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On February 8th 2006 two New York Times headline articles read “3 Demonstrators Are Killed, And 27 Hurt in Afghanistan” and “Next Step by Weekly in Paris May Be to Mock the Holocaust.” These two seemingly unrelated headlines are evidence of the global reverberations of an incident that surfaced in Denmark on September 30th 2005. A Danish newspaper published a series of 12 caricatures of Muhammad, the most incendiary of which depicted a nuclear bomb tucked into the turban atop his head. Since then, throughout the Islamic world and elsewhere violent demonstrations have broke out in protest of this slanderous depiction and brazen disregard of Islam’s belief that it is supremely disrespectful to depict a prophet in any way.

Before long, politicians and journalists on both sides began to identify ‘cartoon row’ as the newest manifestation of the clash of civilizations, a polarization of the faith-based Islam and reason-based West. But is this truly a renewal of a historic divide as protesters have recently asserted in Lebanon, Somalia, Syria, and Iraq? Is Islamic radicalism a calculated response to Western military intervention and a history of chronicled mistreatment? Or, does this rash of frenzied conflict obfuscate the underlying dynamics of world politics and modernity by oversimplifying them?

Claiming that current hostilities are merely a renewal of an ill-defined, and therefore all-inclusive, age-old conflict seems altogether too easy. Without separate consideration, those involved in the newly erupting conflict are permitted to trade reason for vindication. The ease with which we invoke connections between historical and contemporary divisions signals our apprehension with acknowledging the persistence of unchecked hatred within our midst.

A balanced examination of the recent events must engage in an analysis of the motivations of both groups. For individuals of Islamic faith, depictions of Muhammad as a terrorist infringe on the sanctity of their world view. For journalists and other members of the media, being chastised for what they print is viewed as an attack on their freedom of speech. Both sides ultimately desire a measure of freedom, not antagonism.

The crisis that has resulted from the publication of these cartoons demonstrates the ability of extremists (on both sides of the spectrum) to exploit perceived pre-existing hostility, thereby fundamentally redefining the parameters of acceptable conduct. There is no
renewed conflict of civilizations. Instead, we see renewed evidence of the complacency of reasonable and responsible minded people, who through passivity allow themselves to be outspoken by those with blind passion and reckless conclusions.

As a society, permitting mainstream thought to continue to be dominated by voices that frame current events in the legend of a civilizational divide serves to validate them. Perhaps then, instead of pitting calls for ‘the destruction of the west’ against demands for ‘unhindered freedom of the press,’ we should stress both respect and moderation. A failure to implement these principles as praxis will result in a forfeit of peace for aggression and factionalism.

We would like to thank all who have supported this project and undergraduate scholarship at Connecticut College. Expose owes its continued success especially to one individual: Dean Ammirati. -The Editors
FACULTY CONTRIBUTION
What is renewal? Instead of attempting to answer this question I will suggest what I think our commonsense conception of renewal is not and then try to draw from this a challenge and a lesson for “backward-looking” ethical theories – theories that explain what ought to done, as a matter of justice, in terms of the wrongs that have been done in the past. Our commonsense conception of renewal is not, literally, “making new again”. Making new again is impossible: something can be new only once and never again.

But the idea of making new again nonetheless holds some deep ethical appeal. Backward-looking ethical theories, theories of “restorative” and “retributive” justice among others, attempt to capture this appeal. Restorative theories of tort law are often described as aiming to return the injured party to the condition she was in prior to the harm (or, more plausibly I think, to the condition she would have been in now had the harm not occurred). And retributivist theories of punishment are often described as aiming to return the scales of justice to balance by imposing penalties on offenders in accordance with their moral desert. These theories are backward-looking in that they are focused on responding to and in some way rectifying past wrongdoing. They seem, at least superficially, aimed at a reinstatement of a prior and better moral condition.

