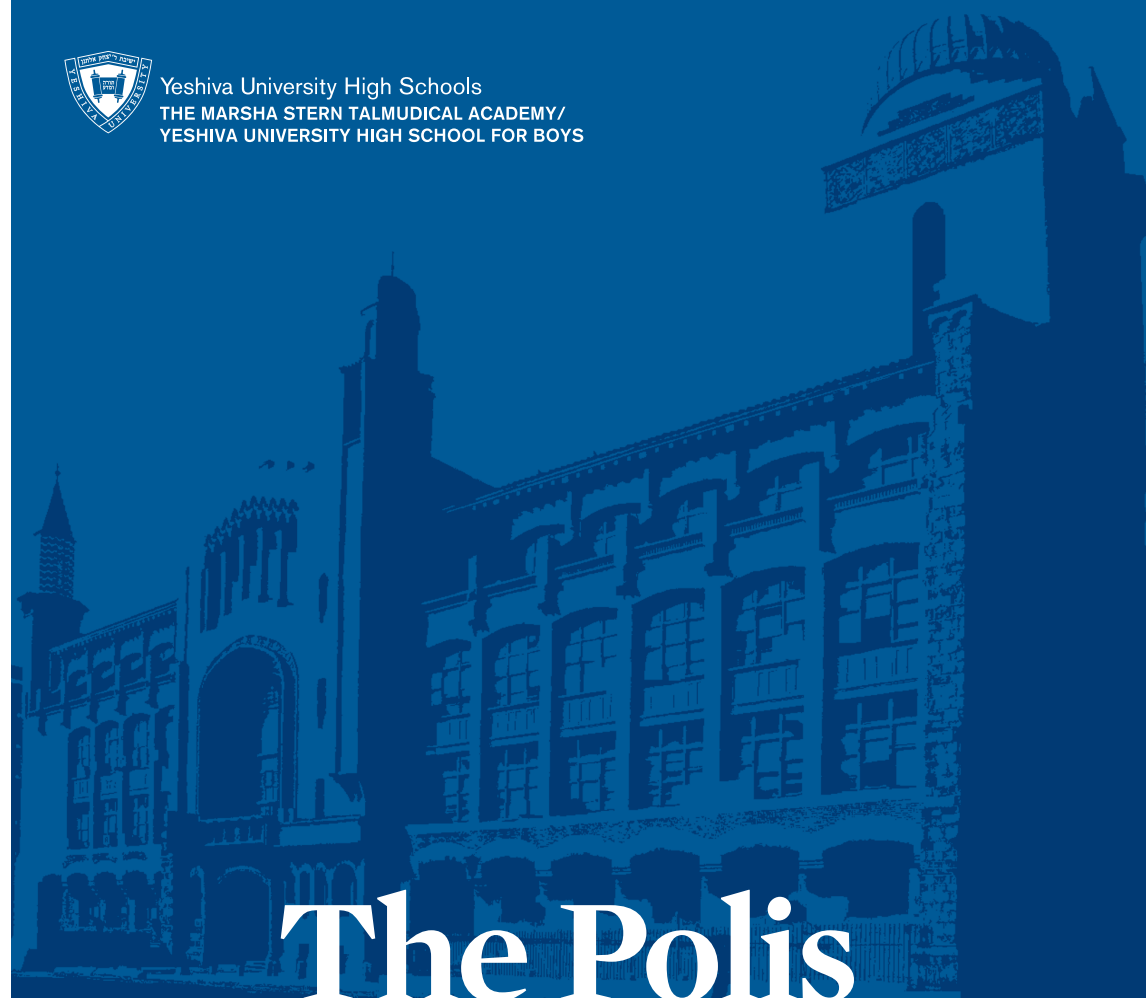




Yeshiva University High Schools  
THE MARSHA STERN TALMUDICAL ACADEMY/  
YESHIVA UNIVERSITY HIGH SCHOOL FOR BOYS



# The Polis

Volume Four

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**Principal for General Studies**

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The Centennial Series:  
Volume Four

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בכל דרכיך דעהו והוא ישר ארחתיך (משלי ג:ו)

“In all your ways acknowledge Him,  
and He will make your paths smooth” (Proverbs 3:6)

This edition of Polis is dedicated to  
Rabbi Dr. Norman Lamm, z”l,  
who taught us to recognize the Hand of God  
in every aspect of Creation.

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Head of School, YUHSB

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## ***Introduction***

Rabbi Joshua Kahn

Head of School, YUHSB

“What is Judaism? A religion? A faith? A Way of Life? A set of beliefs? A collection of commands? A culture? A civilization? It is all of these, but it is emphatically something more. It is a way of thinking, a constellation of ideas; a way of understanding the world and our place within it.” This quote, from Rabbi Jonathan Sacks (*Judaism’s Life-Changing Ideas*, pp. xvii) captures the value and importance we place on how the study of ideas enhance our lives. The centrality of learning is at the core of who we are. Simultaneously, in Judaism, learning and studying are part of a process, a process which is meant to culminate with the sharing and giving over of these ideas to others. It is for this reason that when the Rambam begins his codification of the laws of *Talmud Torah* (*Hilchot Talmud Torah*, 1:1–2), he begins by describing our obligation to teach *Torah* to others, implicitly emphasizing that learning is about teaching, that studying is about sharing these ideas with others. This approach of the Rambam is evident earlier, as Chazal (*Talmud Bavli Kiddushin* 29b) search for the source of the obligation of a parent to teach *Torah* to their children. The Gemara explains that anyone who is obligated to learn is also obligated to teach. Again, studying and teaching are intertwined.

Our Polis publication is a culmination of the hard work of our students. They have read, researched, thought, analyzed, reflected, and then organized their ideas into scholarly articles. In publishing this journal, our students are excited to share their ideas with others, engaging in an ongoing conversation.

We are proud of the role that Yeshiva University High School for Boys/The Marsha Stern Talmudical Academy plays in the academic discourse within our community. Of particular note, we thank Shimi Kaufman ('21), Binyamin Fox ('21), Yeshurin Sorscher ('21), and Yitzy Shaykevich ('21), who have led this project, and to Dr. Taylor, our Principal for General Studies, who has guided their efforts.

### ***The Background of the Controversy Over Maimonides's "Guide for the Perplexed"***

Zachary Kleinman ('21)

The banning and subsequent burning of Maimonides's *Guide for the Perplexed* has, in some circles, acquired an essentially legendary status as an infamous example of closed-mindedness. This largely emerges from the towering status of Maimonides in contemporary thought, making any ban on his works seem absurd. This assumption is such that many are led to assume that any book-banning which occurs must automatically be unjustified, much as the banning of *The Guide* was.<sup>1</sup> This judgment completely ignores the historical context of the controversy, which must be examined for Maimonides's detractors to receive a fair treatment.

#### **I. Historical Context**

It is notable that the conflict regarding the banning occurred at the same time, and for many of the same reasons, as bannings of similar Islamic and Christian works. Many members of the anti-philosophic movement of the 12th and 13th centuries would certainly agree with the critiques of the Islamic theologian Algazali in his *The Incoherence of the Philosophers*, in which he argued that much of philosophy was heresy in disguise, and that it denied core tenets of the faith. Averroes, a famous Muslim philosopher, in response to this, said that reason and religion must be in accord, as both are truths. He also said that the Quran was capable of having a double meaning, one for the scholar and one for the common man.

One cannot help but see parallels between Averroes, the main star of Muslim rationalists, and Maimonides. Averroes was popular with the caliphs, yet on account of his philosophical leanings he was suspected of heresy; his books were burned, and he himself was exiled.

Slightly more relevant, especially as much of the conflict over the Maimonidean writings and particularly the controversy over the Guide occurred in the Christian world, is the conflict within the Church in this regard.

One of the effects of the fourth crusade, which was for the most part an utter disaster, was that after the Crusaders had captured Constantinople in 1204 (which was incidentally also the year of Maimonides's death), the classics of Aristotle in their original Greek were made available to the world (the works had previously only been known via the Arabic translations). Study of these newly rediscovered works of Aristotle caused many heresies to crop up in the Christian world. These heresies included the rejection of the authority of the Church (like the Henricians), a rejection of the doctrine of hell, and a denial of bodily resurrection on the grounds that only the soul could inherit eternal bliss (like the Albigenians).<sup>2</sup>

That this caused the Church much distress is evidenced by the fact that in 1215, the papal legate of Pope Innocent III drew up statutes for the University of Paris which forbade the reading of Aristotle's *Physics* and *Metaphysics*. As if heresy were not enough, evidence of religious decline can be seen in the poems of Petrarch, which tell about how scholars of Padua and Venice fell away from religion due to their admiration of Aristotle. Pope Gregory IX renewed the ban against the use of Aristotle's writings in the University of Paris in 1231 until they were "examined and purged of all heresy." That year, the pope began a permanent inquisition against heretics, ordering their deaths at the hands of the secular authorities. In Spain, the inquisition was set up in the kingdom of Aragon in 1232.

As often happens, tendencies from the Christian world seep into the Jewish world, however much we may try to resist it. It should therefore come as no surprise that similar controversy began to stir around Maimonides'

philosophical and Aristotelian writings. Maimonides was already seen as untraditional by many for opinions such as his rejection of the existence of demons,<sup>3</sup> and his statement that all scriptural stories in which angels appear are visions; these statements earned him criticism from such heavyweights as Nachmanides.<sup>4</sup>

In addition to these problematic views, there was a decline in religious practice in the Jewish world comparable to that then happening in the Christian world in this general time period. We know this from the sermons of Rabbi Moses of Coucy (the author of the *Sefer Mitzvot Hagadol*), who traveled throughout Spain in 1236 exhorting the people there to strengthen their religious commitment. With anti-traditionalism spreading alongside religious decline, the traditionalists had had enough, and decided that it was time to act to preserve Judaism.

## II. The Ban And The Burning

Rabbi Solomon ben Abraham first tried to arouse his own community of Montpellier, and then Provence in general, against the Guide of the Perplexed and the Book of Knowledge (the *Sefer Hamadda* section of the *Mishneh Torah*). He was unsuccessful in this, so he turned to the northern French Rabbis, who were known for being more conservative. Upon being presented with copies of the two books, they proclaimed a ban on anyone who read the Guide and the Book of Knowledge. This caused the institution of a counter-ban, aimed at the anti-Maimonists, to be passed among various Jewish communities in the Kingdom of Aragon in 1232, these communities being Huesca, Monzon, Calatyuad and Lerida.

The controversy came to a climax around 1232. After the northern French scholars had examined the books, they deemed them problematic, and decreed that anyone caught reading them was to be put in *cherem* (exile) and his property confiscated. In their righteous indignation they turned to the church, then animated by anti-Aristotelian sentiment, to contain these heresies.

The Dominicans were well-known for their exploits in book-burning, having burnt Aristotle's *Physics* and *Metaphysics* in 1210. As far as the Church was

concerned, the Guide of Maimonides was just another objectionable Aristotelian book which had begun to come into vogue among Christians, and which the Church was therefore all too happy to rid itself of.

Thus occurred the public burning of the Guide and the Book of Knowledge. The light for the fire was taken from the candelabra in the monastery. The Dominican priests kindled the fire, and the burning took place in the market-place in Montpellier in front of all the people.

### III. Pushback And Conflict

It was after this that Rabbi Samuel Ben Avraham Saporta authored a letter to the French rabbis, in which he told them that while they did have the right to ban heretical writings, their banning of the traditionalist Guide and other writings of Maimonides was mistaken. He additionally reminded them that they had nothing but praise for Maimonides's code of law, the *Mishneh Torah*, when it first came out. In the letter, he in no uncertain terms describes the tactics of the anti-Maimonists as despicable. He describes their involvement of ecclesiastical authority as a *Chillul Hashem* (Desecration Of G-D's Name) and as treasonous to the Jews. It is possible that this letter brought about the change in the attitudes of the French rabbis resulting in the withdrawal of the ban.

Rabbi David Kimhi then left Narbonne and traveled throughout France and Spain in an attempt to arouse pro-Maimonist sentiment. At this crucial juncture, he wrote to Judah Alfakar, a physician to King Ferdinand III, who due to his status would be most useful for both the Maimonists and Anti-Maimonists, to urge the Toledo dignitaries to excommunicate the anti-Maimonists, additionally informing him of the rescission of the ban in France. Judah Alfakar refused, as he viewed the spread of the Guide, and what he considered the sacrifice of Judaism to Greek thought, as inviting heresy; as he himself put it: "You consider the Guide a wonderful teacher; we view it as opening the door to rebelliousness."<sup>5</sup>

Alfakar saw Maimonides's statement that, if the eternity of the universe had

been proven satisfactorily, he would have interpreted the relevant verses that way,<sup>6</sup> as going too far. He contrasts this to divine corporeality, for which there are at least some verses that imply it, whereas Scripture is uniform in teaching Divine Creation, and Maimonides went too far in asserting that a reconciliation would be possible. Indeed, if it was so, it would undermine the very foundation of laws like the Sabbath.<sup>7</sup> He, however, lauds Maimonides as a learned figure and as being of unblemished character. Maimonides was relatively lucky in this regard compared to philosophers from other religions, whose character was attacked most viciously. At the request of earnest supporters of Rabbi Kimhi, Alfakar withdrew, saying that he "will remember all the affliction of David (Kimhi) and will no longer quarrel with him. The fire of my erstwhile zeal will be extinguished by the showers of goodwill."<sup>8</sup>

Rabbi Meir Abulafia, the man who started the prior controversy surrounding the *Mishneh Torah* and Maimonides's views on resurrection, had an equally negative view of the Guide. He sees it as nullifying many essential teachings of Judaism in practice and as full of inconsistencies. Interestingly, he principally blames Maimonides's followers for going too far in their rationalization. He lauds Rabbi Solomon ben Abraham for venturing to stem the tide of heresy, and he urges Nahmanides to halt the effort of the Spanish Maimonists to issue their counter-ban. His brother, Joseph of Burgos, joined with him, citing the religious decline of the era and blaming it on philosophy. The polemical poems of another anti-Maimonist, Meshullam ben Solomon Dapiera, charge that the Guide made radical theological innovations. Other poems were far more positive towards Maimonides, and some even extol him.

Around this time, Nachmanides called for a compromise. In doing so, he criticized the ban of the French rabbis, saying that they were wrong in anathematizing Maimonides's writings. Interestingly, he was far more partial to the *Mishneh Torah* than the Guide. He also urged that his friend, the chief militant against the Guide Rabbi Solomon Ben Abraham, should be treated well. After the banning of the Guide, reports spread of it. Rabbi Abraham Maimonides wrote the Wars of the Lord (*Milchamos Hashem*) to address the complaints of his father's detractors.



## IV. Conclusion

Thus ends the conflict over the Guide. The attempts of the anti-Maimonists parallel to those of the Christian and Muslim worlds were ultimately of no avail. Despite their objections, the Guide and the other writings of Maimonides are staple Judaica.

As we have seen, the background behind the burning of the Guide was most complex, and certain modern conceptions of it do the anti-Maimonists no justice at all. These conceptions may have been due to the fact that the controversy died down quickly after the burning of the Guide. In the end, Maimonides earned his rightful place among the Jewish Greats, despite the opposition during and after his lifetime.

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### END NOTES

- 1 Rabbi Nathan Slifkin, author of several controversial books which were banned by prominent Ultra-Orthodox Rabbis, discussed this at <http://www.rationalistjudaism.com/2017/07/orthodoxy-and-heresy.html>
- 2 This perception was not helped in Jewish circles by people like Isaac Albalag who asserted the eternity of the world and Jacob Anatoli who among other things postulated that Abraham and Sarah represented form and matter thus casting suspicion as to whether he believed in the historicity of the Patriarchs.
- 3 For details on this see, Rabbi Slifkin's monograph *Wrestling With Demons: A History of Rabbinic Attitudes to Demons*
- 4 *Guide for the Perplexed*, II,6
- 5 Jacob Rader Marcus & Marc Saperstein, *The Jews in Christian Europe: A Source Book*, 315–1791, pg. 533
- 6 *Guide for the Perplexed*, II,25
- 7 This same objection has been raised to more modern attempts to interpret *Ma'aseh Bereshit* (the Story of Creation) in an allegorical manner, and has not really been addressed by proponents of allegorical interpretation.
- 8 Joseph Sarachek, *Faith and Reason: The Conflict over the Rationalism of Maimonides*, pg. 103

## *Voting Rights from the VRA to Shelby County, Alabama v. Holder*<sup>1</sup>

Binyamin Fox ('21)

### I. Introduction/Historical Background:

Historically, there has always been a strong connection and synonymy between citizenship and a yearning for voting rights in the United States of America. Famously, the women's suffrage movement vigorously advocated for equal voting rights and enfranchisement for women on grounds that they were equal to their (enfranchised) fellow male citizens, ultimately resulting in the successful passage and ratification of the Nineteenth Amendment in 1920.

Moreover, having been granted citizenship under the Fourteenth Amendment, which declared that: "All persons born or naturalized in the United States... are citizens of the United States [...]"<sup>2</sup> efforts commenced during the post- Civil War, Reconstruction era to guarantee requisite voting rights for African Americans (males).<sup>3</sup> Ultimately, the Fifteenth Amendment was passed; declaring that "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."<sup>4</sup> In fact, following the Amendment's passage, more than 500,000 black males gained voting rights in the South.<sup>5</sup> African Americans were then guaranteed the right to freely exercise their voting rights unimpeded throughout the nation in elections in accordance with the amendment. *Or so they thought...*

As the history would tragically unfold, efforts to guarantee, protect and maintain African American suffrage (and equal protection) in the South came to a rather abrupt end in 1877 when Reconstruction fell and Jim Crow laws (accompanied by White Supremacy) came to power. In order to suppress the black vote (which heavily favored Republicans) and circumvent the Fifteenth Amendment, Southern States instituted poll taxes, literacy tests and the infamous “grandfather clauses,” all as means to keep blacks from voting.<sup>6</sup> Under Jim Crow, Fifteenth and Fourteenth Amendment protections for African Americans, particularly when it came to the ballot box, were practically nonexistent. By 1940, some sixty years after the fall of Reconstruction, only 3% of voting age blacks were eligible to participate in elections in the South.<sup>7,8</sup>

## II. Voting Rights Act (VRA) (1965):

However, when the Civil Rights Movement gained strength and influence in the mid-twentieth century, legislators and activists were adamant and determined that African American voting rights finally be restored. Titled “[a]n Act To enforce the fifteenth amendment to the Constitution of the United States...”, the Voting Rights Act of 1965, arguably one of the most influential pieces of legislation ever passed and signed into law in United States’ history, sought to guarantee that “no voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.”<sup>9</sup>

Consisting of nineteen sections, the Voting Rights Act, or VRA, included numerous provisions intended to strengthen black and minority enfranchisement, lift and outlaw barriers to voting rights and ballot box access, insure proper election supervision and oversight over state governments, and, above all, ensure that the Civil Rights of all Americans, enshrined within the Fourteenth Amendment’s Equal Protection Clause, were safeguarded for all Americans, and African Americans in particular, when it came to voting and elections.

Arguably the two most important, “meat and potatoes” means of voting rights

enforcement included within the VRA were Sections 4 and 5. The main goal of these sections was to insure and protect the voting rights of those disenfranchised Americans living in municipalities, districts, counties or states with electoral histories plagued by voter suppression and discrimination, primarily in the Deep South where Jim Crow had ruled the day. **Section 4** declared:

(a) To assure that the right of citizens of the United States to vote is not denied or abridged on account of race or color, no citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State with respect to which the determinations have been [p\*340] made under subsection (b) or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color:

Provided, That no such declaratory judgment shall issue with respect to any plaintiff for a period of five years after the entry of a final judgment of any court of the United States, other than the denial of a declaratory judgment under this section, whether entered prior to or after the enactment of this Act, determining that denials or abridgments of the right to vote on account of race or color through the use of such tests or devices have occurred anywhere in the territory of such plaintiff. An action pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court...

If the Attorney General determines that he has no reason to believe that any such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or

abridging the right to vote on account of race or color, he shall consent to the entry of such judgment....

(c) The phrase “test or device” shall mean any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.<sup>10</sup>

Under Section 4 of the VRA, any electoral district, state or municipality which employed these “tests or devices” in order to prevent African Americans (and other minorities) from voting (i.e. Jim Crow laws mentioned above et al.) would be monitored by US Department of Justice unless a “declaratory judgment” was issued by the US District Court for DC and approved by the Attorney General, confirming that the voting district or state in question no longer utilized such voting “tests” or impediments meant to suppress and block the vote of certain Americans. If such were to be confirmed, then the district or state in question could be “bailed” out of VRA requirements.<sup>11</sup> Of course, however, Section 2 of the VRA: “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude” would remain in effect universally, as it does until this very day nation-wide.<sup>12</sup>

**Section 5** of the VRA legislated the “preclearance” requirement for the districts covered by Section 4 of the act. Section 5 of the VRA states:

Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964, such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure does not have the purpose

and will not have the effect of denying or abridging the right to vote on account of race or color, and unless and until the court enters such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, [p\*343] or procedure: Provided, That such qualification, prerequisite, standard, practice, or procedure may be enforced without such proceeding if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, except that neither the Attorney General’s failure to object nor a declaratory judgment entered under this section shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure....<sup>13</sup>

Since these districts in question had been documented to have historically utilized discriminatory practices and voting laws meant to suppress and prevent the electoral participation of certain groups (generally African Americans or other minorities), in order to change any voting laws in these districts or states going forward, the governments of these jurisdictions required “preclearance.” Preclearance meant that the Federal Government and Federal Courts could scrutinize the law in question, and only allow it to go into effect and be codified into law if they determined that the law(s) in question were not discriminatory in nature and would not have an adverse effect on minority voting rights.<sup>14</sup> By doing such, the Federal Government was in a position to ensure that voting rights would never be infringed upon again. Of course, as mentioned above, under Section 4, such preclearance “covered” districts were able to potentially “bail out” of Section 5 preclearance if they demonstrated a record of upholding civil rights.

In order to determine which districts or states would be subject to “preclearance” and Sections 4 and 5, in **Section 4(b)**, Congress devised the following formula:

(b) The provisions of subsection (a) shall apply in any State or in any

political subdivision of a state which (1) the Attorney General determines maintained on November 1, 1964, any test or device, and with respect to which (2) the Director of the Census determines that less than 50 percentum of the persons of voting age residing therein were registered on November 1, 1964, or that less than 50 percentum of such persons voted in the presidential election of November 1964....<sup>15</sup>

If a state, district or municipality was found to meet both criteria (i.e. utilize a voting “test” **and** less than 50% of eligible residents voted or registered to vote) then the district in question would be subject to preclearance (i.e. Sections 4 and 5).

Subsequent Congresses would later adjust or update this “coverage” formula in 1970 and 1975; updating criteria (1) to the most recent presidential election (i.e. 1968 and 1972 respectively), as well as to include “voting discrimination against members of ‘language minority groups,’ which were defined as persons who are American Indian, Asian American, Alaskan Natives or of Spanish heritage.... In addition, the 1965 definition of ‘test or device’ was expanded to include the practice of providing any election information, including ballots, only in English in states or political subdivisions where members of a single language minority constituted more than five percent of the citizens of voting age.”<sup>16</sup> Congress later continued the VRA coverage formula in 1982 and 2006 for 25-year periods each, but the formula from 1975 remained the same.<sup>17</sup>

### III. Impact of the Voting Rights Act and Bailouts:

Pre-clearance under the VRA proved to be quite effective. In 1965, the states of Alabama, Alaska, Georgia, Louisiana, Mississippi, South Carolina, and Virginia were placed under preclearance, in addition to certain counties in North Carolina, Arizona, Idaho and Hawaii. In 1970, sections of Alaska, Arizona, California, Connecticut, Idaho, Maine, Massachusetts, New Hampshire, New York, and Wyoming were placed under preclearance, followed by the entirety of the states of Alaska, Arizona, and Texas and certain counties in California, Florida, Michigan, New York, North Carolina, and South Dakota in 1975.<sup>18, 19</sup>

Each of these states, counties and jurisdictions were placed under VRA preclearance in an effort to root out their discriminatory electoral pasts and tendencies, and to ensure fair, equal voting rights for all.

