

SHPRS UNDERGRADUATE DIGITAL HUMANITIES JOURNAL

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The SHPRS Undergraduate Digital Humanities Journal is a student-run publication that holds pieces from historical, philosophical, and religious studies. It is housed under Arizona State University's School of Historical, Philosophical, and Religious Studies. The journal serves as an opportunity for ASU undergraduate students to submit their research work from classes or outside research they have done in the past. Submissions for papers are taken in fall and spring, and the editor team of the journal reviews and chooses the submissions to be published in the journal. The publication is free of cost to access and view. The opinions mentioned in the papers do not reflect the opinions of SHPRS Undergraduate Digital Humanities Journal or the School of Historical, Philosophical, and Religious Studies. If you have any questions or are interested in submitting your work for the fall semester, please email us at shprsdighumanitiesjournal@gmail.com.

ABOUT THE AUTHORS

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Mr. Cameron Vega is a recent graduate of Arizona State University with degrees in Political Science and Civic and Economic Thought and Leadership. He is a 2021 Thomas R. Pickering Foreign Affairs Fellow and has previously interned at the U.S. Department of State and the Foundation for Defense of Democracies. Cameron is interested in the United Nations Security Council, the concept of sovereignty, and mass atrocity crime prevention. He will be starting his Master of Arts in International Relations at Johns Hopkins University School of Advanced International Studies in the fall with the goal of joining the Foreign Service.

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EDITOR'S NOTE

Welcome to our first ever publication of the SHPRS Undergraduate Digital Humanities Journal! We are thrilled to announce our release of our Spring 2021 edition of the Digital Humanities Journal.

The SHPRS Undergraduate Digital Humanities Journal is housed under the School of Historical, Philosophical, and Religious Studies at ASU. The planning of the journal came underway over the summer of 2020 and the recruitment of editors occurred during fall of 2020.

We put out a call for submissions this past semester, and received about 20 submissions focusing on history, philosophy, and religious studies. Thank you to all of you who expressed interest and took their time to submit their work.

First, we start off with Cameron Vega's piece on Just War Theory. The piece delves deeper into the criteria on when to use nuclear weapons by applying the just war theory. Since the first atomic bomb was dropped in Japan in 1945, questions arise in the defense community on the conditions of using atomic weapons in times of conflict or heightened tension. The just war theory analyzes three different perspectives on whether *jus in bello* conditions are met or permissible. *Jus in bello* is international humanitarian law, which provides guidelines on how to conduct warfare to limit suffering and mortality among individuals.

Calico focuses on the leading causes that lead to the downfall of the Weimar Republic of Germany. Their paper focuses on how nationalism fueled the creation of the Third Reich, which eventually causes democracy to collapse. While the Nazis did play an influential role in the decline of the Weimar Republic, the assistance of the other political parties helped overthrow the Republic, giving power and control to the Nazi party. The paper dives into the impact of the political parties and how it paved way for the Nazi party to rise in power.

Sharia law is a focus of Bianca's paper. Right-wing activism born of Islamophobia has brought to light the need for new discussion on the implementation of religious law in the US, particularly sharia law. Even though many states have taken legislative action to ban "foreign law," Jewish courts, the Beth din, show that there is a precedent for sharia law in this country.

Dino's paper explores the potential that attitudinal hedonism has when it comes to explaining well-being. The most natural thing for us to do is to accept that the people who are happy are the people whose lives are going well. Isn't it true that objective list theorists—people who believe we can only measure well-being in terms of the presence of knowledge or virtue or other such qualities in a person—seem a little self-righteous? This paper argues that we should label people who have good and

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positive attitudes about their lives as people who have achieved well-being.

Joe's book review on Laurent Dubois's *Avengers of the Free World* focuses on the lasting impacts the Haitian Revolution in the Western Hemisphere. The Haitian Revolution was a unique success because it was the first successful slave revolt to occur in the 19th century. This revolution opened up new thoughts and ideologies, such as Black autonomy. The review touches on how the Haitian Revolution has influenced such thoughts and other movements in modern day society, such as the Black Lives Matter movement.

Our final piece focuses on post-colonial tensions in East Timor. Monica details the horrific and violent impacts of Indonesia annexing East Timor. The pro-independence movement in East Timor resulted in the persecution and deaths of many Timorese people—including ethnic Chinese. The U.S. and Australia supported the Indonesian government under a Cold War pretext, providing aid to support their clash with the pro-independence Fretilin Party. The paper fosters a deeper conversation about how narrow the definition of genocide is in the international community, and the geopolitical implications that definition carries.

We hope you all enjoy these insightful and deep pieces that delve into topics that have been influential in our global world today. From sharia law to conflict in East Timor, these are some of the topics that have been a frequent conversation throughout our history. We want to thank the authors for taking the opportunity to have their work recognized and the time to meet with our editors to finalize their papers.

We want to extend our thanks to Dr. Catherine O'Donnell and Dr. Julian Lim for helping us with the initial steps of starting the journal. We also want to thank Dr. Katherine Osburn in supporting and overseeing the journal as well as guiding us through the process. Our team is gratified to have the support of the SHPRS Social Media team in advertising our journal and promoting our work. We are truly grateful for it.

I also want to thank my editor team who has worked late nights in editing the submissions and working with our selected submissions in improving and making respective edits to their work. I appreciate all your efforts and work you have put into making the journal come out well!

Sincerely,



Anusha Natarajan
Editor-in-chief

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THE PERMISSIBILITY OF NUCLEAR WEAPONS IN JUST WAR THEORY

Cameron Vega

Abstract: Nuclear weapons and the potential for lasting global annihilation have presented a great challenge to just war theory since the dropping of the first nuclear bomb on Hiroshima, Japan on 6 August 1945. The debate over the use of the weapons of mass destruction in a just war ranges from scholars affirming their use on strategic targets under the right conditions to the outright denial of their place in the theory. However, an examination of the conditions necessary for a use of force in war to be just determines the place of nuclear weapons in just war theory. The use of nuclear weapons, in a limited capacity, is justified under just war theory provided that several *jus in bello* conditions are met. These conditions all rely on the principle of discrimination and can be met so long as nuclear weapons are only used on combatants, lasting genetic damage leading to higher mortality rates is avoided, and that there is not an intent to do evil.

Keywords: Just war theory, Nuclear weapons, Radiation, Thomas Aquinas, Marc LiVecche, Daniel Strand, Paul Ramsey, Gertrude Elizabeth Margaret

I. Methodology

This argument will be demonstrated through a base-level description of just war theory and its major components followed by how nuclear weapons—used interchangeably with atomic weapons—are made to be a unique type of weapon within the theory. Then, three just war scholars and their views on how nuclear weapons fit into just war theory will be described starting with Marc LiVecche's justification for the only belligerent use of nuclear weapons in history, moving into Paul Ramsey's justification for their limited use, and finally ending on Gertrude Elizabeth Margaret (G.E.M.) Anscombe's sharp critique of President Harry S. Truman's decision to use the weapons of mass destruction. The arguments of these three scholars will then be put to the test based on the initial description of just war theory and modern research on the effects on nuclear weapons to prove the argument that the limited use of nuclear weapons is permissible under just war theory.

II. Just Theory War and its Requirements

Just war theory holds that war can be just, or at least morally justifiable, and that there is a standard for justice that can be applied to wars in order to gauge whether the war is just or not. Modern just war theory has its religious roots in the writings of Saint Augustine and Thomas Aquinas but has evolved into a broader, more universal concept over time. Just war theory sets out three primary aspects by which a war may be judged, which correlate sequentially to just in the declaration of the war, during

the war, and peace after the war: *jus ad bellum* (right to war), *jus in bello* (justice in war), and *jus post bellum* (justice after war). Each of the three have their own standard for determining if justice has been met or carried out, and all three must be fulfilled for the war to be just. Here are the general criteria of each:

1. *Jus ad bellum* is determined on the basis of just cause, right intention, legitimate authority, last resort, likelihood of success, and proportionality of the ends of war.¹
2. *Jus in bello* is determined on the basis of discrimination and proportionality of the means of war.²
3. *Jus post bellum* is determined on the basis of proportionality and publicity, rights vindication, discrimination, punishment, and compensation and rehabilitation.³

Although all three set the standard for justice in war, the question of the permissibility of nuclear weapons in just war theory is primarily concerned with *jus in bello*. This is because nuclear weapons raise the issue of discrimination, which deems that “combatants must distinguish between military targets and civilian populations, and non-combatants must be immune from intentional attack.”⁴ In just war theory, the principle of discrimination must be accounted for with any use of force, but the sheer destructive force of nuclear weapons and their additional effects beyond the initial destruction puts them under exceptional scrutiny in determining *jus in bello*.

III. Nuclear Weapons as an Exceptional Use of Force

The destructive capacity of nuclear weapons combined with the aftereffect of fallout make nuclear weapons an exceptional use of force, justifying a higher level of scrutiny toward the decision to use such weapons even outside of the context of just war theory. Before their actual deployment against the Japanese cities of Hiroshima and Nagasaki in World War II, little consideration was given to nuclear weapons beyond viewing them as simply bigger munitions. President Truman “deemed the bombs to be legitimate weapons of war and the decision to use them required no tortured agonizing for him.”⁵ However, after their use, the weapons became a hotly debated subject. This was partially owed to the Japanese description of the bombing of Hiroshima relayed as a statement to the United States on 9 August 1945, the same day that Nagasaki would be the target of the second and last belligerent use of nuclear weapons. The statement described the zone of damage as having “spread over a wide area and all persons within this area, without discrimination as to belligerents and non-belligerents and irrespective of sex or age, were killed or wounded by the blast and radiated heat.”⁶ Such instantaneous destruction had been previously unseen and called into question whether nuclear weapons could be legitimate weapons of war.

Study on the effects of nuclear weapons began almost immediately after their use. The Atomic Bomb Casualty Commission was founded on 26 November 1946 by President Truman as a permanent organization to “[continue] long term study of the biological and medical effects of the atomic bomb.”⁷ Previous studies starting in 1927 determined that ionizing radiation can cause changes to an organism’s genetics, so part of the Atomic Bomb Casualty Commission’s mission was to determine the

the effect of the nuclear bombs on the offspring of survivors.⁸ This is what makes the use of nuclear weapons exceptional in just war theory—if the offspring of survivors can suffer harm through genetic mutation or damage, then harm is being done to non-combatants in a way that cannot be controlled after the initial use of a nuclear weapon and could potentially extend into perpetuity. How this affects the issue of discrimination, as well as the justness of the only belligerent use of nuclear weapons, is contested between just war scholars, who look to both the past and potentially future use of these weapons to determine their place within the theory.

IV. Marc LiVecche's Moral Defense of Hiroshima

Marc LiVecche offers a just war argument in favor of the nuclear bombing of Hiroshima on the basis of the bombing being a moral horror. In a piece he co-authors with Daniel Strand, LiVecche takes care to note that the bombing was definitively horrific, but notes that the morality of it outweighs the horror.⁹ By making this argument, LiVecche affirms a distinction between what is good and what is right, arguing that the bombing was right. He has two primary reasons to back up his argument. The first is that, for justice to be done in the war, the Japanese regime had to be crushed via an unconditional surrender, and the second is his pushback against the typical distinction between combatants and non-combatants.¹⁰

LiVecche claims that the pursuit of *jus post bellum* required the crushing of the Japanese regime in order to promote and restore justice in Japan and their occupied imperial holdings.¹¹ This argument is reflective of a Japanese refusal to surrender during the war, even when victory had not become possible for them. This is evidenced by an attempted revolt among military extremists once an unconditional surrender was finally agreed upon—a surrender that required the intervention of the Japanese emperor to begin legitimate consideration of it.¹² In order to compel the unconditional surrender of the Japanese, which is viewed as a just demand by LiVecche due to the atrocities being committed by the Japanese, the greatest means had to be used, which required the use of the nuclear bomb.¹³ For LiVecche, “It is a matter of moral prudence, in the just war tradition, to know when a fight has fully been fought and should finally be abandoned,” and the Japanese failure to abandon the fight means that the government’s right to self-defense had been lost, putting the nuclear bomb on the table as necessary to stop the war.¹⁴

The other argument that LiVecche makes focuses on the lives of innocents and the principle of discrimination. He challenges that notion that the United States intentionally killed innocents at Hiroshima by instead positing that, while the United States knew that innocents would die, they did not intend to kill them or else a city with a much higher population would have been the target of the nuclear bomb.¹⁵ The loss of life at Hiroshima was compared to those killed under Japanese occupation, which informed estimates place at between 200,000 and 300,000 lives lost every month.¹⁶ He then shifts to argue that the typical distinction between combatants and non-combatants is too black and white, arguing that the responsibility to protect innocents, including the lives of both American and

Japanese conscripts, required dropping the nuclear bomb on Hiroshima to end the war. In these ways, LiVecche attempts to dodge around the issue of discrimination by arguing that the greater pursuit of justice required the destruction of Hiroshima; however, while LiVecche may make a moral argument for Hiroshima, this failure to properly handle the issue of discrimination within the framework of just war theory rules out the strategic use of nuclear weapons.