But can we (always or ever) return injured parties to their original state? Can punishment (always or ever) return the scales of justice to balance? Some harms, quite clearly, cannot be undone, and some offenses may be so heinous that no punishment seems to fit the crime. Even to think that some wrongs can be rectified (by compensation or punishment or both) and justice restored seems morally blasphemous. So must we abandon our backward-looking hopes for justice, for ethical renewal?

At the very least, we ought to be wary of thinking that we can restore those who have been harmed or return the scales of justice to balance. I think, however, that there is another ethical lesson to learn from the idea of renewal. Some thoughts about justice are thoughts about making new again. But the
appeal of the new is not simply backward-looking. It is the appeal of doing things better and making things better in the future. The lesson, then, is that if the concepts of restorative and retributive justice are to apply as broadly as many have thought, then those concepts cannot be purely backward-looking, pertaining exclusively, even fetishistically, to the righting of past wrongs. We might conclude that the aims of ethical renewal must be in some part aspirational rather than simply restorative. The realization that some kinds of renewal are impossible can thus incline us, in the name of backward-looking justice, to think and act on our forward-looking responsibilities to make things better. Whether this amounts to an explication, revision or elimination of our commonsense concepts of restorative and retributive justice I leave, for now, as an open question.
STUDENT CONTRIBUTIONS
Renewal may seem a rather limited subject area for a journal that supposes to be rooted in promoting interdisciplinary discourse to take on for its theme. Associations to the environment are the first and, of course, the most obvious to be made. However, it is a theme with many implications. In the essay that follows, Mr. Imbrie looks at the theme of renewal not from a religious or environmentalist perspective, but from the perspective of the law, tackling the specific issue of land renewal in the occupied territory of Palestine. Mr. Imbrie displays a very intimate understanding of his subject, and although the technical jargon contained in the essay will be daunting to any reader less knowledgeable than the author himself, it is worth the reading through to the end as what is offered in return is a better understanding of a very complex issue.

On 9 July 2004 The International Court of Justice (ICJ) issued an Advisory Opinion on the legal consequences flowing from the construction of a wall in the occupied Palestinian territory. The decision came at a time when tensions between the Palestinians and the Israelis were at an all-time high. As the Supreme Court of Israel noted in its earlier treatment of the subject,

From September 2000 until the beginning of April 2004, more than 780 attacks were carried out within Israel.

During the same period, more than 8200 attacks were carried out in the area . . . [claiming] the lives of 900 Israeli citizens and residents [and leaving] many dead and wounded on the Palestinian side.¹

Negotiations between the two parties have been notably ineffective when put into practice and little to no substantive progress has been made since Israel’s initial procurement of the areas of Samaria and Judea in 1967.

In its Opinion, the Court found—by a vote of fourteen to one—the con-
struction of the wall being built by Israel as contrary to the principles of international law. In what follows, this essay will seek to address the merits of this decision in light of the broader framework used to demonstrate its validity. Special attention will be given to the Court’s selection, interpretation, and application of international law as well as the issues influencing its decision. What issues did the court choose not to tackle? Was the decision couched in such a way so as to render it enforceable? Did the conclusion inform the way the piece was written? What could the Court have been expected to have done in the circumstances it faced? Ultimately, as with any court case, the final decision is the result of a carefully selected and meticulously crafted argument. The aforesaid questions will serve as a methodology with which to decipher this process, leading to a more robust understanding of the merits and motivations behind the final Advisory Opinion.

After a brief history of the proceedings, historical background, and description of the wall, the Court outlines what it considers to be the relevant principles of international law. The selected principles are drawn from a variety of sources: the UN Charter Article 2(4), the General Assembly Friendly Relations Resolution 2625 (XXV) regarding the illegality of territorial acquisition through the threat or use of force and the principle of self-determination, the Fourth Geneva Convention, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Culture Rights, and the Convention on the Rights of the Child.