As previously mentioned, Section 4 provided a mechanism for states to “bail out” from preclearance requirements. Originally, when the VRA was passed in 1965, “bailouts” from VRA preclearance were really meant for districts (or states) which were unintentionally placed under preclearance (i.e. they did not engage in overly discriminatory or nefarious behaviors meant to disenfranchise certain groups of voters), but happened to be placed under Section 4 and 5 simply because Congress’ preclearance formula dictated such was necessary, based on the data and statistics. The US Department of Justice describes this as “over inclusiveness resulting from application of the trigger formula.”<sup>20</sup>

However, as time would go on, in 1982, Congress shifted gears and decided to enable preclearance bailouts in any district that demonstrated that it had successfully abandoned (or never used for that manner) discriminatory voting laws and was committed to full voter enfranchisement.<sup>21</sup> While specific details may have changed slightly over time since the VRA’s original authorization in 1965, in essence, districts which had demonstrated that they were free of voter discrimination (in their laws and actions) for a requisite amount of time could be bailed out (after receiving a declaratory judgment in court and consent from the Attorney General of the United States- see above). As of 2009 (again, details changed slightly over time, especially post 1982–4, but the general core tenants and principles remained consistent, though as Chief Justice Roberts pointed out in his opinion in *Shelby*, bailout requirements actually got stricter in the 2006 reauthorization<sup>22</sup>), in order to “bailout” from preclearance, the districts had to demonstrate that for the past ten years:

“No test or device has been used within the jurisdiction for the purpose or with the effect of voting discrimination;

All changes affecting voting have been reviewed under Section 5 prior to their implementation;

No change affecting voting has been the subject of an objection by the Attorney General or the denial of a Section 5 declaratory judgment from the District of Columbia district court;

There have been no adverse judgments in lawsuits alleging voting discrimination;

There have been no consent decrees or agreements that resulted in the abandonment of a discriminatory voting practice;

There are no pending lawsuits that allege voting discrimination; and  
Federal examiners have not been assigned;

There have been no violations of the Constitution or federal, state or local laws with respect to voting discrimination unless the jurisdiction establishes that any such violations were trivial, were promptly corrected, and were not repeated.”<sup>23</sup>

These were certainly high standards to live up to and meet in order to bailout, but by that very token, a true testament to Congress’ and the United States Government’s commitment to end voter discrimination and ensure voter enfranchisement, especially for minorities.

The list of districts that have bailed out of preclearance over the past half century or so is quite exhaustive. The first bailouts took place in 1967, and ten would occur before 1984. After 1984 (when the 1982 changes-above- came into effect), thirty-six more would bail out, and at the time that briefs were filed in the Supreme Court’s *Shelby County, Alabama v Holder* case (decided in 2013), two more bailouts were pending.<sup>24</sup> Clearly, due to the VRA, Voting Rights were improving in the United States.

However, bailouts from preclearance did not take place everywhere in the United States, particularly in the South, where much of the initial voter discrimination took place. At the time that the Voting Rights Act was struck down by the Supreme Court in *Shelby County* (see below), the states of Alabama, Alaska, Arizona, Georgia, Louisiana, Mississippi, South Carolina,

Texas and Virginia remained under VRA Section preclearance in their entirety (they could not freely change their voting laws as they pleased). Certain counties or townships in California, Florida, Michigan, New York, North Carolina, and South Dakota remained under preclearance as well.<sup>25</sup>

However, in 2013, following the (successful) initiation of a constitutional law suit by Shelby County in Alabama, preclearance under the VRA would unravel and these states would become free to pass voting laws free from federal supervision.

#### **IV. Shelby County, Alabama v. Holder (2013):**

The question presented before the United States Supreme Court in this case was “Whether Congress’ decision in 2006 to reauthorize Section 5 of the Voting Rights Act under the pre-existing coverage formula of Section 4(b) of the Voting Rights Act exceeded its authority under the Fifteenth Amendment and thus violated the Tenth Amendment and Article IV of the United States Constitution.”<sup>26</sup> Shelby County argued that the originally data utilized by Congress in 1965 and 1975 to place the county under preclearance was outdated half a century later when Congress reauthorized the VRA in 2006. Hence Section 4(b) of the VRA- the coverage formula, which based preclearance requirements on 1975 data was outdated itself, and therefore unconstitutional. Shelby County, thus, argued that Section 4(b) was inapplicable, and the county had the right to change its voting laws as it wished, free from preclearance. After all, without Section 4(b)- the preclearance formula, Sections 4 and 5 of the VRA lacked any force, and thus preclearance would fall.<sup>27</sup>

A few months after oral argument, in June 2013, the Supreme Court agreed with Shelby County, Alabama and struck down Section 4(b) of the VRA, despite the objections of the United States Department of Justice, headed by then-Attorney General Eric Holder. In his majority opinion, Chief Justice John G. Roberts wrote that “The Voting Rights Act of 1965 employed extraordinary measures to address an extraordinary problem” and while “voting discrimination still exists; no one doubts that [.]” “the conditions that

originally justified these measures no longer characterize voting in the covered jurisdictions.”<sup>28</sup>

Citing US Government and Census statistics, such as the chart below, which demonstrate the gains in African American enfranchisement since the passage of the VRA, and noting that “that African American voter turnout has come to exceed white voter turnout in five of the six States originally covered by §5, with a gap in the sixth State of less than one half of one percent[,] Justice Roberts agreed that the statistics utilized in 1965 and 1975 were no longer constitutionally sufficient or applicable, fifty years later. Hence, until a new preclearance formula was enacted by Congress, in accordance with modern, updated, present-day statistics, Section 4(b) could no longer stand.

	1965			2004		
	White	Black	Gap	White	Black	Gap
<b>Alabama</b>	69.2	19.3	49.9	73.8	72.9	0.9
<b>Georgia</b>	62.[6]	27.4	35.2	63.5	64.2	-0.7
<b>Louisiana</b>	80.5	31.6	48.9	75.1	71.1	4.0
<b>Mississippi</b>	69.9	6.7	63.2	72.3	76.1	-3.8
<b>South Carolina</b>	75.7	37.3	38.4	74.4	71.1	3.3
<b>Virginia</b>	61.1	38.3	22.8	68.2	57.4	10.8

Chief Justice Robert’s concluded:

“Striking down an Act of Congress ‘is the gravest and most delicate duty that this Court is called on to perform.’... We do not do so lightly... Congress could have updated the coverage formula at that time [in 2009], but did not do so. Its failure to act leaves us today with no choice but to declare §4(b) unconstitutional. The formula in that section can no longer be used as a basis for subjecting jurisdictions to preclearance. Our decision in no way affects the permanent, nationwide ban on racial discrimination in voting found in §2. We issue no holding on §5 itself, only on the coverage formula. Congress may draft another formula based on current conditions. Such a formula is an initial prerequisite to a determination that exceptional conditions still exist justifying such an

‘extraordinary departure from the traditional course of relations between the States and the Federal Government.’.... Our country has changed, and while any racial discrimination in voting is too much, Congress must ensure that the legislation it passes to remedy that problem speaks to current conditions.”<sup>29</sup>

In her dissenting opinion, (the late) Justice Ruth Bader Ginsburg argued that Section 4(b) was both still necessary and constitutional, and warned of the potential drastic implications of the Court’s decision striking down Section 4(b):

“After considering the full legislative record, Congress made the following findings: The VRA has directly caused significant progress in eliminating first-generation barriers to ballot access, leading to a marked increase in minority voter registration and turnout and the number of minority elected officials.... The overall record demonstrated to the federal lawmakers that, ‘without the continuation of the Voting Rights Act of 1965 protections, racial and language minority citizens will be deprived of the opportunity to exercise their right to vote, or will have their votes diluted, undermining the significant gains made by minorities in the last 40 years.’ ”<sup>30</sup>

Following the Shelby County decision in 2013, congressional efforts to institute a new preclearance formula and Section 4(b) have, as of now, failed to materialize.<sup>31</sup> Hence, while the rest of Sections 4 and 5 of the VRA technically still stand (in addition to Section 2), as Chief Justice Roberts noted in his opinion (Justice Thomas argued that Section 5 should be struck down as well in a concurring opinion<sup>32</sup>), absent Section 4(b), Sections 4 and 5 are in essence now ineffective. Thus, free from federal oversight, states once subject to preclearance under the VRA have once again begun to change their voting laws, leading to claims of voter suppression.<sup>33</sup> Only time will tell if a new preclearance formula, restoring Section 4(b) will one day be instituted by Congress.



## END NOTES

- 1 This essay stems from a research project I have undertaken over the past few months on voting rights and *Shelby*. I would like to thank Yeshiva University's Cardozo School of Law's Professor David Rudenstein, and YUHSB college guidance counselor and history teacher Mr. Murray Sragow, for their guidance and support.
- 2 US Const. amend. XIV, sec. I
- 3 See Professor Eric Foner's new book "The Second Founding," particularly chapter 3- "The Right to Vote- The Fifteenth Amendment- for a thorough history and enjoyable read of/on these efforts.
- 4 US Const. amend. XV, sec. I
- 5 <https://www.crf-usa.org/black-history-month/race-and-voting-in-the-segregated-south>.
- 6 Ibid
- 7 Ibid
- 8 In addition to Foner (above), I recommend reading the relevant historical summaries on the ups and downs in the history of voting rights provided in both the majority and dissenting opinions in *Shelby County v Holder* (see below)
- 9 [https://avalon.law.yale.edu/20th\\_century/voting\\_rights\\_1965.asp](https://avalon.law.yale.edu/20th_century/voting_rights_1965.asp)
- 10 Ibid
- 11 "<https://www.justice.gov/crt/section-4-voting-rights-act>
- 12 [https://avalon.law.yale.edu/20th\\_century/voting\\_rights\\_1965.asp](https://avalon.law.yale.edu/20th_century/voting_rights_1965.asp).
- 13 Ibid
- 14 See <https://www.justice.gov/crt/about-section-5-voting-rights-act>, and <https://www.justice.gov/crt/section-4-voting-rights-act>
- 15 [https://avalon.law.yale.edu/20th\\_century/voting\\_rights\\_1965.asp](https://avalon.law.yale.edu/20th_century/voting_rights_1965.asp).
- 16 <https://www.justice.gov/crt/section-4-voting-rights-act>
- 17 Ibid
- 18 Ibid
- 19 [https://en.wikipedia.org/wiki/List\\_of\\_jurisdictions\\_subject\\_to\\_the\\_special\\_provisions\\_of\\_the\\_Voting\\_Rights\\_Act\\_of\\_1965](https://en.wikipedia.org/wiki/List_of_jurisdictions_subject_to_the_special_provisions_of_the_Voting_Rights_Act_of_1965)
- 20 <https://www.justice.gov/crt/section-4-voting-rights-act>
- 21 Ibid
- 22 [https://www.supremecourt.gov/opinions/12pdf/12-96\\_6k47.pdf](https://www.supremecourt.gov/opinions/12pdf/12-96_6k47.pdf)
- 23 <https://www.justice.gov/crt/section-4-voting-rights-act>

- 24 <http://sblog.s3.amazonaws.com/wp-content/uploads/2012/09/12-96-Shelby-County-v-Holder-BIO.pdf> See Appendix B (Pages 4a–10a) for a full listing of Jurisdictions Bailed out from Section 4 preclearance between 1967 and 2013.
- 25 <https://www.justice.gov/crt/jurisdictions-previously-covered-section-5>
- 26 "<http://sblog.s3.amazonaws.com/wp-content/uploads/2012/08/12-96-Shelby-County-v-Holder-Petition-for-a-Writ-of-Certiorari.pdf>
- 27 See <http://sblog.s3.amazonaws.com/wp-content/uploads/2012/08/12-96-Shelby-County-v-Holder-Petition-for-a-Writ-of-Certiorari.pdf> and [https://www.supremecourt.gov/opinions/12pdf/12-96\\_6k47.pdf](https://www.supremecourt.gov/opinions/12pdf/12-96_6k47.pdf)
- 28 [https://www.supremecourt.gov/opinions/12pdf/12-96\\_6k47.pdf](https://www.supremecourt.gov/opinions/12pdf/12-96_6k47.pdf)
- 29 Ibid
- 30 Ibid
- 31 See e.g. <https://www.congress.gov/bill/116th-congress/house-bill/4/text>. Numerous Congresses post 2013 have attempted to reinstitute preclearance, all, so far, unsuccessfully.
- 32 [https://www.supremecourt.gov/opinions/12pdf/12-96\\_6k47.pdf](https://www.supremecourt.gov/opinions/12pdf/12-96_6k47.pdf)
- 33 See e.g. <https://www.vox.com/policy-and-politics/2019/6/25/18701277/shelby-county-v-holder-anniversary-voting-rights-suppression-congress>

## ***The Idealistic Side of Marxist Materialism, or How Dr. Taylor Has Lied to His Classes for Over Thirty Years***

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*The entrance hall of Humboldt University in East Berlin still showcases the most quoted line from Karl Marx's writings, the 11th Thesis on Feuerbach: The philosophers have only interpreted the world in various ways; the point is to change it.*

Every year in my sophomore history classes, I teach about Marxism. I note how Marx's doctrine is called Historical Materialism, thus linking it to the philosophical school of Materialism going back to the Greeks. Materialism, I explain, asserts that everything in the universe, including human beings, consists solely of matter. Thus, our ideas, perceptions and beliefs are not the products of reason or revelation, but the mere results of the way our

experiences influence us, much in the same way a beaker of chemicals may react to outside stimuli. What makes Historical Materialism unique among Materialist doctrines is Marx's belief that the central experience of every human being is his role in the economy. People with similar roles will develop similar views of the good and the just, as well as similar ideas on how to address injustice. Those who develop similar views will come together to form a class. For Marx, it is the working class which will recognize the injustices of the Capitalist system and overthrow it to create Communism.

In explaining Historical Materialism, I also note that Marx had broken with his teacher, Hegel, who belonged to the German Idealist tradition, a tradition which sees ideas as the cause of historical change. Emerging from what Hegel called the World Spirit, ideas and value systems temporarily become preeminent in history, only to be superseded by new ideas in a dialectical process of thesis, antithesis, and synthesis. Marx maintained Hegel's dialectical process but grounded it firmly in the material world, not the World Spirit, with changes in the economy or mode of production as the motor of history. It's a pretty succinct description of Marxist thought, if I must say so myself; there is only one problem. It's not true! Marx never gave up Idealism for Materialism. His entire endeavor aimed at reconciling both philosophic trends into one system.

In my own defense, I have to note that it is difficult enough to explain Materialism to a high school sophomore class, much less to describe German Idealism and Marx's attempt to merge both schools. More importantly, seeing Marx as a Materialist was a common misunderstanding in the 19th century. It was Friedrich Engels, not Marx, who first coined the term Historical Materialism in the late 19th century, describing a doctrine where historical change is completely determined by the changes in the mode of production and ideals and values are the mere byproducts of our experiences.<sup>1</sup> By this time, it was easy to view Marx's doctrine as a completely deterministic science. The birth of Darwinism and the progress made in many of the natural sciences had convinced Europeans that scientific laws governed most developments in the natural world and society as well, and human intervention, not determined by scientific laws outside human control, could have little



impact. Even Marxist parties, like the German SPD, found it unnecessary to undertake revolutionary activities, since revolution would occur inevitably, but only when economic conditions were ripe.<sup>2</sup>

This mechanistic view of Marxism would continue until shortly after World War I, when the Hungarian philosopher Georg Lukács rediscovered the idealistic side of Marx's doctrine.<sup>3</sup> The strong Hegelian roots of the Marxist theory are now well known to scholars of the philosopher, but for anyone who examines his earlier writings, those roots were always clear to see.

In *The German Ideology*, written together with Engels in 1846, Marx derided those idealistic followers of Hegel who hoped to spur historical change "all in the realm of pure thought". For Marx, in *The German Ideology*, ideas have no autonomous existence outside the material intercourse of human beings. To believe so is itself a delusion which developed in history because of the separation of mental and physical labor. "Life is not determined by consciousness, but consciousness by life", according to Marx.

So far, I seem to have made an excellent argument against myself, since Marx's own description seems to trace all development back to the material world. Yet the careful reader of *The German Ideology* will note that Marx distinctly states that "men are the producers of their conceptions, ideas, etc.—real active men, as they are conditioned by a definite development of their productive forces and of the intercourse corresponding to these...."<sup>4</sup> Conditioning is not the same as causation, and therefore while consciousness, ideals, and philosophy may trace their origins and growth from the mode of production, the whole must "be depicted in its totality (and therefore too, the reciprocal action of these various sides to one another)".<sup>5</sup>

Marx's criticisms of both Idealism and Materialism and his attempt to bridge them both is best illustrated by his Theses on Feuerbach, written in 1845.

The chief defect of all hitherto existing materialism is that the thing, reality, consciousness is conceived only in the form of the object...but not as human sensuous activity, practice, not subjectively. Hence it

happened that the active side, in contradistinction to materialism, was developed by idealism—but abstractly, since, of course, Idealism does not know real, sensuous activity as such....<sup>6</sup>

Clearly the above quote shows Marx determined to forge a new theory of historical development that would counter not only the otherworldliness of Idealism, but also the insignificant role for human will in materialism. "A mass of productive forces" not only prescribes for every new generation the conditions of life, but "is modified by the new generation". Marx's doctrine then, in contrast to idealism and materialism, is a two-way street, where "circumstances make men as much as men make circumstances".<sup>7</sup>

Yet, if we have rescued Marxism from the charge of being completely deterministic, it is nevertheless true that economic developments for Marx play a major role in setting the course of history. However, one additional qualification must be made. This is true only for the period prior to the Communist Revolution. All history after that event is a conscious act of man. This conclusion becomes evident with a glance back from the German Ideology to his Paris Manuscripts of 1844, where Marx is concerned not with class struggle, but with the liberation of mankind. For Marx, humanity is everywhere in chains to false consciousness as a result of alienated labor, a process that began long ago in history with the division of labor, when objects produced by men became abstract exchange values. The alienation of labor "turns man's species being...into a being alien to him.... It estranges man...from his spiritual essence, his human essence".<sup>8</sup> The end of labor alienation is, of course, the communist revolution, when man is emancipated from false consciousness and returns to his true self. No longer do class interests separate human beings from each other. The mode of production will no longer condition the way human beings understand their world, and they are free to cooperatively fashion their own future.

## END NOTES

- 1 See his introduction to his own Socialism: *Utopian and Scientific* (Chicago: Charles Kerr & Co.), 1908.
- 2 On this development, see David Bathrick and Paul Breines, “Marx und/oder Nietzsche. Anmerkungen zur Krise des Marxismus” in Karl Marx und Friedrich Nietzsche, edited by Reinhold Grimm & Jost Hermand (Frankfurt/M: Athenäum Verlag, 1978) 73–74.
- 3 On Lukács discovery of the Idealistic component of Marxism, see Andrew Arato and Paul Breines, *The Young Lukács and the Origin of Western Marxism* (New York: Seabury Press, 1979).
- 4 Karl Marx, *The German Ideology*, edited by C.J. Arthur (New York, 1970) 47.
- 5 Ibid. 58
- 6 See Marx’s first Thesis on Feuerback,  
<https://www.marxists.org/archive/marx/works/1845/theses/theses.htm>
- 7 The German Ideology, 59
- 8 Karl Marx, “The Paris Manuscript of 1844” in *Early Writings*, edited by Rodney Livingstone, New York, 1974, 329.

***Workplace Diversity: Is It Something We Should Strive For?***

A. Y. Kra ('21)

*This essay summarizes the opinions of others and does not necessarily reflect the author’s views.*

Since the term “workforce diversity” was first coined in the 1990s, the topic has received consistent and increasing attention by organizations, the business media, and the popular press.<sup>1</sup> Many researchers, statisticians, and analytical teams have looked into what benefits and drawbacks are included in proactively increasing diversity and how to apply related policies within educational and corporate environments. The findings of their studies directly affect who colleges accept,<sup>2</sup> which individuals companies will hire,<sup>3</sup> how projects are staffed, how people are compensated, and when people are promoted.<sup>4</sup>

Diversity can be of gender, race, religion, age, culture, socioeconomic background, values, or other personal attributes. Diversity can be present at one’s school, at the workplace, in a social group, and within one’s neighborhood. Nowadays, the merits of diversity are more accepted than previously. However, is diversity something we should strive for, or are there drawbacks to proactively taking actions to achieve greater diversity?

Those in support of proactively increasing diversity posit several primary benefits. They contend that being in a diverse environment broadens our perspective, stimulates new ideas for problem-solving, and increases

productivity. Additionally, they believe that when it is normal to be among a diverse population, there is less discrimination. Those who argue against encouraging diversity contend that conflicting work styles can result in slower problem solving and may hurt production. Additionally, they are concerned there can be different understandings of professional etiquette and that statements and other communications can be misinterpreted by someone with a different background or orientation. They are concerned these outcomes will result in adverse financial consequences due to potential reductions in productivity, misunderstandings, and conflicts.

### **I. Studies and Reasoning Supporting Diversity**

One study that displays the benefit and importance of diversity was a study conducted by the Boston Consulting Group (BCG).<sup>5</sup> The study tested if diversity increases the bottom line<sup>6</sup> for companies. It looked at 1,700 different companies across eight different countries, with varying industries and company sizes. The study found that “increasing the diversity of leadership teams leads to more and better innovation and improved financial performance.” They have found that increasing diversity has a direct effect on the bottom line. Companies that have more diverse management teams have 19% higher revenue<sup>7</sup> due to innovation. The study shows that diversity is not just a metric to be strived for; it is an integral part of a successful revenue-generating business.

A study was also done by McKinsey Consulting,<sup>8</sup> which examined 180 companies across four countries for two years. The study found that diverse boards perform better than their less diverse counterparts. Companies with top quartile diversity<sup>9</sup> on their executive boards generated returns on equity that were 53% higher, on average, than the companies in the bottom diversity quartile. Those more diverse businesses also generated a 14% higher EBIT (earnings before interest and tax)<sup>10</sup>, on average.

Ethnic diversity also leads to better stock picking.<sup>11</sup> A selection of researchers from Columbia, MIT, University of Texas-Dallas, Northwestern, and a few other prestigious universities, studied stock picking in ethnically

homogeneous and diverse groups. More diverse teams made more accurate pricing decisions, leading to fewer bubbles in the market.<sup>12</sup> Their picks were 58% than the choices of the homogeneous groups. They similarly concluded diversity produced a better outcome. Furthermore, this study found that “Ethnic diversity was valuable not necessarily because minority traders contributed unique information or skills, but their mere presence changed the tenor of decision-making among all traders. Diversity benefited the market.”

Dr. Scott Page, an economics professor at the University of Michigan, taught a class on systems analysis.<sup>13</sup> He wanted to prove the value of this seemingly obscure field to his students. Page designed a simulation to show them that groups of “very able” people—the people in the class—would outperform “able and more diverse” groups—smart people who were not in the class. However, Page’s study did not show what he wanted. It showed instead that the diverse groups could outperform the very able groups.<sup>14</sup> Page’s research also showed that additional dimensions of diversity resulted in improved performance.

Building diverse teams have also been shown to build a better product when judged by peers. In academia, publishing is usually more important than teaching. Publishing papers that are cited widely and held in high esteem is the ultimate goal for most professors. A study written up in *Scientific American*<sup>15</sup> looked at 1.5 million academic papers and “found that papers written by diverse groups receive more citations and [had] higher impact factors than papers written by people from the same ethnic group.” However, homogeneous groups of authors still make up more than their fair share of the papers. The study found that “persons of similar ethnicity co-author together more frequently than predicted by their proportion among authors.” This suggests that diversity is not a natural tendency and proactive measures are necessary to achieve it. It is incredibly easy to seek out echo chambers<sup>16</sup> and similar viewpoints, but it leads to inferior final products.<sup>17</sup>

### **II. Studies and Reasoning Against Diversity**

While many studies show benefits to workforce diversity, this author did not find scientific studies that conclude that there are drawbacks. Articles in

sopposition to diversity tend to ignore the studies listed above and others with similar conclusions. Therefore, there does not seem to be a credible basis for concluding there are no merits to diversity. However, these articles identify potential difficulties to anticipate when seeking the benefits of diversity and risks from excessively seeking to achieve diversity.