V. Paul Ramsey, Counter-Force, and the Intention to Deceive

Paul Ramsey takes a drastically different approach to the issue of nuclear weapons than LiVecche while still leaving room for their tactical use in deterrence and deception. His refutation of LiVecche's case for saving the most innocents and blurring of the principle of discrimination is short and blunt: "it can never do *any good* to do wrong that good may come of it."¹⁷ He further adds that "Neither is it right to *intend* to do wrong that good may come of it."¹⁸ To Ramsey, the distinction between combatants and non-combatants in war cannot be blurred, only violated, as "Nothing, not even the alleged interests of peace, can save murderousness from evil."¹⁹ This takes account of the principle of proportionality of the ends of war that is present in *jus ad bellum* to assert that the good achieved through the ends of a war must be greater than the evil of the war itself. In this case, a violation of the distinction between combatants and non-combatants is too evil for any justice to be both worthwhile and untainted.

Ramsey does not, however, entirely rule out the use of nuclear weapons. Instead, he argues that their tactical use can be just so long as it is a counter-force strike and not a counter-city retaliation. To use nuclear weapons against a city as retaliation for an attack would be unjust due to the above principle of proportionality of the ends of war; however, a counter-force strike against tactical objectives, such as supply lines and munitions depots, are just if the enemy has first used tactical nuclear weapons on one's own territory.²⁰ Prior to this, the stated threat to an enemy should be that first-use of tactical nuclear weapons will only be used over one's own territory in response to an invasion.²¹ This ensures that the state's territorial and moral integrity is maintained without provocation by refusing to use tactical weapons offensively unless as retaliation, and the limiting of offensive uses to tactical targets ensures that a clear distinction is drawn between combatants and non-combatants.

Ramsey also argues against certain forms of nuclear deterrence as a policy on the basis of the intention to do wrong. However, as in the case of the use of nuclear weapons, he is not against the use of deterrence as a policy if it relies on the intention to deceive an enemy. Ramsey makes the distinction between two kinds of deterrence: the appearance of being partially or totally committed to go to city exchanges and the actuality of being partially or totally committed.²² Such a distinction is critical and relies on the intention to do wrong in the case of being actually committed to go to city exchanges. If one is committed to such a policy, then one has declared a willingness to do evil, which is in conflict with *jus in bello*. Furthermore, Ramsey argues that "A nation ought never to be totally committed to action that is so irrational it can never be done by free, present decision."²³ Instead, one should seek

to deceive the enemy through the appearance of a willingness to do evil. The evil of deception is justified by Ramsey since the enemy is not owed the truth behind deterrence and that such deception may be necessary to save the lives of enemy civilians as well as one's own, otherwise deterrence will fail.²⁴ The appearance of a potential willingness to use weapons strategically mixed with a committed willingness to use them tactically via counter-force provides the proper basis for a just war argument for the limited use of nuclear weapons.

VI. G.E.M. Anscombe's Critique of Indivisibility and Unlimited Objectives

G.E.M. Anscombe provides a critique of the so-called indivisibility of modern war and of President Truman's decision to use nuclear weapons on Hiroshima and Nagasaki to argue that nuclear weapons should never be used in that manner again. Anscombe and Ramsey's arguments align when she affirms that, "Choosing to kill the innocent as a means to your ends is always murder."²⁵ She takes into account accidental civilian deaths in the destruction of tactical targets, as civilians are bound to be in military factories and dockyards, but notes that "killing the innocent, even if you know as a matter of statistical certainty that the things you do involve it, is not necessarily murder."²⁶ What is murder, in this case, is carelessness and a lack of moral principles in considering and selected where to attack.

Anscombe also provides heavy criticism against the so-called indivisibility of modern war, which argues that there are no combatants in modern war because the power of a nation includes its "whole economic and social strength."²⁷ She provides a refutation to LiVecche by providing her own definition of innocence and the line between combatants and non-combatants. She defines innocent as "'not-harming,'" leaving out civilians not involved in supplying those committing harm, as well as soldiers who have surrendered, and but leaves out all conscripts since they are still causing harm, even if they did not have a choice.²⁸ Such a distinction precludes the use of nuclear weapons on strategic targets and civilian populations, even if there are military targets to be found within the area or city, since the line between combatant and non-combatant and is drawn, and to target the entire city with a nuclear weapon is to lack moral principles in consideration and selection of targets. She concludes this particular criticism of the indivisibility of modern war with a comment on the non-combatants killed by nuclear weapons and indiscriminate bombing: "I am not sure how children and the aged fitted into this story: probably they cheered the soldiers and munitions workers up."²⁹

Anscombe does concede that a large number of lives were saved as a result of President Truman's decision to drop nuclear bombs on Hiroshima and Nagasaki, but blames their necessity on the unlimited objective of the war.³⁰ To war against an enemy with an unlimited objective in mind—unconditional surrender in the case of the war against Japan—is unjust since it shows a lack of proportionality in both *jus ad bellum* and *jus post bellum*, which sets up the condition that "a just peace settlement should be measured and reasonable," and the desire for an unconditional surrender implies a desire for an unmeasured and unrestrained peace settlement.³¹ With unlimited ends comes unlimited means, the pinnacle of which includes nuclear weapons for their destructive capacity, so one

may not claim justice in undertaking an unjust action, even if it saved many lives, when the action could have been avoided with limited ends and a willingness to negotiate peace. These important caveats on the use of nuclear weapons add to Ramsey's argument on the limited use of such weapons to form the basis of the argument for their permissibility.

VII. The Permissibility of Limited Use

With these three just war scholars in mind, particularly the combined arguments of Ramsey and Anscombe, the permissibility of nuclear weapons relies on the issue of discrimination and intent to do evil. The issue of discrimination regarding nuclear weapons puts up for debate one of Thomas Aquinas's primary concepts in just war. Aquinas offers a possible defense of these deaths through his concept of double effect, which argues that if a single act has two effects, one of which is intended and the other is unintended, with his primary example being the killing of another in self-defense. Aquinas argues that, "since saving one's own life is what is intended, such an act is not therefore licit," however, killing your attacker "may be rendered illicit, if it be out of proportion to the [intended] end."³² The concept of double effect is particularly important in how the effects of nuclear weapons are approached.

The potential genetic effects of nuclear fallout on the survivors of nuclear weapons is at the heart of whether nuclear weapons can be permissible under just war theory. While Aquinas permits the death of an attack to preserve one's own life, double effect does not cover the death of someone generations down from the survivor of an attack. A tactical counter-force strike may leave survivors who qualify as combatants and are, therefore, legitimate targets under just war theory. However, the tactical counter-force strike also exposes survivors to potentially lethal and genetically damaging radiation. For the survivors themselves to die from exposure, even after they cease to be a combatant, is no different than a surrendered combatant—now an innocent according to Anscombe—dies of wounds sustained in battle. So long as the intention of the strike was not to generate fallout and kill combatants even after the war has ended, then given the strike is a proportional response under Ramsey's framework, it is a Thomistic double effect.

Despite this double effect, if a survivor's offspring dies because of genetic damage sustained by the strike or subsequent fallout, then a non-combatant is being killed. Under Anscombe's framework, this involves a clear and innocent non-combatant as well as a certain carelessness and lack of moral principles in the use of a weapon that may kill those entirely uninvolved in the war as. General research on the effects of ionizing radiation show that, "high doses in experimental animals can cause various disorders in offspring," such as birth defects and chromosome aberrations, some of which are deadly.³³ Current research on the survivors of Hiroshima and Nagasaki indicate that despite the exposure killing some survivors, the dosage of ionizing radiation was, on average, relatively low.³⁴ The result of this is that "no evidence of clinical or subclinical effects has yet been seen in children of A-bomb survivors."³⁵

So long as this holds true, then nuclear weapons can be used in a manner that limits exposure to ionizing radiation to the levels that have been previously demonstrated to produce no genetic effects.

All in all, accounting for Ramsey and Anscombe's framework that denies the arguments of LiVecche, the conditions on which nuclear weapons are permissible in just war theory have been outlined and are very limited. Nuclear weapons may be used against tactical targets in counter-force strikes as retaliation for an enemy's use of them in one's territory or they may be used on one's own territory as an invading force. The distinction between combatants and non-combatants must be accounted for at all times, and though some civilian deaths may occur, the decision to accept these losses may only be made after due consideration with moral principles in mind and never with the intent to target non-combatants. Nuclear weapons, under no circumstances, are to be used as a means for an unlimited end or to merely compel an enemy to surrender. They may also not be used for deterrence if there is an intent or willingness to commit evil in targeting non-combatants or engaging in counter-city retaliation. Finally, nuclear weapons may only be used so long as their use does not cause the exposure to ionizing radiation of survivors to reach levels currently understood to result in genetic damage that may harm the offspring of survivors. Although this framework does provide for heavy, potentially extreme limits on permissibility of nuclear weapons in just war theory, it does affirm that they can be permissible in a just war.

VIII. Conclusion

The insights of LiVecche, Ramsey, and Anscombe can be used to create a framework by which the use of nuclear weapons, if properly limited under the *jus in bello* principle of discrimination, is permissible in just war theory. However, this is not an exhaustive framework nor a permanent one.

If scientific and medical research were to determine that modern or future nuclear weapons would be unable to maintain exposure to ionizing radiation underneath the level at which genetic damage is caused, then nuclear weapons would no longer be permissible due to the violation of the principle of discrimination. In addition, the effects of nuclear radiation on climate change and the air—something that is undiscussed by the three scholars—may also lead to the exclusion of nuclear weapons from just war theory if the levels of ionizing radiation produced by such weapons are unable to be kept below levels that result in climate change or damage to populations exposed to the air. This may be evidence of the need for a greater incorporation of scientific and medical data into just war theory in order to account for the introduction of new weapons, like nuclear weapons, and expanded notions of security, including human security.

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THE TRAGEDY OF WEIMAR OR: HOW NATIONALISM AND SECTARIANISM FORMED THE THIRD REICH

Calico Beste

Abstract: The process by which democracy collapses, has been of interest to me for years, and the collapse of Weimar Germany into that of the Nazi Reich provides a unique test case. My analysis is mainly that of the interactions of policy, voter bases, elections, and votes between the major political parties of the Weimar German era. I categorized these parties into four groups for easier understanding and explanation of the different factors at play between these parties ranging for communist, democratic, fascist, and monarchist ideologies. While they are not the only factors involved in a situation as complex as the rise of the Nazis, and are not a complete one to one translation of popular support, I argue that these parties are crucial to the downfall of Weimar democracy, as almost every party opposed to the Nazis ended up working with them anyways. I conclude from my research that the Nazis did not have the electoral power to overthrow the Weimar Republic on their own, and were only able to do so due to other parties' willingness to work with them against their former allies.

Keywords: Weimar Germany, Nazi Germany, NSDAP, Democratic Collapse, Political Parties

I. Introduction

In democracy there exists a strange category of systemic exploits, laws that can erode democratic rights while considered legal by the governing constitution. In Weimar, this came in the form of Article 48, which was eventually used to dismantle the representative government. However, Article 48 only had power because leaders chose to use it, relegating it to a passive role. The fall of German democracy, followed by the rise of Nazi Germany, is instead attributed to two active factors: those working to break the system, and the inability to cooperate among those opposed to the former. A handful of major political parties, as well as dozens of minor rival political parties, made up the politics of Weimar Germany, where coalitions and governments were relatively short lived, making the whole political landscape hard to pin down. For the sake of simplicity, I have categorized these parties by two axioms. The first being the political struggle between pro-Republic and anti-Republic parties, and the second being the struggle between anti-communist and anti-fascist parties. In the anti-Republic anti-fascist corner were the *Deutsche Volkspartei* (DVP, German People's Party) and *Deutschnationale Volkspartei* (DNVP, German National People's Party), parties defined by their opposition both to fascism and the Weimar Republic due their pro-Monarchy stance. In the anti-Republic anti-fascist corner was the *Kommunistische Partei Deutschlands* (KPD, Communist Party of Germany), a party eventually defined by its hardline Stalinist stance against democratic states and its staunch opposition to fascism. In the pro-Republic anti-communist corner was the *Deutsche Demokratische Partei* (DDP, German

Democratic Party) and the *Deutsche Zentrumspartei* (Z, German Centre Party), parties defined by their goal to preserve the Weimar Republic, occasionally leading to opposition with the fascists, but more often concerned with the actions of communists in Weimar. In the anti-Republic anti-communist corner was *Nationalsozialistische Deutsche Arbeiterpartei* (NSDAP, National Socialist German Workers' Party), the most prominent fascist party in Weimar Germany, whose eventual rise to power would be the final nail in Weimar's coffin. The wild card throughout the Weimar era would be the *Sozialdemokratische Partei Deutschlands* (SPD, Social Democratic Party of Germany), which would at times be the greatest opposition to both the NSDAP and KPD. This is not an exhaustive list, but rather a run-down of the largest players in Weimar Politics. These distinctions established, it is vital to cover the German Republic's formation, and how it became a seedbed for nationalism.

