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The Tragedy of He Jiankui: A Tale of Societal Influence

Xiaosong Yu

Disclosing his secret creation of the world's first genetically modified human beings, Chinese researcher Doctor He Jiankui almost immediately became the world's focus on November 25, 2018, and remained a hotly and widely debated scientist for years thereafter. The success of his clinical experiment of human genetic engineering on the newly born twin girls would, as Dr. He confidently alleged, mark unprecedented progress in human society as well as a crucial step toward the peak of his career. Little was he aware or did he believe that what awaited the ambitious Chinese researcher were a career utterly destroyed and a future fraught with uncertainty; nor did he realize—much worse—a Pandora's Box has been opened.

An associate professor at the Southern University of Science and Technology in China and an elite scientific researcher in the fields of genomics and bioengineering, Dr. He announced to newsagents that twin girls with the pseudonyms Lulu and Nana had been born in a clinical experiment in mid-November, 2018, in Shenzhen, China, led by Dr. He,¹ marking the birth of the world's first germline edited babies—human lives with artificially altered rather than purely natural reproductive genes. Utilizing the Clustered Regularly Interspaced Short Palindromic Repeats (CRISPR) technology—the most advanced DNA editing tool in embryos today—Dr. He disabled in Lulu and Nana a gene known as CCR5, which is responsible for the infection of cells by the Human Immunodeficiency Virus (HIV).² If completely successful, therefore, the twin girls would display no difference from normal human beings except the artificially constructed genetic resistance to HIV.

The breaking news of the birth of Lulu and Nana, in no time, instigated a variety of attitudes. The People's Daily, one of the most authoritative and influential newsagents in mainland China, published an article on the very same day of Dr. He's announcement

on its online platform People's Daily Online titled "The World's First Genetically Edited Babies with AIDS Resistance have been Born in China," suggesting Dr. He's honorable accomplishment of a major scientific breakthrough. In a global context, however, Dr. He's incident triggered shock as well as outrage. "I find both the ethical side and the scientific side of it to be pretty appalling," stated David Liu, a chemistry and chemical biology professor at Harvard University.³ One of the inventors of the CRISPR technology, Feng Zhang reported himself "deeply concerned" with Dr. He's highly inconsiderate experiment.⁴

Scientifically, Dr. He's research did, more or less, contribute to the pool of knowledge in human genome editing, though the experiment per se did not fully evolve in accordance with expectations. It is nonetheless the severity of the ethical problems underlying Dr. He's work that has generated widespread critique around the world. One of the major ethical concerns of Dr. He's experiment addresses the uncertainty and instability of the CRISPR technology in the contemporary world. Applying the fairly immature technology of CRISPR on human beings could well result in physiological or mental defects that are beyond prediction and control. Moreover, the alterations on the human genome are hereditary, indicating that any physiological or mental defect as a result of the premature use of CRISPR would be passed on. Should the gene-edited individuals be permitted to have children and pass the mishap onto the innocent next generation? Or should they be prevented from having children, which inevitably infringes on their innate human rights? Such a dilemma, indeed, would not be an easy task to resolve.

Subtle and yet severe and consequential are the potential political implications of the novel field of clinical human genetic engineering that Dr. He has so recklessly initiated. The famous dystopian novel *Brave New World* by English writer Aldous Huxley depicts a world in which the technology of human genetic engineering has become a handy tool for the centralized government to stabilize and secure the hierarchical social order by creating insurmountable social strata based on the genetic quality predetermined by human genetic engineering at the birth of every individual.⁵ An equally, if not more,

depressing and forewarning novel *Never Let Me Go* by prestigious English writer Sir Kazuo Ishiguro presents an even darker scenario: a society in which a certain class of human beings is artificially given lives for the mere purpose of cultivating human organs.⁶ Especially in authoritarian states, such as China, these fictional scenarios could nonetheless turn into reality. If widely used without proper and effective constraints, the advanced technology of human genetic engineering may well lead to irrecoverable political disasters in China as well as any other political entity.

The ethicality of Dr. He's experiment, perhaps, appears most opaque in the philosophical context, as philosophy varies, sometimes rapidly, across philosophers. American political scientist Francis Fukuyama stresses the existence and significance of an innate human nature within every individual that arises only from genetics but not from the environment and that ought not in any way be socially or environmentally influenced. Renowned German philosopher Jürgen Habermas asserts that genetic modification entails a form of imposition of some individuals onto others, which constitutes unethical conduct. Another important philosopher Michael Sandel emphasizes the potential of gene editing tools to diminish human understanding of their genetically inherited attributes. While Fukuyama firmly takes the opposing stance against human genetic engineering, Habermas and Sandel both underscore the distinction between genetic modification for therapeutic purposes and that for enhancements, and both direct their critiques mainly toward the latter; whereas, Dr. He's genetic surgery aimed primarily at the therapeutic treatment of HIV. Unlike Fukuyama, Habermas and Sandel likely view Dr. He's experiment with cautious ambivalence.^{7 8 9}

The ethical merit of Dr. He's work, therefore, entails practical as well as academic intricacies at a variety of levels and across disciplines that could take volumes of text to explore and may never find universally convincing conclusions. The considerable immaturity that characterizes the current stage of the CRISPR technology may well turn Dr. He's genetic treatment of HIV into a realistic Frankensteinian tale; the advent of controllable and prevalent human genetic engineering, given its effective and handy nature in authoritarian politics, could potentially lead China and any other country to a dystopian society depicted in science fictions; philosophers contemplating on

bioengineering even raise the subtle and yet fundamental concern that artificial imposition at the genetic level deprives the gene-edited individuals of human nature. Notre Dame Law Professor O. Carter Snead's acerbic comment very well exemplifies the prevailing and highly consistent critical attitude throughout academia on Dr. He's unprecedented work: "No matter how well intentioned, this intervention is dangerous, unethical, and represents a perilous new moment in human history."¹⁰ The ethicality of Dr. He's clinical experiment to artificially alter the genes of human lives, indeed, concerns extensive gravity and remains severely questionable.

Yet, why and how did such a highly controversial incident occur? Why would any researcher be so incredibly courageous or so deplorably ignorant to perform the potentially treacherous and devastating technology of human genome editing? More fascinating, in addition, is the question of why specifically the controversial case of Dr. He occurred on the land of China under the guidance of a Chinese researcher. Was it simply a coincidence? Or, was it something predestined to transpire—one driven by a number of favorable factors hidden in the everyday life in the country and that had long awaited realizations? This paper, hereby, argues for the latter: the contemporary society in mainland China has significantly, if not majorly, contributed to the formation of the entire incident of Dr. He's scientifically and philosophically problematic experiment. This paper investigates the ethical perspective in the modern Chinese society and argues that, along with Dr. He's own guilt, the general deficiency in ethical knowledge and awareness in the country has played a decisively conducive role behind the emergence of Dr. He and the world's first genetically modified babies.

Most directly and significantly contributes to the occurrence of Dr. He's incident, perhaps, is the general deficiency of ethical knowledge that permeates the social environment in mainland China. A close examination of the nation's society from a variety of perspectives illustrates a surprisingly and alarmingly inadequate awareness and understanding of ethics in Dr. He himself, in the nation's government, and in the general public.

The leader and director of the human genome editing experiment that resulted in the birth of Lulu and Nana, Dr. He cannot better exemplify the prevalent lack of ethical

knowledge and awareness in his home country. In an interview with *Beijing Review* in May 2018, when Dr. He and his team were secretly carrying out the experiment with Lulu and Nana, Dr. He stated quite frankly: “I am not a professor in the traditional sense. I prefer to be a research-type entrepreneur.”¹¹ Implicit in these words is the somewhat disturbing fact that Dr. He, an associate professor and profusely funded biotechnology researcher at one of the leading science universities in mainland China, values monetary profit more than the virtue of practicing the academic protocols and disciplines in the scientific community. That Dr. He announced the birth of Lulu and Nana and thus revealed the clandestine experiment to the world on the eve of the Second International Summit on Human Genome Editing in Hong Kong and before publishing any valuable written scientific report, moreover, indicates that Dr. He likely prioritizes something else—perhaps fame and prestige—over scientific integrity.

The application form that Dr. He submitted to the hospital for ethical review, furthermore, conveys not only a lack awareness but also an askew understanding of bioethics in Dr. He’s mindset. In addition to the deplorably succinct discussion on the stability and controllability of the potentially hazardous technology of human genetic modification and the absence of ethical consideration beyond the realm of science, Dr. He’s reference to the technology of in vitro fertilization is worthy of scrutiny. At the end of his statement of the reason for application, Dr. He wrote that his research involving human genome editing “will be the pioneering research beyond the 2010 Nobel Prize research in the field of in vitro fertilization technology.”¹² Climaxing the statement with the previous Nobel Prize-winning research, Dr. He subtly betrayed his aspiration after success and renown and thus his reckless and negligent attitude toward the scientific as well as ethical implications of his work.

Even more disturbing is Dr. He’s derogatory view on the ethical gravity of human genome editing inferred from the discussion of in vitro fertilization in the application form. The 2010 Nobel Prize research on in vitro fertilization refers to the research led by English physiologist Robert Edwards in the late 1970s that largely resolved human infertility through fertilization of human egg cells on cell culture dishes.¹³ The essence of Edwards’s research on in vitro fertilization is performing the fertilization of human

egg cells in an artificial environment—in test tubes rather than in wombs—and Edwards’s research does not in any way entail artificial interference at the genetic level. So naturally did He draw a comparison between his research and that of Edwards that He seemed to suggest a considerable similitude between human genome modification and in vitro fertilization, thus implying—disturbingly—the marginal significance of genetic interference. The application form was composed in March 2017, and for almost two years thereafter, Dr. He’s problematic perspective on human genome editing had not seemed to alter. In a video published in November 2018, He reiterated the parallel between his experiment and in vitro fertilization:

[Lulu and Nana’s mother] started her pregnancy by regular I.V.F., with one difference: right after we sent her husband’s sperm into her eggs, we also sent in a little bit of protein and instructions for a gene surgery... The media hyped panic about Louise Brown’s birth as the first I.V.F. baby. But, for forty years, regulations and morals have developed together with I.V.F., ensuring only therapeutic applications to help more than eight million children come into this world. Gene surgery is another I.V.F. advancement and is only meant to help a small number of families.”¹⁴

Firmly and insistently, Dr. He upheld a liberal and progressive understanding of genome editing on human embryos—a procedure with the potential to change the world entirely that myriad elite scientists dare not perform—as simply one step, presumably one small step, beyond the existing practice of in vitro fertilization. No wonder, armed with perhaps the most advanced of the existing knowledge in biotechnology and, in the meantime, with highly destitute ethical knowledge and awareness that do not nearly match his scientific intellect, Dr. He would become the world’s first researcher brave enough to tinker with the scientifically uncertain and ethically unsettled aspect of human nature.

So scientifically well-educated and yet ethically poorly-informed is the figure of Dr. He that he refused to acknowledge the ethically unsound reality of his disputable accomplishment even after the outcry of worldwide criticism. News in mainland China reported on November 26, 2018, shortly after the disclosure of Dr. He’s experiment, that

Dr. He had claimed in response to external criticism: “I firmly believe that ethics will stand on our side.”¹⁵ In his twenty-minute speech in the Second International Summit on Human Genome Editing in Hong Kong that attracted enormous global attention, Dr. He proclaimed to the world that he was “proud” of his effort to modify the genome of Lulu and Nana such that the twin girls would possess genetic resistance to HIV,¹⁶ emphasizing and insisting that his work was as much a scientifically remarkable accomplishment as an ethically righteous act.

The deficiency, as well as abnormality, of Dr. He’s ethical knowledge and awareness, to a considerable extent, epitomizes the general atmosphere in China’s society with respect to ethics. The initial media coverage of Dr. He’s incident very well illustrates a prevalent ethical ignorance in the country. The aforementioned news article released by People’s Daily Online immediately after Dr. He announced the birth of Lulu and Nana commented: “This is the world's first genetically edited baby that is immune to AIDS. It also means that China has made a historic breakthrough in the field of disease prevention in gene editing technology.” Not only did the article, composed by one of the most popular and authoritative newsagents in mainland China, fail to censure or in any way slightly challenge the ethical merit of Dr. He’s problematic experiment; the article, on the contrary, undertook a supportive position for Dr. He’s work and acknowledged and appreciated his trailblazing accomplishment.