Hult International Business School, a private business school with international campuses, published an article on their blog in 2019 that listed the advantages and disadvantages of diverse groups.<sup>18</sup> One challenge identified was that colleagues from some cultures might be less likely to let their voices be heard. The presence of diverse thinkers is not independently sufficient. It is also critical to create an open and inclusive workplace environment, where all team members feel empowered to contribute. This can be particularly challenging for colleagues from polite or deferential cultures.<sup>19, 20</sup> For instance, professionals from certain countries<sup>21</sup> may feel less comfortable speaking up or sharing ideas, particularly if they are new to the team or in a more junior role.<sup>22</sup> Conversely, assertive colleagues from other countries that emphasize flat organizational<sup>23</sup> hierarchy<sup>24</sup> may be more inclined to speak up at meetings or negotiations when others do not.

Integration, as opposed to colocation, is required to maximize the benefits of diversity. They note it is essential to foster integration among teams to avoid colleagues from different countries working in isolation and limiting knowledge transfer. This can be a challenge to overcome, particularly if there are underlying prejudices between cultures, making them less inclined to work together. Negative cultural stereotypes can be seriously detrimental to company morale and affect productivity.<sup>25</sup> For instance, the centuries-long antipathy between the British and French,<sup>26</sup> or the Poles and Germans,<sup>27</sup> can sometimes creep into the workplace. While outright prejudice or stereotyping is a serious concern, ingrained and unconscious cultural biases can be more challenging to identify and combat. Therefore, it may be a more significant challenge to improving diversity.

Also, there can be different understandings of professional norms. Colleagues from different cultures can also bring with them different workplace attitudes,

values, behaviors, and etiquette. While these can be enriching and even beneficial in a diverse professional environment, they can also cause misunderstandings or ill feelings between team members. For instance, the expectation of formality (or relative informality), organizational hierarchy, and even working hours can conflict across cultures. Where a Japanese colleague may not feel it appropriate to leave work before their manager (or, indeed, anyone else<sup>28</sup>), a Swedish professional may be used to a 6-hour working day.<sup>29</sup> Additionally, different approaches to punctuality, confrontation<sup>30</sup>, or dealing with conflict can prove an issue.

In an article published in Forbes titled “5 Reasons Diversity and Inclusion Fails”<sup>31</sup>, author Glenn Llopis lists his thoughts on diversity. His article, which bashes the decision of companies to hire diverse workers because he says they aren’t doing it for the proper reasons and are therefore failing, cites only two outside sources: a quote by author Thomas Wedell-Wedellsborg that can be found in the Harvard Business Review and a quote from Martin Luther King Jr. written in his introduction to his five reasons he states:

“One of my favorite Martin Luther King Jr. quotes is: ‘There is nothing more dangerous than sincere ignorance and conscientious stupidity.’<sup>32</sup> And I am just going to come out and say it: Most diversity and inclusion initiatives fall into the former category: sincere ignorance. They look and sound great. They are usually well-meaning too. But a vast number of these initiatives prove ineffective or fail within a year or two. Why? Sincere ignorance.”

However, it is important to notice that even though the author writes against workplace diversity, he is not contradicting any of the previous studies. He is just saying that when a diverse group of people gets together, but the diverse team is not discussing the opinions, the diversity is inconsequential.

In my research, I heard stories about people who were informed they were not eligible for professional opportunities, despite being highly qualified because they would not increase workplace diversity. Additionally, some universities have higher standards of admission for applicants who are not considered

diverse candidates.<sup>33,34,35</sup> A balance is required to reap the benefits of diversity without subverting the quality of the professional or academic population and without discriminating against a person on the sole basis that they do not satisfy racial, gender, or other diversity criteria.

### III. Conclusion:

While there is a broad appreciation of the benefits of diversity, the reality is that we continue to routinely encounter homogeneity. Why don't personal and managerial decisions better facilitate improved diversity? In practice, making a decision on how to build a team can be quite difficult. There are merits to selecting the most qualified individuals, and there is value to diversity. Unfortunately, the real merits of diversity are not well understood. Additionally, it can be more comfortable and more convenient to ignore the research above and select a team based on individual merit.

Some seek to meet a minimum diversity standard based on corporate directives. With no business partners, there is no business. Therefore, anything which can be looked down upon by others,<sup>36</sup> which can result in a loss of clients, won't be done by a company. Today, there are numerous movements that advocate for equality and representation of minorities in the workplace. If an organization is brought under the wrath of one of these movements, they will likely suffer financial loss and can have individuals' names defamed. Therefore, many businesses strive to have diverse teams.

Merely relying on corporate mandates is insufficient. A manager may make suboptimal decisions to satisfy a corporate requirement. This can result in a diverse team that isn't created because of a genuine belief in the findings discussed above. Perhaps, this is the type of team that Glenn Llopis wrote against.<sup>37</sup> Further, a corporate directive cannot anticipate the particulars of the plethora of decisions managers confront on a constant basis.

Instead, optimizing diversity requires broader education and, ultimately, broader belief in its inherent merits. Microdecisions by well-educated and well-informed managers, colleagues, and peers can accumulate to achieve large scale change and improved output.

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### END NOTES

- 1 Roberson, Quinetta, et al. "The Evolution and Future of Diversity at Work." *Journal of Applied Psychology*, vol. 102, no. 3, 2017, pp. 483–499, doi:10.1037/apl0000161.
- 2 "Http://Ljournal.ru/Wp-Content/Uploads/2016/08/d-2016-154.Pdf." 2016, doi:10.18411/d-2016-154.
- 3 "Discrimination in the Job Market in the United States: The Abdul Latif Jameel Poverty Action Lab." The Abdul Latif Jameel Poverty Action Lab (J-PAL), [www.povertyactionlab.org/evaluation/discrimination-job-market-united-states](http://www.povertyactionlab.org/evaluation/discrimination-job-market-united-states). See also: Lincoln Quillian, Devah Pager. "Hiring Discrimination Against Black Americans Hasn't Declined in 25 Years." *Harvard Business Review*, 15 June 2020, [hbr.org/2017/10/hiring-discrimination-against-black-americans-hasnt-declined-in-25-years](http://hbr.org/2017/10/hiring-discrimination-against-black-americans-hasnt-declined-in-25-years).
- 4 "Workforce Planning Analytics." *People Analytics in the Era of Big Data*, 2016, pp. 99–129, doi:10.1002/9781119083856.ch4.
- 5 "How Diverse Leadership Teams Boost Innovation." <https://www.bcg.com>, [www.bcg.com/en-us/publications/2018/how-diverse-leadership-teams-boost-innovation.aspx](http://www.bcg.com/en-us/publications/2018/how-diverse-leadership-teams-boost-innovation.aspx).
- 6 The bottom line is a company's income after all expenses have been deducted from revenues.
- 7 In accounting, revenue is the income that a business has from its normal business activities, usually from the sale of goods and services to customers. Revenue is also referred to as sales or turnover. Some companies receive revenue from interest, royalties, or other fees.
- 8 "Is There a Payoff from Top-Team Diversity?" McKinsey & Company, Apr. 2012, <https://www.mckinsey.com/business-functions/organization/our-insights/is-there-a-payoff-from-top-team-diversity>.
- 9 This study defined diversity as women and foreign nationals.
- 10 EBIT is used to analyze the performance of a company's core operations without the costs of the capital structure and tax expenses impacting profit. EBIT is also known as operating income since they both exclude interest expenses and taxes from their calculations.
- 11 Levine, Sheen S., et al. "Ethnic Diversity Deflates Price Bubbles." *PNAS*, National Academy of Sciences, 30 Dec. 2014, [www.pnas.org/content/111/52/18524.abstract](http://www.pnas.org/content/111/52/18524.abstract).
- 12 A stock market bubble is a type of economic bubble taking place in stock markets

when market participants drive stock prices above their value in relation to some system of stock valuation. Behavioral finance theory attributes stock market bubbles to cognitive biases that lead to groupthink and herd behavior.

- 13 System analysis is a process of collecting and interpreting facts, identifying the problems, and decomposition of a system into its components. System analysis is conducted for the purpose of studying a system or its parts in order to identify its objectives.
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## ***A Resurgence of Right-Wing Populism in American Politics***

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### **I. Introduction**

On November 8, 2016, the American people watched as Donald Trump won a historic election for President of the United States. The night left many in a state of shock, as the months of campaigning leading up to his significant victory were filled with hate speech, including racist and xenophobic remarks, and the encouragement of violence. While his early campaign successes were initially attributed to his celebrity status and the media spectacle he created, political analysts perceived Trump's rhetoric as trying to gain the sympathy of white voters towards pseudo-fascism.<sup>1</sup> The resemblance between Trump's rhetoric and the undemocratic authoritarian system of government used by Hitler and Mussolini is often attributed to Trump's disdain for certain human rights (notably in supporting policies regarding the conditions of illegal migrant families), his obsession with crime and punishment (which became apparent after mass demonstrations and civil unrest erupted following the killing of George Floyd in May of 2020), his disdain for intellectuals and medical experts (particularly during the Covid-19 outbreak when he refused to listen to scientific and public health experts' advice), and lastly, his identification of enemies and scapegoats as a unifying cause (particularly his criticism of China for spreading the Coronavirus during the 2020 COVID-19 pandemic and as well for causing an efflux in American manufacturing jobs).<sup>2</sup>

That said, the fact of the matter is that Trump is neither fascist, nor a dictator like Hitler in Germany or Mussolini in Italy. While Trump's speeches seem to express some of the basic characteristics of a fascist regime, in truth, it is far from it. According to Roger Griffin, British professor of modern history and author of *The Nature of Fascism*, fascism is defined as "a genus of political ideology whose mythic core in its various permutations is a palingenetic form of populist ultra-nationalism." According to Griffin, fascism requires a sort of rebirth, a rearrangement of the political order, something that Trump has not done and doesn't seem to plan on doing. Fascism requires the rejection of democracy, yet American democracy remains.<sup>3</sup>

While Trump is certainly not a fascist, he does take the approach of identifying an enemy of the people as a means of unifying his base of supporters. He is part of a growing political force in the United States and abroad in which populist politicians are gaining support in governments. Populism, as a term, originates from the members of the People's Party, a short-lived populist political party founded in the United States in the late nineteenth century. While all populist movements have had some underlying key features, it cannot be exclusively defined. Populist politicians can be found on all sides of the political spectrum, from the conservative campaigns of Donald Trump to the Social Democratic movement of Bernie Sanders. What all populist politicians do have in common is in their appeal to voters. As defined by the Oxford English Dictionary, populism is "A political approach that strives to appeal to ordinary people who feel that their concerns are disregarded by established elite groups."<sup>4</sup> As explained by Michael Kazin, historian and author of *The Populist Persuasion*,

"[Populism is] a language whose speakers conceive of ordinary people as a noble assemblage not bounded narrowly by class; view their elite opponents as self-serving and undemocratic; and seek to mobilize the former against the latter."<sup>5</sup>

While a wave of populism is running through the United States and Europe, one cannot define these as either leftwing, rightwing, or centrist movements. Rather, populism is, as author of *The Populist Explosion*, John B Judis puts it,

“not an ideology, but a political logic.” Judis equates left wing populist logic with Kazin’s definition; the people against an elite class or establishment. This commonly plays out as the lower and middle classes against the upper or the uneducated against the educated. On the other hand, “rightwing populist politicians champion the people against an elite that they accuse of coddling a third group, which can consist of immigrants, Islamists, or African American militants,” Judis writes.

When examining populist movements, it is important to understand that populism greatly differs from extremist-partisan views, whether they be left-wing or rightwing. Rightwing populism in no way resembles the extremist authoritarian conservatism or alt-right type movements. American rightwing populism has embraced the democratic process instead of seeking to dismantle it. Leftwing populism too is historically different from extremist labor movements or socialistic views. It does not seek to end the capitalist system. The movements rather consist of an electorate who believe that their set demands are justified but not being granted by the ones in power.

## II. What Is the Significance of Populism? Where Does It Come From?

To fully understand today’s populist movement of Donald Trump, it is imperative to see it as nothing new but rather an older strain of populism taking shape yet again. The same broad historical trends that enabled the rise of the People’s Party, the first American populist movement, in the 1890s are fueling “Trumpism” today.

While it is easy to point out specific policy issues such as growing economic inequality or globalization as causing the divide between the “ordinary people” and “political elites,” in truth, the root of conflict stems from America’s political structure and the two-party system that is in use today. The nature of America’s two-party system is such that the party platforms appeal to centrist voters. This is due to the winner-take-all approach of American democratic elections. Politicians, especially those running for positions on the federal level don’t want to be labeled extremist and therefore acquiesce to some positions taken by the other side. John B. Judis notes that,

“As a result of this two-party tilt towards the center, sharp political differences over underlying socioeconomic issues have tended to get blunted or even ignored, particularly in presidential elections... [and then,] in the face of dramatic changes in the society or economy or in America’s place in the world, voters have suddenly become responsive to politicians or movements that raise issues that major parties have either downplayed or ignored.”<sup>6</sup>

Anthony Downs, American economist and author of *An Economic Theory of Political Action in a Democracy*, summarized the reasons for this political shift to the center. In his book he writes that “political parties in a democracy formulate policy strictly as a means of gaining votes. They do not seek to gain office in order to carry out certain preconceived policies...rather they formulate policies and serve interest groups in order to gain office.” Due to this, Downs says that parties deliberately change their platforms to appeal to the voters of the other party. It is this tilt towards the center and the ideological similarities of the two major parties that cause voters to look for alternatives, thus polarizing the electorate and strengthening populist movements.<sup>7,8</sup>

Perhaps the most important feature of populist campaigns and movements which should not be dismissed or overlooked is that they serve as a warning of a looming political crisis or a party’s ideological realignment. The nature of populist support amongst a group is such that prevailing political standards within one’s own party is at odds with one’s own beliefs. In other words, political party leaders have moved too far from the opinions of their own members. Judis writes that,

“[Success of populists candidate and movements], signal that the prevailing ideology isn’t working and needs repair, and the standard worldview is breaking down.”

Once a populist politician gains support from “the people” they become a catalyst for change. A notable example of this can be seen in the presidency of



Franklin Delano Roosevelt, elected in 1932 on the heels of the 1929 Wall Street crash and Great Depression. While the depression upset the country's view on Republican rule, it was Roosevelt's promise to cut government bureaucracy and balance the nation's budget that brought about his landslide victory. Although in the first two years of his administration, Roosevelt put in place banking reform policies which separated commercial and investment banks and created new jobs through creating new government programs and the creation of the National Recovery Administration, he never addressed what many in the country feared: growing economic inequality. Roosevelt finally did address this issue with the rise of Louisiana politician Huey Long's populist crusade within the Democratic party, threatening Roosevelt's reelection chances.

During Long's history in the senate, he advocated for his "Share Our Wealth" program which included a wealth cap on families as well as a form of universal basic income. Long spoke out against some of Roosevelt's policies which he described as the work of the rich bankers. He commonly criticized the large oil corporations as well as the rich. His core support was from the middle class, fearful that the depression would lower them into the ranks of the poor. At this time, Roosevelt's reelection campaign and the Democrats were growing fearful that a split in their party would upset the upcoming election in favor of Republicans. The Democrats finally conceded to Long's growing populist movement and passed new federal programs known as "the Second New Deal." This second wave of progressive legislation included the Social Security Act as well as raising taxes on the wealthy.

Although Huey Long's "Share Our Wealth" movement had little representation even within the Democratic party, its mere presence as a populist movement completely altered Roosevelt's presidency and the government's response to the Great Depression. When populism enters politics, mainstream thinking alters and a path to creating lasting change is paved.

### III. The Rise of Right-Wing Populism

The first major occurrence of right-wing populism in American political

history would come with the 1960s political campaigns of Alabama Governor, George Wallace. The 1960s in America were a time of much left-wing cultural change, consisting of civil rights, feminist, and anti-war movements. The 60s also saw a backlash particularly to the civil rights legislation passed by members of the New Deal Coalition (formed back in the 40s by President Roosevelt). The New Deal Coalition, as they were called, consisted of voting blocs who supported mainly Democrats but included all politicians running on the New Deal platform which incorporated welfare programs and rights for labor unions in their agenda. The growing opposition to civil rights, increasing crime in American cities, and the expansion of welfare as part of President Johnson's "War on Poverty" all led to Wallace's increasing popularity, particularly among "Middle American Radicals."<sup>9</sup>

"Middle American Radicals," as first characterized by sociologist Donald Warren, were a group of voters who felt that their middle class was under attack from all sides. As Warren puts it, they saw the government as "favoring the rich and the poor simultaneously" and that they harbored feelings that "the middle class has been seriously neglected." These middle American radicals were predominantly non college educated and holding low skilled and mostly blue-collar jobs. But, Warren notes, these middle Americans could not fall on mainstream partisan lines. They could not be identified as right or left but were united in their belief that the middle class was under fire from the rich and the government.

Growing up in a small town in Alabama, George Wallace was raised by New Deal Democrats, supporters of Roosevelt's New Deal policies and consistently Democratic voters. Wallace originally ran for the position of Alabama governor in 1958 but lost to John Malcolm Patterson, who was backed by the Ku Klux Klan. Subsequent to his loss, Wallace adopted an adamant stance in favor of segregation. In 1962, Wallace came back, winning the Democratic primaries and sweeping in the gubernatorial elections. In his infamous inaugural speech, Wallace affirmed his position on racial segregation saying: "I say segregation now, segregation tomorrow, segregation forever."<sup>10</sup>

Though he took a hard stance on racial segregation, it was only a secondary concern of his. Wallace was still a New Deal Democrat, supporting increased state spending on infrastructure and education. Like many other populist candidates and his own supporters, Wallace was not politically partisan, taking both conservative and liberal sides on different issues. Wallace could best be described as a right-wing populist. As Judis puts it, his objection to racial integration was merely a stance against “big government imposing its way on the average person.” Wallace’s opposition towards integrated schools and busing, two ways deemed effective at achieving racial integration, was all a part of his focus on protecting the freedoms of the average person from those in Washington. During his 1976 presidential run, he described his candidacy as “not against the people...[but rather] against big government trying to take over and write a guideline for you.” Towards the end of his life he made clear that his “segregation forever” stance was not to “make people get mad against black people... [but rather to make] ’em get mad against the courts.”<sup>11</sup>

Wallace’s criticism of big government is indeed a manifestation of his populist character, appealing to those who feel powerless against those in Washington making the big decisions. He appealed to those who feared for the safety of their cities and quality of their schools. His campaign highlighted the desire to limit the scope of government control. There is no doubt as to why Wallace’s rhetoric, which included concern for loss of local control, was popular among his “Middle American Radical” supporters. His base of support agreed with his conservative positions on racial integration and bussing and disagreed with many forms of welfare assistance. They bought into the idea that the rich and powerful agree to help the poor at the expense of the middle class. Their negative attitudes towards government were directed not at the local level but on the national one. John B. Judis points out that this Middle American Radical base of Wallace supporters saw themselves as the “average” and in “conflict with those below and above.”

Wallace’s career was a mix of success and failure but his populist crusade ultimately had lasting future effects. Wallace held the position of Alabama Governor for four terms across three decades. During his first presidential run in 1964, he lost the Democratic nomination to incumbent president

Lyndon B Johnson. In 1968 he would come back with more success winning forty-six electoral votes from five of the southern states while running on the American Independent Party ticket.<sup>12</sup> His 1968 run did not end in a win but led the way for a geographical political realignment to come.

As the party of Abraham Lincoln, embracing the abolition of slavery and the era of reconstruction, the Republican Party had historically been the party of the northern states. In contrast, the Democratic party had found its strength in the white southerners who wished to preserve white supremacy. All of this would eventually be changed with George Wallace’s populist approach which would alter the two-party system for decades to come. While Wallace’s presidential run ended in failure, it was his campaign and base of support which would be utilized by presidential candidate Richard Nixon in 1972. In the 1968 election cycle, Wallace had mobilized the support of southern white who had watched the dismantling of Jim Crow laws and federally mandated racial integration. Next, in the elections of 1972, Wallace did well among southern states but dropped out of the race after an assassination attempt left him paralyzed.<sup>13, 14</sup> The Democratic Party nominated George McGovern as candidate to oppose the Republican Nixon. During the ’72 election cycle it would be Kevin Phillips, political strategist for the Nixon campaign who realized that a Republican majority can be achieved by winning the northern suburbs and appealing to white racists in the south. This plan, called the “Southern Strategy” worked with Nixon winning a majority of votes in all but the state of Massachusetts and Washington D.C. Nixon and the Republican party adopted many of Wallace’s and the MAR’s political stances such as limited government and states’ rights and some of his views on race. This approach would come to full fruition with the presidential victories of Reagan and would continue to be the leading strategy among Republican candidates. The populist campaigns of George Wallace and his appeal to white southerners concerning federal intervention on racial matters along with the political strategies of Nixon would result in a complete geographical arrangement of political coalitions.

With previous political coalitions destroyed, Democrats and their New Deal, pro-government intervention in the economy approach was undermined by a

new political majority, the pro-business Republicans. New Deal Democrats had relied on the support of the Southern States, but with the south fleeing to the Republican party, the New Deal era had finally come to an end. This new Republican majority would change the country's views on government intervention in the economy for decades to come. While many Republicans and previous southern Wallace voters had confidence in New Deal policies and government intervention in the economy, that confidence started to chip away during the start of the Nixon administration when the 1970s Energy Crisis hit along with the fast-paced growth of overseas manufacturing. This was as well a period of many worker strikes and the spread of labor movements advocating for increased wages. The growing prices of food and goods coupled with slow economic growth was dubbed "stagflation" (stagnation + inflation). To fix their problems, corporations lobbied in Washington and set up pro-business think tanks which advocated for cuts to social spending to lower taxes and for the deregulation of the private sector. Economists of the time such as Milton Friedman advocated for a rejection of Keynesian economics and the triumph of free market capitalism in which the government rarely intervenes.<sup>15</sup> This included a deregulation of trade in the form of new trade deals such as the North American Free Trade Agreement (NAFTA). This new belief in limiting New Deal policies, deregulation industry, and regaining confidence in laissez-faire capitalism would ultimately be known as "neoliberalism." While originally mainly championed by Republicans, Democrats would accept the neoliberal economic outlook as well during the Carter and Reagan administrations.<sup>16</sup> It would only be until the end of the 1980s when Americans would notice the impact of neoliberal deregulatory policies which had shrunk America's manufacturing sector, ultimately being the main reason for growing economic inequality.

Alas, neoliberalism's consequences would be recognized and the status quo would once again be challenged by populist campaigns. Once again, a non-conventionally-partisan politician would raise concerns among the people that their concerns were not being addressed. The first populist challenge to neoliberalism would come from a moderate Republican billionaire from Texas named Ross Perot. Perot had never held a public office but ran for President of the United States, first as an independent candidate and

then as the nominee for the Reform party in 1992 and 1996 respectively. Perot's populist platform included increased government intervention in the economy, limiting the number of jobs moving across the sea, opposition to NAFTA, and rebuilding of the US economy. He favored large public investment into American industry and manufacturing. He rallied against the current political leadership which he believed were under the influence of lobbyists and did not fully represent the American people. Perot's support was bipartisan and though he received no electoral votes, received 19% of the popular vote, losing to Bill Clinton, a New Democrat (New Democrats are centrist Democrats holding liberal social views but taking conservative economic positions). Perot was the first major politician to reject the prevailing neoliberal economic outlook.

The next populist to run in opposition to the neoliberal agenda would be Pat Buchanan, former assistant to Republican Presidents Nixon, Ford, and Reagan. During his two Republican and one Reform Party presidential campaigns spanning the 1990s, Buchanan would attempt the same as Perot; to do away with the existing neoliberal standpoint. Buchanan's campaigns would differ slightly. His viewpoints would be more right-wing and his rhetoric would be more similar to past populists. Buchanan mainly rallied against trade deals and further globalization as not allowing American workers to compete in the job market. He placed blame among corporate America and the powerful rich for their support of neoliberal policies and increased immigration (which brought in hundreds of thousands of new workers competing for low wage jobs). Buchanan criticized politicians for making deals with foreign nations while American workers suffered. Ultimately, Buchanan never would see major success as his aggressive and unpresidential personality, his sympathy towards the ethnic-nationalistic governments of Hitler and apartheid South Africa, and the perception of him as a protest candidate would turn off voters. The campaign messages of Buchanan would be the first uprising against neoliberalism from the "Middle American Radical" portion of the electorate.<sup>17</sup>

The last major American socioeconomic event which would ultimately give rise to Trump's populist candidacy was the Great Recession of the late 2000s.