On November 11th, 1918, the German Empire stood alone against the Allied powers, with its Army in full retreat. Unable to continue the war, German High Command under Paul Von Hindenburg negotiated an armistice.¹ As this Great War came to an end, so too did the German Empire. Starting with the Kiel Mutiny, a series of popular revolts spread across Germany. These revolts would topple the German monarchy and force the, now former, Kaiser to flee. Weimar Germany, named for the city where its government was first formed, was born. Though the German Army had been continuously pushed back since August, this defeat would come as a shock to the German public. Wartime propaganda and censorship had assured them that victory was at hand. With the state of the military a closely guarded secret, how could the average German know otherwise? For many in the Weimar Republic, this new state would also come as a shock, as the new democracy replaced an entrenched monarchy. Those opposed to the Republic, and bitter of the Empire's defeat in the war, looked for someone or something to blame. The head of the now former German army, Paul von Hindenburg, provided such an excuse.

When inquired as to the cause of the defeat, Hindenburg tried to save face by claiming instead that the army had actually held firm in the field, only to fail due to sabotage by "subversive elements" at home. These groups falsely blamed for stabbing the German army in the back were the common scape-goats of the 1920s, namely Jewish people and communists. The German public at large adopted this lie that was the "stab in the back" myth, as it offered them a comfortable answer for military failure.² In their eyes, their army did not fail them, instead Jewish Germans, behind the lines, betrayed them. This belief would prevent delegitimization of the former Empire, its collapse no longer seen as a result of its own failings. To make matters worse, this false narrative became another breeding ground for Antisemitism, a problem for the German Empire which very much carried on through Weimar Germany, and would reach a fever pitch under NSDAP's leadership. These sentiments would help carry over the Empire's old spirit, a spirit of nationalism, militarism, and autocracy. Then came the Treaty of Versailles, stripping away territory, population, industry, and crucially, military. Germany, along with its former allies of Austria, Hungary, Bulgaria, and Turkey, most of whom also collapsed into new countries after their defeats, signed heavy treaties imposed on them by the

United Kingdom, France, the United States, and Italy. As a country, each former Central Power had to take full blame for the Great War. While by no means the worst hit by their post-war treaty, Germany lost territory to Poland, France, Belgium, Lithuania, Czechoslovakia, and Denmark, forced into a debt in the billions of US Dollars, and required to dismantle most of its military force.

Now disbanded, this would leave millions of trained soldiers, unable to readjust to civilian life, with no way back into a former sense of structure. So instead they would turn to each other, forming militias spurred on by chaos in Eastern Europe. The Freikorps fought in many of the border disputes that came out of the new treaties, mostly between Weimar and the new Polish Republic, giving them an opportunity to fight for Germany once again, both to gain back German territory, and the structure of military life they lost.³ To many German citizens, these Freikorps were heroes who fought to defend the territory they had lost because of the aforementioned myth of a “stab in the back.” The Freikorps were only legitimized further when the first President of Germany, Friedrich Ebert, mobilized them to crush left-wing uprisings across the new nation. However, they were a force that was uncontrollable, a fact exemplified by the Freikorps execution of KPD leaders Rosa Luxemburg and Karl Liebknecht. Led by Luxemburg and Liebknecht, the Spartacist uprising kicked off in January of 1919, but was brutally crushed by the government, with Ebert and his cabinet hiring out the Freikorps to suppress the revolt. While the government had not ordered for the death of the leaders of the KPD, the Freikorps, made up mostly by anti-communist and nationalist former military men, executed Luxemburg and Liebknecht soon after capturing them. With their leaders murdered by nationalists hired by the SPD’s government, the KPD would never cooperate with the Social Democrats again, a rift that would come back to haunt all involved. Meanwhile, in the eyes of any nationalists and anti-communists, the Freikorps’ efforts were vindication to any belief that communists and other political rivals not only can but must be put down by violent means. Paul Von Hindenburg’s successful election to the presidency of Weimar was the first sign of this continuation of the German Empire’s legitimacy. Hindenburg was the supreme commander of the German Imperial army when it faced defeat in 1918, and one of the lead progenitors of the “stab in the back” myth. He was a staunch supporter of both a return to German Monarchy and of German militarism. Though a slim victory, a devout nationalist and monarchist was now head of state, an early sign of this resurgent nationalism.⁴

Yet the pro-Republicans, combined with the KPD, still held the advantage in the post-1925 election Reichstag, split 277-216,⁵ and even at their largest, the NSDAP would hold 230 of 608 seats, not enough to rule alone.⁶ So how did those opposing fascists like the NSDAP fail to prevent their rise to power? Simply put, the anti-fascists fought with each other as much as they did the NSDAP. Paul Von Hindenburg, Wilhelm Marx, and Ernst Thälmann were the three main candidates running in 1925. For the past several years, every government coalition consisted of the parties of SPD, Z, DDP, and DVP. All these parties were pro-Republic, though the DVP was only nominally at best, all parties unified around their opposition to the fascists. Yet, Hindenburg won the election of 1925 with the backing of the DVP, BVP (Bayerische Volkspartei, Bavarian People’s Party), and DNVP, while Wilhelm Marx was only backed

by SPD, DDP, and Z. There was a third candidate running, KPD's Ernst Thälmann, who would have flipped the election, if he chose to back Marx.⁷ It was SPD's President Ebert who had authorized use of the Freikorps, and the KPD had not forgotten the murder of their leaders. The SPD-KPD standoff was nothing new, but the defections of the DVP and BVP were. The DVP had been traditional allies of Z and the BVP were Z's sister party, yet both rallied behind Hindenburg instead. When anti-Fascist anti-Republic parties had to choose between their anti-Fascist pro-Republic allies, or their anti-Republic occasionally fascist cohorts, they would work with their anti-Republic colleagues if they thought they could get a majority. Ironically, this would come back to bite parties like DVP and DNVP, when their voters would themselves vote in favor of the Anti-Communist Anti-Republic NSDAP over their old Anti-Fascist Anti-Republic allies.⁸ Even so, in 1928 one last anti-Fascist coalition formed between the SPD, DDP, DVP, and Z. This coalition would break up trying to handle the economic crisis, but they acted as proof that unity was still possible. From this point on though, President Hindenburg would choose to rule through only his Cabinet, leaving German democracy functionally dead. By July 1932, the Reichstag would shift in favor of the nationalists, but then in November shift back against them, though only by two seats. The SPD and KPD, second and third largest respectively, stood in firm opposition to the NSDAP, and if combined, were larger than them by a margin to 221 seats to 196, but they refused to cooperate.⁹ The rift over the Freikorps had not healed, and the brutality of SPD governed police in Blutmai (Bloody May) cemented further KPD antagonism, when SPD police brutally suppressed the 1929 KPD May Day demonstrations. May Day was a Communist holiday, an international day of celebration for laborers, and a holiday banned in Weimar. With 33 KPD members dead by SPD governed police guns, any chance the KPD and SPD might mend the division sewed by Liebknecht and Luxemburg's murder was gone. Meanwhile the SPD were wary of the KPD's anti-Republic stance, one that saw the KPD work with the NSDAP against the SPD-led Prussian Landtag back in 1931. This sectarian stand-off would render the numerical advantage of the remaining anti-Fascist forces useless, as the NSDAP controlled government cabinet banned the KPD in February of 1933. A month later, a vote came to enable Adolf Hitler, the leader of the NSDAP, with the legislative powers of the Reichstag. This motion would pass almost unanimously with the SPD left the only party in opposition, the final blow to Weimar democracy.¹⁰

It is difficult to look back on history without including any personal hindsight. Though this analysis was not one of blame, it is hard to look at the case of Weimar in any other light. It's challenging to not feel a sense of rage, shame, or tragedy in studying these events. Therein lies the difficulty. Today we know of the atrocities the NSDAP would commit, but it would be unfair to expect the people of Germany in 1934 to predict something on the scale of the Holocaust. Despite that people had seen enough of these so-called "nationalist socialists" to vehemently try to stop them. From the KPD, to the DNVP, to even Hindenburg himself, all opposed the NSDAP.¹¹ Despite this, they would rise to power on the backs of that very same opposition. Despite diametrically opposed platforms, the KPD would help them dismantle Weimar democracy. Despite disagreements, anti-Republicans would repeatedly vote for NSDAP programs. Despite clear animosity towards Hitler, Hindenburg would appoint him to the chancellery.

Despite clear determination to prevent a fascist government, SPD and KPD leadership would continue to fight against each other as the NSDAP swept the Reichstag. Yet despite it all, the individual membership, the people of the SPD and KPD, were willing to look past all their years of bitterness, and with a thousand small alliances fight the NSDAP, only to have their leaders fail them.¹² Therein lies the tragedy of Weimar.

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IS SHARIA “LAW” INCOMPATIBLE WITH AMERICAN JUSTICE?

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Abstract: The perceived threat of Sharia law in the United States has featured prominently in far-right rhetoric. Legislative attempts to ban “foreign law” at the state level are largely rooted in Islamophobia. The inflammatory political discussion surrounding Sharia law conceals a relevant legal concern: how can the American justice system negotiate with those who choose to pursue legal outcomes, such as divorce, in religious courts? By examining the history of religious arbitration in America as well as the precedent of *Beth din*, I argue that Islamic law can be integrated into the wider American legal landscape and serve the specific needs of Muslim-American communities.

Keywords: Sharia law, Islam, Judaism, *Beth din*, Rabbinical courts, Anti-foreign law, Foreign law bans

I. Introduction

In 2007, Brigitte Gabriel, the president of ACT for America, declared, “A practicing Muslim who believes the word of the Koran...who goes to mosque and prays every Friday, who prays five times a day... cannot be a loyal citizen of the United States.”¹ In a 2011 *CNN* interview, Gabriel added, “America has been infiltrated on all levels by radicals who wish to harm America,” driving home a point similar to one that was raised in her 2006 book, *Because They Hate: A Survivor of Islamic Terror Warns America* — “our enemies are the neighbors next door, the doctors practicing in our hospitals, and the workers who share our lunch break.”^{2,3} Amongst far-right circles in the U.S., many hold Gabriel’s assertions to be true: that American values, freedom, and democracy are under attack by radical Muslims with dual loyalties who are secretly plotting to destroy America from the inside out. This unfounded hysteria can perhaps be summed up best by the discourse taking place regarding Sharia “law” and the belief that it is “creeping” into the American legal system and poisoning American notions of justice.

In this essay, I will begin by examining the definition of Sharia “law” and the arguments of groups advocating for anti-foreign law legislation, a form of coded language designed to target and isolate Muslim Americans. I will then summarize the history of religious arbitration in the U.S., drawing on the precedent of *Beth din*, or rabbinical courts, to explain why a focused, productive discussion on Islamic law in America must occur in order to generate public understanding and tolerance. Islamic law, known widely as Sharia “law,” does not pose a threat to the secular American legal system.

By engaging in a constructive legal discussion of Islamic law instead of an unproductive political one, Islamic law, following the precedent of well-established religious courts, such as *Beth din*, can better seek to fulfill the needs of American Muslims living in pluralistic societies and gain acceptance as a legitimate law form in the U.S.