In its final decision (Appendix A: Sections A and B) the Court states:

The construction of the wall being built by Israel, the occupying power, in the Occupied Palestinian Territory... and its associated regime are contrary to international law... Israel is under an obligation to terminate its breaches of international law... Israel is under an obligation to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory... The Court finds further that Israel has the obligation to make reparation for the damage caused to all the natural or legal persons concerned.

To arrive at the conclusion that the wall and “its associated regime” are contrary to international law and to assert that Israel is “under an obligation” to cease its actions that are in breach of the law, the Court must demonstrate that Israel is party to at least one of the abovementioned treaties and that it has demonstrated some form of material noncompliance. The Court must thus properly identify the relevant principles...
of law, interpret them in such a way so as to ensure their applicability to both Israel and the given situation, and apply them to specific factual observations. In this section, the writer shall analyze, *inter alia*, two instances where the Court selects, interprets, and applies principles drawn from international humanitarian law and human rights law that heavily inform its final Opinion.

As regards international humanitarian law, the Court cites two Conventions that it considers applicable to present case: the Hague Regulations—which the Court considers to have crystallized into customary law and therefore applicable *erga omnes*—and the Fourth Geneva Convention. It is quick to note, however, that:

> Israel, contrary to the great majority of other participants, disputes the applicability de jure of the Convention to the Occupied Palestinian Territory . . . citing “the lack of recognition of the territory as sovereign prior to its annexation by Jordan and Egypt” inferring that it is “not a territory of High Contracting Party” as required by the Convention.⁴

Citing Article 2 (2) of the Fourth Geneva Convention, Israel corroborates this statement by arguing that the Convention does indeed apply “to all cases of partial or total occupation” but *only* with regard to the “*territory of a High Contracting Party*, even if the said occupation meets with no armed resistance” [my emphasis].⁵ The Court must thus prove the applicability of the Convention through an alternative interpretation before proceeding to apply it to empirical evidence.

Reiterating that Israel is party to the Convention and made no relevant reservations during the ratification process, the Court proceeds to analyze in detail the effective meaning of Article 2 in accordance with Article 31 of the Vienna Convention on the Law of Treaties.⁶ It first emphasizes that the Convention applies in all cases where there exists an armed conflict between two or more High Contracting Parties, in particular, to any “*territory occupied in the course of the conflict by one of the contracting parties.*”⁷ Two issues may be raised at this point. First, can the present case be characterized as an armed conflict? Indeed, the very concept of an
“armed conflict” can be quite ambiguous. Presumably, as Geoffrey Robertson states, an armed conflict would require “hostile acts by an army rather than a police force and would seem to exclude occasional border skirmishes which use force.”

The 1977 Protocol II to the Geneva Conventions specifies that the attacking forces must possess a basic command structure, troops, and control of a specific territory. Do the Palestinians possess, de jure, any territory? Do their actions constitute “armed force” as may be evinced from the Fourth Geneva Convention and Protocol II? Second, can the present case be characterized as a conflict between two or more “High Contracting Parties”? The ICJ itself notes that Palestine attempted on 7 June 1982 to deposit an instrument of accession to the Fourth Geneva Convention and that Switzerland was not, as a depository State, able to decide whether “[the request from the Palestine Liberation Movement in the name of the ‘State of Palestine’ to accede . . . can be considered as an instrument of accession.”

The second point is addressed by simply reading Article 2 (3) of the Convention which states that all High Contracting Parties are to remain bound by the provisions of the Convention regardless of the contracting status of the other Power. The first point is, however, slightly more complicated in origin and must be addressed in tandem with the Israeli claim regarding Article 2 (2) noted above. As previously stated, the Israeli reading of this proviso delimits the Convention’s scope to apply only to territories falling under the sovereignty of one of the High Contracting Parties. Since the territory occupied by Israel was, according to its interpretation, not under the sovereignty of one of the High Contracting Parties, the Convention was inapplicable. The Court astutely points out that the object of Article 2 (2)—corroborated by both the travaux préparatoires and States party to the Fourth Geneva Convention present at The Conference of Government Experts for the Study of the Conventions for the Protection of War Victims on 15 July 1999—“is not to restrict the scope of application of the Convention,” as presented in Article 2 (1), by “excluding therefrom territories not falling under the sovereignty of one of the contracting parties. It is directed simply to making it clear that, even if occupation effected during the conflict met no armed resistance, the Convention is still applicable.”