The Great Recession, at its time being the most severe financial meltdown since the Great Depression, was caused by the 2007 bursting of the U.S. housing bubble and subsequent financial meltdown. Like the Great Depression, the Great Recession was precipitated by acts of government. (During the Great Depression the Smoot-Hawley Tariff Act was passed, implementing protectionist trade policies which only worsened the economic crisis caused by the 1929 stock market crash and subsequent run on the banks. The act only worsened the state of American manufacturing, greatly reducing America's imports and exports. In 1993, Vice President Al Gore mentioned the Smoot-Hawley Act during a debate with Ross Perot in his defense of NAFTA)<sup>18</sup> The financial crisis was caused by decades of belief in neoliberalism, which included years of deregulation of American financial institutions and the widening of economic inequality which led to the growth of consumer credit and the accumulation of debt.

It was the financial crisis that would help elect Barack Obama and a Democratically controlled 111th U.S. Congress in the 2008 elections.<sup>19</sup> While Obama was quick to enact financial relief measures to lessen the damage done by the recession, he faced much criticism for the policies he'd put in place. His economic stimulus package, the *American Recovery and Reinvestment Act of 2009*, the *Affordable Care Act*, and his support for the *Troubled Asset Relief Program* (a bailout to the large financial institutions, instituted under President George W. Bush,) would receive immediate pushback from the political right.

An immediate response from the political right to Obama's expensive initiatives would be the conservative Tea Party movements. The Tea Party movements were launched after CNBC reporter Rick Santelli called for a "tea party," (a reference to the Boston Tea Party in which colonial Americans protested against taxation), in response to President Obama's agenda in the wake of the financial crisis.<sup>20</sup> The Tea Party was an ununified fiscally conservative movement across the United States in which members staged local protests and rallies and called to lower taxes and reduce government spending. This populist movement was a creation primarily of the white middle class as they felt that the greatest tax increases created by the Obama

Administration's spending would fall primarily on them<sup>21</sup> In their view, Obama's "excessive" spending measures and healthcare reform was just another form of economic redistribution in which those already with health insurance and jobs would be subsidizing the care and services of those who don't, including America's undocumented population. As John Judis points out,

"Many of the local Tea Party groups were part of the tradition of American populism and reflected opposition from the right to the neoliberal consensus...[objecting] to the residual elements of New Deal liberalism that neoliberalism had retained."<sup>22</sup>

In traditional right-wing populist fashion, the Tea Party called out Obama for his coddling of the lower classes. Those parts of the Tea Party movement were commonly of the middle class, having protection previously created via New Deal type policies and hadn't been as badly affected by the recession as much as those lower income Americans and the undocumented. All in all, the Tea Party movement had lasting effects, with the public and congress taking a rightward turn during the Obama years culminating with the 114th U.S. Congress in which Republicans finally achieved control of both the House and Senate. Rising out of the rightward response to the Obama years and failing neoliberal agenda would be the political revolution started by Republican populist candidate for President, Donald J. Trump, who although was not a so-called "Tea Party politician," was the populist counter to the perceived failed response to the financial crisis.

#### IV. Trump's Populism

Trump's political activities before his 2016 presidential run were insubstantial. He changed his political party affiliation five times over three decades, finally settling on the Republican party in 2012.<sup>23</sup> In 1987, Trump placed full page advertisements in three widely circulated newspapers calling for the government to stop paying for foreign security while the country could spend that money on our own citizens.<sup>24</sup> In the decades before Trump's presidential runs he could be described as a moderate, taking some liberal

stances on social issues such as gay rights and abortion. Trump was also supportive of government spending on infrastructure and social welfare programs such as Medicare and social security.

In 1999, Trump announced his candidacy in the 2000 election running for the Reform Party presidential nomination. Trump ended up losing to Pat Buchanan. Years later, Trump suggested a possible 2012 run against incumbent president Barack Obama although decided not to. In 2013, Trump spent a million dollars on electoral research for another possible presidential run, the 2016 election. That year, in speaking about the 2016 presidential election, Trump predicted Hillary Clinton as the Democratic nominee and said that if Republicans “don’t pick the right person it will be a landslide.”<sup>25</sup>

On June 16, 2015, at Trump Tower in Manhattan, Trump announced his Republican candidacy for president. In his announcement speech, Trump discussed the growing issues of offshoring jobs, illegal immigration primarily from Mexico, the dangers of Islamic terrorism, and the country’s growing debt. He pronounced Obamacare (The Affordable Care Act) a “disaster,” even suggesting replacing it with a less expensive alternative for everyone. Trump also announced that he would be self-funding his campaign to not be influenced by lobbyists and donors. (Trump would later go back on this promise and accept donations.)<sup>26, 27</sup> At first, Trump’s bid for the presidency was taken as a joke by political analysts and Republican party members. His rhetoric was seen as unpresidential and views on immigration and the U.S. southern border as hyperbolic. To the surprise of many, Trump rose in popularity amongst his Republican challengers, emerging as the Republican frontrunner by July of 2015.<sup>28, 29, 30</sup>

During his campaign, Trump coupled his moderate Republican views with some right-wing populist appeal. On the issues, Trump can be compared to Perot or Buchanan, challenging aspects of the neoliberal consensus, and to George Wallace, appealing to white Americans who’ve witnessed their country growing more and more diverse for decades.

As John Judis points out, Trump’s populist focus when it comes to hot button

issues boil down to three main concerns: foreign policy, outsourcing and offshoring, and immigration. In terms of foreign policy, Trump sees America as giving other countries a free ride. Since the end of the Second World War, the United States has had the highest military budget, using much of its resources to protect nations abroad against common enemies, maintaining American-led alliance systems. Trump, in typical right-wing populist fashion, criticized American protection for smaller countries that can afford to protect themselves. In his campaign announcement speech, he called America “the dumping ground for everybody else’s problems.” He advocated for more burden sharing and the need for the U.S. to scale back on paying for other countries’ defense. In that same speech, he criticized military intervention in Iraq because of the high costs, loss of American lives, and the destabilization of the region. Trump had also criticized the need for NATO (North Atlantic Treaty Organization). On other occasions, Trump has praised his own ability as a businessman and as a dealmaker, advocating that he could improve American diplomacy and promote peace using his own skills. (This is actually something that Trump has proven himself capable of, negotiating normalization deals between Israel and other majority-Arab Middle Eastern countries) In summary, Trump’s rhetoric on foreign policy is a mixture of isolationism and what Trump calls “America First,” a non-interventionist approach. An example of this approach can be seen when in October 2019, Trump announced that he was pulling U.S. troops out of Iraq, which had been protecting the U.S. Kurdish allies. On his controversial decision, he stated “We’re not a police force.”<sup>31</sup> As he advertised in 1987, he believes that America should not be in the role of helping other nations before we help our own citizens.<sup>32</sup>

In terms of outsourcing and offshoring of American companies and jobs, Trump has taken a similar “America First” approach. In his early campaign days as well as his presidency, Trump has taken a strong stance against free trade deals, specifically NAFTA. He has criticized those deals for allowing American companies and manufacturers to outsource work to countries with low minimum wages such as Mexico or China, costing American jobs and incurring large trade deficits. In talking about problems of free trade, Trump has said in his 2016 campaign,



“Our country is in serious trouble. We don’t have victories anymore. We used to have victories, but we don’t have them. When was the last time anybody saw us beating, let’s say, China in a trade deal? They kill us.”<sup>33, 34</sup>

In Trump’s view, there is a need to make changes to prevailing trade policies which undermine American workers. This is the root of the U.S.–China “trade war,” and ongoing economic conflict between the U.S. and China started by President Trump in 2018 with the placement of protectionist tariffs on select Chinese goods. (In retaliation, the Chinese government has done the same, placing tariffs on numerous American goods. Although, Trump’s “America First” approach can be appealing, the trade war started by the President has caused an increase in American consumer prices and U.S. foreign investment in Chinese companies have fallen greatly.)<sup>35</sup> A main focus of Trump’s 2016 campaign was his promise to bring back manufacturing jobs. He campaigned on the idea that he would stop companies from leaving, a popular concern of Americans who had witnessed decades of growing inequality among jobs and income.

Lastly, with the Trump campaign’s main focus on protecting American jobs, Trump took a hard line against illegal immigration, specifically from Mexico. Trump emphasized the need for a more secure southern border to stop the influx of migrants, even calling for the construction of a wall paid for by the Mexican government. Early on in his campaign, Trump received backlash with many calling him a racist after he said of Mexican illegal immigrants that they, “have lots of problems, and they’re bringing those problems with us. They’re bringing drugs. They’re bringing crime. They’re rapists. And some, I assume, are good people.” Aside from addressing drug smugglers and gangs coming into the country, Trump’s main problem with illegal immigration was the economic affects and strain on the job markets for American citizens as they use taxpayer funded welfare services and drive down competition for jobs, leaving American citizens disadvantaged. In affirming his views on border security and illegal immigration Trump explained that,

“Illegal immigration hurts American workers; burdens American taxpayers; and undermines public safety; and places enormous strain on local schools, hospitals, and communities in general, taking precious resources away from the poorest Americans who need them most. Illegal immigration costs our country billions and billions of dollars each year... There’s a limit to how many people a nation can responsibly absorb into their societies.”<sup>36</sup>

In many of Trump’s populist approaches to policy decisions, much can be ascribed to past populists like Ross Perot or Pat Buchanan, taking aim against elements of neoliberalism from the right. Like Perot, Trump was a billionaire and an outsider to politics who criticized the influence of lobbyists and donors on Washington. The two populist candidates also shared the belief in strengthening the economy by abandoning free trade deals and increasing public investment in manufacturing to stop the efflux of American jobs. Trump’s 2016 campaign views also considerably aligned with Pat Buchanan, another right-wing populist who challenged neoliberalism in a similar fashion to Perot. Unlike Perot, Trump and Buchanan were considerably more conservative and would take a harsher stance on immigration. Both populists called out corporate America for supporting neoliberal laws which would allow them to outsource work for cheap or relocate their headquarters to avoid American taxes. The two also are accused of using ethno-nationalist rhetoric to appeal to racist sympathies of the white “Middle American Radical”.

Trump’s populist rhetoric was similar to the populists who came before him. In his first speech to the American people as president on inauguration day, he said that,

“we are not merely transferring power from one administration to another or from one party to another... we are transferring power from Washington, D.C., and giving it back to you, the people. For too long, a small group in our nation’s capital has reaped the rewards of government while the people have borne the cost. Washington flourished, but the people did not share in its wealth. Politicians prospered, but the jobs left...The establishment protected itself but not the citizens of our country.”<sup>37</sup>

On other occasions he described his support as the “silent majority,” a term used by Nixon to refer to the many people who do not or are afraid to publicly express their political opinions. (This phrase can be used as justification for policies with low levels of recorded public support.)<sup>38</sup>

In his essay *Trump’s Populism: The Mobilization of Nationalist Cleavages and the Future of US Democracy*, New York University professor of sociology Bart Bonikowski argues that ethno-nationalism, a form of nationalism wherein the nation is defined in terms of ethnicity, is central to Trump’s rhetoric and populist approach. He explains that the basis of populism’s “moral opposition between a virtuous people and corrupt elite” must be combined with ideas of nationhood to become a mobilizing force in politics. Bonikowski argues that right-wing populists (such as Trump) draw on “widely shared, but contested, conception of nationhood” to constitute “the people,...distinguishing between [perceived] legitimate members of the nation and those whose claims to nationhood are questionable...[activating] powerful in-group and out-group dynamics.” In right-wing populist fashion, anyone who “abandons” the real members of the nation to support or coddle non-nation members of society (immigrants, minorities, foreigners) make up the “corrupt elite.” Furthermore, radical right-wing populists believe that the “immorality” of the elites extends not just to people but to “institutions used by elites...to advance the pluralist project that gives unfair advantage to minority groups. This includes free press, the judiciary system, and protests.”<sup>39</sup>

While not an autocratic president, Trump has tried to undermine all three of the institutions mentioned by Bonikowski. Throughout his presidential campaigns and his presidency, Trump has used the term “fake news” to erode public trust in mainstream media corporations with a politically-left leaning bias.<sup>40</sup> In 2018, while a case was brought against the proposed U.S.-Mexico border wall, Trump said that the judge could not be impartial because he was “Mexican.”<sup>41</sup> This was not true for the Indiana-born federal judge but nonetheless was used by Trump to try and undercut the federal judiciary’s power. Lastly, Trump has lashed out against protesters, specifically those holding views that conflict with his own. This includes protests against racial

injustice by N.F.L. quarterback Colin Kaepernick and by others in the wake of civil unrest after the death of George Floyd.<sup>42</sup>

Bonikowski argues that Trump uses both anti-elitist populist rhetoric and ethno-nationalistic tendencies in his campaigns to threaten opponents, encourage vigilante violence, and delegitimize existing institutions. Trump “appealed to ethnically, racially, and culturally exclusionary understanding of American identity widespread in US society,” by doing such things as representing Mexican immigrants as criminals and rapists, questioning the bias of an American judge based off of ethnicity, imposing a travel ban on select Muslim nations, and promoting the “Birther” movement in which Trump asserted the idea that President Barack Obama was ineligible to serve as president due to conspiracies surrounding his place of birth. In terms of his opponents, the ethnic and nationalistic version of Trump’s right-wing populism has persuaded some of his fringe supporters to reject aspects of pluralism and view the Democratic Party or any other political opponent as inherently un-American themselves. (An example of this is the ongoing QAnon conspiracy theory in which adherents believe that the Democratic Party is involved in secret manipulation or control of government policy. None of the theory is based on fact.)

To explain the scope of which the nationalist role plays in Trump’s populist appeal and his radicalist approach, Bonikowski identifies two notions. First, while Trump has never had a clear set forth agenda and has backpedaled on many campaign promises such as overhauling Obamacare in its entirety or the complete removal of all undocumented immigrants, Trump has consistently infused nationalism with populism throughout his campaign and presidency (examples included in previous paragraphs). Secondly, in a similar way to anti-elitist appeal, nationalism has historically been a mobilizing force in American politics, exploited by politicians in times of social or economic uncertainty. Previously, during times of war or domestic terror, nationalism has been a key unifier. With a diversifying country and growing economic inequality, Trump is using the forces of ethno-nationalism to unite his base of the electorate. Because the exclusion of minority groups (of race, ethnicity, or religion) have always been consistent in American

history, it carries some sense of legitimacy, making ethno-nationalism the perfect unifier for a radical candidate to adopt.<sup>43</sup>

The right-wing exploitation of racial tensions has consistently been a factor in major political elections since the Wallace era and the subsequent Republican adoption of the “southern strategy.” Clearly, the outright racist appeals of the 1960s have transformed into modern issues over radical Islamic terror or immigration, but the approach has still worked; mobilizing the “Middle American Radical” around racial or nationalistic issues. How better to galvanize this substantial size of the radical electorate than to offer an ethno-nationalist candidate who’s willing to break political norms to achieve success.

## V. Right-Wing Populism and the Road Ahead

Although the United States has strong political institutions in place, surges of populism within the political mainstream can possibly threaten prevalent liberal democracy and its fundamental embrace of pluralism. The fact is that populists are not the uniters of a nation but its dividers, rejecting pluralism and labeling opposing views as “morally wrong.” Populist candidates who espouse ideas which present their political opponent as an enemy whose political positions are to be viewed as illegitimate or morally evil, only further polarize the electorate and discourage compromise within government institutions. According to Jan-Werner Muller, author of *What is Populism?*, “[P]opulists only lose if ‘the silent majority’—shorthand for ‘the real people’—has not had a chance to speak, or worse, has been prevented from expressing itself.” A political loss by the populist candidate will often lead to conspiracy theories which would explain why such candidate, who had the support of “the real majority” could have still lost. Thus, further pushing the idea that elitists are keeping the voice of the people down. “[I]f the people’s politician doesn’t win, there must be something wrong with the system,” Muller explains.<sup>44</sup>

Bart Bonikowski expounds on this point. He says that without populism, political candidates and voters alike hold the “assumption that one’s political

opposition, however ideologically different it may be, operates in good faith in the best interests of the country. This ensures that electoral losses are accepted, that the ruling party is seen as legitimate, and that legislative compromise is possible.” But, he warns that “when mutual toleration erodes, as in cases of extreme partisan polarization [or as in the case in which populism is infused in normal political discourse], the opposition may instead be portrayed as fundamentally morally corrupt and even treasonous, which justifies various forms of retribution and may ultimately threaten the peaceful turnover of power.”

Bonikowski also warns that the shattered political norms caused by populist politicians and hyper-polarization will erode tolerance of the opposing political party which will prompt legal use of the law against those of whom they disagree. Examples given include “engaging in frivolous investigations and prosecutions of opponents, obstructing basic legislative procedures...or the blocking of presidential nominees.” He says that while these acts are technically legal and within the bounds of the constitution “they are not consistent with its spirit, because they undermine the basis for good-faith debate and cooperation and inhibit the ability of the state to govern.” (The White House’s 2019 scandal involving Ukrainian foreign investigation into Democratic presidential candidate and former Vice President Joe Biden, highlights Bonikowski’s point. Similarly, the rushed confirmation of SCOTUS Associate Justice Amy Coney Barret and the firing of FBI director James Comey for investigation into the Trump campaign’s alleged collusion with Russia during the 2016 election are other examples as to ways that majority-represented political parties or populist politicians in a hyper-polarized political climate can legally undermine prevailing democratic political norms.)

Bonikowski asserts that the effects of a populist’s anti-elitist and nationalist features range from the “erosion of basic norms of decency in politics and the undermining of objective truth as a valued feature of public discourse to the delegitimization of democratic institutions at home and abroad.” This can be true for the political independence of the judiciary, trust in journalistic reporting, public confidence in governmental non-partisan scientific or



public health institutions, and “the framing of social protest as illegitimate and un-American.” He adds that “once norms are shattered, and the opposition assumes power, it too is likely to take advantage of newly legitimized political tactics against former incumbents, thus further eroding the quality of democratic institutions.”

In addressing ethno-nationalist populism’s legitimization and role in modern day right-wing political discourse, Bart Bonikowski explains how the possible consequences of the ideology can also erode the quality of American democratic establishments. He says that the forms of ethno-nationalism seen in American politics today is likely to stir and strengthen white supremacist movements in the future, “exacerbating patterns of hate speech and violence in [daily] social interactions.” (And the embracing of such ethno-nationalist populists by mainstream parties, who in a time of political polarization would not disavow their own members, only promote such developments.) Bonikowski cites three examples of how modern-day political exploitation of nationalist cleavages will have profound consequences on American liberal democracy. First, when ethno-nationalist beliefs become mainstream, it is difficult to remove them from the public political discourse. Supporters of these ideas will remain a continued base of support for extremist politicians. Second, populist embrace of ethno-nationalist cleavages is likely to “become increasingly congruent with partisanship.” Unlike previous historically exclusionary forms of nationalism which cut across party lines, embrace of ethno-nationalism will lead contrasting definitions of nationalism to fall along party lines and intensify partisanship and polarization, forming two diametrically opposed coalitions (effectively being built on race and ethnicity). Third, while there’s a chance that ethno-nationalism’s existence in the future may be limited, support for its extremist and illiberal nature will spread among an electorate in a time of a major crisis such as a war, terrorist attack, economic recession, or public health crisis. As Bonikowski explains, these events precipitate “rally-around-the-flag effects, whereby exclusionary nationalist attitudes intensify.” (A look back at American history, one can find that such events did occur during times of national crisis. The September 11th terrorist attacks were met with intensified Islamophobia. Similarly, the Tea Party movement which started in wake of the Great Recession, though

mainly focused on economic issues, became a breeding ground for white-nationalist sentiment amongst its members.) During such times of emergency, “civil liberties and constitutional rights can be weakened in the ostensible interest of national security under state-of-emergency measures.”

In his 2018 article *The Populist Challenge to Liberal Democracy*, Professor William Galston argues that populism inherently encourages a political structure that poses a threat to American liberal democracy.<sup>45</sup> Galston describes our American system of liberal democracy as based on four central principles: the *republican principle*, democracy, constitutionalism, and liberalism. By the republican principle, Galston is referring to the idea of popular sovereignty, the idea that the power of the government is created and sustained by the consent of the people. This idea is summed up by Thomas Jefferson in the Declaration of Independence. “Governments are instituted among Men, deriving their just powers from the consent of the governed,” he wrote.<sup>46</sup> The next principle, *democracy*, maintains that all citizens are equal and can have a say in government by electing representatives. An inclusive system of citizenship is crucial to democracy, as if only a minority of a nation are considered citizens (with the ability to vote), then that is not considered a democratic nation. *Constitutionalism*, Galston says, provides a nation with an “enduring structure of formal institutional power, typically but not always codified in writing...it provides the basis for the conduct of public life...it is “enduring” because it typically includes some mechanism that makes it harder to change the structure itself than to amend or reverse decisions made within it.” Our constitution establishes political boundaries such as “checks and balances” and puts limits on public power. Lastly, the modern accepted concept of *liberalism*, embraces the idea of peaceful enjoyment of individual independence. Liberalism protects a “sphere beyond the rightful reach of government in which individuals can enjoy independence and privacy.” The Declaration of Independence is the basis for our liberal belief that governments are created to protect the people’s “inalienable rights.”

Galston’s definition of a liberal democracy, consisting of popular sovereignty, freedom and democracy, limits established by a constitution, and a liberalist spirit of the pursuit of happiness and equality before the law, is indeed

susceptible to the dangers of populism. Populists, by claiming that they represent the real people (when in fact they may not) are the antithesis of the pluralist concept set forth by liberalism. Pluralism is the recognition of diversity within a political body or electorate, which is seen to permit the peaceful coexistence of different interests. Populists, by definition represent only the majority or perceived majority of a nation. Populists can break liberal norms and suppress the views of minority groups. Examples of how populists reject the spirit of pluralism can be seen in the career of George Wallace. Wallace, as Governor of Alabama, was indeed a populist whose policies reflected the beliefs of Alabama's majority white population. Wallace, a segregationist, completely ignored and disregarded the state's African Americans, a group which made up 30% of its population during the 1960s.

Galston warns that while populism accepts the notions of republican rule, democracy, and constitutionalism, it puts our democracy's embrace of liberalism and political diversity in jeopardy. No form of identity politics can serve as the basis and sustain a democracy such as America. Galston sums up his point writing that,

“Decision making in circumstances of diversity typically requires compromise. If one group or party believes that the other embodies evil, however, its members are likely to scorn compromises as dishonorable concessions to the forces of darkness. In short, populism plunges democratic societies into an endless series of moralized zero-sum conflicts; it threatens the rights of minorities; and it enables overbearing leaders to dismantle the checkpoints on the road to autocracy.”

After establishing the fact that populism and ethno-nationalism are fundamentally incompatible with our liberal American democracy, let us now turn to the question of *how serious of a threat should Americans be concerned about? Will America soon turn into a country such as Hungary, one whose own prime minister called it an “illiberal democracy?”* The answer is not so simple. On the one hand, the ongoing populist surge should not be taken lightly. Growing distrust in free press and the judicial system is surely not healthy for

a thriving liberal democracy and neither is the marginalization of any ethnic or racial group. On the other hand, America has strong “self-correcting” political institutions set in place to sustain its democracy. The American constitution sets forth checks and balances against usurpation of power. The existence of three separate branches of government is effective at spreading power among people holding different beliefs. Additionally, with no challenge to the democratic framework of representative government, the American people have a chance to change their views and replace members of government.<sup>47</sup>

Historically, America has seen bursts of radicalism many times in its history, though none of them lasting long. During times of national decline and distrust in government, populist politicians thrive. The Great Depression, Vietnam War, 1990s economic downturn, and 2008 Financial Crisis have all been times in which Americans' support for non-mainstream politicians grew. It may be that only until views on Washington leadership and American prosperity change, American politics will remain far from the mainstream.<sup>48</sup>

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### ***Dr. Berliner Advises: Listen to the Experts***

Dr. Edward Berliner

Let’s go back in time when we had a national emergency against an uncertain enemy—The Manhattan Project (the WWII development of the atomic bomb). The man in charge of the project was one of the greatest Operations/Logistics Masterminds in our history—General Leslie Groves (he had built the Pentagon). He exerted strong and compelling leadership, but entrusted the Science and Technology to the experts, led by the respected Robert Oppenheimer. Under Oppenheimer’s leadership, the greatest minds in the history of the US willingly subverted their egos and ignored “pecking orders” to do their part, motivated by the fact that the merits of Science and Technology would eventually triumph. General Groves was relentless in keeping “the pedal to the metal” but never was audacious enough to overrule the Science/Technology experts—in fact, he expended the logistics skills, resources, and energy to enable two competing nuclear bomb options—plutonium and uranium. The Scientists and Engineers were hardly political bed-mates—Oppenheimer and Teller would clash often in the future. But they came together, despite fighting an uncertain enemy (no one knew if the Germans, under Heisenberg, were making progress on their bombs). They were bound together by good leadership of unquestioned integrity, unbothered by the politicians of the day, with the knowledge that the merits of the Science and Engineering would be the sole criterion of judgement. It may be true that our country has survived because of that. This sounds like a model we should follow -- logistics and Science/Engineering experts should be front and center, and everyone else should be in the background until the crisis is alleviated.

