAffairs/WHY-Why-do-young-people-keep-flocking-to-overcrowded-Seoul/1864967>.

<sup>244</sup> Cho, "Why Young People Keep Flocking."

<sup>245</sup> Jun, Ji-hye. "Gov't to Raise Med School Admissions Quota by 2,000 from 2025." *Korea Times*, February 6, 2024. [https://www.koreatimes.co.kr/www/nation/2024/02/119\\_368366.html](https://www.koreatimes.co.kr/www/nation/2024/02/119_368366.html).

<sup>246</sup> Lee, Ho-Jeong. "President Yoon Says More Doctors Needed in the Central Fields and Rural Areas." *Korea JoongAng Daily*, October 19, 2023. <https://koreajoongangdaily.joins.com/news/2023-10-19/national/socialAffairs/President-Yoon-says-more-doctors-needed-in-essential-fields-and-rural-areas/1894006&sa=D&source=docs&ust=1713379805040662&usg=AOvVaw1M55WfJ8skd0xLQI7UMy7Q>

<sup>247</sup> Young, "Doctor Protests in South Korea."

<sup>248</sup> Mao, Frances. "South Korean Woman Dies as Doctors Strike Continues." *BBC*, February 27, 2024. <https://www.bbc.com/news/world-asia-68410556>.

<sup>249</sup> Jin Yu Young. "As Doctors' Walkout Drags On, Some South Koreans Are Losing Patience." *The New York Times* (2024) South Korea's Doctors' Walkout Spurs Thousands of Complaints - *The New York Times* (nytimes.com)

chances of re-injury. Naturally, because of these and other incidents, South Koreans are frustrated. Indeed, 76 percent of them support the proposed admissions increase.<sup>250</sup> I agree with the overwhelming majority of South Koreans and also support their initiative. Beyond everything, I believe what is most important is ensuring that current and future Koreans have adequate access to healthcare and medical professionals, which is being endangered by the protests.<sup>251</sup> Therefore, the protests should cease immediately. However, the government must take swift action to remedy the strikers' most pertinent concerns and avert the potential collapse of South Korea's healthcare system. It must implement a program that efficiently admits additional medical students without compromising the quality of their educational experience, while directing them to work within non-capital regions, and beyond simply the most lucrative fields. Such a program would ultimately provide the greatest benefit to the country's citizens, which should be both the government and protesters' chief objective.

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<sup>250</sup> Young, "Doctor Protests in South Korea."

<sup>251</sup> Young, "Doctor Protests in South Korea."

# The Relationship Between Slavery, Liberty, Fredrick Douglass and the Constitution

Huiling Yin

## Abstract

A significant point of contention throughout American history has revolved around the Constitution's stance on slavery. At the time of its ratification, slavery was entrenched in the United States, leading some to question the document's validity. Slaveholders were actively involved in the drafting of the Constitution, prompting concerns among anti-slavery abolitionists like William Lloyd Garrison, who asserted that the framers covertly aimed to safeguard certain rights and advantages for slavery within the text. However, perspectives on the Constitution's relationship with slavery evolved, particularly with the emergence of figures like Frederick Douglass. Douglass initially viewed the constitution as an evil institution, but Douglass later adopted a pro-constitutional, anti-slavery stance, arguing for the document's potential to serve as a tool for abolitionist efforts.

## Pro-Slavery Argument and Douglass's Early Interpretation of the Constitution

The Constitution, drafted in 1787, contained several provisions related to slavery that reflected the compromises made between northern and southern states. Slaveholders argued that because they were involved in the Constitution's drafting, its framers intended to provide certain benefits for slavery. Douglass started his abolitionist career and spent a large portion of the 1840s in agreement with Garrison regarding the Constitution and slavery. Douglass denounced the founding authors for having "cunningly wrought into" the Constitution "the pro-slavery principle" as late as 1850 in his abolitionist journal, *The North Star*. Douglass contended that the pro-slavery sections in the Constitution contradicted its rhetoric of liberty, he stated:

Liberty and Slavery—opposite as Heaven and Hell—are both in the Constitution; and the oath to perform that which God has made impossible. The man swears support to it and vows allegiance to two masters—so opposite, that fidelity to one is necessarily treachery to the other. If we adopt the preamble with Liberty and Justice, we must repudiate the enacting clauses, with Kidnapping and Slaveholding.<sup>252</sup>

Many people argued that many stipulations of the Constitution served to safeguard the interests of slave owners in the original Constitution. For example, the Three-Fifths Compromise, which counted enslaved individuals as three-fifths of a person for the purposes of taxation and representation in Congress.<sup>253</sup> One of Douglass's most influential critics of the Constitution and slavery was delivered in England, where he fled and remained for over a year following the release of his autobiography, *Narrative of the Life of Frederick Douglass, An American Slave*, in 1845. He did this out of fear that his notoriety in the US would make him an easy target for kidnapping and a return to slavery in Maryland. The Fugitive Slave Clause required escaped

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<sup>252</sup> Douglass, Frederick. "Oath to Support the Constitution," *The North Star*, April 5, 1850, re-printed in Philip S. Foner, ed., *The Life and Writings of Frederick Douglass*, Vol 2, *Pre-Civil War Decade* (1950), 118.