In addition to the laudatory tone of People’s Daily that sharply contrasted with the negative and critical attitude consistent throughout other countries in the world, the article cited Dr. He’s morbid ethical perspective as justification for his disputable work. The comparison between human genome editing and in vitro fertilization that Dr. He had stressed over time, for instance, was presented in the article: “According to He Jiankui, genetic editing surgery is one step more than conventional I.V.F., that is, during the fertilized egg period.” People’s Daily is one of the largest and most influential newsagents in mainland China, with a domestic as well as worldwide circulation of more than three million—the¹⁹ majority of which is Chinese—and yet from its initial and perhaps most intuitive perspective on Dr. He’s case, so little ethical decency is inferred.

The ethical unconsciousness represented in the voice of China's news media, indeed, is ubiquitous in the country and is particularly manifest among the few figures who possess the power to control the entire nation. Throughout the seven decades when the Communist Party reigns over China, ample instances of unintended as well as intended contravention of ethical conventions indicate that the Chinese government has always disparaged the value of ethics.

The family planning policy—in particular, the one-child policy—was perhaps one of the most controversial government policies in human history. Designed and enacted in the late 1970s, the one-child policy served as a method to control the population growth and thus to tackle the prevalent shortages of capital, natural resources, and consumer goods.²⁰ Beyond the ongoing debate over the ethical merit of the state's extensive intervention in the human rights in childbirth appeared nonetheless the Chinese government's ethically indefensible tolerance of and indifference to the unnecessarily traumatic sufferings of its citizens. The one-child policy per se never specified what measures should be imposed on individuals who, purposely or accidentally, become pregnant not for the first time. Soon after the policy took effect in mainland China, local governors, especially in the rural region where effective regulations scarcely reach, carried out massive involuntary abortions, sterilizations, and intrauterine device insertions to prevent violations of the one-child policy²¹ in order to polish their career performance in office, which were not explicitly legalized and yet not explicitly outlawed. Instead of barring government officials from such atrocious and clearly unethical acts, the Chinese government, probably most aware of the prevalent brutality in the country, decided to remain silent. Between ethical righteousness and societal well-being—the well-being that is obtainable not only at such expense—the country's few most intelligent and erudite politicians in Beijing, without much hesitancy, have always favored the latter.

The ethically unsound regulation of the family planning policy is merely one of the myriad cases in which the Chinese government displays stunning and reproachable indifference toward ethics. The much less well-known but much more expository example of a massive and blatant ethical infraction in China that has been not only

covertly but also overtly espoused by the government is involuntary organ transplant. It is, perhaps, no secret that the Chinese government has, for a long time, permitted organ procurement on executed prisoners without informed consent.²² Extensive studies on organ transplantation in China have shown that the Chinese government has been persecuted prisoners of conscience at an enormous scale with involuntary organ seizures:

[T]he government of China and its agencies in numerous parts of the country, in particular hospitals but also detention centres and 'people's courts', since 1999 have put to death a large but unknown number of Falun Gong [a peaceful voluntary organization determined illegal in China] prisoners of conscience. Their vital organs, including hearts, kidneys, livers and corneas, were virtually simultaneously seized involuntarily for sale at high prices...²³

Even more disturbing and condemnable, the government sometimes procures fresh organs from prisoners immediately after execution when the doomed still have heartbeats.²⁴

That the Chinese government put the illicitly acquired human organs to international trade and seek tremendous profit, moreover, renders the possibility that the Chinese government had been secretly supporting Dr. He's research with the intention to obtain immense profit from gene surgery once Dr. He's experiment proved successful, and this is certainly not too whimsically speculative. With the massive and exhaustive surveillance system in mainland China, it is highly unlikely that the government had always been completely unaware of Dr. He's work. It may well have been the reality that the Chinese government had always chosen to consciously overlook and yet secretly endorse Dr. He as well as other similarly elite researchers for certain benefits that only the government, per se, would know.

Such are the ethically reprehensible conduct that the Communist Party of China has practiced over time. With the highest executives of a country upholding so reckless and indifferent an attitude toward human ethics—especially in China where the government heavily and often exclusively directs and influences the minds of the general public—how could one expect a prevalent, high-level ethical intellect in the society of mainland

China?

The initial news coverage of the People's Daily Online article sparked considerable debates over the ethical value of China; also deserving a close examination are the reactions from the general public to the breaking news. Among the trackable comments below the news article are exclamations of amazement and pride and assertive understatements of the ethical controversy of Dr. He's experiment,²⁵ indicating that the group of internet users in China, which represents the relatively well-educated portion of the country's populace, suffers an inadequacy in ethical intellect. Yet, such reactions are by no means beyond expectation, for the general public in China, as exemplified by Dr. He and under the influence of the Chinese government, is likely characterized by a widespread want of ethical knowledge and awareness. Indeed, the realization of Dr. He's ethically problematic experiment, to a considerable extent, can be ascribed to an ethical deficiency not only in Dr. He himself but also throughout his home country.

Nothing was ever the result of one single factor, and Dr. He's incident was certainly not an exception. Myriad factors that may or may not seem relevant to Dr. He's experiment have, to various extents, contributed to the emergence of Dr. He and the birth of Lulu and Nana, among which are a number of aspects hidden in the everyday life of modern China. With highly destitute and even askew understanding of ethics permeating the populace of the country, China, perhaps, has long been the most convenient country for the realization of Dr. He's research and other progressive and controversial research alike. Possessing the longest continuous written history, China has—sadly and ironically—evolved, through thousands of years' vicissitude, into a country that, amongst other, stands distinctly afar regarding human ethics. In Dr. He's contravention of the modern world's ethical convention, the society of Dr. He's home country, perhaps, is as much a culprit as Dr. He himself.

The initial news coverage on the birth of Lulu and Nana on People's Daily, in fact, did not exist for long. Several hours after the publication of the breaking news, the laudatory news article was removed from People's Daily Online,²⁶ and the vast number of reposts, in an instance, all vanished into thin air. In place of the original coverage was an article published three days later, imparting Dr. He's violation of China's laws as

well as international ethical conventions,²⁷ along with several other articles published sporadically later on with similarly critical tones on Dr. He's bigotry and impertinence. Quite likely, the sharp turn of the nation's attitude indicates that the initial and probably most intuitive reaction of China toward Dr. He and his scientific achievement—one that blends a general want of ethical considerations with an overt sense of patriotic pride—was forced to reverse by some external pressure, namely, the prevailing and consistent criticism worldwide on Dr. He's blatant contravention of the conventional ethical values on scientific research that the world had long established and conformed to.

The contrasting attitudes of China's news media immediately after and long after the release of the birth of Lulu and Nana, in fact, encapsulated the larger trend in the entire country. On the very next day after Dr. He reported his experiment and instigated massive controversy, 122 of Dr. He's Chinese colleagues issued a statement, reprehending Dr. He's irresponsible act as "crazy" and "a huge blow to the global reputation and development of Chinese science."²⁸ Hemei Women and Children's Hospital in Shenzhen, China, the hospital where Dr. He allegedly obtained the Medical Ethics Committee approval from, denied a cooperative relationship with Dr. He and his team in the clinical experiment.²⁹ In the wake of the vehement worldwide critiques, Dr. He's university, the Southern University of Science and Technology in Shenzhen, China, terminated the labor contract with Dr. He. Within³⁰ the following year, relevant government departments successively issued life-long bans on He from human assisted reproductive technology services, human genetic resources, and financial support for scientific research of all types.³¹ At the turn of the decade, He was determined criminally responsible for the clinical human genetic modification experiment in the first trial at a district court in Shenzhen and was sentenced to three years in prison.³² The sense of patriotic pride that permeated the country immediately after the revelation of Dr. He's research has, to a considerable extent, turned into a sense of national shame. The social environment on the land of China acquiesced and even encouraged Dr. He's research of Lulu and Nana and perhaps other dangerously unethical experiments alike, and yet the greater trend of ethical integrity in the global context, predictably and fortunately, eclipsed the contrary aberration of China.

A widely overlooked victim throughout the contentious incident of Dr. He, perhaps, is Dr. He himself, a figure who had been so heavily and so decisively influenced by the social environment of China and yet was so promptly and so resolutely discarded by the country. Precisely to what extents have Dr. He's ignorance and personal flaws and the society of contemporary China, respectively, contributed to Dr. He's realization of the controversial research is difficult and impractical to detect; nor is it likely for Dr. He himself to tell his tale, as he has very much lost the freedom of speech and is not by any means likely to retain it in the near future. All that can be known is that the peculiar social atmosphere of China has, over time, shaped an experiment widely and continuously debated, two individuals with non-convention artificially altered germlines whose well-being is yet to be observed, and the somewhat tragic character of Dr. He, who had been elevated so close to the peak of the world and yet was thrown into an irrecoverable nadir—both by the peculiarities of his very homeland.

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Prison Education and The Cure to America's Recidivism Problem

Andrew Powers

The issue of Criminal Justice Reform currently inhabits a unique position in American politics. At a time in which Republicans and Democrats cannot agree on basic facts and political polarization has reached levels not seen in decades, there is a rare bipartisan consensus among lawmakers that action must be taken to ameliorate America's mass incarceration problem. The United States has the highest incarceration rate in the world, with more people behind bars than in the state of New Mexico. American convicts also recidivate, or return to jail after release, at exceedingly high rates, suggesting the ineffectiveness of the corrections system and ensuring that this untenable status quo continues. Research on the subject indicates that, when available, prison education is quite potent at reducing recidivism and effectively preparing individuals for life after incarceration. I propose a drastic increase in Pell Grant funding for post-secondary education in prisons, as well as expanded access to GED courses so that all prisoners have at least a high school education upon release. These policies will reduce recidivism by enrolling more prisoners in education courses, which has been shown to both socialize inmates into becoming more well-rounded citizens and supplying them with the skills and knowledge needed to hold a stable job upon release.

America has not always had an incarceration problem. National rates were never imprudently high for the first seventy years of the 20th century, hovering around 100 incarcerated per 100,000 individuals, comparable to the current rates of Italy, France, and Germany. The era of mass incarceration began with Nixon, whose tough on crime rhetoric bolstered his image as the law and order president who would aggressively combat rampant crime and drug abuse in American cities. The post-Nixon years saw politicians from both parties capitalize on crime-induced insecurities by emulating him in both word and deed, and incarceration rates exploded. The defining federal criminal

legislation of the last half century was Clinton's bipartisan 1994 Crime Bill. Provisions incentivizing states to adopt truth in sentencing and mandatory minimum laws for a number of non-violent infractions further increased the number of incarcerated Americans. By 2012 there were 707 people imprisoned for every 100,000, an astounding seven fold increase since 1972, and today there are 2.3 million people behind bars in the United States.

The consequences of these actions have been far reaching, perpetuating some of the most serious inequities in American society. While the realities of mass incarceration are certainly disturbing, perhaps the most damning aspect is that it has largely failed to realize its stated goal of inducing a national reduction in crime rates. Although tough on crime presidents and legislatures have presided over significant decreases in crime over the last quarter century, a report from the Brennan Center for Justice found that since 1990, incarceration has had "essentially zero" effect on falling crime rates, and that instead, rising incomes, decreased alcohol consumption, and an ageing population were primarily responsible. Mass incarceration has affected poor minority communities the most, as the disproportionate incarceration of minorities continues today. African American men are six times as likely to be incarcerated as white men, while Hispanic men are 2.7 times as likely. The annual cost of administering our criminal justice and detention systems with a population larger than the city of Houston, America's 4th largest city, is a staggering \$182 billion in total expenditures, \$81 billion of which is publicly funded. Recidivism rates are also extremely high, which further exacerbates the rate of incarceration in an already bloated system. A 2018 Department of Justice report found that of prisoners released in 2005, 44 percent were arrested after one year and 83 percent were arrested at least once in the nine years following. This can be attributed to the prison systems rejection of rehabilitative correctional practices in the mid 1970's and the subsequent turn towards punitive punishment consistent with the 'tough on crime' ethos.