II. What is “Sharia?”

There is no denying that the term “Sharia” has been both wrongfully-defined and misapplied in Western media, seeing that it is often relied upon as a catch-all phrase to characterize anything pertaining to Islam, the actions of terrorist organizations such as Daesh (ISIS), or simply “non-Western” ideas. However, Sharia is more nuanced than these hapless generalizations. The first aspect to clarify is that there is no Sharia *law*, at least not in the sense Americans may understand codified law in the U.S. Rather, Sharia can be defined as a set of guidelines or moral codes based on the Koran and the teachings of the Prophet Muhammad that govern the everyday actions of Muslims.^{4;5} Unlike secular law, Sharia is all-encompassing, covering all aspects of a Muslim’s life.⁶ It instructs how Muslims dress, conduct business, eat, marry, divorce, and determine inheritance.^{7;8} Sharia is sensitive to interpretation depending on where in the world it is practiced, meaning that the Sharia principles incorporated into, for example, Saudi Arabian codified law are not necessarily the same principles being applied in the U.S. or elsewhere.⁹

In addition, it is important to reiterate that Sharia “refers to the source material of Islamic law, not the entire system of law itself.”¹⁰ The two main source materials of Sharia are the Koran and the hadiths, or the actions and teachings of the Prophet Muhammad. The process of *ijtihad* interprets and applies Sharia to create practical rules for Muslims to obey. Lastly, *fiqh* “denotes the body of Islamic jurisprudence produced from *ijtihad*.”¹¹ In other words, Islamic law (*fiqh*) is born of a rich history of debate and differing interpretations of Sharia by religious scholars, who themselves belong to different schools of law depending on whether they are Sunni or Shia Muslims. While Islamic law is based on centuries of study, there is a lack of *fiqh* for the situation in which many modern Muslims find themselves: living in countries in which secular law is dominant. This dilemma has spurred a movement to develop “*fiqh* for minorities” to lay out how Islamic law can be practiced within the boundaries of secular law.¹² However, this complex, internal struggle in Islamic law is not widely understood (or even cared about) by followers of right-wing, Islamophobic movements, which are intent upon eradicating a largely invisible threat (Islamic law) from American society, and, in the process, persecuting and isolating American Muslims.

III. The Rise of Anti-Sharia “Law” Legislation in America: A Political Discussion

A. A Background to Anti-Foreign Law Bills

In 2015, *Breitbart*, a right-leaning news organization, published an article claiming an “Islamic Tribunal using Sharia law” was operating in Dallas, Texas.¹³ The investigative article includes an interview of one

of the judges, who explains that the tribunal provides voluntary “non-binding dispute resolution” for specific civil issues, such as business disputes or divorce cases, in a cost-effective manner and according to Islamic principles.¹⁴ While religious-based arbitration and mediation is legal under both federal and state laws (discussed in greater detail in the next section), the article elicited a wave of hysteria that confirmed what some on the right already believed: that Sharia “law” was infiltrating and corrupting American courts. However, agitation surrounding the perceived threat of Sharia “law” had already been building for years before the *Breitbart* article was published, fueled principally by two individuals and their organizations: David Yerushalmi’s American Freedom Law Center (AFLC) and Brigitte Gabriel’s ACT for America, a designated hate group. Both Yerushalmi and Gabriel have been instrumental in stoking Islamophobia, spreading misinformation about Islam and Muslims, and aggressively lobbying for the passage of anti-foreign law bills around the United States.^{15; 16; 17}

B. Key Arguments and Strategies of Anti-Foreign Law Advocates

According to AFLC’s American Laws for American Courts (ALAC) initiative, anti-foreign law legislation seeks to “protect citizens from the application of foreign laws when the application of a foreign law will result in the violation of a right guaranteed by the constitution of a state or the United States.”¹⁸ While seemingly straightforward, anti-foreign law legislation is highly unnecessary, as the U.S. Constitution already guarantees the supremacy of U.S. laws.^{19; 20} Yerushalmi himself has admitted the futility of anti-foreign laws bills in practice. In fact, his stated goal was to raise the alarm of an imagined Sharia and Muslim threat to the American social order.^{21; 22} Nevertheless, ALAC’s model legislation has continued to be propagated widely in state legislatures, aided by the organizing, lobbying, politicking, and fundraising of Gabriel’s ACT for America, which is billed as the “NRA of national security” by her and her supporters.²³

Capitalizing on her harrowing (and embellished) tale of being a “survivor of Islamic terror,” Gabriel, a Lebanese Christian, has become a darling of the far right, attracting a sizable following that regularly flocks to her events to hear her tirades against Islam and her admonishment of the “creeping” influence of radical Islam into the West via the ordinary Muslim American family on the block.²⁴ While many anti-foreign law bills have been struck down in court — such as the 2010 “Save our State” amendment in Oklahoma—or have been met with heavy criticism, Yerushalmi and Gabriel’s efforts have enjoyed some success.²⁵ A number of states have implemented anti-foreign law legislation over the last decade, with the Southern Poverty Law Center recording that 201 anti-Sharia bills have been introduced in 43 states since 2010.²⁶ Furthermore, the Sharia “law” debates and general rising Islamophobia in America correlate with an increase in reports of hate crimes and discrimination against Muslims. In a 2017 Pew Research Center survey of U.S. Muslims, “nearly half of [them] (48%) [said they] experienced some type of discrimination over the past year.”²⁷ This discrimination ranges from being treated with suspicion and being called offensive names to being singled out by law enforcement officials and even being physically threatened or attacked.

C. The Symbolism of Anti-Foreign Law Legislation

The resonance of Yerushalmi and Gabriel's ideas, especially among far-right audiences, reveals a deeper undercurrent of fear, uncertainty, and alarm surrounding the rapidly changing demographic fabric of American society. This tension is perhaps most palpable in Hamtramck, Michigan, a city that has received national attention for undergoing a dramatic demographic change: it went from a Polish Catholic hub to the first Muslim-majority city in America.²⁸ The growing multicultural nature of American towns and cities has been met with staunch resistance and a call by some to return to an America of the past.²⁹ This desire is commonly articulated in the "re-" words of Evangelical sermons and hymns: "reclaim," "restore," "renew," and "revive."³⁰ Unless America is "preserved," many fear it will be rendered unrecognizable, and an allegation of Sharia "law" being practiced on American soil brings us one step closer to an impending clash of civilizations. Amidst this heady mix of anxiety, nostalgia, and xenophobia, organizations like ACT for America and AFLC have thrived, championing meaningless anti-foreign law bills which symbolize the right's discontent and act only as political fodder. However, the largely unproductive political discussion about Islamic law should not overshadow the serious legal discussion that must be had about the role of Islamic law in America, particularly in arbitration settings.

IV. Islamic Law and the Role of Religious Arbitration in America: A Legal Discussion

A. A Short History of Arbitration in America

Historically, American courts were viewed as the sole entities capable of delivering justice. However, as litigation became more costly and time-consuming, people began to search for quicker, more cost-effective alternatives. With Congress' passage of the 1925 Federal Arbitration Act (FAA), the popularity of arbitration as the dominant choice of alternative dispute resolution, or ADR, began to increase. Arbitration is built upon the concept of contract theory, in which two parties agree to terms in a written contract. The FAA also spells out when arbitration decisions can be vacated, such as when there are instances of coercion, fraud, or a breach of protocol.^{31; 32} "Essentially," writes Michael Broyde, a professor of law at Emory University, "by contract, two people can now choose a forum other than a court and can choose a law other than American law" to resolve their disagreements.³³ Arbitration has become especially attractive to religious communities for a variety of reasons. For example, religious communities may distrust the judgement of secular courts due to courts' lack of understanding of religious rules or concepts such as the *get*, or religious divorce, in Judaism; the *mahr*, or dowry, in Islam; or the covenant marriage in Christianity.^{34; 35} Additionally, traditional court proceedings may only be conducted in English, which may prove uncomfortable for those who prefer another language. Lastly, religious communities, like the general public, may prefer to resolve disputes in a faster, more cost-effective manner and enjoy more agency in the process.³⁶ In particular, the Jewish community has worked to establish a thorough precedent for applying religious law within the boundaries of the American legal system. *Beth din*, or rabbinical courts, can offer a helpful frame of reference when discussing how Islamic law can coexist alongside American law.

B. The Beth Din Precedent

According to Broyde, the *Beth Din* of America, the most well-known system of rabbinical courts in the U.S., has adopted five key measures to enhance its public image and ensure that it is adjudicating cases with integrity, professionalism, and effectiveness.³⁷ The measures include sophisticated rules of procedure, a formal appellate process to guarantee transparency, respect for the secular legal system, adopting principles of equity, and demonstrating dual-system fluency, meaning arbitrators understand both secular and Jewish law.³⁸ By working within the confines of the American legal system and carefully following FAA procedure, the rulings handed down by *Beth din* are more likely to be taken as legitimate by the parties involved, religious or otherwise, as well as the public. Islamic law, by comparison, lacks the long legal precedent of *Beth din*. In fact, one court case that is often raised in opposition of Islamic law is the 2010 case of *S.D. v. M.J.R.*, in which a young Moroccan woman was sexually assaulted and repeatedly raped by her husband. The husband argued that his religion permitted him to have sexual relations with his wife whenever he chose. The New Jersey judge refused to award the woman a restraining order, arguing that the husband did not act with criminal intent when raping his wife. Rather, the judge genuinely believed that the man was acting within his religion. Although this decision was later repealed and criticized by legal and religious scholars alike as a grave miscarriage of justice, this singular case is still posited as a reason to not tolerate Islamic law in America.^{39; 40}

C. Recommendations for Islamic Law

In order to ameliorate its negative public reputation and work to gain respect as a legal law form, Islamic law should seek to implement and practice the five precedents established by *Beth din*, especially when it comes to employing dual-system experts.^{41; 42} There should also be more coordination between Islamic tribunals in the U.S. as well as further discussions regarding the “*fiqh* for minorities” debate.⁴³ Islamic tribunals, as well as Jewish courts or any religious-based arbitration, should pay special attention to extending fairness and proper protections to women. Especially during divorce proceedings, women in more conservative religious communities are often vulnerable to coercion or undue duress in regards to participation in arbitration, community ostracization, or knowledge of Constitutional rights to legal representation.^{44; 45} In addition, Islamic law should only concern itself with a limited scope of civil cases and not mete out justice in criminal matters. It should also ensure that all agreements are written in a language all parties can understand and signed accordingly.^{46; 47; 48} If Islamic law can embrace these recommendations, it can no doubt establish its place in the already rich, diverse landscape of religious law in America.

V. Conclusion: Why Religious Law is Necessary in America

As discussed above, America is undergoing a rapid demographic and cultural transformation, and religious-based arbitration is perceived by many people to be a quicker, less expensive, and more flexible means of settling disputes in a way that adheres to specific faiths. The incorporation of Islamic law into the American legal sphere is neither threatening nor novel, despite the hysteria perpetuated by Islamophobic figures such as David Yerushalmi and Brigitte Gabriel, and Jewish and Christian law

can lend an important precedent. In fact, tolerating different religious laws can enrich the overall legal discourse and better integrate and moderate religious thought in America. It can also ensure that all Americans, no matter their background or faith, are exercising their right to religious freedom while benefiting from the protections of procedural due process and oversight, fairness, and equity.⁴⁹ It is clear that Islamic law, like American Muslims, has a place in this country.

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IN DEFENSE OF ATTITUDINAL HEDONISM

Dino Hadziahmetovic

Abstract: Philosophical theories of well-being tell us what is intrinsically good for a person. Theories of well-being can be divided into three basic categories: hedonist theories, desire satisfaction theories, and objective list theories. In this paper, I analyze several theories of well-being and I argue that attitudinal hedonism is the strongest and most plausible theory of well-being. I begin this paper by offering a more detailed explanation of hedonism. Next, I introduce two of the most prominent versions of hedonism, structural hedonism and attitudinal hedonism. Afterward, I advance two arguments for the superiority of attitudinal hedonism over both sensory hedonism and objective list theory (OLT). Next, I present two of the strongest objections to hedonism, Nozick's experience machine, and the problem of explanation. Finally, I conclude the essay by presenting several ways to defend attitudinal hedonism from both objections successfully.

Keywords: Hedonist theories, Desire satisfaction theories, Objective list theory, Attitudinal hedonism

I. Introduction

Philosophical theories of well-being tell us what is intrinsically good for a person.¹ Theories of well-being can be divided into three basic categories: hedonist theories, desire satisfaction theories, and objective list theories.² In this paper, I carefully analyze several theories of well-being, and I argue that attitudinal hedonism is the strongest and most plausible theory of well-being. I begin this paper by offering a more detailed explanation of hedonism. Next, I introduce two of the most prominent versions of hedonism, structural hedonism and attitudinal hedonism. Afterward, I advance two arguments for the superiority of attitudinal hedonism over both sensory hedonism and objective list theory (OLT). Next, I present two of the strongest objections to hedonism, Nozick's experience machine, and the problem of explanation. Finally, I conclude the essay by presenting several ways to defend attitudinal hedonism from both objections successfully.