<sup>253</sup> U.S. Const. art. I, § 2, cl. 3.

slaves to be returned to their owners, and the international slave trade was allowed to continue for twenty years after the ratification of the Constitution.<sup>254</sup>

Douglass attacked the provisions of the Constitution that gave the president and Congress the authority to “suppress insurrections” and put an end to “domestic violence,” thus enabling the use of the armed forces of the US to defend slavery against slave uprisings.<sup>255</sup> Douglass claimed that as a result, “the Constitution...converts every white American into an enemy to the black man in that land of professed liberty.”<sup>256</sup> The Constitution essentially approved the tyranny and enslavement of slaves by giving the president and Congress the power to use force to put an end to slave uprisings and preserve the status quo. These clauses supported a system of injustice and inequality by giving slaveholders’ interests precedence over the rights and humanity of all people. Douglass pointed out that the Constitution essentially made every white American an enemy of Black freedom and equality by permitting the use of force to protect slavery. The stark reality of Black Americans’ institutional oppression and violence under the Constitution, coupled with the declared principles of liberty and justice, presented a fundamental contradiction that was brought to light by this awareness. Douglass’s criticism focused on how these clauses strengthened the innate power disparity that exists between slave owners and enslaved individuals, further solidifying the exploitation and subjection system. Black Americans were dehumanized and denied their rights to vote as a result of the Constitution’s legitimization of the use of force to uphold the status quo of slavery.

### **Douglass’s Change of Mind**

When Douglass eventually splits from his former mentor Garrison’s indictment of the Constitution, it was the most potent refutation of Douglass’s portrayal of the Constitution as one that supported slavery. Douglass had grown more independent of Garrison by then. Following a prolonged correspondence with New York abolitionist Gerrit Smith, Douglass eventually agreed with Smith that the Constitution did, in fact, have anti-slavery implications in 1851.<sup>257</sup> Frederick Douglass’s evolving interpretation of the Constitution reflects a nuanced and complex journey of intellectual growth and philosophical reflection. Douglass said that people who said the Constitution was a document that supported slavery were misinterpreting it.

Douglass claimed that the system of slavery was intrinsically incompatible with the fundamental ideas of the Constitution, especially those stated in the Declaration of Independence, such as “all men are created equal.”<sup>258</sup> He argued that rather than focusing on the provisions that allowed slavery, the Constitution should be read in the context of these fundamental principles. Douglass accepted the legal and moral authority of the Constitution even though he disagreed with its original approval of slavery. He maintained that the ideals of

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<sup>254</sup> U.S. Const. art. IV, § 2, cl. 3.

<sup>255</sup> Cohen, Robert. "The changing view of Frederick Douglass." *Social Education* 72, no. 5 (2008): 246-250.

<sup>256</sup> Douglass, Fredrick. "Farewell Speech to the British People." *My Life and Writings*, Vol.1 (1950), 208.

<sup>257</sup> Cohen, Robert. "The changing view of Frederick Douglass."

<sup>258</sup> Finkelman, Paul. "Frederick Douglass's Constitution: From Garrisonian Abolitionist to Lincoln Republican." *Mo. L. Rev.* 81 (2016).

the Constitution could be applied to further the cause of freedom and equality for all Americans, regardless of race or color, because he saw the text as a living, evolving document.

### **Pro-Constitutional Anti-Slavery**

Douglass eventually advocated for the interpretation of the Constitution in a manner consistent with the evolving moral consciousness of the nation. He argued that the Constitution's framers may have compromised on the issue of slavery due to political necessity but that subsequent amendments, such as the 13th, abolished slavery and the 14th which guaranteed equal protection under the law, should be seen as correcting the Constitution's original flaws.

Douglass believed in the power of constitutional reform to rectify the injustices of slavery. He advocated for legal and political measures aimed at amending the Constitution to reflect the principles of liberty, equality, and justice for all citizens. In his view, achieving the goal of a more ideal union as promised by the Constitution would require the eradication of slavery. Frederick Douglass's late interpretation of the Constitution represents a departure from his earlier radical views and a recognition of the document's potential to serve as a tool for social justice and progress. By advocating for a nuanced and contextual reading of the Constitution, Douglass sought to reconcile its contradictions and harness its power to advance the cause of freedom and equality for all Americans.