## ***Historiography In Practice***

Joshua Feigin ('21)

In the words of Eric Foner, professor of history at Columbia University, “Each generation writes history to suit its own needs.”<sup>1</sup> According to Foner, we as a society turn to the past and interpret it in a way that allows us to understand and relate to the present. The study of the evolving lens through which we consider history is known as historiography. Upon engaging in a historiographical study, the attitudes of the different tellers of history and their ideologies become apparent. This principle is relevant to the historiographical evolution of interpretations given by historians for events such as the Mexican American War and World War One. In the past, each country aggressively pursued its own interests and sought to blame other nations for any misfortunes, altercations, or wrongdoing. During the Mexican American war, for instance, then President James Polk devised a plan to increase the United States’ western territorial footprint at Mexico’s expense, and then framed Mexico as the war’s aggressor. Similarly, at the conclusion of World War One, the United States and the Allied powers refused to accept any responsibility for the war’s bloodshed, and utilized their powerful positions as victors of a world conflict to scapegoat Germany for a multinational string of faults that also included those of the Allied Powers’ actions. However, shifting to the twenty-first century, modern day historiography of these two conflicts and events demonstrates a sharp decrease in hypernationalism over time, and a national conscience that moves the American and world public to question our pasts.

Historical events, while immutable, can be presented in a variety of fashions by different sources in order to emphasize or undermine the severity of a certain party’s actions or culpability. In *A Companion to Western Historical Thought*<sup>2</sup>, Sara Maza notes that “historical thought is shaped by [a] historian’s religious, political, and intellectual commitments.” The analysis of the details emphasized in a specific recounting of history can therefore lead to a greater understanding of the ideologies, biases, views, and desires of the recounter and his society. Hence, by conducting such an analysis, one can glean the historical narrative(s) and biases, or “alternative” versions of history, that a specific group or society attempted to portray in order to fit their ideologies or agendas. Therefore, a secondary source about a historical event can actually be a primary source, for it demonstrates the attitudes of the author (and often his or her group and time period) toward the historical event being described in the “secondary source.” The study of these eye-opening differences in history’s retelling is known as historiography.

The historiographical disparities between differing textbooks and generations that have arisen over time regarding the evolving American position on the Mexican American War are particularly striking. In a 1911 publication entitled *The Story of Our Country*, Mexico is painted as an intransigent, unreasonable political entity, to whom President Polk went above and beyond to placate. The author of this history writes that Mexico “seemed bent on [having] a quarrel,” but Polk, who is depicted as a proposer of compromises, wanted to avoid war by brokering a treaty. However, according to the authors, Mexico remained unreasonable in its refusal to recognize Texas as American soil, and, at a later phase of the conflict, refusing to recognize the established borders between Texas and Mexico. The only option that *poor* President Polk had to protect his country from Mexico’s irrationalities was to send an army to Texas, despite his intentions to keep the dispute amicable. The Mexican forces provoked a confrontation, were bitterly defeated in the very war that their intransigence had engendered, and a region of Northern Mexico was given to the United States as a reparation for all the hardship that Mexico had caused. “Although Mexico was hopeless and could not demand payment,” says *The Story of Our Country*, “[The United States] did the honorable act and gave [Mexico] fifteen million dollars for [the] territory.” The United States is clearly



depicted as a tragic *victim* who was forcibly dragged into a bloody conflict, yet still took the moral high ground.

In contrast to this narrative, *The Americans*<sup>3</sup>, a school textbook of American history that was published in the early twenty-first century, presents quite a different perspective. Shockingly, *The Americans* accuses President Polk and his “territorial aspirations” of perpetrating the war with Mexico. Polk, in claiming the Rio Grande as Texas’ southern limit, as opposed to the more northerly Nueces River, supposedly provoked Mexico into starting a war, so that he could defeat the Mexican army and demand greater territorial concessions than just an American Texas. Polk dispatched General Zachary Taylor into sovereign Mexican territory, and when Taylor was opposed with Mexican force, Polk deceived the House and the Senate into concurring that a full-scale war was the only appropriate response.

Another pertinent example that illustrates this principle of historiographical evolution is the development of, and change in, attitudes about World War One. After a fierce war lasting four years, the Allied powers emerged against the Central German, Austro-Hungarian, and Ottoman powers. The bloody conflict killed nine million soldiers and wounded twenty-three million. Despite the arms race and throngs of citizens of various powers crying for war with nationalistic fervor, the first World War turned out to be much less of a glorious affair than anyone could have predicted. A scapegoat was needed to claim the guilt for the world’s devastating losses. Conveniently, the Allied Powers chose not to answer to their own people directly and accept their own culpability in the war. Instead, they drafted article 231 of The Treaty of Versailles, which became known as “The Guilt Clause.” The clause drafted by England, France, and the United States demanded that:

Germany accepts the responsibility of Germany and its allies for causing all the loss and damage to which the Allied and Associated Governments and their nationals have been subjected as a consequence of the war imposed upon them by the aggression of Germany and her allies.<sup>4</sup>

Germany was subsequently required to pay reparations summing to the

equivalent of tens of billions of US dollars, thereby crippling Germany’s economy until the rise of Hitler in the 1930s. Although German aggression did play a crucial role in the destabilization of world political affairs in the era leading up to World War One, the recounting in The Treaty Of Versailles of Germany’s role and the placement of all the guilt on Germany’s shoulders is clearly a representation of the victors’ ideal narrative.

Similar to the Mexican American War, in which more recent secondary sources admit to America’s role in fanning the flames of conflict, twenty-first century discussion of World War One no longer faults Germany alone for the war, but rather examines the victors’ own roles in the conflict. Current educational instruction with regard to World War One, for example, now includes a list of various other causes for the outbreak of World War One besides for German aggression. Domestic conflicts such as a demand in Russia for liberal reform, strife between church and state in France, and Irish separatist movements in Great Britain, plagued the Allied powers in the early twentieth century, leading to the need for increased national cohesion that would be brought about in a national war effort. Further blame is also placed upon all European powers for forming an entangling web of defensive alliances, ensuring that a war in Europe would end up transforming into a worldwide affair. An arms race and increased militarization lead to such high tensions that a small spark could destroy the delicate balances of European diplomacy. When the Austro-Hungarian Empire, with Germany’s guaranteed support, declared war on Serbia due to Archduke Franz Ferdinand’s assassination at the hands of a Serbian nationalist, Russia quickly stepped in to defend Serbian nationalistic interests and to perpetuate Russia’s continued influence in the Balkans. It was an allied power, Russia, that first began mobilizing its troops and refused to halt its mobilization, leading to the ensuing combat.

In both the case of the Mexican American War and World War One, we have rewritten history in a way that makes us conscious of our faults and forces us to question our and our allies’ past motives. Today, we now acknowledge that President Polk provoked war to a certain extent with the Mexicans, and that there are others to blame beside the Germans for the Great War. We are

confronted with the difficulty of reconciling our idealistic visions and ideals for the future with our checkered past. Acceptance of our national decisions is a challenge that the United States of America comes to terms with through the manner in which we teach our history in the present day. Historiographical analysis of many past events shows that in the twenty-first century we have shifted from pointing fingers and faulting others to accepting our own past mistakes and are now striving to act properly in the future.

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#### END NOTES

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## ***The Night Between Two Days: Death from the Jewish Perspective***

Meir Morell ('22)

*“The ache of the heart will not suddenly disappear. There will be no miraculous consolation. But Judaism does teach the aching heart how to express its pain in love and respect, and how to achieve the eventual consolation which will restore us to humanity and keep us from vindictiveness and pity.”*

—Maurice Lamm

### **I. Introduction<sup>1</sup>**

What is death? Is it the ceasing of a human to exist? Is it the loss of all of our potential and the end of everything? Is it the end of a beautiful life that is now thrown into an empty black void, never to be seen again?

There has been a belief in an existence after death throughout history. However, no matter how strong a faith one has in the afterlife, there is still an extremely foggy understanding about what the afterlife really is. With all of modern man’s achievements, no one has come close to understanding death and what comes after. Philosophers have spent countless hours pondering the issue, but of course with no definitive conclusions. It remains life’s greatest paradox. The text of the *Torah* itself has little written explicitly to explain what this afterlife is. While this may seem like a detriment, it is actually the first clue to deciphering the Jewish stance on this issue; much like oxygen in the atmosphere, the ever-present yet intangible nature of the concept makes it

far more powerful. In contrast to this dignified silence, Jewish sources such as the Talmud, Midrash, and Kabbalah shed light on the journey to the afterlife, and offer some guidelines on how to grieve. But it is clear that Judaism feels there is meaning to death. If one really thinks about it, if G-D is a merciful and just G-D, He wouldn't make our existence pointless. Why would He give us sins and good deeds, just to disappear into nothingness after we die? This type of pointless existence would be in direct contradiction to the Jewish view of G-D.

## II. What Is Life?

The first thing which we must realize is that the idea of death, for each person, is based on what life means to them. If life is only a play, and we are the actors who only have our hour to perform; If "life is a tale told by an idiot, full of sound and fury, signifying nothing", an unimportant drama intended only for enjoyment, then death is only the end of the play; the curtains fall with a loud thud, and the show is over. Death is meaningless, because life is meaningless.

If life is just a coincidence of math, if man is only a lump of molecules that was lucky to end up as a human, and the world is merely a haphazard cluster, without design or purpose, where everything is based on time and nothing is eternal, then death is merely the check mate to an interesting, but ultimately useless, game of chance. Death has no significance. If this is the philosophy of life, death is meaningless, and the dead should merely be disposed of unceremoniously and as efficiently as possible.

If life is only nature mindlessly and compulsively spinning its web, man is only a high level animal, and the world is a great field of battle, its values only being those of the jungle, and the only goal being the satisfaction of animal desires, then death is only a further reduction to the basic elements; it is an adventure into nothingness, and our existence on earth is only a cosmic trap. Death, in this perspective, is the end of a cruel match that sets man against animals, and man against man. It is the last slaughter. Quietly, unchangeably, and with anguish, man sinks into the cold and impersonal nature, his life without purpose, his death without significance. His grave does not need to be marked. As his days were as a passing shadow, without substance, so is his final purpose.

If life is altogether preposterous, with man bound by impersonal fate or pre-set circumstances, where he is never able to achieve real freedom and only dread and anguish prevail, then death is the welcome release from the chains of despair. The puppet is returned to the box, the string is cut, and he is no more.

But if life is the creation of a compassionate G-D, by the infusion of the divine breath; if man is not only higher than the animals, but "a little lower than the angels"; if he has a soul as well as a body; if his relationship is not only the "I-it" of man and nature, but the "I-Thou" of creation with creator; and if he tempers his passions with the moral commandments of an eternal, all knowing G-D, life after death is a return to the Creator at the time of death, which was set by the Creator, and life after death is the only way of a just, merciful, and ethical G-D. If life has any significance, if it is not mere happenstance, then man knows that someday his body will be replaced, while his soul unites with Eternal G-D.

In immortality man finds fulfillment of all of his dreams. In this religious framework, the Sages equated this world with a hallway that leads to a great palace<sup>2</sup>, the glorious realm of the future. For a truly religious personality, death has a profound meaning, because for him life is a tale told by a saint. It is indeed full of sound and fury which sometimes signifies nothing, but that very chaos bears powerful testimony to the Divine power that created and sustained man.

Now that we understand the importance of death, and its function in G-D's plan for life, we must try to understand the experience of the soul in the afterlife.

## III. Naked Before G-D<sup>3</sup>

Now that we understand the reasoning behind life after death, let us sojourn into the experience of the soul, in order to fully understand why death is just and fair.

What is immortality like? What is it like to be a soul? How does it feel to be in the world of souls?



We know that the human brain, as remarkable as it is, is still largely inefficient as a thinking device. Henri Bergson suggested that one of the main functions of the brain and nervous system is to eliminate activity and awareness, rather than produce it.

Aldous Huxley<sup>4</sup> quotes Professor Charlie Dunbar Broad's comment on this. Professor Broad said that every person is capable of remembering everything that happened to him. He is able to perceive everything that surrounds him. However, if all this information were poured into our mind at once, it would overwhelm us. So, the function of the brain and nervous system is to protect us and prevent us from being overwhelmed and confused by the vast amount of information that enters our sense organs. They shut out most of what we perceive. All that which would confuse us is eliminated, and only the small, special selection that is useful is allowed to remain.

Huxley explains that our mind has powers of perception and concentration that we cannot even imagine, but our main concern is to survive at all costs. To make survival possible, all of our mind's capabilities must be funneled through the reducing valve of the brain.

Now think about how intense is the mental activity of a soul, standing naked before G-D. The reducing valve is no longer there. The mind is open and transparent. Things can be perceived that would be impossible with a body and a nervous system. The visions are the most amazing bliss imaginable; this is the meaning of the Talmud's description<sup>5</sup> of "the righteous, sitting with crowns on their head, delighting in the shine of the *Shechinah*". (*Tanya*<sup>6</sup> explains that *Torah* study in this world feeds the soul so it can be properly suited for this bliss, for otherwise it might be too intense and overwhelming.) This is what Job meant when he said (19:26) "And when after my skin is destroyed, then without my flesh I will see G-D".

But then, each soul will see themselves in a new light. Every thought and memory will be clear, and each will see themselves for the first time without the static and jamming that shuts out most thoughts. Even in our human state, looking at oneself can sometimes be pleasing, and at other times be very

painful. Imagine standing naked before G-D, with your memory wide open, completely transparent, without any filter mechanism or reducing valve to diminish its force. You will remember everything you did and see it in a new light. You will see it in the light of unshaded spirit, or, in G-D's own light that shines from one end of creation to the other. The memory of every good deed and positive commandment will be the most blissful of pleasures, as our tradition speaks of "the next world".

But your memory will also be open to all the things of which you are ashamed. They cannot be rationalized away or dismissed. You will be facing yourself, fully aware of the consequences of all your deeds. We all know the terrible shame and humiliation when one is caught in the act of sinning or doing something wrong. Just imagine the shame of being caught by one's own memory with no place to escape. This could be what Daniel is alluding to when he says (12:2) "And many of them that sleep in the dust shall awake, some to everlasting life, and some to reproach and shame".

A number of great teachers<sup>7</sup> write that Hell is actually the burning in the shame of one's sins. This could also be alluded to by the words of Isaiah (66:24) "They shall go out and gaze on the corpses of the men who rebelled against Me; their worms shall not die, nor their fire be quenched; they shall be a horror to all flesh".

The Talmud<sup>8</sup> provides strong evidence that shame burns like fire: "Rabbi Chanina says; this teaches us that each one (in the world of souls) is burned by the canopy of his companion. Woe, for that shame! Woe for that humiliation!"

The Zohar<sup>9</sup> also alludes to this when it says "Happy is he who comes here without shame".

Of course, these concepts of fire and shame as used by the Sages may also contain deeper mysteries and meaning. But taken literally, one could well assume that a major ingredient of fire may be shame. How else could one characterize the agony of totally uncovered shame upon a soul?

We are taught that the judgment of the wicked lasts up to twelve months based on the quantity and severity of its sins. Even the soul gradually learns to live with this shame and forget it, and the pain subsides. Thus, one mourns a parent for twelve months. After these twelvemonths most souls move on to the incredible pleasures of the next world.

But even temporary torment is beyond our imagination. The Ramban writes that all the Suffering of Job would not compare to an instant in Hell.<sup>10</sup> Rabbi Nachman of Breslov says the same of a man who suffered for years from the most indescribable torments.<sup>11</sup> Mental torture cannot be compared to the mere physical.

The notion of the pain of Hell may be very difficult to hear. However, if there was no punishment, G-D would not be just. Allowing man to run rampage and do whatever he pleases would be ludicrous. Man must stay away from evil in order that he not have to encounter these pains. Another idea could be, if for most souls there is only a maximum of a year of suffering intense pain, one could only imagine the eternal pleasure that comes after! It is the most amazing thing one could experience. Thus, understanding Hell helps to sharpen the purpose of our lives, and the eventual reward we will receive.

#### IV. The Soul and Its Connection to This World

If the merit in the Next World comes from this world, do the dead know what's happening on the earth where we built up all of those merits? The Talmud concludes that the departed do have an awareness of what happens on earth.<sup>12</sup> The Kabbalistic philosophers explain that the soul achieves a degree of unity with G-D, the source of all knowledge, and therefore also partakes in His omniscience.

When people die, they enter a new world of awareness. They exist as a disembodied soul, and are not yet aware of what is happening in the physical world. Gradually, they learn to focus on any physical event they wish. At first this is a frightening experience. You know you are dead. You could see your body lying there, with friends and relatives crying over you. It is taught that

immediately after death, the soul is in a great state of confusion.<sup>13</sup>

What is the main source of the soul's attention? What is it drawn to? We are taught that the soul's immediate focus is the body. Most people identify themselves with their bodies. It is difficult for a soul to break out of this habit of thought, and therefore, for the first few days it is literally obsessed with its previous body.<sup>14</sup> This is alluded to in the verse in Job (14:22) "and his soul mourns for him"

This is especially true before the body is buried.<sup>15</sup> The soul wonders what will happen to the body. It finds it to be both fascinating and frightening to watch its own body's funeral arrangements and preparation for burial.

Of course, this is one of the reasons why Judaism preaches treating the remains of humans with the utmost respect. It is extremely painful for a soul to see its recent body cast around like an animal carcass. The *Torah* therefore forbids disrespecting the corpse, whether through neglect or dismembering (such as an autopsy).

The disembodied soul spends much of its time learning how to focus. It is now seeing without physical eyes, using some process which we don't even have the vocabulary to describe. The Kabbalists call the frightening process *Kaf HaKela*—it is like being thrown with a sling from one end of the world to the other.<sup>16</sup> The soul perceives things flashing from all over, and is in a state of total confusion and disorientation.

One of the few things that the soul doesn't have trouble focusing on is its own body. It is a familiar location, and the ties which bound the soul to the physical world still slightly remain. To some extent, the body is a refuge from the soul's disorientation.

Of course, the body starts to decompose soon after it is buried. The effect of watching this must be frightening. The Talmud teaches that worms are as painful to the dead as needles for the living, as is written in Job 14:22 "his flesh grieves for him".<sup>17</sup> Most commentaries write that this refers to the psychological anguish of the soul in seeing its earthly habitation in a state of

decay.<sup>18</sup> The Kabbalists call this *Chibut HaKever*,<sup>19</sup> the punishment of the grave. It is taught that what happens to the body in the grave could sometimes be worse than Hell.<sup>20</sup>

This varies among individuals. The more obsessed one is with one's body and the material world in general during their lifetime, the more obsessed they will be with it after death. For one to whom the material is everything, this deterioration of the physical self is most painful. On the other extreme, one who has immersed in the spiritual, may not care very much about the fate of his body. That person finds himself very much at home in the spiritual realm, and might quickly forget about his body entirely. As a result, the righteous are not bothered at all by *Chibut Hakever*, since they never considered their worldly body important.<sup>21</sup>

In general, adjustment to the spiritual world depends greatly on one's preparation in this world. As previously noted, the main preparation is through studying Torah.

Many of us think of death as a most frightening experience. The righteous, on the other hand, look forward to it. Shortly before his death, Rabbi Nachman of Breslov said "If we truly believe and trust in a merciful G-D, then death has no terror for us".<sup>22</sup>

After a year, once the decomposition is done, even the very material-based souls will no longer suffer, and move on to eternal pleasure.

## V. Resurrection of the Dead

The body returns to the earth, dust to dust, but the soul returns to G-D who gave it. The idea of the immortality of the soul is affirmed not only by Judaism and other religions, but by many secular philosophers as well. Judaism, however, also believes in the eventual resurrection of the body, which will be reunited with the soul at a later time on a "great and awesome day of the Lord".<sup>23</sup> The human form of the righteous men of all ages, buried and long since decomposed, will be resurrected by G-D's will. In Ezekiel 37, we learn

much about the idea of resurrection of the dead in his prophecy titled "valley of dry bones".

The power of this belief can be seen not only by the quality of the lives of the Jews, their persistence and bravery in the face of death, but in the real fear instilled in their enemies. After destroying Jerusalem and callously decimating its Jewish population, Titus returned home with only a portion of his tenth legion. When asked whether he had lost all the other men, he assured them that they were alive and still fighting. He left them to guard the Jewish corpses in case they may come back to life.

Is resurrection such a novelty? Why is living any less of a miracle? All bodily functions are miraculously precise, and it follows that in a world governed by G-D, resurrection is no less of a miracle.

The Sages simplified this idea with an analogy which brings it within the experience of man. A tree, once alive with blossoms and fruit, full of the sap of life, stands cold and still in the winter.

Its leaves are browned and fallen, and its fruit rots on the ground. But eventually, the rain comes, the sun shines, buds sprout, green leaves appear, and colorful fruits burst from their seed. With the coming of spring, G-D resurrects nature. For this reason, the blessing of G-D for reviving the dead, recited every day in the *Amidah* prayer, incorporates the seasonal requests for rain. When praying for redemption, we say the phrase "*matzmiach yeshuah*" planting salvation. Indeed, the Talmud<sup>24</sup> compares the day of resurrection with the rainy season, and notes that the latter is even more important, because rain serves everyone, while resurrection is only for the righteous.

This is one, supplementary reason why the body and all its limbs require to be interred in the earth and not cremated, for it expresses faith in resurrection. Naturally, G-D could recreate the body in any form. Yet, willful cremation signifies an arrogant denial of the possibility of resurrection, and those who deny this cardinal principle, shouldn't share in the reward of its observance. The body has to be able to decompose in the organic and natural way, and not by man's mechanical act.

## VI. Coping with Loss

Life is a day that lies between two nights. The night of “not yet” before birth, and the night of “no more” after death. That day may be a painful and frustrating day or a bright and happy day. But, inevitably, the night of death must arrive.

Death is a night that lies between two days. The day of life on earth, and the day of eternal life in the world to come. That night may come suddenly, in the blink of an eye. Or it may come gradually, with a slowly receding sun.

As the day of life is an interlude, so is the night of death an interlude. As the day inevitably proceeds to dusk, so does the darkness inevitably proceed to dawn. Each portion—the fetal existence, life, death, and eternal life—is separated by a veil which human understanding cannot comprehend.

We the survivors who do not accompany the deceased on their journey, are left alone staring into the veiled, black void. There is a range of conflicting that seethes within us: bewilderment and paralysis, agony and numbness, guilt and anger, fear and pain, and also emancipation from care and worry. The golden chain of the family link is broken and swings wildly before our eyes. Love and warmth and hope have vanished, and in their place remains only despair. The precious soul that touched our life and enhanced its sense of purpose and meaning is no more. Our only consolation is of what once was. There is a past, but that past is no more; and the future is bleak indeed. The broken swinging chain hypnotises us, and we are frozen.

Judaism is a faith that embraces all of life and death as a part of life. As this faith leads us through moments of joy, it also leads us through moments of grief, holding us firm through the complex emotions of mourning and bidding us turn our gaze from the night of darkness to the daylight of life.

When this person who meant so much to you’s death accure, you are stuck with questions like: Why did this happen to me? What did I do to deserve this loss? How should I deal with this loss? Should I continue without grief, or should I halt everything?

In order to answer these questions, we can turn to the quote that started this article: “The ache of the heart will not suddenly disappear. There will be no miraculous consolation. But Judaism does teach the aching heart how to express its pain in love and respect, and how to achieve the eventual consolation which will restore us to humanity and keep us from vindictiveness and pity”. When we observe the Jewish customs of mourning, that were created by the Sages, and consider the pleasure of our deceased relatives in the Next World, we can ultimately get conciliation.