II. Hedonism

Theories of well-being are intended to provide a framework to uncover how well life is going for whoever is living that life. In other words, theories of well-being focus on what makes a life good for someone, and identify if someone is living a good life.³ These theories accomplish this by identifying what components of life have intrinsic value.⁴ Hedonism is the view that pleasure and pain are the only two fundamental factors of well-being and that only pleasure has intrinsic value. According to a Hedonist, well-being consists of net pleasure, which is the total pleasure in life subtracted by total pain.⁵ Hedonists believe that pleasure increases the quality of life, while pain decreases the quality of

life. As a result, there is a positive relationship between well-being and net pleasure, as net pleasure increases, so does well-being.

Hedonism is an ancient view that can be traced back to the third and fourth century B.C.E. Epicurus, who was one of the first prominent hedonists, thought that pain is the only thing that is intrinsically bad while things that cause pleasure are intrinsically good.⁶ Moreover, hedonism is also rooted in human observation. According to psychological hedonism, there are two motivating forces in life - the pursuit of pleasure and the avoidance of pain.⁷ Jeremy Bentham introduced the first modern articulation of hedonism and Bentham's conception of hedonism is a simple one. For starters, Bentham conceptualized pleasure and pain as feelings or as sensations. According to Bentham, the more pleasure one has in their life, the better their life will be, and the more pain one has in their life, the worse it will be.⁸ Bentham didn't discriminate by types of pleasure, only by duration and intensity of pleasure. Central to Bentham's theory is that pleasure and pain are expressed and experienced in a variety of intensities and durations. For example, the pleasure from eating delicious food is transient but of high intensity. In comparison, the pleasure from reading a book is of low intensity but endures for a long period of time.⁹ John Stuart Mill was another prominent hedonist who built upon Bentham's theories. While their theories were similar in many respects, Mill introduced the important distinction between higher and lower pleasures. Higher pleasures refer to pleasures that involve the higher human capacities such as imagination, reasoning, and creativity, while lower pleasures refer to all other pleasures such as eating a meal. According to Mill, all pleasures are not made equal, and higher pleasures are worth more when calculating well-being and happiness than lower pleasures.¹⁰

When evaluating the merits of hedonism, it's important to understand the different conceptions of the nature of pleasure. There are two primary views on what the true nature of pleasure is, and the first view is that pleasure is a feeling.¹¹ According to this view, pleasure is in the same category as other feelings, such as feeling cold, hungry, or the taste of ice cream. While the feeling of pleasure may be caused by other feelings such as the taste of ice cream, the feeling of pleasure is distinct from other feelings. Conceptualizing pleasure as a feeling is central to sensory hedonism. Both Bentham and Mill advanced arguments for sensory hedonism, which is the view "that the value of a life is determined by the total amount of sensory pleasure it contains, minus the total amount of sensory pain it contains."¹² However, there are problems with conceiving pleasure as a distinctive feeling. First, it isn't obvious that pleasure is a distinct and uniform feeling. To illustrate, consider some activities that may elicit pleasure, such as working out, drinking a beer, or receiving an A on a test. While each activity resulted in some pleasure, the pleasure for each activity seems disparate, distinct, and unique. Ultimately, it doesn't seem like there is a single distinct feeling that is associated with all activities that cause pleasure.

The second view is that pleasure is an attitude. According to the attitudinal view of pleasure, pleasure is just an attitude directed towards a particular fact.¹³

In this sense, when someone is experiencing pleasure, there is always something they are experiencing pleasure about.¹⁴ To illustrate, consider the pleasure derived from eating a good meal, drinking a beer, or sitting in the sun. In these cases, the pleasure is simply an attitude directed toward the fact that you feel full, or are getting drunk, or are feeling warm. Attitudinal hedonism is a version of hedonism that conceives of pleasure as an attitude, and according to attitudinal hedonism, “what makes a life good for the one who lives it is that it contains a lot of enjoyment, or attitudinal pleasure, and relatively little disenjoyment, or attitudinal pain.”¹⁵ Moreover, Fred Feldman is a prominent attitudinal hedonist. According to Feldman, enjoyment is not a feeling; rather, enjoyment is an attitude.¹⁶ Feldman advances several different versions of attitudinal hedonism. The simplest version is intrinsic attitudinal hedonism (IAH), which is the view that the value of a person’s life is determined by the total amount of intrinsic attitudinal pleasure the person enjoys during that life.”¹⁷ A more advanced version is Veridical Intrinsic Attitudinal Hedonism (VIAH). According to VIAH, the value of life is enhanced when people are taking pleasure in true states of affairs.¹⁸ Consequently, veridical intrinsic attitudinal hedonists are sensitive to the truth of their experience, and they value pleasure that is derived from true states of affairs more than pleasure that is derived from an illusion.

In this essay, I will be defending both IAH and VIAH. In my opinion, when pleasure is interpreted as an attitude, hedonism has greater explanatory power, flexibility, and compatibility. Interpreting pleasure as an attitude rather than a feeling is essential for hedonism to overcome some of the objections I will discuss in section 2. For example, the attitudinal view helps explain how pleasure can be derived from objectively painful experiences. Therefore, interpreting pleasure as an attitude is necessary for hedonism to be the most plausible conception of well-being.

III. Arguments for Attitudinal Hedonism

As stated in the introduction, theories of well-being are intended to provide a framework to uncover how well life is going for whoever is living that life. For this reason, attitudinal hedonism is superior to other versions of hedonism and objective-list theories. Attitudinal hedonism is the strongest theory of well-being because it is the most ubiquitous theory of well-being. According to sensory hedonism, we can determine whether a life is being well lived and to what extent by analyzing the net quantity of sensory pleasure it contains.¹⁹ In this sense, sensory hedonists argue that happiness can be calculated by subtracting sensory displeasure from sensory pleasure. Sensory hedonists believe that happiness increases as the ratio of sensory pleasure to sensory displeasure increases. At first glance, sensory hedonism may seem compelling. For starters, sensory hedonism is the simplest version of hedonism. This view relies on a familiar concept that underlies the actions of most creatures on earth. The pursuit of sensory pleasure and avoidance of sensory pain is widely prevalent and can be easily observed in the behaviors of all creatures in the animal kingdom. However, sensory hedonism faces a fundamental problem: sensory hedonism is too rigid to account for atypical cases that deviate from the sensory model of pleasure.

First, consider the story of Stoicus. Stoicus is a character that has experienced a life of intense sensory pleasure but still desires a peaceful and quiet life.²⁰ Stoicus desires peace and quiet as ends in themselves and prefers not to have any sensory pleasure in his life.²¹ Now suppose Stoicus got exactly what he desired. Since Stoicus' life is void of sensory pleasure, a sensory hedonist would be committed to the belief that Stoicus' life is not a good life. However, this seems absurd. Stoicus' tranquil and serene life is a good life for Stoicus because it's a life that is consistent with Stoicus' attitudes regarding pleasure. As a result, there exist scenarios where a life could be good for the person living it even if that life contains no sensory pleasure. Therefore, the Stoicus counterexample is a poignant objection to sensory hedonism. Second, consider the anecdotal evidence surrounding childbirth. Women often describe the process of giving birth as one of the most painful ordeals of their lives. If we take for granted that most women are telling the truth, then we can safely assume that the action of delivering a child contains significantly more sensory pain than sensory pleasure. However, many women insist that while giving birth was painful; it was also one of the greatest, happiest, and most important moments in their lives. Finally, my last example comes from my own life experience. I, like many others, enjoy eating spicy foods. However, when I'm eating spicy food, I'm experiencing more sensory pain than pleasure. If sensory hedonism was correct, then eating spicy foods wouldn't be pleasurable or lead to happiness. However, this is inconsistent with the behavior of millions of people on earth.

Ultimately, atypical cases demonstrate that how happy someone is at a time depends on their attitude towards the things that are happening at that particular time, and "not merely upon how much pleasure or pain [they] are feeling at that time."²² Furthermore, atypical cases demonstrate that sensory hedonism is too rigid; pleasure is not an objective concept that can be neatly defined. While most people enjoy sensory pleasures, many others do not. Ultimately, what pleasure consists of depends on the individual. Attitudinal hedonism can account for atypical cases, while sensory hedonism is incompatible with atypical cases. Therefore, attitudinal hedonism is a stronger theory of well-being than sensory hedonism.

Furthermore, attitudinal hedonism is superior to objective list theories (OLT) for a similar reason. OLT differs from hedonism or desire satisfaction theories in that well-being consists of more than just pleasure or desire satisfaction.²³ For OLT, pleasure is not the sole intrinsic good. Virtue, friendship,²⁴ knowledge, desire, and autonomy are some of the most common intrinsic good candidates in OLT. However, there are two compelling reasons to doubt that anything except for pleasure is a fundamental intrinsic good. The first reason comes from the argument of atypical cases, and the second reason comes from the two lives test.

According to my atypical case test, if there is a plausible atypical case that demonstrates X does not contribute to well-being and or even diminishes happiness, then X is likely not an intrinsic good. Consider the following atypical cases. Person A is an extreme introvert who lives in complete isolation. However, Person A desires this life. For them, close relationships and friendships

cause anxiety or some other negative emotion. For person A, friendship and close relationships cause great psychological distress, while isolation makes them feel calm and happy. Moreover, Person B is a sociopath who lives an unethical life. However, Person B prefers the unscrupulous life. Person B enjoys lying, conniving, deceiving, and stealing. If we evaluated their lives on the basis of objective list theory, we would come to an incorrect conclusion about how well their respective lives are going for them. OLT would conclude that Person A and person B are not maximizing their well-being because their lives lack friendship and virtue, respectively. However, the opposite is true. Since these two people happen to be pleased with their lives, lives of isolation and vice have a positive effect on their well-being rather than a negative effect. In comparison, the attitudinal framework successfully explains why Person A and Person B feel a sense of well being while living their respective lives of isolation and vice. According to attitudinal hedonism, the life of isolation is good for Person A, and the life of vice is good for Person B because they have a positive attitude towards isolation and vice, respectively. We call these cases atypical, but the fact is there are millions of people in the world who are similar to Person A and Person B. Ultimately, atypical cases undermine the notion that friendship, knowledge, or virtue are intrinsically valuable and reinforce the idea that pleasure is the only obvious universal good.

The second reason to doubt many of the components in OLT comes from the two lives test. As a reminder, the purpose of a theory of well-being is to identify what is intrinsically good for a person, and Bradley introduces two tests for determining whether a good qualifies as an intrinsic good. The first is the two lives test. To apply the two lives test, you must first imagine two lives that are identical in every way except with respect to some component X. For example, life A is identical to life B in every possible way except that life A has component X while life B lacks component X.²⁵ Bradley argues that if life A appears to be obviously superior to life B, then there is reason to believe that X is an intrinsic good and a fundamental component of well-being.²⁶ Out of all the main components of OLT, pleasure is the only one that passes the two lives test with flying colors. With all else being equal, a life with pleasure is obviously preferable to an identical life without pleasure. Therefore, we can be certain that pleasure is an intrinsic good, while the claim that virtue, knowledge, friendship or autonomy are intrinsic goods should at least be approached with greater skepticism.

Other than pleasure, autonomy/freedom has the strongest case to be considered an intrinsic good. However, empirical evidence is conflicting on the intrinsic value of freedom. Hedonic adaptation is the human tendency to return to our prior stable levels of happiness after major or minor positive or negative life changes. For example, evidence suggests that after some initial difficulty, inmates typically adapt to their new life and lack of freedom. This even applies to extreme cases like those in solitary confinement.²⁷ This suggests that even freedom on its own might not be intrinsically valuable. Moreover, greater freedom may have inverse effects on happiness and well-being. When freedom is interpreted as choice, Barry Schwartz argues that greater choice or variety doesn't maximize welfare and suggests that greater choice actually negatively affects well-being.²⁸ Schwartz argues that freedom of choice undermines happiness and that the wide variety of choices

available to us contributes to poor decisions, depression, anxiety, stress, and dissatisfaction.²⁹ At the very least, some empirical evidence suggests that too much freedom can have a detrimental effect on well-being. In contrast, it's not clear that too much attitudinal pleasure could even conceptually exist, nor does it seem like too much pleasure could have a detrimental effect on well-being. On the contrary, life seems to consistently get better as pleasure increases without any noticeable diminishing returns. This suggests that freedom is, at the very least, not as intimately tied or related to well-being like pleasure is. Ultimately, attitudinal hedonism is stronger than OLT for two reasons. First, OLT is not actually objective. Second, attitudinal hedonism has greater utility as a theory of well-being. OLT is too complicated because it requires us to figure out the entire list of things that are always good for us. In contrast, attitudinal hedonism allows us to measure well-being simply by observing if someone is living their version of the good life or not.