The aim is to ensure protection for civilians who, for whatever reason—“even if the said occupation meets with no armed resistance”—find themselves in the hands of the occupying power. Thus, the requirement of “armed conflict” as a precondition for the Convention to take effect may not be read too restrictively so as to prevent civilian protection in circumstances
where there may not be any armed resistance per se.\textsuperscript{13}

With the applicability of international humanitarian law firmly established through a persuasive interpretation of Article 2(2), the ICJ correctly applies these principles to the extant circumstances in the areas of Samaria and Judea. The Court notes that the wall and its associated regime have produced demographic changes “tantamount to de facto annexation” involving the forced deportation of the inhabitants of the Occupied Palestinian Territory and the concomitant expansion of Israeli settlements in the occupied area. These changes are in clear breach of Articles 49 (1) and 49 (6) of the Fourth Geneva Convention respectively and do not enjoy protection under the immunity of military necessity as enumerated in Article 53.\textsuperscript{14} As the Court observes:

The route of the wall as fixed by the Israeli Government includes within the “Closed Area” [area lying between the Green Line and the wall] some 80\% of the settlers living in the Occupied Palestinian Territory. Moreover, it is apparent . . . that the wall’s sinuous route has been traced in such a way as to include within that area the great majority of the Israeli settlements in the occupied Palestinian Territory (including East Jerusalem).\textsuperscript{15}

The Palestinian civilians living within this enclave face onerous restrictions on their freedom of movement and as a result agricultural production, access to basic social services, and education have been obstructed.

These latter restrictions are, legally speaking, more the province of human rights law, a legal source that Israel does not recognize as applicable to the present proceedings. As Annex I to the report of the Secretary-General recalls:

[Israel] asserts that humanitarian law is the protection granted in a conflict situation such as the one in the West Bank and Gaza Strip, whereas human rights treaties were intended for the protection of citizens from their own Governments in times of peace.\textsuperscript{16}
In much the same manner as it dealt with the provision of humanitarian law to the present proceedings, the Court structures its treatment of human rights law in three steps: relevance, authoritative interpretation, and applicability. The issues of relevance and authoritative interpretation are interlinked and concern both the relationship between international humanitarian law vis-à-vis human rights law and the applicability of human rights law beyond a State’s national territory.

The Court rightly notes that the protection detailed in the International Covenant of Civil and Political Rights (ICCPR) applies in times of war and in times of peace excepting the operation of Article 4—whereby derogation from certain provisions may be permitted due to national emergency—but it skirts the crux of the matter by addressing the relationship between the two sources of law as one of mere logistical division: “some rights may be exclusively matters of international humanitarian law; others may be exclusively matters of human rights law; yet others may be matters of both these branches.” More interesting is the Court’s linkage in a previous paragraph between human rights law and humanitarian law as one of empirical verification, that is, as one that highlights the importance of humanitarian law for determining in practice the specific character and limits of human rights provisions such as the right not to be arbitrarily deprived of one’s life, liberty, or property.\textsuperscript{18}