Evidence suggests that addressing educational deficiencies in the prison system will be extremely effective at reducing recidivism and thus the total rate of incarceration. Inmate participation in educational programming decreases recidivism by giving inmates

better employment opportunities post release, as well as mentally and socially preparing them for a life inside the law. A review of the literature strongly supports these findings. A recent RAND report found a comparable 43 percent lower chance of recidivism for inmates who had taken courses in prison. Ex-prisoners with the lowest levels of education have been found to be the most likely to recidivate, as 60 percent of those without a GED recidivated within eight years of release, followed by 51 percent of high school graduates, 39 percent for those with some college, and 19 percent for college graduates. In accordance with this strong evidence, a U.S. Department of Justice report stated that “Prison-based education is the single most effective tool for lowering recidivism.” If the U.S. is serious about reducing its prison population, reinvestment in prison education is the place to begin.

Prison education is particularly effective at reducing recidivism because it helps ex-cons secure employment in an American labor market that has never placed a higher premium on education. The American economy rewards skills obtained from education like analytical specialization, technical knowledge, and written communications substantially more than any other country, which is displayed in the rising economic value of a college diploma, which has doubled since the 1980’s. Although there is evidence showing a high school equivalency GED does not convey the same benefits as an average high school diploma, those completing a GED still earn about \$10,000 more per year than individuals with only some high school or elementary education. The current incarcerated population, whose education level is substantially lower than the average American’s, is ill equipped to succeed in an information economy that demands at the very least a high school education. 56 percent of the general population has completed at least some college, compared to only 23 percent of prisoners. A full 40 percent of prisoners have not completed high school or a GED equivalency, while the same is true of only 15 percent of the general population. It is no wonder then that education has been shown to substantially increase the opportunities available to ex-cons. The post-release earnings of minority inmates who completed a GED program in prison were 15% higher than those who did not, and prisoners who participated in educational or vocational training during prison were 28 percent more likely to be

employed at any given time compared with those who went without.

In addition to better job placement, prison education also offers opportunities to learn pro-social norms conducive to law abiding behaviors as an alternative to the criminal subculture prevalent in prison. Simply having contact with professors and instructors offers prisoners a clear view of the civilian social behavior, which reduces feelings of alienation or an “us against them” view of the outside world. Education also offers inmates the opportunity to partake in productive socialization amongst themselves. Whether discussing Jane Austen or learning Sign Language in classroom settings, these activities inhibit the isolating social conditions that are a central cause of criminal behavior. Prisoners enrolled in education programs also describe a more robust sense of self efficacy, and demonstrate an increased belief in their ability to shape their own lives. Inmates have been observed using these tools to offer positive support to one another, encouraging others to enroll in the programs, or tutoring each other with homework or difficult concepts. These social and psychological benefits of prison education should not be discounted, as these programs increase the social behaviors necessary for the rejection of a former criminal lifestyle and are a crucial aspect of the reduction in recidivism caused by prison education. My policy proposal is designed to increase both the availability of and participation in prison education programs. Due to the large number of inmates without high school degrees, focusing on increasing participation in GED and secondary education programs is the priority. I propose that all corrections facilities be required to offer GED or secondary educational programming, and that all state corrections systems require participation in these courses if the individual lacks this credential. This policy will be especially effective considering the current state of prison education in this sphere. Today there are 22 states in which participation in these classes is not mandatory, leaving many unmotivated inmates without the benefits education confers. Further, 19 percent of all corrections facilities do not offer inmates GED or high school programming of any kind. Because of these deficiencies, only 19 percent of all state prisoners in 2004 were enrolled in either GED or high school equivalency courses, despite the 40 percent of prisoners who currently lack a high school diploma. This policy will close the significant gap between prisoners

participating in GED and secondary educational programming and those who do not have a high school diploma by making programming newly available and requiring participation, both of which will have the effect of increasing the total number of participants in an attempt to reduce recidivism.

Another aspect of my policy is the expansion of post-secondary programming for inmates, as the jobs of tomorrow will increasingly require a college education. There is significant room for improvement in this area, as the current state of post-secondary prison education is anything but robust. Only 34 percent of corrections facilities offer college courses, and only 13 states account for 86 percent of the total 71,000 inmates who are enrolled in programs. These numbers show obvious room for improvement in participation rates, and one place to start is by expanding the Obama administration's Second Chance Pell program. This initiative restored Pell Grant funding for individuals in post-secondary prison education after the 1994 Crime Bill barred prisoners from receiving funding, which in turn led to the closure of half of the existing college programming in corrections facilities, as well as a 50 percent drop in participation. In just three years the Second Chance Pell program has awarded 10,000 students with Pell funds, and was renewed for one more year in early 2019. 33 percent of all post-secondary prison programming is currently funded through Second Chance Pell and 12 percent are new programs brought about by the initiative, which shows how effective the program has already been.

My proposal will expand access to these programs by greatly increasing federal funding for Pell Grants, which will allow more public institutions to begin operating programs in more facilities. The proposal also focuses on increasing enrollment in the 37 states whose programs are limited or nonexistent by incentivizing public institutions in all states to partner with corrections facilities by increasing general federal funding to those who participate in post-secondary programming. This incentive will make the idea of partnering with prisons to start programs very attractive to cash-strapped 2 and 4 year institutions who will benefit from federal budgeting rewards. Expanding Pell Grant Funding and incentivizing state institutions to partner with corrections facilities will make access to post-secondary education far more widely available, and recidivism rates

will fall as participation in these programs rises.

Education as a means to reducing recidivism is such an attractive concept because it confers long-term savings for prison budgets. The logic is simple: education reduces the number of inmates returning to jail upon release, which saves corrections facilities the cost of incarcerating convicts multiple times. Expanding the prison education system will of course require federal and state funding through slight tax increases, or perhaps a less likely but much more efficient reallocation of state funds. However, even if a tax increase is necessary in the short term, the long run savings to the tax payer will be significant. The oft-cited Rand Report on correctional education found that prison education programs cost on average \$1,400 per inmate, but can save prisons \$8,700 per inmate when reincarceration is avoided. This amounts to a \$4 to \$5 return on investment for every \$1 spent. The money saved would allow state and federal corrections agencies to invest in even more ambitious rehabilitative programs, further reducing the recidivism, or to make funds available to other state services.

There may be no other issue more politically feasible right now than criminal justice reform, including the expansion of prison education. Although there is still resistance from parts of the far right, a number of bipartisan actions have been taken recently to expand access to prison education. Earlier this year at a commencement ceremony for prisoners, Trump's Secretary of Education Betsy DeVos said that she is exploring options to make the Second Chance Pell Initiative a permanent program. In the federal legislature, both the Democratic House and Republican Senate versions of the Higher Education Act, which is currently up for reauthorization, would restore access to Pell Grants for incarcerated individuals and only barring those sentenced to life without parole. Still, there are those who point to Second Chance Pell, or any prison education for that matter, as morally indefensible. Why should a prisoner, who made their mistakes, be awarded with a free or subsidized education at the expense of the high-performing inner city kid who may go without that desperately needed money or resources? This is a concern worth considering, but in this case the utility of rewarding Pell Grants to prisoners is too great to forego. Prison education has been demonstrated to be the variable upon which returning to criminality or being properly rehabilitated

depends. This argument is steadily winning over conservatives to the cause, especially when long term state costs of incarceration are considered in this utility maximizing paradigm.

For all the good education does in keeping newly freed prisoners from returning to prison, it is certainly not a silver bullet to fixing the United States' mass incarceration problem. People are still being locked up and serving unreasonably long sentences for having grams of marijuana on their person, and felons are still being passed up by potential employers who disregard their application as soon as they see the "has committed a felony" box checked. These issues and others must be addressed, but in reducing recidivism and saving society the cost of incarcerating the same people over and over education is truly second to none. The recently released Lyn Novick and Ken Burns documentary *College Behind Bars* offers an inside look at just how valuable post-secondary education is to so many. One prisoner, weeks away from his graduation, summed up the experience this way. "Freedom exists in fragments, because when I'm writing essays, or reading books, I go through this tunnel vision... I'm reading about Kierkegaard, I'm learning about history, memory, and I become free." In prison, by definition a confining environment, education offers a unique sense of freedom. It frees inmates from the undue consequences of their misdeeds, from the mental and social patterns that put them there, from the economic hardships that may have drove them to criminality, from ignorance of the world, of self, and of a better way. Possibly of most importance, prison education frees the rest of us not just from the costs of continuing to lock people up at injurious rates but also from the enormous mistakes of the past that we now have a responsibility, and a grand opportunity, to rectify.

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Second Amendment Scrutiny: Analyzing Party Positions on Gun Control

Grace Dean

Modern media coverage rarely goes a day without mentioning the alarming spike in domestic mass shootings or reporting about a shooting itself, especially in schools: 130 incidents occurred in 2019 alone. Even though U.S. homicide rates have decreased throughout the past few decades, mass shootings have invited gun control to the forefront of policy debates between Democrats and Republicans. When approaching these conversations, both parties pull from preconceived as well as evolving positions that reflect their views of best possible actions. As high-profile gun violence events become more salient, Democrats and Republicans alike are still shaping their beliefs and articulating motivations behind them. After all, the right to bear arms is simultaneously one of America's oldest and newest policy issues, since precedent dates back to the Second Amendment but has evolving implications in light of modern gun violence climates. In order to better understand the parties' gun control views, one can turn to both historical trends and current conversations within coalitions as well as party ideology before examining how Democrats and Republicans frame the issue itself. On the topic of gun control, Democrats and Republicans use similar fundamental themes—safety, violence, and community—to arrive at the opposing positions of increased regulation versus government inaction, reinforced by their respective interest group supporters, voter coalitions, party platforms, and elected officials.

As gun control advocacy has become more relevant in the wake of mass shootings—particularly within schools—interest groups such as Everytown have emerged and helped place gun reform at the forefront of the Democratic party's agenda. Since its formation in 2006, Everytown has grown to the point of contributing over \$5,000,000 in the 2018 midterm elections, overwhelmingly to Democratic candidates and causes.¹ The interest group is continuously expanding, as it has already donated almost as much

to 2020 candidates as it did to 2018 candidates. With this growth comes an increasing tie between its priorities and that of the Democratic party. Moms Demand Action—an Everytown subsidiary—includes a mission statement on its website that reads: “We know that gun violence is preventable, and we’re committed to doing what it takes to keep families safe.”² Prospective 2020 Democratic presidential nominees, from Elizabeth Warren to Pete Buttigieg, have spoken at Everytown events, which diminishes the separation between political party and advocacy group. Endorsing Everytown goes beyond a passion for its mission; moreover, it reflects an alignment of groups supporting the same initiatives. Another subsidiary called Students Demand Action reflects youth voices advocating for educational safety during an era of rampant school shootings. Likewise, Moms Demand Action creates a Democratic voter narrative of urban and suburban women activists fighting for the same policies as their children. These powerful interests feed directly into the stances of party elites representing them. After all, elected officials tend to adopt issue positions they believe will best achieve the goal of maintaining and expanding their base of electoral support, especially within coalitions.³ Beyond gun activist interest groups, intrinsic characteristics of Democratic voters place them in a favorable position for supporting gun reform. For example, urban voters who likely live in high-gun violence areas are particularly affected by gun policy initiatives and conversations among the Democratic party. Between mobilized activists and inherent Democratic voter qualities, the people associated with this party speak in favor of government action and politicians working towards sensible gun reform.