In conclusion, I advanced two tests to determine whether a good is actually an intrinsic good, and pleasure is the only candidate that convincingly passes both tests. In short, we can imagine a good life without many of the components listed in OLT like friendship, virtue, or knowledge. Moreover, I just demonstrated that certain purported 'intrinsic goods' can have a harmful effect on an individual's well-being. In contrast, I argue that this scenario is impossible with respect to attitudinal pleasure. I argue that it's impossible for someone to be living a good life if their life contains absolutely no pleasure. Moreover, pleasure is the only obvious intrinsic good. Hedonism correctly identifies that pleasure is the fundamental determinant of well-being and happiness, while OLT includes many goods with at least some of the goods not being intrinsically good. Since the purpose of a theory of well-being is to identify what is intrinsically good for a person, and pleasure is the only thing that is intrinsically good for all people, hedonism is a more successful theory of well-being than OLT.

IV. Objection #1 - Nozick's Experience Machine

The strongest and most common objection to hedonism is Nozick's experience machine. To summarize, Nozick asks us to imagine a machine that is able to produce any experience that we desired. This machine can be programmed to give anybody the most pleasurable life possible. Even though your body will just be floating in a tank, you would think that every experience is real. However, plugging into the machine would be a permanent decision. According to Nozick, if the only thing with intrinsic value was pleasure, then we would be eager to plug into the experience machine because it would provide us with the greatest possible pleasure. However, Nozick argues that most of us would elect not to plug into the machine.³⁰ Therefore, Nozick concluded that there must be other intrinsic goods besides pleasure. In my defense, I will assume that the claim that most people would choose not to plug into the machine is true. With that being said, there are still two ways a hedonist can successfully respond to this argument.

The first way is to accept Nozick's claim that plugging into the machine would provide the most pleasurable life, but provide an explanation for why most people would be inclined to reject plugging in.

Nozick and others seem to make the unwarranted assumption that human reasoning and rationality are perfect and infallible. However, we know that this is not the case. There are many possible reasons why people would not enter the machine. For starters, even if it was completely unwarranted, people might still have irrational fears about technology and the safety of the device. Also, some people might be psychologically misled and miscalculate how much better their lives would be. Some people may be too entrenched in their current ways and be too stubborn to accept the notion that their lives would contain objectively more pleasure. In addition, some people may be blinded by status quo bias, which is a psychological phenomenon that demonstrates that people have a bias preference towards their current environment and situation.³¹ Since humans have a psychological weakness for the familiar and current, it makes sense why some would be reluctant to enter a foreign environment such as the experience machine, even if it would lead to an objectively better life.

Some people may reject the experience machine because they have negative feelings of disgust toward simulated existence. Others may question the moral permissibility of entering the experience machine. This apprehension would be warranted. Entering the machine is a permanent commitment. People may reasonably believe that it would be morally impermissible to abandon their friends, family, pets, and others that rely on them. I think the most common reason for rejecting the experience machine would invoke family and close relationships. Ultimately, human irrationality and fallibility provide a plausible explanation for why most people would not enter the experience machine. For this reason, Nozick overlooked that his thought experiment is not incompatible with hedonism. Hedonism could be true, the experience machine could provide the most pleasurable life, and people still might not enter the machine for various reasons. As a result, our mere reluctance to enter the experience machine is not on its own proof that hedonism is false.

The second response is to deny the plausibility of the experience machine and argue that the experience machine is incapable of providing the most pleasurable life. Nozick's argument requires us to take for granted that the experience machine would actually be able to replicate life in the experience machine so that it was not only indistinguishable from real life, but that it would also be the most pleasurable life possible. This is a significant claim. A hedonist would strongly question if even the most sophisticated machine could perfectly mimic real life. Consider the complexity of regular interactions with friends and family. For the machine to work, fake friends and family members always have the right bodily and verbal behavior. They would always make the right facial expressions, say the right things, make the right gestures, and correctly read your emotional cues. However, it seems impossible to conceive that even the most sophisticated machine could correctly mimic the minutiae present in every interaction, not to mention every other minute detail in every possible sphere of existence. The machine would have to perfectly execute all these things for eternity so that the person inside the machine doesn't suspect that anything is awry. However, it seems inevitable that the machine will falter, and the person will realize that something isn't right. If this reasoning is correct, a veridical attitudinal hedonist can easily provide a convincing explanation for why people won't plug in.

Veridical attitudinal hedonists are sensitive to the truth of their experience; they want pleasure, but they do not want that pleasure to be derived from an illusion. Therefore, a veridical attitudinal hedonist would argue that since the value of life is enhanced when people are taking pleasure in true states of affairs, people would not plug in simply because it wouldn't be the best decision for someone to plug in.

Moreover, the machine couldn't mimic the reality component of existence, which we have good reason to believe plays a role in pleasure. Bramble argues that something can benefit or harm someone if and only if it affects the phenomenology of their experiences in some way.³² Bramble suggests that there is a significant and relevant difference between being aware of a pleasure and actually experiencing a pleasure. People would only be aware of their pleasures in the experience machine and wouldn't actually experience them. In this sense, "experiences" in the experience machine wouldn't benefit someone because it doesn't affect the phenomenology of their experiences in any way.³³ Therefore, people need to have real experiences that are connected to reality to reap the pleasure of those experiences fully. Even if this argument is flawed, Nozick's machine would be incapable of providing "the full range of the pleasures of love and friendship in the long run," which are the most intense and diverse pleasures.³⁴ Since diversity of pleasures is important to people, the notion that the experience machine would be able to provide the greatest possible pleasure is implausible. Therefore, Nozick's thought experiment doesn't successfully undermine the Hedonism claim that pleasure is the only thing with intrinsic value.

V. Objection #2 - Explanatory Burden

The second strongest objection to hedonism comes in the form of an explanatory burden. Many people would say that friendship, satisfying desires, family, and knowledge contribute to well-being. Objectors will use this observation to argue that hedonism has an explanatory burden. An objector may argue that a good life consists of more than just pleasurable experiences. They may say that while pleasure and pleasurable experiences are important, they are just one aspect of a good life. I argue that while these other candidates seem like intrinsic goods, they are simply instrumental goods. These other goods can be explained in terms of pleasure, while pleasure can't be explained in any other terms. In the broadest sense, hedonism identifies pleasure as the fundamental source of value.³⁵ I argue that if anything has intrinsic value, it must be pleasure. Reflecting on the very nature of pleasure leaves little doubt that pleasure is valuable for its own sake.³⁶ For example, people take action and calculate decisions based on what they consciously or subconsciously believe will maximize their pleasure.³⁷ Most notably, the value of other things is generally explained by or in terms of pleasure. In contrast, the value of pleasure can't be explained or accounted for by other purported intrinsic goods such as knowledge or virtue.

However, it's important to note that pursuing pleasure is not the most effective way to maximize pleasure. According to the paradox of hedonism, directly pursuing pleasure has a detrimental effect on happiness.³⁸ This may be because we are bad at predicting what will actually make us happy or because

living in the moment and letting pleasure and happiness come organically is a more effective method for achieving happiness than actively pursuing manufactured pleasure itself. Regardless, for the vast majority of people, OLT identifies many of the goods that provide them with the most pleasure. For many people, it most likely is the case that knowledge, virtue, autonomy, close relationships, and satisfying desires are vital components of the good life. However, friendship, knowledge, and the other candidates do not need to be intrinsically valuable to account for why they often seem incredibly important for well-being. These other components of well-being seem intrinsically valuable because they are instrumentally valuable and are most closely related to pleasure. I think many of the components of OLT are the largest contributors to pleasure, which is the only obvious universal fundamental good. I believe many of us have similar instrumental goods because we are all the same species. I think close relationships, exercise, and the utilization of our higher mental capacities are likely to provide us with pleasure because they relate to our natural function. Ultimately, all these other goods are only instrumentally valuable because they directly contribute to pleasure and can be accounted for in terms of pleasure.

VI. Conclusion

In this paper I argued that attitudinal hedonism is the most plausible theory of well-being. Attitudinal hedonism is superior to sensory hedonism because sensory hedonism is too rigid to account for atypical cases. Since theories of well-being should be as broadly applicable as possible, interpreting pleasure as an attitude is necessary for hedonism to be the most plausible conception of well-being. In addition, attitudinal hedonism is stronger than objective list theory because objective list theory is not actually objective. An actual objective list of well-being would contain only intrinsic goods that are intrinsically good for everyone. However, pleasure is the only intrinsic good that we can certainly identify as being intrinsically good for everyone. Furthermore, I demonstrated that there are two distinct ways an attitudinal hedonist can successfully overcome Nozick's experience machine and that a hedonist can successfully respond to the explanatory burden posed by objectors.

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REVIEW OF LAURENT DUBOIS, AVENGERS OF THE NEW WORLD: THE STORY OF THE HAITIAN REVOLUTION

Joe Thomas

Abstract: The following book review is concerned with Laurent Dubois “Avengers of the Free World.” The book combines a stirring recounting of the Haitian revolutions with a deep reflection on the long-term impacts of the first successful slave revolt in North American history. My review unpacks the themes of black autonomy, revolution, and 18th century political radicalism that Dubois touches on and demonstrates the evidence and analysis that went into reaching these conclusions.

Keywords: Haitian Revolution, Slavery, Black autonomy, Planter class, French Republic, Systematic inequality, Haitian slavery

In *Avengers of the New World*, Dr. Dubois distills the complex legacy of the Haitian revolution into two powerful theses. First, the Revolution was a process primarily driven by the mass of ordinary slaves and their individual demands and anxieties. Second, the result of this tumult was a unique ideological ferment that would inspire slave societies of the Western Hemisphere. This legacy carries forward to the modern day. The descendants of these slaves are exercising their revolutionary powers and proving that revolutionary ideals are not the sole preserve of the historical white bourgeoisie.

In writing the book, DuBois relies on a variety of sources that includes diaries, journals, letters, plantation reports, meeting notes, newspapers, novels, and second-hand eyewitness accounts. Particularly interesting is the use of folk tales and songs to parse out the beliefs of the silent majority of Haitian freedmen who could not write.

Laurent Dubois weaves a theme of black autonomy and initiative throughout the book. Dubois documents the small acts of resistance and negotiation that slaves commanded. On page 48, he recounts the practice of abortions and the farming of small garden plots as a subtle form of sexual and economic resistance. On a more radical note, Dubois describes the practice of “mass *marronage*”: the rather frequent act of slaves abandoning the plantation to protest injustices. The aim of this exploration is to provide context to the revolution that followed. Context is the bread and butter of historians and Dubois’ description and analysis of pre-revolutionary Haiti builds a strong foundation for the rest of the book. He breaks down the race hierarchies, economic conditions and regional quirks of Haitian society that would frame the conflicts of the next decade. For readers who wish to truly

understand the social roots of the Revolutions, Dubois offers a comprehensive analysis. In The theme of black initiative is carried into the description of the revolution as well. From the start, the slaves are the focus. The slave revolt forced the white planter class into a reactive role where they had to accommodate the force of rebel armies. They agreed to share political power with the free persons of color in return for an alliance against the slave armies. However, enough gens-de-couleur switched sides to make the point moot. At the same time, the goals of the slaves themselves transitioned from reform under the banner of King Louis XVI to the total abolition of slavery under the auspices of the French Republic. On the micro-level, Dubois takes care to point out the takeover of plantations by slaves and the emergence of a new generation of black generals and political elites like Toussaint Louverture, Moïse, Rigaud and several others. Dubois narrates the revolution in a way that makes clear the strength of newly freed slaves in determining national destiny. Time and time again, it is newly freed slaves who form the core of armies led by planters, the French Republic and factions within the Revolution. Movements are forced to accommodate and answer the anxieties of Haitian slaves in order to proceed at all. In this way, the slaves of Haiti set the pace and the tenor of revolution and counter-revolution on the Island.

The culmination of this Black initiative is the formulation of a unique society based entirely on freed slaves. Dubois painstakingly constructs an image of revolutionary ferment. Freed Haitian slaves rejected the plantation economy that defined the Atlantic world and “cultivated small plots of land, growing crops for their families and to sell at the markets. They raised chickens, pigs, and cows, often grazing them in abandoned cane fields” (Dubois 2004, 230). By 1797, a Haitian Black representative by the name of Laveaux and his allies succeeded in passing a citizenship law that granted freed slaves the status of citizen. By this action, the Haitian revolutionaries rejected the trans-Atlantic conception of blacks as property for a bold vision of the Black individual as a citizen cultivator and military defender of the Island. By highlighting these actions, Dubois displays the intellectual power of the Haitian Revolution’s ideals. Haitian blacks were more than slaves or copycats; they took the white bourgeois conception of natural rights and used it to destroy systems of slavery and create an entirely new identity. The shockwaves of a Black republic travelled as far as South Carolina and Brazil, providing a vision to slave revolutionaries across the Americas of what an African could be. In narrating the Haitian Revolution, Dubois makes clear the tremendous impact these men and women had in disrupting the intellectual conceptions of North American planter elites and pushing the limits of revolution.