**May all mourners be consoled with all of the mourners of Zion and Jerusalem.**

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### END NOTES

- 1 This article is mainly based on the philosophies of Maurice Lamm’s *The Jewish Way In Death And Mourning*, and Aryeh Kaplan’s essay titled “Immortality and the Soul” in his book *If You Were G-D*. The former is based more on the human perspective and the philosophy behind it, while the latter is based more on the Kabbalah and what actually happens to the soul. A special thanks to Rabbi Mayer Schiller who helped edit part of this essay. This essay was inspired by the loss of my grandfather, Rabbi Dr. Samuel Morell, the learning and time that went into this essay should serve as an “*Aliyat Neshamah*”—an uplifting of his soul for my grandfather, Shmuel ben Dov.
- 2 Pirkei Avot 4:16
- 3 Much of this section has the terminology used by Rabbi Aryeh Kaplan being that it is a very complex topic and the concepts are summarized well by him. Much effort has been expended in order not to plagiarize while at the same time cover the topic in its full entirety.
- 4 Aldous Huxley, *The Doors of Perception*, 1954
- 5 Berachot 17a
- 6 Tanya, Rabbi SZ Barachuvitch of Liadi, Chapter 5
- 7 Sefer Ha’Ikarim 4:33, Nishmat Chaim 1:13
- 8 Bava Batra 75a
- 9 1:4a

- 10 Nachmanides, Introduction to Job
- 11 Sichot HaRan 235
- 12 See Tosfot: Shabbat 153a “venishmtso”, Sotah 34b “Avoi”. Maaver Yavek 2:25. Nishmat Chaim 2:22.
- 13 Taz, Yoreh Deah 339:3. Avodah Zara 20b, Pirkei Rabbi Eliezer.
- 14 Shabbat 152a, Midrash Ne’elam, Zohar 1:122b
- 15 Shabbat 152b, SM’G: Esrin Derabanan 2
- 16 Shabbat Ibid, Zohar 1:217b, 3:185b, 222b
- 17 Berachot 18b, Shabbat 152a
- 18 Emunot VeDeyot 6:7, Teshuvot Rashba 369, Sefer Chasidim 1163, Tosfot Yom Tov 2:7, Teshuvot Shvus Yaakov 2:97, Zvi Hirsch Chayos on Shabbat 13b, Midrash Tanchuma: Vayikra 8
- 19 Emunot VeDeyot, ibid, Nishmat Chaim 2:24, Maaver Yabok 2:7
- 20 Midrash Chibut HaKever in Reishit Chochma, Shaar Hayirah 12, #3
- 21 Emunot VeDeyot, Ibid, Midrash Ne’elam, Zohar 1:123a
- 22 Sichot Haran 179
- 23 Malachai 3,23
- 24 Ta’anit 8a

## ***A Repudiation of the American Healthcare System***

Ethan Zomberg (’22)

The American healthcare system is deeply flawed, largely because of its reliance on private insurance. The average person in the United States spends over ten-thousand dollars per person annually, far more than any other country in the entire world<sup>1</sup>. Despite this, the United States has just the twenty-sixth highest life expectancy rate out of the thirty-sox OECD countries, placing it behind Slovenia, a country that spends less than three-thousand dollars per capita annually. American citizens are also frequently bankrupted by the high cost of healthcare in the United States<sup>2</sup>. Each year, five-hundred and thirty-thousand American households are forced to declare bankruptcy due to medical issues, accounting for nearly two-thirds of all of all bankruptcies in the United States<sup>3</sup>; by contrast, bankruptcy due to health issues are relatively rare in nations with single-payer healthcare.<sup>[1]</sup> Additionally, the American healthcare system is one that fails much of the population; over twenty-eight million Americans are completely uninsured<sup>4</sup>, whereas all people who live in nations with a single payer healthcare system have access to healthcare, regardless of race or socio-economic status<sup>5</sup>. Therefore, it is self-evident that the federal government of the United States

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[1] Single payer healthcare is a general term for a form of universal healthcare in which the state provides for the costs of all essential health services, with services being provided for by either private or publicly owned institutions; this definition takes on varying definitions, and is intentionally broad. This is to simplify the general discussion surrounding single-payer healthcare, and make it easier to compare to the American system.

should replace private insurance with a single payer healthcare system, as it would lower the cost of healthcare, maximize the number of people who would receive healthcare and improve the overall quality of healthcare. Moreover, it should also reform the pharmaceutical industry to regulate the exceedingly high cost of prescription drugs, as the present system is unjust, and disproportionately harms those who can least afford treatment.

Critics of a national healthcare program contend that doing so would be prohibitively expensive, claiming that the rate of taxation would rise to the extent that it would be impossible to afford a single payer program. Representative Kevin Brady of Texas's 8th Congressional district, a former chair on the Ways and Means Committee and a leading opponent of single-payer healthcare, made the misleading claim that the establishment such a program would "bust America's finances and double everyone's taxes"<sup>6</sup>, referencing a study from the right-leaning Mercatus Center, which projected that the entire program would cost the federal government thirty-two trillion dollars over the next decade<sup>7</sup>. However, little evidence could be found to support the former of these two claims; one group of researchers from the University of California found that twenty out of the twenty-two studies they analyzed concluded that a single-payer healthcare system would not only expand healthcare coverage, but would actually decrease the cost of healthcare within the first several years of the program<sup>8</sup>. One such reason is that a single-payer healthcare program would limit the amount of money wasted on inefficiencies; according to one study, the United States' healthcare industry spends between seven-hundred and sixty and nine-hundred and thirty-five billion dollars on what is referred to as wasteful spending<sup>9</sup>. Reducing administrative costs would greatly contribute to lowering healthcare expenditures, as the American healthcare industry spends approximately eight-hundred and twelve billion dollars on administrative costs annually; under a single-payer healthcare system, the government would be able to save six-hundred billion dollars annually in administrative costs, as it would eliminate virtually all provider-rate negotiations, thereby eliminating the 'middleman'<sup>10</sup>.

The American healthcare system also requires patients to pay exorbitant fees

for prescription drugs relative to its comparable counterparts. According to a report published by the Ways and Means Committee of the House of Representatives, the United States spends approximately four times as much per capita on pharmaceutical drugs than the average country in the study, with the nation nearest to the United States, Denmark, spending a mere 39% per capita on prescription drugs of the United States<sup>11</sup>. Americans also often pay significantly higher prices for the same drug; insulin, a protein hormone used to treat high blood glucose, costs approximately thirty-two dollars in Canada. In the United States, the same drug is priced at nearly ten times that, costing three-hundred dollars per vial<sup>12</sup>. This has resulted in the rise of the so-called 'insulin caravans', in which Americans who are unable to afford insulin in the United States travel hundreds of miles to purchase the drug from a Canadian pharmacy<sup>13</sup>.

The issue of overcharging in the pharmaceutical industry has arisen primarily due to the fact that the government of the United States does not directly attempt to regulate drug pricing, which enables pharmaceutical companies to demand ludicrous sums of money for life-saving medications. This has resulted in a massive number of Americans who have experienced 'medication insecurity'; a Gallup poll found that twenty-three percent of all Americans stated that they were unable to afford their prescriptions, a number which increases to a staggering thirty-five percent when only low-income individuals are considered<sup>14</sup>. By contrast, in the G7<sup>[2]</sup> the average percentage of people who were unable to pay for medication is a mere five-point two percent, a fraction of the United States<sup>15</sup>. This is largely because these nations have stringent and highly restrictive systems of drug pricing regulation; for example; the United Kingdom, which has had a single-payer healthcare system in effect since the establishment of the NHS since 1948, requires all drugs to be approved by the National Institute of Health

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[2] The G7 is an intergovernmental economic organization consisting of seven major developed countries, including Canada, the United States, Japan, the United Kingdom, France, Italy and Germany. These seven nations possess 58% of all global wealth, and are the largest IMF-advanced economies in the world.



and Care Excellence,<sup>[3]</sup> which almost allows for the purchase of drugs that exceed thirty-thousand British pounds<sup>[4]</sup> per QALY<sup>[5]</sup><sup>16</sup>.

Proponents of the current system used in the United States often attempt to justify the exceedingly high costs of drugs on the grounds that the profits earned from their sale is simply reinvested into research and development, thereby benefiting the public. However, this is blatantly untrue; many pharmaceutical companies are scarcely involved at all in the process of developing new drugs, instead opting to purchase already existing technology at a relatively low cost from small biotech companies<sup>17</sup>. Moreover, the price of pharmaceutical drugs is set on what they believe the market will bear, not how much it actually costs to develop. One such example of this is the hepatitis C-curing Sofosbuvir (sold under the name Sovaldi by the pharmaceutical company Gilead), which was first approved by the FDA for human use in 2013<sup>18</sup>. According to an investigation conducted by the Senate Finance Committee in 2015, executives at Gilead concluded that they could turn a profit by selling the drug at fifty-five thousand dollars for a full twelve-week treatment, pricing each pill at approximately six-hundred and fifty-five dollars. Instead, they opted to charge eighty-four thousand dollar per twelve-week treatment, or one-thousand dollars per pill, stating that they believed that they could earn additional profits from the higher price even if it were to result in thousands of people not being able to gain access to it<sup>19</sup>.

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[3] The National Institute for Health and Care Excellence, more commonly known as NICE, is a non-departmental public body of the Department of Health in the United Kingdom. Its primary role is to assess the cost-effectiveness of potential expenditures within the NHS (National Health Service) to optimize efficiency in healthcare spending.

[4] One British pound sterling is worth one dollar and thirty-one American cents.

[5] QALY, or quality-adjusted life year, is a system used to calculate the burden a disease places on an individual's life, with one being the highest possible score (perfect health) and zero being the lowest (dead). NICE almost always rejects drugs that cost in excess of thirty-thousand British pounds per QALY, and rigorously reviews any medications that cost more than twenty-thousand pounds per QALY, thereby ensuring that the NHS only spends its funds on the most efficient treatments.

However, these issues pale in comparison when compared to the most glaring flaw in the American system: that a disproportionately high percentage of the population does not have access to adequate health insurance. In virtually all of the G7 nations, access to affordable, quality insurance is guaranteed; the United States is the sole member of the G7 which has failed to establish a program that would ensure that all of their citizens receive health insurance. By contrast, the total number of Americans who were uninsured or underinsured is vastly higher than any comparable country, with eighty-seven million, or a colossal forty-five percent of the American adult population, lacking access to sufficient insurance<sup>20</sup>. This has led to a clear adverse effect in the overall well-being of the US population; according to a study published by the American Journal of Public Health, an estimated forty-five thousand deaths annually are linked to a lack of insurance coverage, standing in stark contrast to the number of people in similarly wealthy nations who are categorized as 'excess deaths' (zero)<sup>21</sup>. Moreover, those who lack sufficient health insurance can also suffer crippling economic consequences when they are forced to pay for necessary treatment; according to a recent study published by the American Journal of Public Health, sixty-seven and a half percent of all bankruptcies are filed at least in part due to medical debt, standing in stark contrast to Canada, in which only nineteen percent of those who declare bankruptcy cite medical bills or ill health as a cause of insolvency<sup>22 23</sup>.

The American healthcare system is undeniably flawed, as it frequently fails to properly regulate the cost of treatment and makes use of an unnecessarily complex bureaucracy. Moreover, it often fails to provide sufficient services for much of its population, and must undergo drastic reform in order to maximize its efficiency and affordability.

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## ***The Influence of Rabbi Samson Raphael Hirsch on Contemporary Orthodox Judaism***

Shimi Kaufman ('21)

*All names of major Rabbis are referred to by only by a letter “R” and their last name after first mention. This in no way indicates any lack of respect by the author, and is merely in keeping with academic convention. All primary sources from Rabbi Hirsch’s writings are cited in text, and all other sources are included in the endnotes.*

### **I. Introduction—The Problem**

In the early 19th century, the Reform movement swept across Western Europe, threatening the practice of Judaism as it had been observed for centuries. The upkeep of traditional Judaism (henceforth referred to as “Orthodoxy”) is largely attributed to Rabbi Samson Raphael Hirsch, whose philosophy of ‘Torah Im Derekh Eretz’ (lit. “Torah with the ways of the land”) revitalized Torah observance throughout Germany.<sup>1</sup> R. Hirsch is often cited as the founder and touchstone of what is today called “Modern Orthodox Judaism”, as his writings and teachings laid the foundation for much of Orthodox life in America, save for perhaps the extreme isolationist Hassidic communities. However, while many groups claim to have their basis in Hirschian teachings, very few embrace the totality of R. Hirsch’s vision for the ideal Jew, the *Mensch-Yisroel* (see essay “Religion Allied to Progress”, *Collected Writings* pg. 107), and his community. Many sects participate in philosophical cherry-picking when it comes to the Hirschian *derekh*, taking what is relevant to their outlook and leaving the rest.<sup>2</sup>

This is a phenomenon which is somewhat unique to R. Hirsch. In most cases, the right and left wings tend to obscure and diminish the leaders of their opposing sects. But with R. Hirsch, there seems to be a ceasefire; each side of the aisle is more than willing to admit to his genius and sincerity, and to learn from his writings and teachings. Rabbi Emanuel Rackman outlines six fundamental principles of Modern Orthodoxy with basis in R. Hirsch’s writings<sup>3</sup> just as the Hasidic Gerrer *rebbe* calls him a “walking *mussar sefer*” (ethical text).<sup>4</sup> Only R. Hirsch is given this deferential treatment on both sides of the aisle. One need only look at the vitriolic hatred of Rabbi Abraham Isaac Kook in Satmar circles to understand that not all scholars are granted a degree of respectability. Yet R. Hirsch seems to find grounding in almost every camp.<sup>5</sup>

This distinction has commonly been explained based on the paradoxical nature of what have been called the two “pillars” of Hirschian thought: *Torah Im Derekh Eretz* (TIDE), and *Austritt*. At an extremely surface level (we will go into greater detail shortly), TIDE refers to the appreciation of “non-explicitly sacred knowledge, beauty, and experience”<sup>6</sup> through the lens of the Torah, while *Austritt* refers to R. Hirsch’s insistence that the Orthodox community remain distinct, in both legalese and personal identity, from the newly established Reform movement. Conventional wisdom believes that the more “left-wing” Orthodox communities have seized onto the TIDE aspect of R. Hirsch’s thought, while the more “right-wing” has taken the *Austritt* aspect. This formulation is appealing, but would appear to be an oversimplification of the issue; such binary categories would seem to ignore those aspects of the Hirschian model which do not seem to align with these categories. For example, R. Hirsch’s stark anti-Zionism would be at odds with the supposed TIDE communities, while his mixing of the genders in schools would be immediately rejected by those who are presumed to accept his isolationist views. Even this distinction, however, ignores a larger problem with this line of thinking, which will, hopefully, emerge from an analysis of these two aspects of R. Hirsch’s philosophy.

### **II. Torah Im Derekh Eretz**

Before we begin, it behooves us to outline R. Hirsch’s general *hashkafa*

(outlook) as it emerges from his own writings, in order to allow for an objective review of the different interpretations of R. Hirsch's works which have emerged. As previously noted, Hirschian philosophy can broadly be divided into two categories. The first of these, Torah Im Derekh Eretz, is defined as the belief, based on the Talmudic phrase "*Yafeh Torah im Derekh Eretz*" (*Avot* 2:2), meaning "beautiful is the study of Torah combined with worldly pursuits," that Torah study should be combined with involvement in worldly matters, such as math, science, and philosophy. Seeing as the exact way to interpret this phrase has been heavily debated, we feel it is best to address this subject not in terms of what TIDE *is*, but rather what it *is not*.

First and foremost, TIDE was not, in R. Hirsch's eyes, a mere *hora'at sha'ah*, a time-bound decree which was instituted only to save the dying remnants of German Orthodoxy from the clutches of the Reform. This is evident from several places in R. Hirsch's writings, most notably in his open letter to the esteemed Wurzburger Rav, Rabbi Seligmann Baer Bamberger, on the question of secession from the Reform community (see *Collected Writings* VI pg. 198; we will refer back to this letter many times over the course of this article). In this letter, R. Hirsch writes: "The principle of 'Torah im Derekh Eretz' can fulfil [it's] function because it is not part of troubled, time-bound notions; it represents the ancient, traditional wisdom of our Sages that has stood the test everywhere and at all times" (*Collected Writings* VI, pg. 221).

Nor was TIDE an attempt to abolish traditional Torah learning in favor of a more "modern" approach to study. Rather, it was the utilization of secular knowledge to enhance the Torah, while constantly keeping Torah as the *ikar*, the main purpose of Jewish life. In R. Hirsch's words "If...we would have to choose between one [Torah learning] and the other [general education], there could be no doubt about the choice we would have to make: Judaism would have to come first, and general education only thereafter" (see essay "Religious Education", *Collected Writings* VII, pg. 20).

R. Hirsch was also decidedly against learning secular studies purely for utilitarian and capitalist reasons, to support a future profession or career. That is not to say that R. Hirsch believed that children should not learn the skills

necessary to earn a livelihood in their adult years. R. Hirsch certainly supported and encouraged training children to become proficient in a trade, as he writes "the training of the young in skills that will earn them a respectable livelihood as adults is a sacred duty also from the Jewish religious point of view" (*Collected Writings* VII, pg.88). Rather, R. Hirsch felt that focusing solely on the practical and utilitarian aspects of a secular education would cause students to become primarily focused on their own gain, and that this outlook would eventually "degenerate into conceit, selfish ambition, and malicious glee at another's discomfiture" (see essay "Ethical Training In The Classroom, *Collected Writings* VII, pg. 50; the rest of the essay is also relevant to our point).

Finally, Torah im Derekh Eretz was not simply the acquisition of secular knowledge insofar as it directly affects Talmudic and Halachic study; for example, the study of astronomy to understand the lunar cycle and the study of botany to help understand the laws of agriculture. This is not to say that R. Hirsch didn't find this study important; rather, he took it as an obvious prerequisite for Talmudic learning. As he writes "anyone even superficially acquainted with, say, Rabbinic literature, knows about the significance of mathematics and astronomy, botany and zoology, anatomy and medicine, jurisprudence and ethics, in the deliberations of our Sages" (*Collected Writings* VII, pg. 90).

Rather, Torah im Derekh Eretz to R. Hirsch was representative of the Torah's ability to give guidance in any time period and in any civilization. To R. Hirsch, it is the duty of a Jew to engage in secular culture through the uncompromising and eternal lens of the Torah, and to attempt to appreciate God in this manner as well. In his words, "the term 'Torah im Derekh Eretz', as used by the Jewish Sages, meant the realization of the Torah in harmonious unity with all the conditions under which its laws will have to be observed amidst the developments of changing times" (*Collected Writings* VII pg. 294). We will delve more deeply into the different interpretations of this philosophy in the coming paragraphs.

### III. Austritt

The other “pillar” of Hirschian thought was his philosophy of *Austritt*, German for “resignation” or “secession”. In 1800’s Prussia, the religious community existed as a political body, subservient to the state, which was permitted to collect taxes and organize religious affairs with the backing of the government. While this law was originally intended solely for the church, a law was passed in 1847 which officially recognized the Jewish religion, thereby allowing the Jews to form their own *Gemeinde*, or “synagogue community”. Soon after this, in a bid to weaken the influence of Catholic Church by spreading dissent within its ranks, then-Chancellor Otto Van Bismarck passed the law of *Austritt*, which allowed any group with sufficient backing to secede from the religious community in their city and form their own, government mandated Church. When originally passed in 1873, this law did not include Jews. This proved problematic for Orthodox Jewry, as they were forced to share taxes and facilities with members of the newly-formed Reform movement. There were two issues with this: one, the religious establishments of the Reform did not come close to meeting the strict *halakhic* requirements of Orthodox Jewry, and two, the philosophical and religious outlook of Reform was diametrically opposed to traditional Orthodox faith. As such, communities like R. Hirsch’s Frankfurt were left to manage a synagogue in which there were essentially two separate religions. To combat this, R. Hirsch organized the formation of a *Religionengesellschaft*, a corporate entity which was intended to advocate for the Orthodox faction of the *Gemeinde*. However, this *Religionengesellschaft* received no official funding or recognition by the government. Thus began R. Hirsch’s three year bid to achieve the right of secession for Jews as well as Christians.<sup>7</sup>

When the right of *Austritt* was finally given to Jews on July 26th, 1876, R. Hirsch fought tirelessly to ensure that every single member of his community seceded. To R. Hirsch, secession was an absolute religious and social obligation, as no self-respecting Jew could attach himself to a movement which was so fundamentally opposed to his own core values. R. Hirsch wrote multiple essays and letters defending this obligation, both from a *halakhic* and moral perspective. The moral issues were addressed most succinctly in an essay simply titled “Secession From The Community”

(*Collected Writings* VI pg. 170). In this essay, R. Hirsch presents the arguments for secession from the perspective of a Jewish shoemaker, not particularly learned, but firm in his beliefs. This helps R. Hirsch to present the arguments from a common-sense standpoint; R. Hirsch argues that willingness to remain a member of the Reform community betrays a lack of conviction in one’s own doctrine, viewing “all things religious as nothing more than meaningless forms and individual matters of taste” (pg. 174). The essay goes on to refute most of the main arguments against secession, arguing strongly that remaining in the Reform *Gemeinde* was simply not an option for Orthodox Jews.

The *halakhic* issues, as well as much of the political controversy regarding secession, were addressed in an open letter by R. Hirsch to the Wurzbürger Rav, Rabbi Seligmann Baer Bamberger (*Collected Writings* VI. pg. 198). While this is not the place for a detailed history of the various controversies over secession, it should suffice to note that, after being invited to Frankfurt to investigate several concessions which the Reform community had offered to prevent secession,<sup>8</sup> R. Bamberger ruled that secession could not be deemed a religious obligation for those who did not feel it was necessary.<sup>9</sup> R. Hirsch felt that this ruling was both out of line and betrayed a lack of knowledge of the situation in Frankfurt. In a series of open letters, R. Hirsch attacks R. Bamberger for his *pesak*, and reinforces his view of secession as not only a moral obligation, but a *halakhic* one.

### IV. Inherent Contradiction or Complementary Truths?

There have been some<sup>10</sup> who have posited that the coexistence of *Austritt* and TIDE in R. Hirsch’s writing betrays a certain self-contradiction within R. Hirsch himself; one the one hand, he was ever the humanist, willing to embrace societal progress along with Jewish belief, but on the other, he was a staunch traditionalist, steeped in the separationist mindset which had sustained the Jewish people for generations before. Thus, the two ideals of TIDE and *Austritt* represent R. Hirsch’s attempts to reconcile his Enlightenment-style openness with his traditional Jewish background. This reading of R. Hirsch betrays a fundamental misunderstanding of both *Austritt* and TIDE. Historical context notwithstanding, the main principle behind the



*Austritt* debates was that an authentically, Torah-true community can never align and become intermingled with groups which fundamentally and explicitly reject its most sacred values. R. Hirsch saw any acceptance of Reform as an existential threat to Orthodox Judaism, because it blurred the lines of what was and was not acceptable practice for a Jew. This, however, does not contradict R. Hirsch's welcoming acceptance of those aspects of the world "outside of the ghetto" which did fit into an authentic Jewish *Weltanschauung*. And, even those things which did not necessarily align with the values of Torah were not ignored; there was a mindset of acknowledgement, yet rejection. In other words, TIDE did not imply the acceptance of any secular value as compatible with a Torah community, nor did *Austritt* imply complete ignorance and obliviousness to these values. The two ideas are more than just "two sides of the same coin"; they are interregulating principles, each one necessary to prevent an extreme application of the other. In its truest application, the two pillars of the Hirschian *derekh* work in tandem, in application of the principle "the left hand pushes away while the right hand draws close."<sup>11</sup>

However, it is the illusion of this contradiction which has led to the decline of genuine Hirschian thought in contemporary Orthodoxy. The seeming juxtaposition of these two principles creates a mental dichotomy for many Orthodox communities, where it appears that the only options are complete rejection or unbridled embrace of society at large. The subtlety of the Hirschian approach, not its supposed illegitimacy, has led to its downfall, as communal philosophy is better suited for broad generalizations than it is for abstruse distinctions.