While Everytown is continuously developing in response to current events, the National Rifle Association (NRA)’s century-long efforts in preserving the Second Amendment have significant leverage over Republican platforms, resulting in wide consistency in the party’s views over time. In fact, this organization is established to the point of having its own “Political Victory Fund” widely supporting Republican candidates and criticizing Democrats’ gun control positions. Consisting of largely rural, white voters, the NRA is a reflection of cohorts within the activist Republican electorate that are passionate about inhibiting government intervention in Second Amendment provisions. Business interests comprise another noteworthy Republican cohort, as they

benefit gun manufacturers due to the American market for guns. CNN's 2018 midterm exit polls provide numerical evidence for rural and business interest Republican voters' favorable relationship with gun rights, as 76% of Republican respondents opposed stricter gun control measures.⁴ These sentiments carry over to political funds that support Republicans' hostility towards excessive government regulation. In particular, the NRA Political Victory Fund has consistently donated to Republican candidates and initiatives since 1979, when the Federal Election Commission first started reporting on its activity. Deeply entrenched historical roots proliferate the ease in maintaining the NRA's well-seasoned relationship with Republican party elites. This link between party and coalition is even displayed in the NRA Political Victory Fund's mission statement excerpt: "The NRA relies on a very simple premise: when provided with the facts, the nation's elected officials will recognize that 'gun control' schemes are an infringement on the Second Amendment and a proven failure in fighting crime." It logically follows that candidates agreeing with the aforementioned principles are Republicans and consequently receive the millions of dollars of support the NRA can offer among its strong membership base. In fact, a July 5, 2017 Pew Research Center poll found that nearly 80% of gun owners who also belong to the NRA identify as Republican. With nearly \$10,000,000 in NRA contributions towards the most recent midterm election, this strong Republican identification financially benefits candidates running on the party's ticket. There is a clear symbiotic relationship between the interest group and the party position, but questions remain regarding how exactly this party position is formed to naturally cohere with coalitions' beliefs.

Throughout the past few presidential administrations, Democrats have increasingly used their ideological perspective on government to grapple with tangible gun policy solutions. Much of a party's ideology derives from Congressional votes, Presidential speeches, and party platforms: all of which typically depend on the same foundational principles but fluctuate between administrations and time periods. For example, the 1990s saw an expansion of gun control legislation through the Brady Bill, which was crafted from Clinton-era rhetoric aiming to balance Second Amendment rights with citizen protections. In his 1995 State of the Union Address, President Clinton remarked,

“...a lot of people laid down their seats in Congress so that police officers and kids wouldn't have to lay down their lives under a hail of assault weapon attack.”⁹ President Clinton's view of gun reform relied on Democratic values of civilian protection and the government's role in achieving said protection, but this piece of legislation was brought to the floor five years before Columbine changed the mass school shooting landscape. Nowadays, gun control garners more attention from policymakers and politicians and has led to a more adamant voice from the Democratic party. Democrats have expanded upon their core belief in a protective and involved federal government when voicing current ideological gun control positions. The 2016 Democratic party platform explained that “We can respect the rights of responsible gun owners while keeping our communities safe” and that “...the U.S. Centers for Disease Control and Prevention must have the resources it needs to study gun violence as a public health issue.”¹⁰ The way in which individual candidates approach this public health issue and protect communities, however, reflects a wider variety of policy proposals than that of Republicans. 2020 discussions have ranged from buyback of assault weapons to more moderately passing universal background checks, all of which base themselves on inclusionary access to community safety. Since Democrats hold the ideological position of government involvement—especially in regards to the Second Amendment—their approach to the issue will continue to generate more disparate discussions of policy actions and solutions rather than deference to precedent.

From their perspective as the more ideological party, Republicans have maintained a consistent story of preventing government interference with the Second Amendment as enumerated in the U.S. Constitution. For over a century, Republicans have embodied tradition, status-quo operations, and limited government interference in citizens' lives. These positions translate to gun policy by deterring Republicans from supporting active government change directed at the constitutional right to bear arms. If policymakers stepped in and limited gun access, Republicans would view such actions as detrimental to an individual's freedom that the U.S. Constitution established. Specifically, the party's 2016 platform described that “Lawful gun ownership enables Americans to exercise their God-given right of self-defense for the safety of their homes, their loved

ones, and their communities." ¹¹ Republicans' most recent position stays true to the party's steadfast value of maintaining the status quo and inhibiting excessive government intervention in civilian life. ¹² The Republican party thinks of guns in terms of adding to a citizen's liberties, not detracting from them. Ideologically, limiting the right to bear arms is viewed as a disruption of traditions dating back to the United States' founding. Republican party platforms also use ideology as a tool for playing to interest groups and voter coalitions, as explained in the Party Politics in America quote: "...a platform usually lists the policy preferences of various groups in the party's (and the candidate's) supporting coalition." In this manner, the platform provides a lens for viewing how deeply-rooted ideology connects directly to activists' and donors' interests. For the Republican party, their platform benefits from expressing anti-regulatory beliefs held among business interests, NRA members, and more. Since modern gun control conversations have taken priority within political agendas, Republicans have maintained a deeply entrenched effort to "oppose any effort to deprive individuals of their right to keep and bear arms without due process of law."¹⁴ However, as gun violence becomes a more pertinent issue every day, the parties' lens for framing this contentious issue is increasingly addressed in the media and will be a topic of later discussion in this paper.

Democrats have capitalized on gun control's urgency by using strong rhetoric pertaining to safety, violence, and community, which has framed the issue largely in terms of health and protection. The way that Democratic politicians speak about gun reform largely adheres to the party's ideology. In particular, at President Obama's 2014 State of the Union address, he commented, "Citizenship means standing up for the lives that gun violence steals from us each day. I've seen the courage of parents, students, pastors, police officers all over this country who say, 'We are not afraid'."¹⁵ Here, gun control is more a matter of preserving communities and ensuring protection through regulation. This lens of safety is largely used among political opponents as well, but Democrats advocate for widely different policies in part due to their value of inclusivity.¹⁶ Their appeal to universalism has a dual effect: one can respect the right to bear arms while also ensuring universal health. Moreover, gun control is not presented so much as a matter of limitation; rather, it is discussed in terms of enhancing civilian access to

access to a quality of life. 2020 has already seen Democratic candidates advocating for increased government research in the interest of health. In June 2019's Democratic primary, for example, Elizabeth Warren took the stance that "We need to treat this like the virus that's killing our children."¹⁷ Democrats capitalize on the government's ability and duty to address detriments to public well-being, as reflected in decades of policies ranging from Medicaid to Obamacare. A key component of Democratic beliefs also lies within the notion of equal access to rights, as seen in the party's mobilization towards LGBTQ+ protections and permitting female choice. This translates to gun violence in that Democrats support measures guaranteeing a child's access to safe education, even at the expense of unrestricted gun laws. The party's members present gun control not in terms of limiting the Second Amendment but instead in the context of protecting innocent civilians from harm. As Elizabeth Warren also remarked in a 2014 interview, "There is a huge difference between the guns of a sportsman or homeowner and high-powered assault weapons with 100- cartridge magazines."¹⁸ Democrats make a conscious effort to separate the validity of sensible gun owners from military-style weapons they believe have no place in communities, or weapons that too easily end up in the wrong hands without policies like federally-mandated universal background checks. Democrats carefully present their position as one that does not create a mutually exclusive relationship between supporting Second Amendment foundations and bettering community safety.

While Republicans also frame gun control in the context of safety, violence, and community, they arrive at a different conclusion by presenting these themes relative to anti-government intervention sentiments. They believe restricting access to Second Amendment rights consequently inhibits citizens' tools for self-defense and recreation, which adheres to the Republican desire that government should conform with originalism: the belief in interpreting America's Constitution based on its Framers' understanding. For Republicans, gun reform is best situated in the framework that a weak central government is more effective than the strong central government that Democrats support. However, Americans' heightened exposure to mass shootings has elicited policy responses from Republican leaders. At an August 2019 campaign rally,

Trump presented the issue in terms of mental health, suggesting reopening institutions as a potential executive action to combat gun violence.¹⁹ By offering a psychological angle, President Trump makes shootings less about the right to bear arms and more about a different, albeit comparably contentious issue. His recommendation to revive institutions closed decades ago directly mirrors the Republican deference to tradition. The party nevertheless agrees with Democrats about improving background check policies, which showcases the bi-partisan elements of gun control's nature, especially when considering Republicans' value of law and order.²⁰ In more contentious policy-making discussions, Republicans have the upper-hand, since the status-quo policy default matches their ideology. Therefore, presenting gun control in terms of the Second Amendment plays to the ease in maintaining current protocol over making change. This is exactly how Vice President Pence portrayed gun control policy at his 2016 State of the State Speech: "Hoosiers know firearms in the hands of law-abiding citizens—including our National Guard—makes our communities more safe, not less safe. Indiana will always defend the right to keep and bear arms."²¹ Pence extracts sympathies towards keeping policies how they are rather than intervening, which summarizes how Republicans frame gun control policy as propagating unmerited and excessive government involvement in civilian lives.

A politician's approach to addressing gun control is largely shaped by party affiliation, as Democrats advocate for more government intervention while Republicans defer to maintaining tradition under the Second Amendment. These differing conclusions result from influences such as interest groups, voter coalitions, party ideology, and issue framing—all of which combine to explain noticeable disparities in the two major parties' views. As instances of mass gun violence continue to dominate current events, one can place extra value on understanding Democratic and Republican views on potential solutions. Gun control conversations affect widely different groups of citizens around the country, from hunters to gun manufacturers to children in schools. The way in which Democrats and Republicans respond has the potential for tangible impacts on these groups' lives. Beyond policy outcomes, gun control debates capture the central dichotomies of American government beliefs: action versus originalism,

inclusion versus individualism, and universalism versus tradition.

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Marijuana and Good Moral Character: Challenges for Immigration Policy Enforcement in the Face of Marijuana Industry Expansion

Maria Alejandra Orellana Muniz

In the last 20 years, a wave of marijuana legalization has swept the United States. 11 states have legalized recreational marijuana use and 33 states allow its medical use.¹ However, because marijuana is still classified as a Schedule I substance in the Controlled Substances Act, involvement in the marijuana industry results in a conditional bar to good moral character (GMC), one of the requirements for naturalization. This tension between federal and state policy affects thousands of permanent residents who reside in states where marijuana is legal and might have legally purchased marijuana or interacted with the industry to any degree. This phenomenon is the latest obstacle to meeting the GMC requirement for naturalization is the latest manifestation of the federal government's historical use and expansion of obstacles towards naturalization to exclude populations deemed undesirable for citizenship. I will explore the origins and development of the GMC requirement for naturalization, and how its application unfairly penalizes non-citizen legal marijuana users or businesspeople for behavior otherwise permissible to U.S. citizens. I will then conclude with some legislative and political considerations for the future.

Citizenship & Good Moral Character

The US constitution, signed in 1787, granted Congress the right to establish a "uniform rule of naturalization."² This established the federal government's authority to preside over naturalization policy. Three years later, the Naturalization Act of 1790 stated that any alien who was a free white person, had resided in the United States for 2 years, and was of good moral character could be granted U.S citizenship.³ This is significant because it established the GMC requirement into U.S law. The United States was still developing its economy and expanding its infrastructure, so it benefitted from the labor and commerce European immigrants provided the young nation.⁴

Therefore, almost all immigrants (except those who had committed serious crimes) were quickly able to establish GMC. The country continued to benefit from immigration through the first half of the 19th century, which led to the continuation of low naturalization requirements. In 1868, the 14th Amendment extended citizenship to all persons born in the U.S, including former slaves. The labor gap created by the end of slavery exacerbated the need for immigrant labor.