Dubois’ theses speak powerfully to a new generation of revolutionaries who are taking to the streets to protest systematic inequality and police brutality. Dubois’ analysis of pre revolutionary Haiti allows us to better understand the cultural spaces oppressed groups like African Americans create to ferment revolution long before the event. Modern movements like Black Lives Matter have already begun building local coalitions that are pushing through legislation. More than that, however, Dubois’ theses show that such movements can become the driving force in a national political scene dominated by elites through mass participation and aggressive activism. Above all, however, Dubois’ book proves that

revolutions may come at the hands of the inner-city black teenager just as much as the 18th century intellectual. The modern conception of revolution remains fixated on the bourgeois revolutions of America and France. In narrating the Haitian revolution, Dubois shifts the onus of revolutionary responsibility from bourgeois white elites to freed slaves. African Americans and other minorities today have the power to redefine our conceptions of liberty, society, equality, and policing. In their attempts to create a new society, they continue the legacy of Haitian revolutionaries in correcting the historical injustices of the Americas and becoming Avengers of the New World.

CALLING OUT COMPLICITY: AN ANALYSIS OF THE EAST TIMOR GENOCIDE AND INTERNATIONAL INVOLVEMENT

Monica Orillo

Abstract: The conflict in East Timor between the 1970s to 1990s has been widely referred to as a prime example of how peace and security can be obtained after mass violence has occurred. Conflict in East Timor was initiated after the Portuguese left, when Indonesian military forces annexed the country in 1975 under the guise of post-colonial unity. While pursuing territorial expansion, the Indonesian military attempted to make an example of East Timor to discourage other pro-independence movements from various ethnic groups within Indonesia. Fretilin armed forces, originating from a movement for East Timorese independence, were attacked in a “political cleansing” of Communists. Targeted mass killings of Fretilin resistance fighters and their supporters then turned into indiscriminate violence against East Timorese civilians as well as ethnic Chinese migrants; these mass killings have come to be known as the East Timor genocide, a term that has faced some dispute. Acting out of geopolitical and economic interests, the United States and Australia offered military aid to Indonesia to protect their relationships with the prominent Southeast Asian country and in support of the anti-Communist nature of the Indonesian military’s mission. Violence against civilians continued until international media attention garnered enough public pressure to force humanitarian aid and United Nations peacekeeping forces to be sent in to offer relief and protection. Today, the violence that occurred in East Timor prompts us to reconsider the narrow definition of genocide and reflect upon what it takes for the international community to intervene in conflicts where crimes against humanity are committed.

Keywords: East Timor, Communists, Post- colonialism, Genocide, Peacekeeping, Crimes against humanity

I. Introduction

The conflict in East Timor during its 24-year occupation period (1975-1999) by Indonesian military forces, also known as the East Timor genocide, is considered a prime example of how peace can be achieved after a period of mass violence in the field of peace and conflict studies. In an attempt to better understand the conflict in East Timor, this paper seeks to analyze the political motivations behind the Indonesian military’s attacks in East Timor and take a brief look at some of the discourse used to contemporaneously justify the conflict. Following a description of the East Timor conflict itself, this paper will explore the role of media and the international community, particularly the USA and Australia. It will also look at the peace-building process, including the discussion on the classification

of the war crimes committed in East Timor as genocidal. Although the status of the East Timor conflict as a genocide is disputed by some, it can be argued that this is primarily due to the narrow definition of genocide accepted by the international community, which sometimes fails to both identify and interfere in conflicts bearing the characteristics of genocide.

II. The History of the East Timor Genocide

The island of Timor was initially colonized in 1520 by the Portuguese. The Dutch, who had arrived in Indonesia in 1595, took over the western side of Timor in 1613. After a brief interlude of British control in 1812-15 and a fight over territory between the Dutch and Portuguese colonial powers, treaties in 1860 and 1893 split the island in half with the Dutch taking the western side and the Portuguese gaining control of the eastern side.¹ This difference in colonization was later used as one of the justifications for Indonesia's invasion of East Timor.

While the Japanese occupied Timor during the Second World War, East Timor remained a Portuguese colony until the Fretilin party, known in English as the "*Revolutionary Front for an Independent East Timor*," took over East Timor and declared its independence in 1975, hoping that recognition as a sovereign state would protect East Timor under UN laws.² At this point, Indonesian military forces invaded East Timor and declared it a province of Indonesia.

The period of Indonesian control from 1975-1999 was marked by extreme violence and crimes against humanity. While Indonesian military forces had initially targeted the armed resistance groups associated with the Fretilin party, targeted killings turned into indiscriminate mass violence against East Timorese civilians, regardless of political affiliation. In 2005, the UN-sponsored Commission for Reception, Truth, and Reconciliation Timor-Leste (CAVR) reported that in a series of massacres, forced starvation policies, and executions and disappearances, an estimated number of at least 120,000 and up to 200,000 East Timorese were killed by Indonesian forces.³ This comprised up to a fifth of the entire country's population. In addition, the Commission found that thousands of East Timorese who survived the annexation of East Timor by Indonesia were sent to "resettlement camps," where they were subjected to forced labor under conditions that were not intended to ensure human survival.⁴ The report also outlined the violence committed by Fretilin forces against detainees held in their camps.

The military operations and attacks on the East Timorese that were particularly violent included *Operation Security*, which was launched in May 1981. Indonesian forces employed a method known as *pagar betis*, or "the fence of legs," where captured East Timorese men were forced to march as a shield in front of Indonesian troops during an attack on Fretilin military forces.⁵ In 1991, the Santa Cruz massacre resulted in the deaths of 273 peaceful protestors during a funeral procession, garnering international attention. Hundreds more men, women, and children were tortured and killed when *Operation Annihilation* was conducted in response to Fretilin attacks in 1997.⁶ Throughout the attacks

on the East Timorese, many were forcibly relocated, and there were reports of Indonesians transmigrating into East Timor to take over the territory.

The violence of the occupying forces was also not limited to the East Timorese, as exemplified with Operation Komodo, wherein the Indonesian military "exploited fears of Communism to push for the annexation of East Timor...going so far as to allege that ethnic Chinese Communists [from Indonesia]...had relocated to East Timor to use the territory as a launching pad for further destabilization of Indonesia."⁷ As a result of anti-Communist rhetoric and pre-existing ethnic tensions, ethnic Chinese civilians also became victims of violence, despite some in reality having supported the Indonesian occupation.

The torture of women and sexual violence were especially prominent among the human rights atrocities that were reported by East Timorese survivors, clergy members, aid workers, and later found in UN investigations. East Timorese women, many of whom were accused of being affiliated with or related to Fretilin members, were subjected to widespread rape, sexual slavery, forced sterilization, forced consumption of birth control, genital mutilation, physical and psychological torture, and murder.⁸

Following rhetoric that the Timorese were "infected" with Fretilin and had to be "exterminated," children who were over the age of three were also killed in attacks, most prominently in the 1976 massacres in Remexio and Aileu; one particularly jarring testimony claimed that children were sometimes killed by having their heads smashed against rocks.⁹ The atrocities committed were later grounds for the argument that the conflict in East Timor constituted a genocide.

Two decades of violence ended only after much international pressure, and on August 30, 1999, the Indonesian government allowed for a referendum for independence.¹⁰ The East Timorese voted for independence with a 90% voter turnout, prompting the Indonesian military to respond with a 'scorched earth' strategy to destroy East Timorese land until UN peacekeeping forces finally intervened in September 1998.¹¹

III. Motivations and Justifications

A. Indonesia

When the question of East Timor independence arose after the departure of the Portuguese, there were three possible outcomes for East Timor's post-colonial status: "independence, autonomous association with Portugal, or integration with Indonesia."¹² With the opening of this possibility, the Indonesian government's decision to occupy East Timor was made out of an interest in expanding Indonesian territory while simultaneously claiming that doing so was necessary to maintain its internal sovereignty. The military leaders of President Suharto's regime "thought an independent East Timor would destabilize their country by sparking desires for independence among discontented ethnic

groups on nearby Indonesian islands such as Ambon."¹³ This concern of public sentiment leaning towards independence contributed to the Indonesian military forces' goal of wiping out entirely all East Timorese who were members of or otherwise affiliated with the Fretilin political group. Not only were the Fretilin an armed opposition group, but their political mission to seek East Timorese independence was seen as a risk to the internal political stability of the diverse and large country of Indonesia. However, it is important to note that the violence committed by Indonesian military forces in East Timor was not confined to warfare against armed combatants; civilians were among many of the casualties of the war, even those who were not affiliated with Fretilin. Moreover, the reports of Indonesians migrating into East Timor suggest that a key motivation for annexing East Timor was the expansion of Indonesian territory and not only the supposed need to quell potential independence movements in the region.

A separate, smaller political party in East Timor, the Apodeti (short for the Timorese Popular Democratic Association), was in support of the annexation of East Timor into Indonesia. One of the arguments used by the pro-annexation parties was the idea of post-colonial unity within the Indonesian archipelago after years of being divided amongst various European powers. In one 1977 booklet published by the Indonesian government,¹⁴ Apodeti was described as the true voice of the East Timorese people, thus lending legitimacy to Indonesia's pro-annexation narrative. However, this did not help against the indiscriminate violence in East Timor by the Indonesian military, who reportedly simply shot people down during massacres even when the victims tried to identify themselves as Apodeti and not Fretilin members.

Pre-existing economic concerns and prejudices against the ethnic Chinese in Indonesia also helped to fuel the targeted violence against them in East Timor. Some of these tensions were rooted in mass killings in Indonesia from 1965-66, in which the Indonesian military aggressively demonized and sought to root out Communists. The killings ensured a lack of political opposition when Suharto's presidency, characterized by staunch anti-Communist policies, began in 1967 via coup.¹⁵ At that time, "ethnic Chinese were...[also] targeted, in some cases due to their mother country's Communism, and others for localized, economic reasons."¹⁶ The targeting of ethnic Chinese in 1965 set the precedent for further violence when the Indonesian military occupied East Timor. While the exact number of Chinese victims of violence in East Timor is unknown, the ethnic Chinese community in East Timor decreased from a population of 20,000 to just a few thousand after the conflict.¹⁷

An additional, albeit more minor part of the justification for the conflict was religious sentiment. Prior to invading and occupying East Timor, "Indonesian forces had been told...that they were fighting Communists in the cause of Jihad (Holy War), just as they had done in Indonesia in 1965."¹⁸ The Timorese were also presented as "backward, primitive, almost sub-human."¹⁹ In a move towards de-identification, the Indonesian military promoted propaganda that "othered" and de-humanized the East Timorese,

encouraging the young men who carried out the attacks to adopt a mentality that they were engaged in a process of political cleansing to weed out those who were religiously 'unclean'. This use of the Islamic term jihad to describe the killings provided a religious framework wherein violence could be justified by the perpetrators. Islam itself was not the cause for the conflict, but the use of such familiar terminology helped the perpetrators frame the conflict as one that was religious in nature.²⁰ That said, the religious discourse surrounding the conflict was not the primary justification for the actions taken by the Indonesian forces. The genocide was more politically motivated.

The targeting of those labeled as Communist was not only the only continuity between the killings in Indonesia and the genocide in East Timor. After the Communist killings in Indonesia from 1965-1966, "The army thoroughly penetrated all levels of government across Indonesia, allowing it to quickly snuff out any political challengers and to exercise complete control over policy. Thus, many of the same officers who presided over the Killings were still in positions of power in 1974, at the beginning of Indonesia's next episode of mass killing"²¹ — the genocide in East Timor. The lack of persecution of the military officials who propagated the Communist killings "allowed genocidaires to retain power and reinforced their belief in the acceptability and effectiveness of genocidal tactics."²² In fact, these repeat offenders in some cases were not only left unpunished by the international community, but they were also actively supported.