This rationale allows the Court to treat human rights law as a viable candidate for the present case. However, it remains to be seen whether or not this source of law is applicable. Noting that the general character of human rights treaties, such as the ICCPR, are generally applied only insofar as the State may be said to have competence, the Court treats the matter as a strictly jurisdictional issue. In principle, a State’s jurisdiction extends only to the borders of its own territory. However there are instances, as the Court points out, where jurisdiction may be said to be extraterritorial provided that the State in question has exercised effective jurisdiction over an area outside its own territory for a “long-standing” period of time (the Court leaves this time period unspecified).\textsuperscript{19} This reading is supported with sound evidence from relevant travaux préparatoires and institutional practice within the UN. Worth noting is the drafter’s rationale for the inclusion of a reference to State jurisdiction in Article 2 of the ICCPR.\textsuperscript{20} The aim was not to allow for States who violate human rights outside their national territory with legal loopholes but to “prevent persons residing abroad from asserting, vis-à-vis their State of origin, rights that do not fall within the competence of that State, but of that State of residence.”\textsuperscript{21}
By and large, the ensuing application of human rights norms to the material circumstances in and around the occupied territory runs smoothly. It is questionable, however, as to what extent the Court may apply Articles 12 and 17 of the ICCPR concerning the inviolability of the person and the right to freedom of movement. This claim is based on an earlier paragraph that the Court makes use of when it recalls that—under Article 4 of the ICCPR noted above—Israel had opted to derogate from Article 9 of the ICCPR due to its declared State of Emergency pursuant to the 1948 war against the armies of the Arab League. Considering that the scope of Article 9 applies to the liberty and security of the person, it is uncertain whether or not the Court may hold Israel to its obligations enumerated therein.

Notwithstanding this, the Court’s general emphasis on rights as a medium through which to address this highly sensitive subject demonstrates an astute understanding of both the case matter and the possibility of enforcement. As regards the case matter, the struggle between the Palestinians and the Israelis stretches far beyond the placement or legality of the wall in question. The struggle is primarily religious and territorial in nature and has resulted in thousands killed or wounded on both sides.

Originally, the territory in question had been a British mandate after the fall of the Ottoman Empire. In 1947 the United Nations, seeking to accommodate Jewish pleas for the establishment of a “national home” after the horrors of the Second World War, partitioned Palestine into two States as set fourth in the General Assembly Resolution 181 (II). The following year, Britain ceased its mandate and the State of Israel was formally proclaimed. Chances for a smooth transition into statehood were cut short, however, with the 1948 war between Israel and the Arab League (Jordan, Egypt, Syria, Lebanon, and Saudi Arabia), the latter claiming that the Plan of Partition was prejudiced and unbalanced.

By the end of the year hostilities had abated and an armistice agreement was signed which fixed the demarcation line between Israel and the Arab League at the “Green Line.” A number of smaller scale conflicts between the two par-
ties soon followed—including Israel’s preemptive strike against the Arab League in 1956—but the effects on the general territorial status of the area were minimal. By 1967 armed conflict again broke out and resulted in the occupation by Israeli forces of all the territories which had been previously recognized as belonging to Palestine under the British Mandate, including half of Jerusalem and the western bank of the Jordan River.

In spite of UN Security Council Resolutions 242 (1967) and 298 (1971) calling for Israel to cease its occupation of these lands under Article 2(4) of the UN Charter, Israel continued to expropriate areas of the City of Jerusalem through its adoption of the Basic Law with the intent of establishing the City as its “complete and united” capital. In 1993 a series of negotiations were initiated by Israel with the goal of transferring control of certain areas, then held under belligerent occupation by Israel, to the Palestinian Authority. Notwithstanding these developments, the ICJ points out that “subsequent events in these territories have done nothing to alter [the] situation. All these territories (including East Jerusalem) remain occupied territories and Israel has continued to have the status of occupying Power.”

By limiting its scope to the issue of rights, the ICJ thus avoids having to render a judgment on any overtly sensitive issue as may be evinced from the above historical interlude. The question framed by the ICJ is not one of territorial integrity or religious practice but geared towards determining whether or not the rights of the people in their territory are being violated. The issue thus turns from being one of sovereignty to one of human rights (as the Court’s choice of applicable law attests). Furthermore, by treating the case as one proper to international humanitarian and human rights law the Court may avoid the use of thorny terms and classifications such as “terrorism” and “national security” which would inevitably affect the legal status of the persons involved as well as the sources of applicable law.