The Naturalization Act of 1870 was the next significant immigration legislation in U.S history. This law authorized the exclusion of immigrants deemed undesirable and not beneficial for the country, like criminals, the physically ill, unmarried pregnant women, and disabled persons who might become public charges.⁵ The enforcement of these standards was left up to state authorities and immigration boards. Legally, the acceptance or denial of naturalization applications was also up to state authorities, since immigrants could submit their applications to any law court of common record, as established in the 1790 Naturalization Act.⁶

The GMC requirement for naturalization was significantly explored in the 1878 *Spenser* decision.⁷ The federal court that presided over the case ruled the standard for determining moral character will vary from generation to generation, and that the average man of the country is as high as the standard can be set.⁸ The ruling also differentiated between violations of the law that are *malum en se* and *malum prohibitum*. A *malum prohibitum* violation is defined as a specific action prohibited by law that is not inherently immoral, such as jaywalking or parking illegally. *Malum en se* violations are crimes of an inherently immoral nature, like murder, assault, etc. The court also distinguished between isolated acts of wrongdoing and repeated unlawful behavior.⁹ The *Spenser* decision set precedent for a community-based, forward looking judgement toward the GMC requirement. By using the behavior of the average citizen as a benchmark, state courts judged the past transgressions of non-citizens against their potential for rehabilitation and contribution to the country. Until 1952, most applicants were evaluated on a case by case basis, easily met the GMC requirement, and were quickly granted citizenship.¹⁰ The Immigration and Nationality Act (INA) of 1952 provided the first federally enforced guidelines regarding what offenses prohibited

applicants from meeting the GMC requirements. The INA introduced permanent bars to GMC - offenses that count regardless of when they were committed, and conditional bars to GMC, which create barriers to meeting the GMC requirement if committed in the five-year period before applying for naturalization. Offenses like habitual drunkenness, polygamy, excessive gambling and spending more than 180 days in jail were classified as conditional bars to GMC. The INA only listed one permanent bar to GMC - murder - but the list has since expanded. Currently, any controlled substance violation, defined as “violation of any law on controlled substances, except for simple possession of 30g or less of marijuana” is a conditional bar to GMC.¹¹ Although today’s Statue claims simple marijuana possession does not counts against a non-citizen’s ability to establish GMC, USCIS officials exercise their power to penalize immigrants for a wide range of marijuana use and involvement with the industry, as I will later show.

The INA was heavily influenced by cold war sentiments and presents the clear tensions between isolationist and cosmopolitan visions of U.S immigration policy.¹² Senators McCarran and Walter, INA sponsors, were successful in creating visa allocations for “individual countries as well as new family and labor preference categories.” However, they allowed anti-communist concerns by expanding categories of exclusion that separated those with socially non-conforming traits. This included homosexuals, epileptics, the insane, and mentally challenged, those likely to become public charges, communists, and other political radicals.¹³

Good moral character requirements were significantly expanded in 1988 through the Anti-Drug Abuse Act. This act created the term “aggravated felony” - a murder, drug trafficking, or illicit arms trafficking offense. Today, any aggravated felony is a permanent bar to GMC and therefore a lifetime bar from naturalization.¹⁴ In 1990, Congress amended the Act and the “aggravated felony” definition was expanded to any “crime of violence” with more than 5 years sentence.¹⁵ In 1994 and 1996, the Illegal Immigration Reform and Immigration Act broadened the definition of aggravated felony once again, reduced the sentence length requirements from five years to just one year, and broadened the types of crimes that qualify as aggravated felonies.

Today, a crime need not be considered an aggravated felony in the state it was committed to be considered an aggravated felony for purposes of federal immigration law. Currently, the definition covers more than 30 offenses, including simple battery, theft, filing a false tax return, and failing to appear in court. In addition, immigrants convicted of crimes that are later codified as “aggravated felonies” become automatically deportable.¹⁶ Even if a non-citizen is granted a record expungement, deferred sentence, or court-mandated rehabilitation in lieu of a conviction, their initial plea deal and charges count forever in federal immigration law.¹⁷ While state legalization of marijuana has decreased the amount of aggravated felonies prosecuted in court, non-citizens with any kind of drug violations on their records are still vulnerable when being evaluated by USCIS. In addition to being permanently barred from GMC, non-citizens that are convicted of aggravated felonies could be subject to deportation and permanent inadmissibility to the United States.¹⁸ Currently, those with a conditional bar to GMC can re-apply for naturalization at a later time if they were not deported or deemed inadmissible when USCIS initially found them lacking GMC.

The requirements to establish GMC have clearly strayed from the original intent of early U.S immigration policy. While courts prior to 1952 focused on the contributive potential of non-citizen’s, the legislation that followed have created a complicated web of criminal and immigration laws that severely penalize immigrants for offenses - regardless of their severity or final outcome. Today, U.S citizens have the right to vote, travel with a U.S passport, hold public service jobs, and are free from the burden of constantly having to renew their immigration status. Citizens have the right to stay in the U.S regardless of their criminal or drug use history and build a professional and personal life in the United States without fear of disruption.¹⁹

Marijuana Legalization & Industry Expansion Marijuana at the Federal and State Level

Marijuana is currently classified as a Schedule I substance as part of the Controlled Substance Act (CSA), which was enacted in 1970. The purpose of the CSA is to regulate

the distribution and manufacturing of controlled substances, and ensure those substances are not redirected for illegal purposes.²⁰ Various chemical compounds are sorted into the five different categories within CSA according to their uses, potential for abuse, and risk for creating dependency. Substances in the Schedule I category are deemed to have no proven medical use and a high potential for abuse.²¹ Other Schedule I substances include Heroin and LSD. Schedule II substances include cocaine, methamphetamine, oxycodone, and fentanyl.²² Schedule I substances are subject the most severe restrictions within the CSA. This is why the cultivation, distribution and possession of marijuana is a federal crime and carries such heavy penalties when it comes to federal immigration matters.

Although the CSA dominates the federal enforcement of drug policy, Congress did not intend for the CSA to displace all state laws associated with the specific management and enforcement of controlled substance laws. Although the constitutional doctrine of preemption generally prohibits states from enacting laws that clearly contradict federal law, the courts have chosen to view the relationship between state and federal marijuana laws in a unique way. In a Congressional Research Report, legislative attorney Tod Garvey writes that these laws, “...must be considered in the context of two distinct sovereigns, each enacting separate and independent criminal regimes with separate and independent enforcement mechanisms... Although state and federal marijuana laws may be “logically inconsistent,” a decision not to criminalize—or even to expressly decriminalize—conduct for purposes of the law within one sphere does nothing to alter the legality of that same conduct in the other sphere. Therefore, states²³ remain free to pass laws regarding marijuana as long as these laws do not conflict with federal law to the point where the two laws cannot consistently stand together. However, it is clear this freedom has created tensions between state and federal policies that Congress might not have predicted when it originally passed the CSA.

State marijuana policy generally develops over three stages: decriminalization, medical marijuana legalization, and recreational legalization. Medical legalization means a state has enacted an exception to their state drug laws and allows individuals to

grow, possess, or use marijuana for medicinal purposes.²⁴ Currently, 33 states, 4 territories, and Washington DC have approved medical marijuana laws.²⁵ Recreational legalization, or “full legalization” refers to when a state removes all penalties for the possession, distribution, and growing of marijuana. So far, recreational marijuana has been legalized in 11 states and the District of Columbia.²⁶ In these states, individuals 21 and older are able to purchase marijuana products in state-licensed dispensaries.²⁷ Colorado and Washington States were the first two states to officially legalize it in 2012, and other states followed soon after.

This wave of marijuana legalization is expected to continue as public approval of marijuana use increases. One out of every seven American adults (14.1%) has used marijuana in the past year, and over half of American adults have used marijuana at some point during their lives.²⁸ Because of marijuana’s status as a Schedule I drug, all marijuana users have technically committed a federal drug crime. Regardless of how the marijuana was obtained, for what purpose, or the quantity in question, all users of marijuana qualify as illicit drug users under existing federal law. This is ironic when one considers recent reports from the Pew Research Center. 66% of U.S adults say marijuana should be legal for medical and recreational use. Only 8% of U.S adults believe marijuana should be kept illegal under all circumstances.²⁹

This data is particularly significant when applied to the GMC requirement for naturalization. As stated previously, the GMC was established with the intention of ensuring the immigrant seeking to naturalize matches the moral character and caliber of the average citizen within the community he or she resides in. If over half of U.S adults have used Marijuana in their lifetimes, then by the current logic of the law, the average American (who sets the bar for GMC judgement) would fail to meet the standard GMC requirements to be naturalized into the United States. It follows that legal use of marijuana and involvement in the industry should not be a conditional bar to GMC to naturalization for non-immigrants. It is clear that USCIS and the federal government are using the GMC in a way inconsistent with its original purpose and preventing non-citizens from participating in an industry deemed acceptable only for U.S citizens.

The Economics of the U.S Marijuana Industry

For those who live in states where marijuana can be legally grown and distributed, entering the marijuana business can be extremely profitable and it helps to create revenue for state and federal governments. In 2014, the Congressional Research Service projected that creating a system of federal taxation for marijuana businesses would generate up to \$6.8 billion in excise taxes.³⁰ In the first year of legal marijuana sales, California marijuana sales taxes generated \$350 million dollars.³¹ While each state's revenue data varies, the conclusion is clear: legalized, regulated marijuana creates revenue for the state. The jobs added to the economy by the marijuana industry have been and will continue to be substantial. According to recent survey data, the industry is expected to create 300,000 jobs by 2020.³² Being hired to any of these jobs would be a steep risk to take for green-card or non-immigrant visa holders due to the conditional bar to GMC that involvement in the marijuana industry carries.

Immigration Enforcement & Marijuana Policy

As shown in the previous section, the rapid expansion of marijuana legalization paired with the federal government's continued attitude towards marijuana as a Schedule I drug has created difficulties for law enforcement on both the state and federal levels. Few official documents provide guidance regarding the contradictions. On April 19th, 2019, USCS released a policy alert regarding federal controlled substances and the GMC requirement. The alert states that admitting to or being convicted of activities involving federally controlled substance, including marijuana, is a violation of federal law even if it is not an offense under state law.³³ "Activities" can be assumed to broadly include possession, manufacturing, and distribution of marijuana. Therefore, non-citizens in the statutory period before applying for naturalization must comply with federal law regarding marijuana to achieve GMC, regardless of the laws of their state of residence.

USCIS enforces marijuana policy in primarily two ways: naturalization interviews and airport/ border crossing screenings. Currently, the I-400 form, the application for naturalization, only asks about drugs in one instance. The question states: "Have you

ever sold or smuggled controlled substances, illegal drugs, or narcotics?”³⁴ The wording of this question might cause confusion to the applicant, as they could have worked in the marijuana industry in California and thus assumed that it is federally legal to sell marijuana.³⁵ In addition to the written response, USCIS officers have the choice to verbally ask any applicant about marijuana during their interview. This situation causes serious inconsistencies in naturalization experiences from one applicant to another and allows for the targeting of marijuana-specific questions toward candidates who come from a state where marijuana is legalized. This question presents a dangerous tension for applicants who are employed in the marijuana industry. The applicant cannot lie to the immigration officer but admitting to a federal drug crime and/or presenting false information during the interview could also lead to permanent bars to citizenship.

Two recent cases have brought the inconsistencies of USCIS’ stance toward marijuana industry involvement to surface. In July 2018, Sam Znaimer, a Canadian businessman with investments in American marijuana companies, was banned for life from entering³⁶ the U.S. He was denied entry at the Washington state border after disclosing to border officials that he had his investments with U.S companies in the marijuana industry. Znaimer’s lawyer lamented that his client was treated “as if he was doing business with Pablo Escobar, selling³⁷ cocaine in the U.S”. Znaimer is a well-known investor in Vancouver with 30 years of experience in multiple financial ventures, and was surprised at the harsh treatment he received when trying to cross the border. He has no criminal record, nor does he use marijuana himself. When the news outlet contacted USCIS for a comment on Znaimer’s case, they re-stated their common tagline - Marijuana remains prohibited for any use under federal law, regardless³⁸ of the state law. Similarly, a group of 12 Canadians en route to the Las Vegas Marijuana Business Conference & Expo in November 2018 were detained while trying to cross the Washington State border and flying through Vancouver³⁹ and Toronto Airports. Some of them were even issued lifetime bans due to their involvement with the U.S marijuana industry. The CBP’s statement on the matter reads as follows:

Any arriving alien who ... admits committing acts which constitute the essential elements of a violation of ...any law or regulation of a State, the United States, or a foreign country relating to a controlled substance, is inadmissible to the United States...A Canadian citizen found to be coming to the U.S. for reasons related to the cannabis industry may be deemed inadmissible⁴⁰

This harsh policy towards marijuana entrepreneurs, especially when the drug has been legalized in a number of states, is both contradictory and arbitrary.