B. U.S. and Australian Involvement

The U.S. government was less concerned with the violation of human rights taking place in East Timor than with the status of its relationship with Indonesia as a significant potential partner in the Southeast Asian region. In a series of declassified U.S. and British military documents that were investigated by the Commission for Reception, Truth, and Reconciliation (CAVR) from 2001, it was found that "Washington realized Indonesia's intention of taking East Timor by force far earlier than previously recognized, was aware of — and discounted or suppressed — credible reports of ongoing Indonesian atrocities from 1975 to 1983, turned a blind eye to the extensive use of U.S. weapons in East Timor, and through 1999 viewed the crisis in East Timor primarily as a distraction from its priority of maintaining close relations with the Indonesian government and armed forces."²³ The CAVR report also found that President Gerald Ford and Secretary of State Henry Kissinger actively pushed for a culture of silence surrounding the violence in Indonesia. One example consists of Kissinger allegedly scolding aides for creating a U.S. State Department cable on Indonesia's use of U.S. arms in East Timor over fears that "it will go to Congress...and then we will have hearings on it."²⁴ Despite the voiced concerns of the East Timorese civilians and Portuguese Catholic clergy who had witnessed violence and sent reports abroad, few moves were made to send in relief or humanitarian aid to East Timor.²⁵ Further evidence that the U.S. government was aware of the level of violence that was being committed in East Timor can be found in the U.S. Department of State's language referring to the Indonesian military operations as the country's "'Final Solution' for East Timor,"²⁶ echoing Adolf Hitler's terminology for the concentration camp system established by the Nazi regime in the Second World War.

The involvement of the West, particularly the United States, was not limited to ‘turning a blind eye,’ as was common in media reports on the crisis. Prior to the annexation of East Timor, the U.S. sent US\$104 million of military aid to Indonesia from 1967-1975; the occupation of East Timor did not impact American military assistance to the occupying Indonesian forces.²⁷ Rather, the U.S. actively supported the Indonesian military throughout the Ford and Carter administrations, giving the occupation not only its approval, but also the support of approximately US\$51.9 million in military aid in 1977 and US\$112 million in weapons sales in 1978.²⁸ It was expected that the aid would be used to set up a military administrative structure in East Timor similar to Indonesia’s other provinces, while also crushing Communist Fretilin rebels. Among the equipment sold to the Indonesian forces were OV-10F Bronco aircraft, which were later used specifically for napalm bombings on agricultural areas and for targeting villages identified as Fretilin supporters or strongholds.²⁹ Despite having been aware of the crisis on the ground earlier, the U.S. did not send disaster assistance until 1979,³⁰ and even then, it failed to take more substantial action against the violence that continued well into the 1990s. Thus, U.S. foreign policy was marked not only by a failure to offer timely humanitarian aid or interfere in the face of a human rights crisis, but also by the active support for the perpetrators of mass violence.

Reasons for the United States’ support of the Indonesian military can be found in the historical context of the Cold War. The Suharto regime, having supported the mass killings of Communists in Indonesia, had established itself as an anti-Communist ally in the region.³¹ Geo-political concerns over the spread of communist ideology was enough for the U.S. to initially disregard the plight of the East Timorese and seek the alliance of Indonesia. U.S. foreign policy was motivated in part by anti-Communist sentiment as well as the initial assumption that the Indonesian annexation of East Timor would not be as violent as it turned out in the end.

Australia’s foreign policy was similar to that of the United States. The two Western countries’ support for an anti-Communist Indonesia turned into a failure to help enforce the protections of human rights in East Timor:

The United States and Australia—the two countries most invested in the situation (for geostrategic and economic reasons, respectively)—had come down in favor of an Indonesian annexation: the US to oppose the left-wing leanings of Fretilin and protect deep-water passages in the Timor Sea for its nuclear submarines and Australia in large part to protect oil exploration agreements and other economic ties. As one Australian official put it, “The plain fact is that there are only 700,000 Timorese; what we are really concerned about is our relationship with 130,000,000 Indonesians.”³²

Like the U.S., Australia was also active in providing support to the Indonesians, providing aid, mostly in the form of military equipment, from 1972-78.³³ Australian political conservatives in particular were especially supportive of Indonesia for its anti-Communist stance.³⁴ For the Australians, economic reasons also motivated their support for and silence on Indonesia’s actions; at the end of the conflict, Australia

obtained access to 10% of the proceeds from oil and gas production in the Timor Sea while East Timor was given the remaining 90% to help sustain its economy.³⁵

For both the U.S. and Australia, realpolitik and self-interests were the primary motivations for their foreign policies towards Indonesia. These political and economic concerns were prioritized at the high cost of human rights, despite the fact that “evidence even suggested that US opposition to the invasion of East Timor through a cutoff of military funding to Indonesia would have resulted in minimal damage to bilateral relations.”³⁶ As a result of some countries’ active support for the Indonesian military and other countries’ reluctance to interfere, the overall international community ultimately failed to protect human rights in the early years of the conflict.

IV. International Media

It is worth noting the role of the media in convincing the international community to intervene in the violence in East Timor and send humanitarian aid. It was only after public pressure grew that a military embargo on weapons from the U.S. was set in place and the Indonesian government was driven to hold the referendum on East Timorese independence. There were some activist groups, such as the East Timor Action Network (ETAN), that lobbied for American intervention on behalf of the East Timorese and protested against the support of President Ford and Secretary of State Kissinger of Indonesian occupation.³⁷ Such NGOs were actively involved in the peace building process in East Timor. ETAN in particular was active in advocating for legislative action on the arms deals between the United States and Indonesia.

Other prominent examples of public attention was a 1978 analysis written by academic Arnold Kohen from the Cornell-Ithaca East Timor Defense Committee, which reported on food shortages, Indonesian military offensives, and the complicity of the U.S. Kohen’s report was later used in a book by Noam Chomsky; as the book and the report gained attention in university and academic circles, in part because of Chomsky’s renown, the report also gained attention from the wider public.³⁸ Kohen’s report helped build a “structure of legitimacy” in the understanding of the East Timor crisis as a “humanitarian catastrophe” in public and political discourse.³⁹

This narrative of a humanitarian crisis created public relations problems for both the U.S. and Australia, with the public widely criticizing what was then perceived to be simply a bystander approach. When the U.S. eventually got over its reluctance to admit an ongoing humanitarian crisis in East Timor, an internal Department of State report stated that “It was not until the spring of 1979 that the Government of Indonesia felt East Timor to be secure enough to permit foreign visitors,”⁴⁰ emphasizing that the responsibility of the shipment of aid to East Timor was on the Indonesian government. In other words, the U.S. argued that it had been unable to send in aid until it was allowed by the Indonesians, who also desired that they receive credit for any aid coming into East Timor.

Australia took a similar approach in shifting the responsibility for the humanitarian crisis away from Indonesia and Australia. Together with the Indonesian government, the Australian Embassy to Indonesia issued a statement in 1978 explaining that the famine in East Timor was the fault of pre-existing poverty conditions, drought, and a lack of infrastructure that had persisted since the days of Portuguese colonization, and was no fault of the actions of the Indonesian government; this explanation left out the Indonesian military government's slash-and-burn attacks on East Timorese agricultural areas and starvation policies in the resettlement camps.⁴¹ With this statement, the Australian government attempted to absolve itself of responsibility in the East Timor crisis. Only later in 1979 did the Australian Department of Foreign Affairs admit that media criticism of the situation added to the "strong public pressure on the Government to increase its aid contribution," which it eventually did by sending money for famine relief.⁴²

Overall, international attention was a significant contributor to the Indonesian government's decision to hold a vote on independence. When Indonesian military forces responded with violence after the referendum, it was once again due to the reports of journalists on the ground that public pressure was placed on the United Nations to intervene in 1998.

V. Aftermath of the Conflict

Upon the exit of Indonesian forces from East Timor, East Timor went under the protection of the United Nations until 2002.⁴³ Among the key players of the peace-building period were the UN Transitional Administration in East Timor (UNTAET) and the peacekeeping force International Force East Timor (INTERFET). The success of the peace-building attempts would be measured by "legitimacy of the mission in the first place, the achievement of the stated mandate and the mission's contribution to enduring peace."⁴⁴

The results of the peace-building process in East Timor, while overall generally successful, are mixed. The UNTAET's legitimacy among the international community was widely accepted, but there were notable struggles in including and consulting with general the East Timor public in the democracy-building process, and not just the East Timorese elite, who were oftentimes members of the diaspora and thus considered by some to be semi-outsiders.⁴⁵ In addition, "there was in reality very little delivery of justice for the victims of crimes against humanity in 1999...Once Timor-Leste gained independence, the *realpolitik* of its relationship with Indonesia meant that it would be hard to pursue this issue bilaterally,"⁴⁶ if it were not to be done through the international courts. While the necessity of maintaining peaceful relations with Indonesia was understandable to ensure East Timorese independence, the lack of retributive justice for those who were subjected to mass violence is a notable failure of the peace-keeping mission.

That said, it can be argued that the mandate to achieve peace and security was generally achieved once an end to extreme violence was reached and resources were sent to help stabilize the country.

Although the early years of East Timorese independence were marred by riots and political unrest in 2002, 2006, and 2008,⁴⁷ the country successfully avoided the level of mass violence that had taken place during the Indonesian occupation. In terms of security and stability, East Timor has since recovered from the period of intense violence and is widely considered a successful case of peace building after conflict.

One remaining point of contention is the question of whether the conflict in East Timor constitutes a genocide. While the international media widely referred to the violence in East Timor that occurred after the referendum for independence as a genocide, the atrocities in East Timor were not a genocide as it is legally defined under the Geneva Convention.⁴⁸ Thus, another failure on the part of the international community is identified, wherein academia and international law were unable to categorize clear crimes against humanity according to their correct label.

The violence committed against East Timorese civilians beginning in 1975 was characterized by the Indonesian military's intention to conduct that targeted elimination of a group using the tactics that typically comprise a genocide. These included the mass killings, rapes, torture, kidnappings, destruction of villages and land, and relocation that had been forced upon the victims. However, the East Timor conflict was not labeled as a genocide under international law because "the targets of the violence [did] not constitute a recognized group under the *Genocide Convention*," with the exception of the ethnic Chinese victims who were also targeted.⁴⁹ Some scholars argue that the violence in East Timor would count as a genocide if the definition were expanded from the elimination of ethnic groups to include political genocide (also called 'politicide') or cultural genocide, which are not yet defined in international law.⁵⁰ While these are harder to define, it would allow for cases of violence such as those in East Timor to be recognized as the crimes they are. The law must reflect its status of genocide in order for justice to be achieved.

VI. Conclusion

The violence in East Timor was characterized in large part by indiscriminate killings of East Timorese civilians, violence against women, and the targeting of ethnic Chinese. The motivations behind Indonesia's annexation of East Timor, while complicated, can be simplified to both territorial expansion and the desire of the military government to remove threats of political instability in and around Indonesia. In their attempt to achieve internal stability, however, the violent nature of Indonesia's occupation of East Timor achieved just the opposite.

The successes and failings of the international community, in particular the United Nations, the United States, and Australia are also called into question. While the UN's intervention altogether helped achieve peace in the region and led to East Timor's full independence, major players of the UN Security Council, such as the U.S., and other Western countries, such as Australia, were found to also be

perpetrators and dispassionate bystanders in the East Timor genocide.

The lessons of the conflict can be derived from these approaches of the international community towards East Timor, particularly in terms of the necessity of public pressure in generating international intervention when crimes against humanity are witnessed. The latter half of 20th century, even after the Holocaust in Nazi Germany, was marked with widespread violence and multiple genocides, including those that were committed in Rwanda, Cambodia, Srebrenica, and, as argued here, East Timor. Some of these crises were responded to with more urgency on the part of the international community than others. The role of media in creating public pressure that is then translated into intervention is one element that can help scholars and policymakers better understand what it takes to counter future genocidal efforts.

Another lesson that can be taken from the aftermath of the East Timor conflict is the role of international legal definitions in determining how such crimes against humanity are to be regarded and addressed. The debate over whether the definition of genocide under the Geneva Convention should be expanded to include such events as the crimes that occurred in East Timor is a complicated one. It is worth giving thought to the role of academics and lawmakers in labelling serious crimes according to their true nature. Without a broader definition of groups that can be subjected to genocide, the perpetrators of violence in East Timor and in other cases of political or cultural genocide will not be fully prosecuted according to the true nature of their crimes against humanity.

Altogether, the crisis in East Timor brings up serious questions about how the international community should approach human rights violations that can justifiably be called crimes against humanity, and East Timor is but one example to learn from. It is vital for the advancement of human rights that these lessons be learned; as seen in current events, such as the genocide of the Rohingya in Myanmar and the Chinese government's forced detainment of the Uighurs, such violence still exists. It is up to the international community to determine whether it will truly acknowledge and learn from past failures and actively seek to protect human rights sooner rather than later, or fall silent and be complicit in today's mass atrocities.

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