As an organ of the United Nations offering an Advisory Opinion, the employment of rights terminology by the ICJ serves an additional, and arguably more important, purpose: to allow for the possibility of enforcement. To understand why this is so it will be necessary to briefly examine the nature of an ICJ Advisory Opinion and the character of Security Council enforcement practice. Under Article 96(1) of the UN Charter, the “General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.” That is, the Court may be called upon by the UN General Assembly (UNGA), the UN Security Council
(UNSC), or other organs of the UN and specialized agencies to render a judgment on an issue that does not necessarily involve a marked injury, tangible evidence to which it must apply the law, or an injured party linking its grievances to an author State, group, or individual—as must generally be present at the proceedings of all courts. The ICJ thus assumes the mantle of an executive or legislative power, enabling it to exercise influence not only on the formation of policy but also with regard to the form that the law will take and the method of its enforcement if acted upon by the Security Council. The choices available to the ICJ in these circumstances are virtually unlimited and may be exercised proactively as regards what cases it chooses to hear as well as the relevant selection, interpretation, and application of international law. The question thus presents itself: why did the Court choose to focus on rights as its guiding principle? Was it solely to avoid the central issues of the Arab-Israeli conflict or was there an additional reason tied to a forward-looking strategy of implementation? To answer these questions it will be necessary to turn briefly to the nature and functions of the UN Security Council.

Under Chapter VII of the UN Charter it is the Security Council that is vested with the primary authority to address issues of enforcement regarding all acts constituting a threat to international peace and security. The Security Council exercises this right through the passing of resolutions which may be attended by a provisional enforcement mechanism, such as the call for a UN administered ceasefire, or by more forceful overtures amounting to economic sanctions and, in extreme circumstances, the use of force. Despite this wide range of freedom, the UNSC ultimately lacks any independent apparatus to give effect to its decisions. Its resolutions “are essentially only a source of rights and obligations for member States” [my emphasis] and may be discarded if national interest so demands.

Returning to the original prompt noted above, an additional influence on the ICJ now becomes clear. Through its emphasis on rights and obligations, the Court’s final Opinion fits squarely with the role and powers of the Security Council.
Council. As such, the Court not only renders an enforceable decision but also creates a legal environment in which it may exercise its proactive functions to the fullest extent possible. Recall that in assuming the role of an advisory board the Court takes on the responsibilities and powers of the policy maker. Its judgment has the ability to influence State practice and may prove highly influential in Security Council proceedings. This influence is, however, a conditional one and will expand and contract in unison with the flexibility and enforceability of the final Opinion.

In conclusion, the merits of the Court’s decision regarding the legal consequences flowing from the construction of a wall in the Occupied Palestinian Territory are threefold. First, the Court’s interpretation and application of international humanitarian law and human rights law was impeccably thorough. Their conclusions were presented in a logical fashion and were backed by sound evidence from UNGA resolutions, State practice, and relevant travaux préparatoires. Second, all viewpoints herein were considered equitably and were disinterestedly presented throughout the report. If the Court took issue with a particular interpretation, circumstance, or claim it would present the argument in clear and simple terms followed by an immediate counter argument taken from relevant international legal sources. Third, and perhaps most notable, the Court addressed the legality of the wall in question in terms of its impact on the rights of the persons affected. In doing so, the Court was able to render an enforceable decision and avoid contentious territorial issues that would lead to fractious debate within the world community.

ENDNOTES


2. The Court’s final opinion may be read in its entirety by turning to Appendix A of this essay

3. See Appendix A


6. Article 31 reads: “A treaty must be interpreted in good faith in accordance with the ordinary meaning to be given to its terms in their context and in the light of its object and purpose.”