While the two cases explored above are the only ones that have been reported in the news, CPB could be continuing to exercise their discretion and issuing lifetime bans or other immigration consequences to foreign citizens, visa holders, and legal permanent residents (LPR) whom they believe have broken federal marijuana laws. For example, if an LPR suffering from cancer traveling to California is questioned regarding the medical devices in her luggage, and she mentions she uses medical marijuana to prevent nausea after chemotherapy, she could be issued a lifetime ban from the U.S. Similarly, if an LPR who has already applied for citizenship goes in to his interview and reveals he works as a private security guard and is sometimes assigned to patrol a marijuana dispensary in his home state of Washington, he could be found lacking GMC and his LPR status could be revoked. Although these are only hypothetical examples, they show the power CBP and USCIS officials have to penalize law-abiding non-citizens for any involvement - whether superficial or substantial - with the legal marijuana industry.

Conclusion

CBP and USCIS have shown their ability and willingness to penalize those with direct and indirect ties to the marijuana industry and will likely continue to do so until they receive official federal orders to cease. The conditional bar to GMC that marijuana use or industry involvement creates is a clear diversion from the requirement's original purpose. The GMC is meant to ensure the moral character of those applying for naturalization is comparable to that of the average citizen³⁹ in the community. More than half of American's have used marijuana, then the average citizen does not believe it is immoral to use marijuana. Why are immigrants being held to a higher standard than the

average U.S citizen? Effective legislation must be written to protect non-citizens who work in, or enjoy the fruits of, the legal marijuana industry. It is my hope that lawmakers and elected officials will rectify the damages caused by this inconsistency and unfair application of federal law in the future.

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Investigating China's One Child Policy and Its Effects

Rose Benas

Historical Context

Following the Great Leap Forward and famine that killed 30 million people by 1966, Mao launched the Cultural Revolution which led to internal economic and political turmoil. In those unstable years for the Communist Party, a necessity for economic modernization and social reform emerged. By 1969, China's population rapidly approached one billion since it had grown to over 800 million people. Concerned with China's total population growth of 2% each year, Mao launched a family planning campaign with the slogan, "Late, Long, and Few."¹ In 1978, Mao's successor, Deng Xiaoping, rose to power and voiced concern about economic growth. Deng believed that China would "not be able to develop our economy and raise the living standards of our people [unless the birth rate falls rapidly]," which led to the creation of the One Child Policy (OCP).² Responsibility for crafting this policy fell under the head of the Communist Party of China (CCP), Hu Yaobang, and top economic policy advisor, Chen Yun.³ Once discussions began, Chen and his affiliates emerged as proponents for a stricter policy although Hu harbored doubts. One of Chen's affiliates, Li Xiannian, stated, "economic damage done by population growth" was a reason for birth planning to be "an extremely important strategic duty."⁴

Initial campaigns encouraged families to have no more than two children and by September 25, 1980, the CCP implemented the One Child Policy throughout China.⁵ Policy enforcement varied between regions since families were allowed two children if they lived in rural areas or were part of a minority group, but only one child was permitted in urban areas. Over time, enforcement measures have included fines, financial incentives, economic sanctions, birth permits, promotion of contraceptives, and

forced abortions and sterilizations. Benefits for single-child families included allowances until the age of fourteen, lower taxes, land quotes, college admission, employment, healthcare, and housing. Parents who⁶violated the policy were penalized 10-20% of their wages for 3-14 years and the second or third child were denied access to public schools and other government services. Overall, the policy has been effective at curbing the population growth to a current rate of 0.38% as of 2018.⁸The OCP was loosened to a nationwide two child policy in October 2015.

Integral Human Development and Right to Development

Integral Human Development (IHD) and the Right to Development (RTD) examine economic, cultural, and political development at the national and international level through a human rights and fundamental freedoms lens. These two perspectives account for the participation, contribution, and enjoyment of individuals and communities with regards to policy making. In order to examine the consistency of the One Child Policy with IHD and RTD, multiple perspectives must be considered to evaluate how it impacts the entire Chinese population.

In “The One-Child Policy: A Macroeconomic Analysis” from the Journal of Development Economics, Pei-Ju Liao analyzes a general-equilibrium model with a fertility constraint to evaluate the economic impacts and per capita outputs of the One Child Policy across.⁹ According to his results, the OCP leads to a reduction of income inequality and higher wages for unskilled labor because having fewer children increases parental ability to work. This study also predicts an Increased percent of human capital and consequential higher GDP. As the OCP was formed with the future of economic prosperity in mind, this shows that the policy is largely successful for the Chinese economy, especially for lower wage-earning families and the unskilled labor force. Article 2 of the Declaration on the Right to Development emphasizes that development policies must “aim at the constant improvement of the well-being of the entire population...and in the fair distribution of the benefits resulting therefrom,” which the OCP has done.¹⁰ Given the economic origins and successes of the OCP, the policy seems deceptively consistent with IHD and RTD.

However, IHD and RTD encompass far more than economic outputs alone. Article 5 of the Declaration on the Right to Development emphasizes that states should “eliminate the massive and flagrant violations of the human rights of peoples and human beings.”¹¹ In addition to the amount of human rights abuses within policy enforcement, the OCP has also led to a growing gender gap as a result of increased sex-selection which threatens the rights and equality of women.

The widening gender gap demonstrates a preference for males and a lack of value towards females, which has detrimental consequences for China. Historically, Chinese culture placed an emphasis on the importance of having a son for social and economic security, which was exacerbated by the OCP. According to a 2010 study, the number of female children below the age of 15 was outnumbered by male children at a rate of 13%.¹² As of 2016, there were 33 million more men than women, and 115 boys born for every 100 girls.¹³ The preference for girls comes from an increase of sex-selection in lieu of the OCP. The following table shows the increased likelihood of having another if the first child is a girl.

If the first or second child is a boy, the likelihood of having another is decreased. Through the measures of sex-selective abortions and family planning capabilities, the lack of female births has been dubbed the “missing girls” of China.¹⁴ In addition to the number of girls aborted, many are abandoned, placed in an orphanage, and then put up for foreign adoption.

It is evident that the OCP has profound impacts on females both domestically and internationally. The resulting gender gap and difficulty for female development in China neglects a whole gender. The framework of IHD and RTD values the lives and dignity of all humans, striving to uphold equality of the sexes. However, the OCP encourages inequality, preference for males, and male-dominated culture. Other unintended effects of the OCP include the expansion of human trafficking networks, increased abduction of females within China, difficulty for men to find wives, and pressure on women in education and the workforce.¹⁵ These detrimental effects of the OCP on society exacerbate negative gender dynamics and perpetuate human rights violations, which are

not consistent with IHD and RTD. The long-term effects on the waning female population call the dignity of this policy into question in addition to frequent human rights abuses in daily law enforcement.

In the U.S. Congressional hearing, “An Evaluation of 30 Years of the One-Child Policy in China,” an investigative report of China’s OCP was conducted in five rural regions and conclusions show ongoing human rights violations and resistance from communities.¹⁶ One of the key enforcement measures is the three-examination policy for women which occurs on a quarterly basis and includes an extensive external examination and invasive internal examination.¹⁷ If any signs of conception or birth are found, a further investigation determines the legality of said pregnancy. The report found that of 288 women in the village, 92% of women use contraceptive rings and the other 8% experienced infection and resorted to other forms of birth control. While¹⁸ government officials claim women voluntarily elect into birth control, firsthand testimony reveals that consequences of refusing birth control are large fines. For families with a yearly income of 300 RMB, a fine of 10 RMB per day is devastating.¹⁹ As a result, women have no choice than to comply with birth control measures such as contraceptive rings and IUDs. In certain rural areas, mothers have taken extreme measures to protect their illegal pregnancies. Boats along the Dong and Xi River in the Guangdong Province offer temporary refuge to women throughout their illegal pregnancies and birth. From this report, it is evident that the OCP is not liberating for women or families but restricts fundamental freedoms and inhibits the population’s well-being. The consequences for refusing birth control quickly cripple a family’s economic stability, giving women no other option. Under the framework of IHD and RTD, policies aim to empower individuals and communities within a population in order to promote equality and human dignity. In this case study, it is evident that the OCP operates under local coercion, pressure, and restriction of women and family rights.

In Steven W. Mosher’s book, *A Mother’s Ordeal: One Woman’s Fight Against China’s One-Child Policy*, he describes the lived experience of Chi An, a Chinese population control worker and mother.²⁰ For a neighborhood of more than two hundred

families, a yearly birth quota was set to 8 babies. If the baby was not born in the designated year, the quota would be lost, giving couples a window of only ten months to conceive. For women who became pregnant too late in the year, “they [the authorities] will instruct her to take remedial measures,” which the narrator explains is “the standard official euphemism for an abortion.”²¹ If an illegal pregnancy is discovered, the narrator describes watching a woman be dragged from her home in the last month of pregnancy. Amidst hysterical sobs and resistance, a doctor forcibly performed an abortion on her almost full-term baby. However, due to the large amount of abortions performed each day and the age of baby, the first and second injection did not kill the him. In other cases, to ensure complete pregnancy prevention, authorities distribute pills which contain an unsafe amount of progesterone, resulting in dangerous physical, mental, and emotional side effects.

The OCP’s human cost and impact on the living human psyche affects both mothers and their children. The children who survive abortion either grow up as single “child emperors” or abandoned to orphanages and then adopted.²² For example, on March 11, 2001, I was born in Fuzhou in the Jiangxi Province of China and abandoned by a government building with the name “Fu Yuanhong” being my only form of identification. I was found by a government official, or cadre, and brought to an orphanage for one day. I was placed with a foster family where I lived for the next ten months. From the pictures, it is evident we lived on a farm in one room with no heat or electricity. On January 27, 2002, I was adopted by my parents and brought to the United States where I have lived since then. When my parents first took me home, I struggled with the separation from my foster parents. I grieved for my foster mom and experienced recurring nightmares until the age of ten. My adoption and traumatic adjustment to a completely new family, culture, and language greatly impacted my understanding of relationships and resulted in separation anxiety at a young age which has resolved over time. As I have grown up, my mom always explained the One Child Policy to me to ensure that I never felt unwanted or unloved. Yet there are many adopted girls from China who do not share the same understanding and have always struggled with their

adoption. Over the years, I have learned to be grateful for my life in America because of the access to a great education and opportunities. However, I have always wondered about the factors that led to my birth parents giving me up and if my siblings in China know that I exist.

From these testimonies, it is evident that the stringent nature of birth permits, forced birth control measures, and number of abandoned babies are inconsistent with RTD and IHD. In chapter one of *Caritas in Veritate*, Pope Benedict XVI states, “Openness to life is at the centre of true development. When a society moves towards the denial or suppression of life, it ends up no longer finding the necessary motivation and energy to strive for man’s true good.”²³ Although the OCP was created to curb overpopulation and prevent its dangerous effects, the amount of human rights violations resulting from the law’s enforcement clearly contradict the definition of development. These studies from rural areas demonstrate a need to communicate with individual communities to create individualized policy enforcement. If population control officials were to exclusively work within their home communities, the increased rapport with women and families could result in more humane enforcement. Since current research regarding policy enforcement concentrates more in rural areas, additional case studies should be conducted in urban areas and over a broad spectrum of income levels to better inform policy makers and enforcers.

Conclusion

In “*Caritas in Veritate*” Pope Benedict XVI writes, “The truth of development consists in its completeness: if it does not involve the whole man and every man, it is not true development.”²⁴ Since the One Child Policy is not consistent with Integral Human Development and Right to Development, it cannot be considered true development. While it attempts to regulate population growth for better well-being and to aid the economy, it fails to adopt a holistic, humane, and dignified approach. A policy that violates the human rights of women and significantly impacts sex-selection is not IHD nor RTD. The creation of this policy with economic motivations informed by population predictions fails to preserve the human dignity of each person in the process. The OCP

fails to allow the participation, contribution, and enjoyment of all, and instead restricts the fundamental freedoms of individuals and communities. Due to the number of human rights violations resulting from law enforcement and resulting detrimental consequences for China, the One Child Policy is not consistent with the frameworks of Integral Human Development and Right to Development.