We see then that the supposed "split" mentioned above between the right- and left-wing communities is inherently fallacious; TIDE without *Austritt*, or *Austritt* without TIDE, both cease to resemble the true Hirschian *derekh*. Rather, each of these communities have seen aspects reminiscent of their approach in the thought of R. Hirsch, and have seized onto these in order to justify the addition of R. Hirsch to their pantheon. Neither one, however, would turn to R. Hirsch to dictate community policy. For example, when eleven prominent Ultra-Orthodox Rabbis signed a declaration forbidding

association with the Synagogue Council of America, an organization which included Conservative and Reform rabbis, R. Hirsch was not cited as a support for the decision, despite *Austritt* being likely the strongest historical precedent for the ruling. Any citation of R. Hirsch was *post facto*; his thought was not a part of their calculus.<sup>12</sup>

As another example, in Rabbi Norman Lamm's *magnum opus* "Torah Umadda", arguably the most famous modern defense of a synthesis between Torah and secular culture, R. Hirsch is cited mainly as a contrast point for R. Lamm's preferred model, that of Rabbi Abraham Isaac Kook. R. Hirsch's open support of this exact synthesis is nice for the Modern Orthodox community to note in retrospect, but it did not play any significant role in the formation of the communal mindset.

This exclusively retroactive acknowledgement of R. Hirsch also allows for the simple dismissal of those parts of his thought which do not align with the pre-existing alignments of the given faction, since R. Hirsch is called upon not to form communal philosophy, but to defend it after the fact. Thus, Hareidi leaders are able to dismiss TIDE as a *mere hora'at sha'ah*,<sup>13</sup> a compromise based on the needs of his specific community, without concern for the vast amount of evidence to the contrary (as cited above). There is no need to reconcile their thought with the whole corpus of Hirschian writing, since their thought is not based on that writing in the first place.

This is not a criticism of these communities per se; their tradition is based on Eastern European Orthodoxy, and they are under no halakhic nor intellectual obligation to base their approach on R. Hirsch's writings. But the fact remains that the authentic Hirschian *derekh* has little to no impact on the positions of most Orthodox communities today.

## V. Conclusion

The unique synthesis of the Hirschian *derekh* has much to offer to Orthodoxy today; indeed, a healthy dose of *Austritt* may in fact be the only way to maintain a mindset resembling TIDE in the modern age. But to view



R. Hirsch's thought as one-dimensional or normative is to do a disservice to ourselves and to the Hirschian legacy.

In his eulogy for the great Rabbi Joseph B. Soloveitchik, Rabbi Dr. Norman Lamm famously declared<sup>14</sup>:

“The Rav was not a *lamdan* (Talmudic scholar) who happened to have and use a smattering of general culture and he was certainly not a philosopher who happened to be a *talmid chacham*. He was who he was, and he was not a simple man. We must accept him on his terms, as a highly complicated, profound, and broad-minded personality, and we must be thankful for him.”

These guidelines would serve us well in our approach to Rabbi Hirsch.<sup>15</sup> To boil R. Hirsch's thought down to fit one particular viewpoint is to forfeit the uniqueness of the Hirschian approach. Not all are required to find their basis in R. Hirsch's writings, but those who will must accept the essence of who he was and what he believed.

#### END NOTES

- 1 This is not the place for a lengthy discussion of the evolution of the Reform movement and Hirsch's battles with it. The interested reader is directed to the first section of Rabbi Eliyahu Meir Klugmann's *Rabbi Samson Raphael Hirsch: An Architect of Torah Judaism For The Modern World*, and Robert Liberlis' *Religious Conflict In Social Context*.
- 2 We are not discussing here the history of R. Hirsch's legacy in America, which would require a detailed look at the history of the Breuer's community as a Hirschian *kehillah*. For an analysis, see Rabbi Zev Leff's articles “American Orthodoxy's Lukewarm Embrace of The Hirschian Legacy, 1850–1939” *Tradition* 45 (Fall 2012), and “Between Bennett And Amsterdam Avenues: The Complex American Legacy Of Samson Raphael Hirsch, 1939–2013” *Tradition* 46 (Spring 2013).
- 3 “Modern Orthodoxy—Its Fundamentals and Variations”, *Jewish Week* July 17, 1987
- 4 *The Living Hirschian Legacy* pg. 62.

- 5 There have been claims that Haredi leaders such as Rabbi Aharon Feldman or Rabbi Moshe Meiselman have declared that Hirsch's writings are heresy. These claims would appear to be an exaggeration; the Rabbis in question may not feel that Hirschian thought lines up with their exact philosophical leanings, but it is doubtful that they would label his writings as completely heretical.
- 6 This exact formulation has been borrowed from Rabbi Mayer Schiller, who has used it both in his writings and in personal conversation
- 7 Collected Writings of Rabbi Samson Raphael Hirsch Vol. VI, pp. 153–54, “Historical Background to Secession”
- 8 These concessions mainly included providing the Orthodox community with their own facilities in which to hold services and to handle communal needs like *shechittah* and *mikva'ot*. Since the Reform was willing to provide these services in a manner consistent with halakha, R. Bamberger saw no obligation to secede.
- 9 Needless to say, the controversy was far more complex than this. There were several other factors, such as instances of other Rabbis agreeing with both R. Hirsch and R. Bamberger, the question of whether R. Bamberger had a *halakhic* right to rule on an issue pertaining to R. Hirsch's community, and a fascinating *halakhic* debate about the different classifications of *mumar* (heretic). The reader is encouraged to see the full correspondence between R. Hirsch and R. Bamberger, which can be found at the end of the sixth volume of R. Hirsch's Collected Writings.
- 10 See, for example, George D. Frankel's *Dan Shall Judge His People*, in the essay entitled “Austritt And Torah Im Derech Eretz In The 21st Century: Is The Marriage Still Working?: The essay as a whole requires extensive treatment, and this is not the place for a detailed response. See Rabbi Mayer Schiller's “And They Shall Judge The People With True Judgement” (p. 15) for a comprehensive rebuttal of many of the author's points.
- 11 Babylonian Talmud, Tractate Sotah 47a
- 12 Rabbi Zev Leff, “Between Bennett And Amsterdam Avenues: The Complex American Legacy of Samson Raphael Hirsch, 1939–2013” *Tradition* 46 (Spring 2013), pg. 11
- 13 Or, in some extreme cases, claim large swaths of R. Hirsch's writings as forgeries; see <http://www.rationalistjudaism.com/2009/08/rav-shimshon-raphael-hirsch.html>
- 14 YU Commentator, Rabbi Dr. Norman Lamm “Only The Rav Could Be Maspid The Rav”, April 28, 1993; Volume 58 Issue 12
- 15 Rabbi Lamm himself draws the comparison to Rabbi Hirsch in the eulogy, something which was unknown to this author until the time of this writing.

## ***The Abandonment of Jewish POWs in Nazi Germany***

Mr Murray Sragow

Following the attack on Pearl Harbor on December 7, 1941, the United States declared war on Japan. Germany, Japan's ally, declared war on the United States four days later, on December 11. Although Germany had not attacked the United States, President Roosevelt pursued a "Germany First" policy that focused the American war effort first on defeating Germany, and only afterwards on defeating Japan.<sup>1</sup>

This was certainly the preference of the 4.8 million American Jews<sup>2</sup>, who saw in the war against Germany an opportunity to fight against the regime that was committing atrocities against their European brethren. While the full extent of Hitler's Holocaust was not yet known in 1941, news reports were being published, and the American Jewish community knew that, at the very least, a huge pogrom was going on in Europe.<sup>3</sup> Many of these Jews were immigrants or first-generation natives themselves, and everyone had European relatives caught in the Nazi grip. So, their feelings were profoundly personal. As a result, Jews volunteered to fight against Hitler in large numbers. Over 550,000 Jews served in the US armed forces during World War II, the large majority of them in Europe.<sup>4,5</sup>

The personal hatred of American Jews toward Nazi Germany was not the only thing that distinguished them among the servicemen poised to attack it. Service in Europe, and the possibility of capture, presented a much more serious peril than it did to non-Jewish GIs. After all, why should the Nazis

distinguish between a Polish Jew and his American cousin? Their eugenic theories that named themselves the "master race" and the Jews subhuman left no room for the citizenship of the Jew. It should have been irrelevant. Therefore, a Jewish airman flying over Germany or a Jewish soldier advancing across France knew that if captured and discovered, he might end up in Auschwitz.

Even worse, for Jewish potential Prisoners of War (POWs), the Nazis would not have to resort to any of their theories about facial or other characteristics to identify them as Jews. It was right there on their dog tags. During World War II, every United States soldier was issued a dog tag that included a single letter indicating his religion, either (P)rotestant, (C)atholic, or (H)ebrew.<sup>6</sup> What, then, was a Jewish soldier then to do if he anticipated capture? How was he to avoid the fate of his European cousins? There are at least four documented responses:

1. Some chose to have no letter stamped on their dog tags at all
2. Some requested a dog tag with a "P" or "C" on it.
3. Some defaced their dog tags, making the "H" illegible
4. Some threw away their dog tags just before surrendering or otherwise being taken captive<sup>7,8</sup>

Regardless of the methodology, the intent was the same—the soon to be POW was attempting to conceal his Jewishness from a Nazi captor who might, if aware of the truth, treat the Jewish POW more harshly, or perhaps even kill him. Indeed, these fears were justified. There are numerous accounts of Jews who escaped harm by concealing their identities, who suffered because they were Jewish, or were saved by the heroism of fellow soldiers. An example of each:

Sam Kimbarow, captured in late December 1944, threw away his dog tags and then watched in horror as other Jewish soldiers self-identified as Jews and were carried off to uncertain fates. He reported in 1999 that since then, he had nightmares, because he had chosen "to deny our mothers and fathers."<sup>9</sup>

350 American soldiers who were captured during the Battle of the Bulge and held in a POW camp were, upon being identified as Jews (some correctly, some not), were sent together with some Auschwitz inmates to work as slave laborers in the Berga concentration camp in eastern Germany. Many died in the process.<sup>10</sup>

Roddy Edmonds, a non-Jewish Master Sergeant, was captured and imprisoned in January, 1945 in Stalag IX-A, a POW camp in Ziegenhein, Germany. As the highest-ranking non-com officer out of the 1275 American POWs, he was in charge of them. On January 27, 1945, Edmonds was ordered by the German commandant to order all Jewish soldiers to assemble outside their barracks the following morning. Edmonds instead ordered all 1275 Americans to assemble. When the commandant saw this, he was furious and repeated his orders. Edmonds responded “we are all Jews here.” He also told the commandant that the Geneva Convention required that POWs disclose only their name, rank, and serial number. Any demand above that was a war crime, for which the commandant would be prosecuted after the war. The commandant backed down, saving the lives of the over 200 Jews in that group.<sup>11</sup>

While the pain of soldiers like Kimbarow, the suffering in camps like Berga, and the heroism of people like Edmonds are moving and awe inspiring, none of it should have been necessary. Germans should not have required the reminder that Edmonds gave the commandant, that Germany was a signatory to the Geneva Convention<sup>12</sup> and thus bound to treat POWs properly, regardless of religion.<sup>13</sup> It should have been part of their army training, for a very simple reason. The capture of POWs in wartime is almost never one-sided. Just as the German army captured many enemy soldiers, there were many German soldiers captured by allies.<sup>14</sup> These soldiers offered a convenient opportunity for retribution in the event that Germany mistreated American soldiers. It should therefore have been standard procedure to treat POWs according to the Geneva Convention, so that the enemy would as well. And when there were known violations, it should have been the job of the Army, perhaps the War Department, perhaps President Roosevelt himself, to make it clear to Germany that mistreatment would not be tolerated and that there would be a price to pay.

But there is no record<sup>15</sup> of any statement to that effect by anyone higher ranking than Master Sergeant Roddy Edmonds. For some reason, no one saw fit to stand up for the safety of Jewish POWs. This is all the more surprising when one considers the fact that there were many reasons why such a public stand would have been appropriate, even normal.

Firstly, the U.S. Army's creed is not only to accomplish the missions assigned to it, but also to protect the welfare of its soldiers.<sup>16</sup> That is true both while soldiers are under the control of their officers and also while in enemy hands. So, by failing to stand up for its Jewish soldiers, the Army, the War Department, and the President himself were all derelict in duty no less than if they had been irresponsible or careless and failed to prevail in a battle.

Second, unlike today, where enemies of the United States are frequently not signatories of the Geneva Conventions and do not feel bound by them,<sup>17</sup> it is clear for many reasons that Germany was concerned with at least the appearance of adherence to international standards. First of all, Germany said so themselves. In 1939, in response to a request from the International Committee of the Red Cross, Germany assured the ICRC that it would indeed comply with the Geneva Convention.<sup>18</sup> Second is the history of prisoner exchange, where on ten separate occasions a total of over 20,000 German and Italian disabled or medical personnel were repatriated through neutral ports.<sup>19</sup> The Allies would never have agreed to this unless Germany was treating their prisoners well, or at least appearing to. Third is the nature of the famous Theresienstadt Ghetto near the German-Czech border. Even though the ghetto was a way station for Jews on their way to extermination at Auschwitz, it was kept in much better condition than the typical concentration camp so that Red Cross officials could visit and be convinced that rumors of genocide were untrue.<sup>20</sup> Lastly, in February of 1945, as Hitler became more and more desperate, he suggested to his generals that they abandon the Geneva Convention. They convinced him not to, mostly because of concern for Germans held in Allied hands and the possibility of retaliation against them.<sup>21</sup>

So, it was the job of the Army and its civilian leadership to protect these POWs, and Germany was clearly receptive to appeals on behalf of the Americans in

their hands. But there is a third important reason why the silence is surprising, and that is precedent. The U.S. Army, in a previous war, also employed a population that was persecuted by its opponent, namely black soldiers in the Civil War. Over 200,000 blacks fought in the Civil War, and just like any other population, some of them were taken prisoner.<sup>22</sup> President Lincoln anticipated that black POWs would not be treated fairly, one of the reasons he was hesitant to allow the Army to recruit them.<sup>23</sup> But once they enlisted, he insisted that the Confederacy treat them exactly as they did white soldiers. This insistence manifested itself in two impressive ways:

1. On July 31, 1863, upon learning that Confederate President Davis had decreed that captured black soldiers were to be treated not as POWs but as runaway slaves, Lincoln signed General Order 252. The Order declared that for every Union POW sent into slavery, a Confederate POW would be put to hard labor, and for every Union POW killed a Confederate POW would be executed.<sup>24</sup>
2. On April 17, 1864 General Benjamin Butler, who was negotiating a protocol for prisoner exchanges between Union and Confederate armies, was instructed by newly appointed Lieutenant General Ulysses S. Grant to agree to no exchanges unless the protocol made no distinction “between white and colored prisoners.” This meant that for the last year of the war, tens of thousands of POWs, both white and black, would remain in northern and southern POW camps and not be exchanged, as had previously been the case.<sup>25</sup>

The words of 1863 and 1864 shame the silence of 1944. Why did no one in Washington demand that Germany act as Lincoln and Grant demanded that the Confederacy act? What could be the relevant distinctions between the two wars, the two opponents, the two persecuted minorities, that led to this silence?

A cynical approach might lead to the suggestion that the difference is that the Federal government cared less about Jews than about blacks, that the government was more concerned about treatment of black POWs than about Jewish POWs because, at least in 1944, the government and the army were

more anti-Semitic than they had been racist in 1863. This is hard to support, for various reasons: First, although it is true that Jews experienced serious antisemitism in the United States in the years before World War II<sup>26</sup>, Jews were never murdered or otherwise physically attacked as blacks were in the New York draft riots of July 1863. Second, there are many cases of American Jews lobbying in Washington on behalf of Holocaust victims with much greater access than blacks in the Civil War had. Third, there were Jews in high places in government, including Secretary of the Treasury Henry Morgenthau. There were certainly no blacks in such positions in the Civil War.<sup>27</sup> Lastly, and most importantly, black soldiers in the Union army during the Civil War faced all kinds of discrimination, such as segregated units, denial of commissions as officers, and lower pay.<sup>28</sup> Jewish GIs in World War II experienced none of that.

What is more likely, however, is that the federal government saw the plight of black soldiers as relevant to the war effort, and therefore worth its attention, whereas it saw the plight of Jewish soldiers as an annoyance and a distraction from the war effort. The reason for this is that certainly after the Emancipation Proclamation, if not before, in the minds of most Americans (north and south), the Civil War was about the abolition of slavery. The north was fighting to end slavery, and the south to preserve it.<sup>29</sup> Since Confederate mistreatment of black soldiers was legitimized due to their definition as runaway slaves<sup>30</sup>, objecting to their treatment was part of the northern effort to undermine slavery altogether. In World War II, however (despite what American Jews felt<sup>31</sup>), the war was not about liberating the victims of the Holocaust. It was about defeating Germany and Japan. Negotiating with Germany over proper treatment of Jewish POWs did not in any way contribute to that, and therefore was not a priority. According to this theory, then, the government knew that its Jewish soldiers were likely to receive unacceptable treatment if taken prisoner, but refused to do anything about it, or take any action which might have been counter to the war effort. This is difficult to believe, because it's hard to imagine that protecting U.S. soldiers, which can only improve morale, would be considered counter to the war effort. Another possibility is that the War Department and the President simply did not believe that Jewish soldiers were at risk. Yes, there were random acts of

antisemitism by individual Germans, but the evidence does not support a systematic attempt to isolate Jewish POWs and mistreat them. And what of the soldiers worriedly defacing or discarding their dog-tags? They were getting all worked up unnecessarily. Two important facts might support this claim. First of all, there were numerous cases, earlier in the war, of Jewish soldiers in other Allied armies being treated properly by the same Germans who were massacring Jewish civilians.<sup>32, 33</sup> These cases indicate that the Germans were, at least earlier in the war, adhering to the Geneva Convention without religious prejudice. This would reasonably lead policy makers in Washington to conclude that Jewish soldiers did not need special protection. Second, Americans did not become POWs in large numbers until late in the war.<sup>34</sup> Americans were not fighting Germans in large numbers until after D-Day in June, 1944, less than a year before Germany's surrender, and the largest group of POWs, around 23,000, were taken during the Battle of the Bulge in December, 1944.<sup>35</sup> Therefore, it might be that by the time actual mistreatment of Americans was reported to Washington, there was no longer a German government with which to lodge complaints.

If indeed that is the case, the test should be Roddy Edmonds' ultimatum. He told his German captors that they risked being tried as war criminals for mistreating Jewish POWs. Was he correct? Were Germans prosecuted after the war for war crimes involving the mistreatment of Jewish POWs? And if not, why not? To the first question, the answer is sort of. There were a small number of Germans who indeed were prosecuted and convicted of war crimes for their treatment of U.S. POWs. Two were even sentenced to death. But their sentences were quickly commuted, and although the ones with more serious charges spent nine years in prison, that is not very much by comparison to a death sentence.<sup>36</sup>

The answer to the second question is not known, but historians speculate that once World War II was over, the U.S. Army moved on to other concerns, and justice for war criminals took a back seat to rebuilding Germany as a counterweight against Soviet expansion in Europe. It was argued that the U.S. was better served by rehabilitating former Nazis and letting them run the country than by punishing them.<sup>37</sup>

So, in the end, the question is better than the answer. Why didn't the United States stand up for its Jewish World War II soldiers the way Abraham Lincoln stood up for his Civil War black soldiers? Maybe there really is no good reason. Or maybe it just takes an Abraham Lincoln to see clearly and do the right thing; and great as he was, Franklin Delano Roosevelt just wasn't Lincoln.

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#### END NOTES

- 1 Roosevelt's primary reason for this was his alliance with Great Britain. Although Great Britain was also fighting against Japan in the Pacific, the British Isles themselves were under attack by Germany and therefore of greater concern. As it played out, Roosevelt's plan indeed followed that course. V-E day, on which Germany surrendered, was May 8, 1945. V-J day was not until August 15, and would have been considerably later were it not for the two atomic bombs detonated over the Japanese cities of Hiroshima and Nagasaki.
- 2 Linfield, Harry S. "Statistics of Jews." American Jewish Year Book Vol. 42, p. 654. Rabbi Harry Sebee Linfield, born Tzvi Hirsch Lintup in Lithuania in 1888, was head of the Statistical Bureau of the Synagogue Council of America from 1932 until his death in 1978. He was also a great-great uncle of this author.
- 3 Leff, Laurel. "How the NYT Missed the Story of the Holocaust While It Was Happening." <https://historynewsnetwork.org/article/10903>. Even though Leff's focus is that the New York Times and others underreported the story and, consequently, Americans were less informed and agitated by the Holocaust than they could have and should have been, she acknowledges that the Times printed over 1200 stories on the subject. That comes out to approximately one every other day, starting in 1938.
- 4 <https://www.jewishvirtuallibrary.org/statistics-on-jewish-american-soldiers-in-world-war-ii>. As a percentage of the total population of American Jews, this comes to about 11.5%. This is not out of line with the general population. The total population of the United States 132.1 million, of whom 16.1 served. This comes out to about 12%.
- 5 It's important to acknowledge that affinity for Hitler's victims was far from the only motivating factor in encouraging Jewish enlistment. As was the case with many ethnic and racial minorities, Jews saw the war as a chance to prove that they belonged, that



they were as deserving of US citizenship and all its benefits as anyone else. And as was the case in each of America's wars, it was hard to deny its veterans the full rights due a citizen. As Frederick Douglass said in 1863, "Once let the black man get upon his person the brass letters US, let him get an eagle on his button, and a musket on his shoulder, and bullets in his pocket, and there is no power on earth or under the earth which can deny that he has earned the right of citizenship in the United States."

- 6 The purpose of the tag is to identify the body in the event of the soldier being killed in action. According to the Bureau of War Records, almost 11,000 Jewish died in service, 7,000 in combat. The dog tag is designed to enable a cleric of the soldier's religion to officiate at his burial. While the fact that the "H" was among the markings attests to the significant number of Jewish soldiers, it also created the problem of easy identification by an anti-Semite.
- 7 Rabbi Akiva Males, "Jewish GIs and Their Dog-Tags." Hakirah 15. 2013. Rabbi Males, currently serving as Rabbi of the Young Israel of Memphis, focused in this article and in a follow-up in Tradition 46:3 on the halachic permissibility of disguising one's Judaism to save one's life. His analysis is both fascinating and frightening to those who might otherwise automatically conclude that the Torah permits one to do whatever would be necessary, other than the three "cardinal sins." Since how one presents himself and how one avoids appearing Jewish have halachically different outcomes, he concerns himself separately with these four ways of dealing with the dog tag. See his articles for examples of each of these approaches. For the purposes of this study, the important point to note is that at least two of the methodologies, numbers 1 and 2, required the Jewish soldier to anticipate this problem before being issued dog tags to begin with. That means a number of things:
  1. Jewish soldiers were enlisting in the army and hoping to fight in Germany even though they knew that they might well face much more difficult circumstances than a typical POW.
  2. Jewish leaders were advising these soldiers to take protective action (otherwise it would not have been so widespread)
  3. The U.S. Army was complicit in this charade, offering tags it knew to be missing information or patently false.
- 8 It should be noted that there is a serious downside to disguising one's religion, that being that it disabled the very purpose for which the dog tags were issued to begin with. And indeed, there were many Jews who were killed in action during World War II, and lacked dog tags identifying them as Jews, leading to their being buried under

crucifixes. Rabbi Jacob J Schacter, Senior Scholar at YU's Center for the Jewish Future and University Professor of Jewish History and Jewish Thought, is leading an effort to correct these errors. His father, Rabbi Herschel Schacter, was an army chaplain in World War II and the first chaplain to enter the Buchenwald concentration camp following its liberation. To the army's credit, it is more than willing to correct the grave markers when the family requests it.