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The Case for Abolishing the Direct Primary

Catherine Prather

Americans are becoming increasingly dissatisfied with their political parties. In fact, according to a Cambridge University report, fewer than fifty percent of Americans feel satisfied with the state of American democracy.¹ The two primary parties, it seems, have stopped serving as an effective voice for the American people. To address this, the United States should strengthen its parties by abolishing the direct primary. Doing so would increase enfranchisement by allowing for greater representation of the constituency's views in government, decreasing gridlock, and increasing accountability.

American politics has long been characterized by a two-party system. This system first formed around the differing philosophies regarding the size of the national government. Around this debate emerged two parties: the Federalists, who were in support of a strong federal government, and the Jeffersonian Republicans, who preferred a system that bestowed most power to the states. Each party produced candidates who ran on the respective party platforms. Eventually, the Federalists faded, but the two-party system survived when the Jeffersonian Republicans split into two factions: the Democratic party and Whig party. Later, the slavery issue caused another rift in parties. The Republican party formed out of those opposed to slavery, while the Whig Party dissolved. Since the late nineteenth century, these two parties, the Democrats and the Republicans, have controlled the nomination and electoral processes for candidates, though their respective platforms have evolved in response to the changing political landscape.² The American two party system has deep roots, but the diminished strength and legitimacy of today's parties threaten the validity of the system.

As this system persisted in politics, citizens became disenfranchised, lacking a voice in the election process. Parties choose their candidates independently, without any citizen influence. In response, the government implemented regulations with the

intention of giving a greater say to the constituents. These reforms largely came in the form of changes to the party nomination processes. Progressive influence popularized the direct primary. This established a separate election that would determine party candidates, eliminating the party's responsibility to nominate their candidates.³ The stronger political parties of the early twentieth century that had controlled all aspects of a political campaign gave way to the less empowered parties of modern times. Before the reforms, parties were the point of contact between candidates and the electorate. Today, candidates rely on the media and third-party consultants to learn about the interests of voters and disseminate their message. Further, candidates independently choose their platforms. Given these personal campaigns, the parties do not fund the campaigns as they once did. This loss of party support of campaigns diminishes parties' ability to control the election process, effectively weakening parties as a linkage institution.

The most effective way to strengthen parties is to abolish the direct primary, therefore restoring direct party control over the nomination process, streamlining party platforms, and enabling the parties to more directly control candidate funding. Strong parties are necessary to revitalize American democracy. With the current open nomination process, candidates from the same party vie for the same nomination, fragmenting parties. Resources expended on intra-party competition decreasing the respective ability of each candidate to run a more formidable campaign in later stages of the election.

Strong parties effectively link the government to the American people and decrease participation costs. Parties allow Americans to easily organize their beliefs, making it easier to learn about candidates and policies, nominate candidates, and fundraise for campaigns. The stronger the parties are, the more effectively they can do this. Without such strong parties, participation becomes significantly harder. Parties unify people, which is why renowned political scientist E.E.Schattschneider argued that "modern democracy is unthinkable save in terms of parties".

Further, stronger parties decrease the gridlock that⁴ mars the legislative process. Weaker parties have led to what prominent political scientist Morris P. Fiorina calls a "decline of collective responsibility" in government. Individuals without support from a

strong party become focused on their own political survival, disincentivizing candidates from pursuing risky and controversial legislation that might begin important dialogue capable of yielding essential compromises. Since there is less personal incentive to craft legislation about contentious issues, short-term solutions have become ever popular. This yields gridlock: when short-term solutions run out of their effectiveness, the same issues arise again and again, without any formidable solutions reached.

Stronger parties tend to be more moderate. With greater control over the nomination of candidates, strong political parties are less likely to run fringe candidates who fail to captivate a broad base of voters. Alternatively, direct primaries encourage extremist candidates as voters with more extremist are generally more politically zealous and more likely to turn out in primaries than moderate citizens are. This alienates the median voter, who represents the largest group of Americans. This flows back into the gridlock problem: extremists are less likely to agree on contentious issues.⁵

Abolishing the direct primary would allow American democracy to function more smoothly, increasing collective responsibility and unifying parties from within. Moderate voters would be enfranchised. Short-term solutions would become less popular; gridlock would decrease. This reform would thus revive American democracy.

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Integral Human Development and Right to Development as Applied to the U.S. Immigration Crisis

Destiny Herndon

Background Information:

In the past three years, the growing unrest in the Northern Triangle has led to a surge of immigrants seeking asylum in the United States which, along with the implementation of harsh immigration policy, has led to a grand-scale humanitarian crisis. The Northern Triangle is made up of 3 Central American countries – Guatemala, Honduras, and El Salvador – which suffer from violence, economic insecurity, and corruption. These issues have led to a mass exodus of people from this region, making their way to the U.S. by way of a caravan which cuts through Mexico. In order to request asylum, immigrants must reach the U.S. border where they are then detained until their request can be processed and pass through immigration court. Asylum may be granted if there is proven to be a credible fear of persecution in one’s home country on the basis of race, religion, nationality, political opinion, or membership within a social group.

With the recent surge of people requesting asylum, the majority of which are based on credible fears, immigration officers are facing an enormous backlog of cases. The current presidential administration has opted to deal with this issue in several different ways: metering, family separation, and lowering the refugee admissions ceiling. Metering is the practice of limiting the number of asylum requests which can be processed per day, and the refugee admissions ceiling is the maximum number of people which the U.S. agrees to admit per fiscal year.¹ The family separation policy targets those who cross the border illegally, labeling children as “unaccompanied minors” and sending them to government custody while their parents are criminally prosecuted. When the limit has been reached, U.S. border patrol will instruct asylum seekers who have not quite reached the U.S. border to return to Mexico and wait until they can be

processed. This policy, along with the family separation policy and lowering of the refugee admissions ceiling, are all done in an effort to deter immigrants from seeking asylum in the U.S. where immigration officers are facing a major backlog of cases. As of February 28, 2020, the “remain in Mexico” policy, also known as the Migrant Protection Protocols program, has been blocked by the Ninth Circuit Court of Appeals. It is unclear at the moment how the administration will react to this change, or what effects it will have on other immigration policies.

Unfortunately, these deterrents have not seemed to have any great effect on the flow of asylum seekers, as asylum claims have seen a 1,675% increase from 2008 to 2017.² The uncertain wait time which comes along with practices such as metering have created an incentive for asylum seekers to seek illegal access into the U.S. Such a great influx has led to the overpopulation of immigration detention centers in the case of illegal immigration, where asylum seekers spend an indefinite amount of time in suboptimal living conditions. After visiting several detention centers unannounced, the Inspector General has reported finding the use of strip searches, the misuse of segregation, and delayed and inadequate healthcare.

This treatment is worsened in the facilities holding children who have been separated from their parents in accordance with the family separation policy recently enacted. This policy requires that all adults caught entering illegally into the U.S. be detained and prosecuted, so the children which they travel with must be detained separately.³ Any immigrants under the age of 18, including infants, are sent to facilities for minors where they are subjected to “inadequate bathing and toilet facilities, constant light exposure, children sleeping on concrete floors, confiscation of belongings, insufficient food, denial of access to thorough medical care, lack of mental health support plus physical and emotional maltreatment”⁴ at the hands of immigration officials who lack specialized training.⁵ Aside from the physical mistreatment which these children face, they are also subject to the psychological harm which is brought about by prolonged separation from one’s family during formative years. This can lead to PTSD, detachment, and a host of other psychological issues which will play major roles in their life thereafter.

Although asylum requests are at a record high, the refugee admissions ceiling is currently at an all-time low. From 2017 to 2019, the ceiling was lowered from 110,000 to 30,000; in 2018, when the ceiling was set at 45,000, less than 22,500 asylum seekers were admitted.⁶ The steady decline of acceptance of asylum applications in recent years has coincided with the transferring of a substantial number of asylum officers who conducted credible fear reasoning interviews to other positions. The purpose of these interviews is to assess whether migrants actually have a credible reason to fear for their life in their home country, and thus determine which migrants to grant asylum to. As fewer asylum officers were given the task of reviewing affirmative applications, the number of affirmative applications has declined considerably even though applications have reached a high of 200,000. The denial rate of asylum requests has also grown in recent years, reaching 61.8% in 2017, when only five years earlier it had been 44.5%.⁷ Often, cases are denied during the interviews to determine credible fear, which means asylum seekers never get the chance to try their case in court. With no option to appeal, asylum seekers are then sent back to their home country with no other provisions offered to them. Often, this is a life or death decision which has been made for these asylum seekers by the U.S. government.

For those who are not outright denied, this lower admissions ceiling means a longer period of waiting for their turn at consideration for asylum. Immigrants may find themselves waiting in detention centers indefinitely as a result of the increase in security measures which have been put in place. Further, the processing of cases is done in order of their ranked priority, 1-3. Priority 1 applies to refugees which have been recommended by the United Nations High Commissioner for Refugees, a U.S. embassy, or an approved NGO; Priority 2 applies to groups of special humanitarian concern which may be defined by the groups they are identified with; Priority 3 applies to those who are to be reunified with family which is already settled in the U.S..⁸ Those who do not fall under any of these three priority groups must wait an extended amount of time for their time to be considered, contributing to the overcrowding of facilities.

Application of IHD & RTD:

In order to resolve this crisis in a way which would maintain the human dignity of immigrants, the U.S. government should look at solutions from an Integral Human Development (IHD) and Right to Development (RTD) viewpoint. RTD states that everyone is due the opportunity to lead a dignified life, and IHD states that the aid which is prescribed to lead a dignified life should be case-specific and in accordance with the desires of the group.⁹ It is important to make sure that the type of development prescribed fits the situation and that migrants maintain agency over the type of help which they receive. Those who receive developmental aid should be both a beneficiary of human development as well as an active subject in the prescription and application process.

RTD includes the responsibility of the state to protect and promote the human dignity of its population, not excluding those who interact with the state as immigrants. The most basic way for the U.S. government to maintain the human dignity of immigrants is to ensure adequate living conditions in detention centers. Overpopulation, poor medical care, and other such inadequate conditions have led to the prolonged suffering, and in some cases the death, of asylum seekers in the past three years. Insurance of respectable living conditions should be at the top of the priority list for those assigned to overseeing migrant detention centers. To maintain IHD, the U.S. may consider assigning an immigration lawyer to each asylum seeker, or to each asylum-seeking family unit, upon arrival. Many countries - such as Canada, France, Germany, Sweden, and the U.K. - give migrants the right to legal counsel, often automatically assigning legal representation for children or asylum seekers. In this way, immigrants will be better informed about their rights as an asylum seeker and thus will be better equipped to see that their needs are addressed. This would play into RTD, as asylum seekers would then be able to play a role in the securing of their integral human rights.

Further, such maltreatment has been extended to migrant children, who also suffer the emotional trauma of being separated from their families and left in detention centers. While awaiting their assignment to a sponsor, children In these centers

experience emotional detachment, physical abuse, and sometimes even death. Legislation regarding the care of immigrants, especially children, should be strengthened in a way which ensures that those being detained are still able to live a life of dignity. Further, while the family separation policy is technically no longer in effect, this repeal should be more strongly enforced, so that loopholes are closed and families are reunited in a timely manner. While the policy was put to an end in June 2018, at least 200 cases of children being separated from their parents were reported between July 2018 and February 2019.¹⁰ However, while children remain separated from their families, it would be within the best interest of the child that more than one representative is assigned to each child. For example, in addition to a sponsor, each child should also be assigned an immigration lawyer, a social worker and/or a therapist. With the assignment of multiple people with different specialties to one child, it is more likely that the integral human rights of the child will be maintained. The lawyer would ensure that the political rights of the child are upheld while the social worker/therapist and sponsor ensure that the child's mental well-being is attended to. According to The Convention on the Rights of the Child, which was adopted by the U.N. General Assembly in 1989: children should be detained only as a last resort and for the shortest amount of time possible, they should be free from sexual exploitation, and they should enjoy the highest standard of health. The current conditions which migrant children experience in no way align with the values put forth by the U.N. General Assembly, which in itself should be an incentive for policy makers and immigration overseers to reform practices regarding underage migrants.

In order to relieve the suffering of immigrants awaiting their time to present their case, the U.S. government should invest resources to expand or build new detainment centers to relieve overcrowding. One idea which the U.S. government may consider is the building of a type of community in which immigrants are able to live with their families in subsidized housing with other immigrants while awaiting their asylum request decision. However, any type of housing system is bound to fall apart in the presence of overcrowding. Of course, this brings the conversation back to the massive

backlog which the immigration system is currently facing. One way which this problem might be addressed is by hiring more people to investigate asylum claims as well as conducting interviews, as opposed to shifting around those who are already working under immigration. Another solution might be raising the asylum admissions ceiling, and actually committing to admitting the maximum number of asylum seekers, as well as setting a strict time limit that cases may remain pending. With these efforts in place there will be a greater incentive to expedite the approval process as well as lessen the incentive to deny those with legitimate fears, which may have been a factor in the increase of denials during the time of the low asylum admissions ceiling.

For those who are found to not qualify for asylum, the U.S. government may still apply IHD and RTD by asking immigrants, by way of poll, what is needed in order for them to continue in their migration or to succeed upon returning to their home country. This might mean assisting immigrants in finding other countries to migrate to, if they feel that returning to their home country may be life threatening. It might also result in some form of education or vocational training so that these immigrants may have the opportunity to provide for themselves should they choose to return to their home country, as opposed to returning empty handed. The U.S. might consider partnering with the governments of other nations in an effort to resettle asylum seekers, while providing the rights to development that these immigrants both want and need.

In terms of cooperation, it would be prudent for the global community to address the immigration crisis, which is being experienced worldwide, at the source. Violence, economic instability, and governmental corruption in the Northern Triangle have led to the recent surge of immigrants seeking asylum in various countries. The economic instability of these countries is in part due to the current global warming crisis, as unpredictable weather has led to widespread crop failure. This crop failure leads to both an increase in poverty as well as a general state of food insecurity.¹¹ Developed countries, such as the U.S., who generally used means of industrialization with high carbon emissions should step up and work together to aid lesser developed countries who are currently suffering the consequences. This may take the form of agreeing to

lower carbon emissions in the current day, paying some form of reparations to the affected states, or other such means of assistance. Further, the violence and governmental corruption go hand-in-hand with this economic instability. Political instability and civil wars have weakened the government, lowering its ability to aid economic shortcomings through creating a better infrastructure and offering more social services to those experiencing poverty or persecution. However, these countries' governments have attempted to solve their various issues with some success, in some cases turning to the global community for assistance. IHD states that the citizens of these countries should be given the right to development in their homeland, and RTD states that they should be the ones to decide what measures should be taken to achieve that. Thus, the U.S. and global community as a whole should approach this matter prepared to ask these governments what they would like to do, and what form of assistance they require. In the past, the U.S. has allocated funds intended to go towards development, which has seemed to help the issue somewhat, and the U.N. has served as a prosecutor for criminal groups involved in corrupting the Guatemalan government. However, the Trump administration has decided to refrain from sending further funding until these governments "take concrete action" to address the surge of migrants.¹² Such a reaction to the immigration crisis is not helpful in bringing about human development as it only creates a negative pressure on already struggling states. Instead, it would be more beneficial for the U.S. government to continue to offer funding, and to offer the possibility of assistance in creating and implementing infrastructure to relieve the stress of poverty on the public, or assistance in reducing violence in some way. Of course, the respective governments must choose independently what type of assistance they will receive, but nevertheless a positive change will be brought about.

While the U.S. is facing many substantial challenges to human rights in the current immigration crisis, there are also many ways in which IHD and RTD may be applied to solve these problems. Grand-scale problems such as global warming, economic insecurity, violence, and governmental corruption have caused a mass exodus from the Northern Triangle region, leading to a large influx of asylum seekers at the U.S. border.

Directly dealing with these problems would mitigate the problem in the long run. This can be done through a global initiative to slow or lessen the effects of global warming, as well as by asking the governments of these countries what type of assistance they believe would be beneficial in improving human development for their people. In the short-term, the U.S. may ensure the protection of integral human dignity by taking steps to lessen the waiting and detainment time of asylum seekers, improving the living conditions of those in detainment centers, keeping families together, providing alternatives to deportation for those denied asylum, and informing those seeking asylum of their rights upon arrival. Human development is the integral right of all people, including those who are labeled as immigrants.

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State Department Briefing: Improving Women's Rights in the Middle East

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Of the various social and political challenges that Middle Eastern and North African (MENA) states face, the issue of women's rights stands out as one of the most infamous. Although different MENA states hold different sets of laws and norms regarding women's rights, Arab women face restrictions on aspects of their lives ranging from education and independent movement, to family matters such as divorce and inheritance. In extreme cases, Middle Eastern women can even become the victims of so-called "honor crimes" – retaliations that some "ultraconservative parliamentarians and ordinary citizens" view as their legitimate "right to punish and even murder female relatives for behavior they deem immoral." While honor crimes remain relatively rare, other forms of violence against women – female genital cutting and domestic abuse, for instance – are regrettably less so. Yemeni women, for instance, endure a barrage of social obstacles ranging from "early or forced marriage" to "deprivation of health services, and female genital mutilation."¹

Middle Eastern women face injustice not only from legal codes themselves, but also at the hands of those paid to enforce it. Middle Eastern legal systems suffer from widespread corruption, inefficiency, and incompetence, and women frequently become the victims of dysfunctional court systems. Financial Times reports that in Egypt, one woman found herself "nearly beaten to death by a neighbour, only to be turned away by legal authorities." Another woman received "less than 5 per cent of the alimony and childcare to which she was entitled, perhaps because her former husband was a senior police officer."² MENA legal systems, plagued by everything from overworked or corrupt judges to gluts of unqualified lawyers, cannot serve the needs of their citizens. As a result, many women have found themselves without legal protection when they need it the most.

What does data from specific MENA states reveal about the social and political situation of Middle Eastern women? Saudi Arabia, which only recently made it permissible for women to obtain driver's licenses, stands out as an especially draconian example of the restrictions that Middle Eastern women face. While the public opinion analytic tool Arab Barometer emphasizes that "the situation in Saudi Arabia [does] not reflect those across the broader region," the website notes that women still face a multitude of social and political challenges across the region. Arab Barometer reports that 42% of Egyptians, 45% of Iraqis, and 39% of Yemenis "strongly" believe that "in general, men are better at political leadership than women."³ In Jordan, 36% of survey respondents "strongly disagree" with the sentiment that "it is permissible for a woman to travel abroad by herself;" 28% of Egyptians and Sudanese believe the same. Regarding inheritance, 54% of Yemenis "strongly" oppose equality of inheritance. This sentiment is echoed in Jordan, Morocco, and Sudan: respectively, 51%, 50%, and 62% of survey respondents "strongly disagree" with the notion that "women's inheritance should be equal to that of men."⁴ While attitudes have begun to shift regarding women's ability to initiate divorce, many Arabs still believe that "husbands should have final say in all decisions concerning the family." Arab Barometer reports that 46% of Iraqis, 35% of Egyptians and 35% of Yemenis "strongly agree" with this statement, and over 30% of survey respondents in most MENA countries have stated that they "agree." While experts agree that MENA women's social standing has followed an upward trend in recent years – numerous MENA states have substantial bodies of female politicians, for instance – the region's unstable security situation has worsened women's situations in Palestine, Iraq, and Yemen. Even taking these states as sui generis cases, NGO reports and public opinion data indicate that much work remains to be done.

Potential American Interventions

Middle Eastern politics play a substantial role in US security and foreign policymaking. Female activists played a crucial role during the 2011 Arab Spring protests, and women's movement into the political sphere (as voters, candidates, or legislators) carries important implications for the spread of democracy in the Middle East.⁶ In short, the issue of MENA women's rights should concern the State Department

as a matter of international security as well as humanitarian policy. With this in mind, how should the State Department approach such a complex and diplomatically sensitive issue?

The United States has a long and somewhat checkered history of intervention in Middle Eastern systems of government. Therefore, all American efforts to promote women's rights in the Middle East must be approached with diplomatic acumen. International institutions, for their part, mean well and often do substantial good in the world: theorists would agree that they can contribute to the diffusion of democratic norms and create binding ties between potentially adversarial states. Even so, the State Department should avoid the variety of large-scale, "one-size-fits-all" interventions recommended by organizations such as the International Monetary Fund. IMF structural adjustment loans, often viewed as tools with which to shape foreign states' policy, can encourage governments to modify their structures and behaviors in exchange for bailout during financial emergencies.⁷ Structural adjustment programs, or similar loan-for-policy initiatives, might seem an appealing solution to the problem of women's oppression in the Middle East, especially in lower-income countries in need of financial bailout. Policymakers must remember, however, that interventionist solutions often result in unintended consequences. IMF structural adjustment programs implemented after the 2008 financial crisis furnish an excellent example. These programs, intended to liberalize MENA economies and open the region to trade, largely backfired and instead fostered "a strong concentration of economic wealth in the hands of the ruling elite, increased corruption, impoverishment of the working class and middle classes, and a deepening of inequality in the Arab societies."⁸

This is not to say that large-scale policy adjustment programs intended to incentivize women's equality would result in the same economic backlash as the post-2008 structural adjustment programs. Such programs would, after all, be aimed at social rather than economic change. There is no doubt, however, that politics – especially the politics of international intervention – is rife with case studies of unintended negative consequences. For this reason, it would behoove the State Department to remember that local solutions usually work far better than those imposed from far away.

In the spirit of local action, the State Department can improve the rights of women in MENA by supporting NGOs and activists familiar with the politics of the states involved. The State Department can fund and partner with legal activists – Morocco’s Club of Judges, for instance – to build up-to-date legal systems free of corruption. In the same vein, the State Department can subsidize the legal equipment that MENA courts so desperately need – computers, for instance – and provide legal training to interested judges and lawyers. If such trainings are successful, perhaps the State Department could initiate partnerships between American legal institutions and MENA universities and law schools. These universities could set up jointly-managed legal clinics capable of producing qualified attorneys trained in areas of the law especially relevant to women’s issues – family law, for instance, as well as human rights law. Just as a rising tide lifts all boats, improving Middle Eastern legal systems will improve the lives of women just as it will improve the lives of all MENA citizens.

It would also behoove the State Department to partner with Middle Eastern religious organizations, approaching the problem from a cultural angle as well as a political one. While many MENA legal systems revolve around the principles of Islam, most MENA countries do not apply sharia law directly. Even so, there is no doubt that Islamic principles underwrite a number of laws that restrict the freedoms of Middle Eastern women – regulations surrounding women’s inheritance, for example, or rules restricting dress. In this vein, numerous nonprofits that seek women’s equality have attempted to foster dialogue with Islamic leaders. Such NGOs, recognizing the centrality of Islam in many Middle Eastern societies, encourage influential religious leaders to reexamine women’s rights from a religious and cultural perspective. The nonprofit organization Women’s Islamic Initiative in Spirituality and Equality (WISE), for instance, harnesses the principles of Islam to eradicate gender-based violence and promote equality in predominantly Muslim countries. WISE works to combat culturally entrenched forms of violence against women (FGM, for instance), and has even developed an imam training program.⁹ Initiatives like WISE’s encourage religious leaders to adopt alternative religious interpretations that support women’s rights in a culturally applicable

manner. If the State Department cannot directly fund such programs, it can certainly learn from their strategies and take advantage of the networks they have already built.

Although MENA states have certainly taken steps to improve women's rights in recent years, there is still a great deal that the State Department can contribute to this strategically and morally crucial cause. Even so, the Middle Eastern situation is a cause not for despair, but for hope: with local partners paving the way, State Department representatives can use established academic and nonprofit channels to counter the social issues that continue to hold Middle Eastern women back. By blending cultural and religious outreach, United States officials can assist MENA stakeholders in bringing the region to fuller equality.

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