- 9 [http://jewishsightseeing.com/usa/california/san\\_diego/veterans\\_administration/19990423-world\\_was\\_ii\\_pows.htm](http://jewishsightseeing.com/usa/california/san_diego/veterans_administration/19990423-world_was_ii_pows.htm). Cited by Males in the Hakirah article.
- 10 Cohen, Roger. "Soldiers and Slaves." 2005.
- 11 <https://www.nytimes.com/2016/01/28/world/middleeast/obama-honor-americans-effort-to-save-jews-the-holocaust.html>. In 1916, Yad Vashem posthumously honored Edmonds as the first U.S. soldier to be recognized as "*meitzidkei umot ha'olam*", "Righteous among the Nations." At the ceremony bestowing this honor at the Israeli Embassy in Washington, President Obama repeated Edmonds' words, saying that "we are all Jews", because antisemitism is a crime not only against Jews, but against everyone.
- 12 Germany ratified the Geneva Convention in 1934, long before World War II. See <https://web.archive.org/web/20120205211218/http://www.cicr.org/ihl.nsf/Web-Sign?ReadForm&id=305&ps=P>
- 13 <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/305?OpenDocument>. The Geneva Convention, officially called "Convention Relative to the Treatment of Prisoners of War," proscribes many of the ways Jewish POWs were mistreated. Among German violations were: 1. Separating POWs by religion, 2. Using POWs for forced labor, 3. Housing them in conditions inferior to those of the soldiers holding them, 4. Denying them food as a punishment, 5. Failure to allow free expression of religion.
- 14 Farquhar, Michael. "Enemies Among Us: German POWs in America." Washington Post, 9/10/1997. <https://www.washingtonpost.com/archive/1997/09/10/enemies-among-us-german-pows-in-america/e606d338-4d69-4298-9c4a-3ab4ad0d6336/>. Over 400,000 German POWs spent time in camps in the United States, and were so well treated that after the war many decided to remain in the United States.
- 15 It is always difficult to claim the absence of anything, because it takes but one instance to undermine the claim. As the Mishneh in Eduyot 2:2 says, "*lo ra'inu eino rayah*"—Just because we haven't seen something does not prove that it does not exist. Nonetheless, researchers who have spent considerable time investigating the history of American POWs in World War II have not found any evidence of it. Scholars at the National



- Museum of American Jewish Military History told this author they knew of none, as did Mitchell Bard, author of numerous works on World War II, “Forgotten Victims: The Abandonment of Americans in Hitler’s Camps” (1994) most relevant to this discussion.
- 16 For example, see the NCO creed, <https://www.army.mil/values/nco.html>. Accomplishment of the mission is no more basic a responsibility than the soldiers’ welfare.
  - 17 A sad example of this is beheading, suffered by Americans such as Steven Sotloff and Nick Berg at the hands of various Islamic groups. See <https://www.washingtonpost.com/wp-dyn/articles/A25401-2004May13.html>.
  - 18 MacKenzie, S. P. “The Treatment of Prisoners of War in World War II.” *Journal of Modern History* 66 (September, 1994), pp. 489–490.
  - 19 International Committee of the Red Cross. Report of the International Committee of the Red Cross on Its Activities during the Second World War (September 1, 1939-June 30, 1947), vol. 1, General Activities (Geneva, 1948), chap. 9.
  - 20 Many Dutch, Danish, and Swedish Jews were deported to Theresienstadt (among them members of the famous Anne Frank’s family). Because the governments of Denmark and Sweden remained relatively intact, they were able to exert pressure on the International Red Cross and on the German government to check on their Jews. For this reason, in June of 1943 and again in June of 1944, representatives of the International Red Cross visited Theresienstadt. In both cases they were led on highly structured and scripted tours, which indeed fooled the inspectors. See <https://encyclopedia.ushmm.org/content/en/article/theresienstadt-red-cross-visit?series=18010>.
  - 21 MacKenzie, pp. 495-496.
  - 22 It is important to point out that white soldiers were taken captive in much higher percentages than black ones. This was not due to their performance in battle, rather it was because of a deliberate Confederate policy to kill surrendering black soldiers. The best (or worst) example of this is the Fort Pillow Massacre, on April 12, 1864. Nathan Bedford Forrest (later to be the first Grand Wizard of the Ku Klux Klan) ordered his troops to kill 300 black troops after they surrendered. The reason for this, well-articulated by Thomas Ward in the *New York Times* (August 27, 2013), was “the Confederacy could not treat captured black soldiers in the same way that it treated whites, for to do so would be to legitimize them as both soldiers and men, and to implicitly accept the Emancipation Proclamation.” The relevance to our discussion is

- clear. For Nazis to accept Jews as the equals of other soldiers was to legitimize them as men, completely negating the philosophies that supported their extermination policy.
- 23 Ward, Thomas. “The Plight of the Black P.O.W.” *New York Times*, August 27, 2013. <https://opinionator.blogs.nytimes.com/2013/08/27/the-plight-of-the-black-p-o-w/>. Even after the Emancipation Proclamation invited blacks to enlist in the army, Lincoln refused to assign them to areas where they might see combat and become prisoners. Blacks strenuously objected, insisting on the right to fight to free their brethren in the South (just like American Jews fighting to free their European cousins).
  - 24 An original print of the order is held in the Cornell University Library, and may be viewed online at <https://rmc.library.cornell.edu/lincoln/exhibition/question/index.html>. The full text follows, worth reading to appreciate the beauty of Lincoln’s words:
 

“It is the duty of every government to give protection to its citizens, of whatever class, order or condition, and especially to those who are duly organized as soldiers in the public service. The law of nations and usages and customs of war, as carried on by civilized powers permit no distinction as to color in the treatment of prisoners of war, and public enemies to sell or enslave any captured person or account of his color, and for no offense against the laws of war, is a relapse into barbarism and a crime against civilization.

The Government of the United States will give the same protection to all its soldiers, and if the enemy shall sell or enslave any one because of his color, the offense shall be punished by retaliation upon the enemy’s prisoners in our possession. It is therefore ordered that for every soldier of the United States killed in violation of the laws of war a rebel soldier shall be executed, and for every one enslaved by the enemy, or sold into slavery, a rebel soldier shall be placed at hard labor on the public works, and continued at such labor until the other shall be released, and receive the treatment due to a prisoner of war.”
  - 25 The Papers of Ulysses S. Grant, Volume 10, page 302. [https://msstate.contentdm.oclc.org/digital/collection/USG\\_volume/id/10504/rec/10](https://msstate.contentdm.oclc.org/digital/collection/USG_volume/id/10504/rec/10). The relevant text in the letter pales by comparison to Lincoln’s (whose doesn’t?), but is also powerful. “No distinction whatever will be made in the exchange between white and colored prisoners; the only question being, were they, at the time of their capture, in the military service of the United States. If they were, the same terms as to treatment while prisoners and conditions of release and exchange must be exacted and had, in

the case of colored soldiers as in the case of white soldiers.”

- 26 The great Jewish comedian Carl Reiner z”l, who died this past June, was a corporal in the U.S. Army during World War II. In the PBS documentary “G.I. Jews” he describes various cases of antisemitism in the army, mostly due to the fact that the overwhelming majority of Jews lived in New York or other major cities, and therefore most army recruits had never met one. He tells a story of meeting a soldier from Louisiana, who in a long Southern drawl said: “you a Jew?” When Reiner nervously admitted that indeed he was, the Louisianan asked if he knew a guy named Goldberg.
- 27 In fact, the first black Cabinet official was Robert Weaver, Secretary of Housing and Urban Development, whose service began in 1966, more than 100 years after the Civil War.
- 28 <https://www.archives.gov/education/lessons/blacks-civil-war>
- 29 Again, the beautiful words of Abraham Lincoln powerfully make this point. In his Second Inaugural Address, he describes the cause of the war as follows: “One-eighth of the whole population were colored slaves, not distributed generally over the Union, but localized in the southern part of it. These slaves constituted a peculiar and powerful interest. All knew that this interest was somehow the cause of the war. To strengthen, perpetuate, and extend this interest was the object for which the insurgents would rend the Union even by war, while the Government claimed no right to do more than to restrict the territorial enlargement of it.”
- 30 Confederate States of America General Orders 111, December 24, 1862. <http://www.freedmen.umd.edu/pow.htm>. President Davis decreed that “all negro slaves captured in arms be at once delivered over to the executive authorities of the respective States to which they belong to be dealt with according to the laws of said States.” This was an oblique way of saying that they should be dealt with the same way they had dealt with John Brown and Nat Turner, namely by executing them.
- 31 This was particularly demonstrated when Jewish leaders begged Roosevelt to bomb the railroad tracks leading to Auschwitz. When they approached Assistant Secretary of War John McCloy in June, 1944, he was unsympathetic. He pointed to an Air Force decision to bomb military targets only, and not “for the purposes of rescuing victims of enemy oppression”
- 32 A fascinating example of this is the story of Richard Altmann, told by Ofer Aderet in the July 29, 2019 issue of Ha’aretz (<https://www.haaretz.com/world-news/europe/.premium-the-jews-given-military-funerals-with-honors-by-their-nazi-captors-1.7580008>). Altmann was a Polish olah who joined the British army during World

- War II and fought in Greece until being captured in 1941. He was put to work together with many other prisoners, and died in 1943 in a work accident. He was buried by the Germans in the Rakowicki Cemetery in Krakow, Poland, together with 521 other British soldiers, with full military honors, and his grave is marked with a Jewish star. According to Naama Egozi of Yad Vashem, everything was done exactly according to the Geneva Convention and other codes of ethics operative at that time.
- 33 Gelber, Yoav. Palestinian POWs in German Captivity. [https://www.yadvashem.org/odot\\_pdf/Microsoft%20Word%20-%206565.pdf](https://www.yadvashem.org/odot_pdf/Microsoft%20Word%20-%206565.pdf). In a particular point of horrible contrast, Jewish Palestinian POWs who were working in the coal mines in Jaworzno, Poland happened to pass Auschwitz and discovered what was going on there. As British POWs they were fairly well fed, and found ways to smuggle food to the Auschwitz inmates. Among the inmates were fellow Palestinians who had melted into the population when their unit surrendered in Greece early in the war. While the ones who surrendered became relatively well treated POWs, the ones who escaped became part of the Greek Jews who were later sent to their deaths in Auschwitz.
  - 34 World War II began in September, 1939. The first-time ground troops engaged Germany was Operation Torch, in November 1942, more than three years later. In Torch there were less than 1000 Americans taken captive (the National Archives lists 960 for all of North Africa), which statistically (approximately 3% of US troops were Jews) means that there were less than 30 Jews among them. The next major commitment of US troops was Sicily and Italy in 1943, where there were 7,700 captives. The number of Jews was statistically somewhere around 230. In neither of these theaters were there any reports of mistreatment of Jewish POWs.
  - 35 Note that all three of the examples cited earlier of Jews singled out (or being saved from being singled out) occurred during this period.
  - 36 Cohen, Roger. *Soldiers and Slaves*. 2005. pp. 241-248. Captain Ludwig Merz, a mid-level administrator of the Berga POW camp, was free after only three years. Sergeant Erwin Metz, who was directly in charge of the Americans and caused the deaths of scores of them, served nine years.
  - 37 *ibid*. Cohen sums up U.S. policy by quoting Winston Churchill in 1948, saying that the policy must be “to draw the sponge across the crimes and horrors of the past – hard as that may be – and look for the sake of all our salvation toward the future. There can be no revival of Europe without the active and loyal aid of all the German tribes.” On a procedural level, he cites Kenneth Royall, U.S. Secretary of War, who prioritized reindustrialization of Germany over denazification, leading to ex-Nazis like Hans

Globke joining the West German government in 1949. Sadly, this policy is reminiscent of the Andrew Johnson administration's rehabilitation of Confederate Civil War veterans for the purpose of Reconstruction. In both cases, justice for the war's victims was thrown under the bus.

### ***A Brief Essay on The Power of Milk***

Yeshurin Sorscher ('21)

All mammals produce milk for their offspring, starting right when they are born. In fact, the Swedish biologist Carolus Linnaeus gave mammals their name based on the Latin word *mamma*, meaning breast. Milk is a power food which is rich in fat, minerals, vitamins, and milk sugar: Lactose.<sup>1</sup> On top of that, for a while after birth, milk also provides antibodies and proteins that protect us from infections and regulate our immune system<sup>2</sup>; for this reason, according to the World Health Organization, babies should be breastfeed until two years of age.<sup>3</sup> Yet, according to the U.S. Department of Agriculture<sup>4</sup>, the average person drinks just 18 gallons of milk a year - only about 3/4ths of a cup daily. (While there are differences in cow milk and human milk, for the purposes of this essay we will assume equality between the two. For more details on the minute differences, one can look at footnote 2, chapter 4.) The question that this essay will grapple with, is if one should drink milk even after one has been weaned off their mother?

We as a human race have been drinking milk from other species ever since we have domesticated them. Those who had access to milk in trying times had an evolutionary advantage over those who didn't<sup>5</sup>. Having milk meant having a steady flow of nutrients even in times of droughts or famines. Additionally, goats and cows have a diet which is predominantly grass, which is easy to come by, leading to more milk being produced. When we are younger, our bodies are able to break down the Lactose that is contained within milk. As we grow older and transition to the diets of our parents, our small intestine's stop

producing the enzyme necessary to break down Lactose, Lactase<sup>6</sup>. Only 35% of the world's population is able to still produce Lactase when they get older, and the Lactase which is produced is not as effective as it is in youth<sup>7</sup>. Those who still produce the enzyme are predominantly found in Eastern Europe and America<sup>8</sup>.

In 1989, there was a study which claimed *“As a group, control patients [patients without cancer] were more likely to report never drinking whole milk; cancer patients more often reported frequent consumption of whole milk”*<sup>9</sup>. This study was later disproved with further studies, such as a 2005 study<sup>10</sup> in which researchers found that in relation to the previous studies that claimed that there was a correlation between milk consumption and cancer, “the present study does not support an overall substantial effect of milk consumption on the risk of prostate, breast, colon, and rectal cancers at the population level.” There are many studies that have been conducted in recent years which even point to a benefit in consumption of milk and dairy products; however, the data is not conclusive, and needs further research. As one study says *“The CUP Panel concluded that the evidence was generally consistent for dairy products, milk, cheese and dietary calcium, and showed a decreased risk of colorectal cancer with higher consumption”*<sup>11</sup>. There are additional studies which point to the benefit of calcium in milk, though other findings point in a direction that drinking too much milk can lead to increased levels of cancer. On the topic of calcium, there are other ways to achieve similar levels of calcium. The overall problem with studies of this nature is that the sample size and time of the study is not large enough. If we wanted to truly see what milk does to the human body, we would have to analyze entire lifetimes. Additionally, researchers often do not use the same type of milk in all the experiments, varying between reduced fat and whole milk. These variations cause problems when trying to analyze multiple sets of data.

While there is a possible benefit with milk on a personal scale, when it comes to the global impact there is much to fear. Around 33% of cropland around the world is used to feed grazing animals, including dairy cattle. The complete livestock sector contributes 14.5% of the annual CO<sub>2</sub> emissions.<sup>12</sup> The milk production represents about 20% of this, and therefore 2.9% of the global

emissions. That amounts to more carbon emissions than all the airplanes flying right now. *“Globally, aviation produced 2.4 percent of total CO<sub>2</sub> emissions in 2018. While this may seem like a relatively small amount, consider that if global commercial aviation were a country in the national CO<sub>2</sub> emissions standings, the industry would rank number six in the world between Japan and Germany”*<sup>13</sup>. Milk, while very popular, is directly influencing global warming, and if we keep up these tactics, there may not be anyone in a hundred years to drink milk. There are many other plant-based options that are trying to achieve milk qualities without all the greenhouse emissions, though only time will tell how successful they are.

Overall, the studies show that milk is a power food and packs in a lot of nutrients. It has helped humanity survive starvation, and can be helpful when taken in moderation, with some possible health benefits. There is no data as of yet which says that these benefits are only contained in milk, and there are many other ways for us to achieve those same benefits in ways which do not damage the environment as badly as milk does.

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## ***Is President Trump A Conservative?***

Samuel Gorman ('21)

It is certainly no bold statement to claim that the presidency of President Donald John Trump has been quite unorthodox. From his constant cabinet shake-ups and hiring and firing of officials and staffers to his somewhat populist tone and promise to “drain the swamp,”<sup>1</sup> President Trump has made no secret of his opposition to old-fashioned politics. The unconventional nature of President Trump’s presidency raises the following question: is President Trump, a Republican, truly conservative? In order to answer this question, it will be necessary to first define what “conservatism” is, proceed to analyze the policies and goals of President Trump and his administration, and finally, see if the two align.

There are several different understandings and explanations of the conservative movement offered by respected thinkers over the ages. Of these, perhaps the most concise and effective is that of the recently deceased British philosophy professor Roger Scruton. In his book, *Conservatism: An Invitation to The Great Tradition*, as the title suggests, Scruton claims that the driving force behind the conservative movement is a desire to preserve the traditions of one’s society.<sup>2</sup> Other features of the conservative philosophy, Scruton contends, include a belief in the strength of community and the preservation of the “first-person plural”.<sup>3</sup> As conservatism is guided by the desire to preserve the culture of one’s own people, Scruton claims that “conservatism is not, by nature, an international cause”.<sup>4</sup> Rather, he claims that the conservative movement of each country and region is driven by the desire to

preserve the status quo of that specific locale, as opposed to conforming to a universal, unchanging set of policies. Even in this attempt to preserve tradition, Scruton does note that in certain situations small sacrifices are necessary in order to preserve the larger tradition. “Conservatives are not reactionaries... [they] must adapt,” he writes.<sup>5</sup> In short, according to Roger Scruton, the guiding principle of conservatism is the preservation of a nation’s tradition and a sense of community, while also adapting to the changing times as necessary.

President Trump’s policies and plans are often criticized for their radical and unconventional nature. For example, in an interview with *Democracy Journal*, four prominent conservative figures, Liz Mair, David Frum, Peter Wehner and Jennifer Rubin, argue that President Trump is fundamentally unconservative.<sup>6</sup> But is this claim that President Trump is not a real conservative justified or defensible? During the course of his presidency (and even during his initial campaign), some of President Trump’s more controversial policies have been his advocacy of strong, protective tariffs<sup>7</sup> and his tough stance on immigration.<sup>8</sup>

Regarding tariffs, there seems to be nothing unconservative about President Trump’s apparent protectionist approach to trade. Protectionism has been a mainstream value in American politics, and the Republican Party in particular, dating back to the party’s founding.<sup>9</sup> Even arch-conservative President Reagan placed heavy tariffs on trade with Japan, much like President Trump has been doing with China.<sup>10</sup> Clearly President Trump’s trade policies are not a shift away from the protectionist status quo in American politics and cannot be called unconservative.

President Trump’s immigration policies, on the other hand, seem to represent a shift from the status quo in American politics. President Trump’s desire to build a wall along the border with Mexico as well as his general hardline stance on immigration represent a significant shift from the positions of his predecessors, Republicans and Democrats alike, and demonstrate a shift from the status quo. As such, in order to defend President Trump’s conservative credentials, it will be necessary to prove that the border wall is but a small shift

from the status quo that is designed to preserve the larger American tradition. As it so happens, President Trump’s immigration policy goal is to preserve larger parts of American society and its traditions; he is simply adapting and moving with the times, as Roger Scruton claims is so important. In speeches made both prior to and after his election victory in 2016, President Trump has repeatedly claimed that illegal immigrants and certain groups of legal immigrants pose some form of a threat to America and its people.<sup>11, 12</sup> These speeches suggest that President Trump believes immigration to be a threat to the status quo of American society and its security. As such, whether the President is correct in his beliefs or not, it can be argued that President Trump’s policies are designed to protect larger parts of the American status quo and tradition by making some small changes. Hence, neither of these highly controversial Trump policies appear to be truly unconservative, nor disqualify Trump from being considered a “conservative” president.

While President Trump’s presidency has certainly been interesting, it has not been unconservative. Despite the unorthodox nature of President Trump’s passionate speeches, controversial tweets and frequent cabinet shake-ups, there is nothing unconservative about his policies and goals. On the key issues of President Trump’s presidency, it seems that he is guided by a desire to preserve the status quo of American society and its traditions. Despite the controversy surrounding the issue, President Trump’s protective tariffs do not signify a shift from the status quo within his party. Moreover, despite President Trump’s seemingly radical changes to the American immigration system, he seems to believe that his changes are necessary to protect larger parts of American society and tradition. Thus, President Trump appears to be a conservative after all.

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## ***How Loneliness and Isolation Affect the Poor***

Yitzy Shaykevich ('21)

Poverty is a persistent issue within the socioeconomic realm, and very little has been done to address the needs of those who suffer from it. In 2019 in the US, 10.5 percent of citizens were estimated to be living in poverty<sup>1</sup>, and 8 percent did not have any access to medical insurance.<sup>2</sup> This lack of access to proper medical treatment for the poorest Americans is a significant cause of the detrimental effects that poverty has on one's health and well-being. This article proposes another significant issue that poverty inflicts upon those who endure it—loneliness. Loneliness not only hurts the poor biologically (as will be discussed), but also causes more issues in terms of improving their dire economic situation. Hence, a problematic cycle of loneliness and poverty becomes apparent.

As defined for this article, loneliness is when one cannot, or perceives that they cannot, share emotional or physical distress with others, due to not having an immediate social circle. This definition can be generalized to mean both perceived and unperceived isolation. Feeling lonely is not unique to any specific group; it is shared among all adults regardless of status. However, objective isolation and loneliness are more likely to be experienced by the poor.<sup>3</sup>

Loneliness, like many human traits, evolved within us genetically as a way to survive. Throughout human evolutionary history, those who chose to stick in groups were more likely to survive from diseases and other dangers.<sup>4</sup>

Loneliness is not a predetermined characteristic that is easily recognizable; there are numerous variables that increase the probability of someone being lonely. The amount of wealth one has may not seem like a primary factor when considering the amount of one's loneliness. However, studies show that people who live in poor communities are more likely to have significantly smaller social networks.<sup>5</sup> They also are even less likely to have a spouse or live-in partner in general.<sup>6</sup>

Feelings of loneliness also arise from the aftermath of societal issues such as racism, sexism, and classism. Throughout history, societies have naturally tended to discriminate against certain groups of people, whether from gender, race, or religion. Due to these historical biases, the social exclusion of certain groups makes them feel lonely and helpless to do anything about it. Historically, the poor are often one of the most common groups society has excluded.<sup>7</sup> This is undoubtedly a large factor in why the poor have increased loneliness.

To most people, loneliness may not seem like such a big issue. However, it can have detrimental medical and psychological effects. Studies have shown that people who suffer from loneliness are more likely to inherit various medical conditions. For example, a lonely person is more likely to experience high blood pressure, less healthful sleep, have an unproductive lifestyle<sup>8</sup>, and may even suffer from death at an earlier age than expected.<sup>9</sup> Loneliness also may cause cognitive issues such as Alzheimer's.<sup>10</sup>

Loneliness does not just affect the immediate well-being of the individual, but it may also have consequences on the monetary future of subsequent generations. The isolation one experiences due to poverty means less economic opportunity and financial improvement for themselves and their kids. This will affect their child's job future, as children from more privileged backgrounds are more likely to get a job. Additionally (and, as discussed previously), those who are poor are less likely to cohabitate with a spouse or live-in partner. This means that lonely people tend to have smaller household incomes and no one to share expenses with.<sup>11</sup> Those of a "lower class" will often experience situations where their choices are limited.<sup>12</sup> For example, the ability to choose one's line of work is very much impractical for someone in desperate need of money.

A relevant novel that illustrates the isolation that those suffering from inequality is *Invisible Man* (the novel focuses on the African American community). The narrator of the story questions, "how much had I lost by trying to do only what was expected of me instead of what I myself had wished to do?"<sup>13</sup> This quote is an exemplary presentation of how those who suffer from poverty are systematically coerced into making decisions that maintain their socioeconomic status quo. A study showed that those regarded as having a lower socioeconomic status generally would give up their free choice and make choices that enable them to fit into a group.<sup>14</sup> Poverty causes conditioning to expect that one's socioeconomic status will automatically remain stagnant. This lack of determination only furthers their loneliness and isolation, causing even more issues. Hence, a destructive cycle of poverty and loneliness is present. Those suffering from poverty as a child are also more likely to suffer from anxiety and depression when they get older.<sup>15</sup> With the feelings of anxiety, the inability to pay for proper psychiatric assistance, and the human condition of preferring the status quo, it is clear why the poor cannot improve their socioeconomic situation.

This article does not suggest *just* the medical assessment & treatment of mental health/loneliness in the poor, but *also* suggests assistance (whether through donors, organizations, or the government) in allowing full societal inclusion to those who cannot attain it for themselves. It has already become mainstream for governments and organizations to assist with "the basics" (purchasing food and housing, for example) and then allow people to "figure it out for yourself." However, this article's purpose is to show that that is not enough, and leaving those in poverty without a way to be included in society is just going to cause the cycle to keep happening. To give an example of how this can be remedied, let us look at the internet; the internet is a fascinating tool to socialize with others online and access knowledge that piques a person's interests. If the internet was accessible to more people, they might be able to not only have a possible cure for their loneliness, but a way to advance themselves in education too. While criticism may claim that more pressing needs must be met first, this article hopes that it has somewhat educated the reader about the detrimental consequences of anyone feeling they do not belong in society.

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