7. See Appendix B: 95

8. Robertson, Geoffrey QC. Crimes Against
9 Op. cit. *International Court of Justice.* Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory. See Appendix B: 91

10 It is worth noting here the Separate Opinion of Judge Kooijmans on this matter who notes, in response to the Opinion’s historical background as presented in paragraphs 70-78, that “nothing is said, however, about the status of the West Bank between the conclusion of the General Armistice Agreement in 1949 and the occupation by Israel in 1967, in spite of the fact that it is a generally known fact that it was placed by Jordan under its sovereignty duty that this claim to sovereignty, which was relinquished only in 1988, was recognized by three States only . . . [and] the fact that Jordan claimed sovereignty over the West Bank only strengthens the argument in favor of the applicability of the Fourth Geneva Convention.”

11 See Appendix B: 95


13 See Appendix B: 93, 95, 96

14 See Appendix B: 125 and 137

15 Op. cit. *International Court of Justice.* Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory. See Appendix B: #119

16 Ibid. 102

17 Ibid. 106

18 See Appendix B: #105

19 This notion of extraterritorial jurisdiction is distinct from executive jurisdiction, namely, “the capacity of the state to act within the borders of another state” (Shas 234) by enforcing their domestic laws over and above the laws of another State. Israel’s (illegal) seizure of Eichmann in Argentina in 1960 would be indicative of the value of this distinction.

20 Article 2 reads: “Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

21 See Appendix B: 109

22 See Appendix B: 127

23 Home to numerous sites considered sacred by both the Palestinians and the Israelis--notably the Dome of the Rock and the Wailing Wall

24 This process was continued in spite--as the ICJ notes--of UNSC Resolution 478 which stated that “all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem . . . are null and void.” See Op. cit. *International Court of Justice.* Advisory Opinion on the legal Consequences of the Construction of a Wall in the Occupied
Palestinian Territory. See Appendix B: 75

25 Ibid. 78

26 United Nations Charter: Article 96

27 De Brichambaut, Mark Perrin. Role of the UN Security Council. De Brichambaut gives three examples to confirm this finding. Perhaps the clearest concerns the bombing of Pan Am Flight 103 over Lockerbie, Scotland where the UNSC “recalled the right of all States, in conformity with the Charter and the principles of international law, to protect their nationals from acts of terrorism which constitute a ‘threat to international peace and security’. . . by way of Resolution 748, it imposed a selective embargo on Libya, and in doing so created rights as well as obligations. Thus, all States had obligation to engage in the embargo, and all States had the right to ignore existing contracts previously signed with Libya.”

28 See Appendix A: Sections B, C and D

Appendix A: Final Opinion of the ICJ

THE COURT,

(1) Unanimously,

Finds that it has jurisdiction to give the advisory opinion requested;

(2) By fourteen votes to one,

Decides to comply with the request for an advisory opinion;

IN FAVOUR: President Shi; Vice-President Ranjeva; Judges Guillaume, Koroma, Vereshchetin, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Elaraby, Owada, Simma, Tomka;

AGAINST: Judge Buergenthal;

B. By fourteen votes to one,

Israel is under an obligation to terminate its breaches of international law; it is under an obligation to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle forthwith the structure therein situated, and to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto, in accordance with paragraph 151 of this Opinion;

IN FAVOUR: President Shi; Vice-President Ranjeva; Judges Guillaume, Koroma, Vereshchetin, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Elaraby, Owada, Simma, Tomka;

AGAINST: Judge Buergenthal;

C. By fourteen votes to one,

Israel is under an obligation to make reparation for all damage caused by the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem;

IN FAVOUR: President Shi; Vice-President Ranjeva; Judges Guillaume, Koroma, Vereshchetin, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Elaraby, Owada, Simma, Tomka;

AGAINST: Judge Buergenthal;

D. By thirteen votes to two,

All States are under an obligation not to recognize the illegal situation resulting from the construction of the wall and not to render aid or assistance in maintaining the situation created by such construction; all States parties to the

The construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated régime, are contrary to international law;

IN FAVOUR: President Shi; Vice-President Ranjeva; Judges Guillaume, Koroma, Vereshchetin, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Elaraby, Owada, Simma, Tomka;

AGAINST: Judge Buergenthal;
Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 have in addition the obligation, while respecting the United Nations Charter and international law, to ensure compliance by Israel with international humanitarian law as embodied in that Convention;

IN FAVOUR: President Shi; Vice-President Ranjeva; Judges Guillaume, Koroma, Vereshchetin, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Elaraby, Owada, Simma, Tomka;
AGAINST: Judges Kooijmans, Buergenthal;

E. By fourteen votes to one,
The United Nations, and especially the General Assembly and the Security Council, should consider what further action is required to bring to an end the illegal situation resulting from the construction of the wall and the associated régime, taking due account of the present Advisory Opinion.

IN FAVOUR: President Shi; Vice-President Ranjeva; Judges Guillaume, Koroma, Vereshchetin, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Elaraby, Owada, Simma, Tomka;
AGAINST: Judge Buergenthal.

Appendix B: Relevant Sections from the ICJ Advisory Opinion

92. Moreover, for the purpose of determining the scope of application of the Fourth Geneva Convention, it should be recalled that under common Article 2 of the four Conventions of 12 August 1949:

In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance. Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

95. The Court notes that, according to the first paragraph of Article 2 of the Fourth Geneva Convention, that Convention is applicable when two conditions are fulfilled: that there exists an armed conflict (whether or not a state of war has been recognized); and that the conflict has arisen between two contracting parties. If those two conditions are satisfied, the Convention applies, in particular, in any territory occupied in the course of the conflict by one of the contracting parties.

The object of the second paragraph of Article 2 is not to restrict the scope of application of the Convention, as defined by the first paragraph, by excluding therefrom territories not falling under the sovereignty of one of the contracting parties. It is directed simply to making it clear that, even if occupation effected during the conflict met no armed resistance, the Convention is still applicable. This interpretation reflects the intention of the drafters of the Fourth Geneva Convention to protect civilians who find themselves, in whatever way, in the hands of the occupying Power. Whilst the drafters of the Hague Regulations of 1907 were as much concerned with protecting the rights of a State whose territory is occupied, as with protecting the inhabitants of that territory, the drafters of the Fourth Geneva Convention sought to guarantee the protection of civilians in time of war, regardless of the status of the occupied territories, as is shown by Article 47 of the Convention.
That interpretation is confirmed by the Convention’s travaux préparatoires. The Conference of Government Experts convened by the International Committee of the Red Cross (hereinafter, “ICRC”) in the aftermath of the Second World War for the purpose of preparing the new Geneva Conventions recommended that these conventions be applicable to any armed conflict “whether [it] is or is not recognized as a state of war by the parties” and “in cases of occupation of territories in the absence of any state of war” (Report on the Work of the Conference of Government Experts for the Study of the Conventions for the Protection of War Victims, Geneva, 14?26 April 1947, p. 8). The drafters of the second paragraph of Article 2 thus had no intention, when they inserted that paragraph into the Convention, of restricting the latter’s scope of application. They were merely seeking to provide for cases of occupation without combat, such as the occupation of Bohemia and Moravia by Germany in 1939.

96. The Court would moreover note that the States parties to the Fourth Geneva Convention approved that interpretation at their Conference on 15 July 1999. They issued a statement in which they “reaffirmed the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory, including East Jerusalem”. Subsequently, on 5 December 2001, the High Contracting Parties, referring in particular to Article 1 of the Fourth Geneva Convention of 1949, once again reaffirmed the “applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory, including East Jerusalem”. They further reminded the Contracting Parties participating in the Conference, the parties to the conflict, and the State of Israel as occupying Power, of their respective obligations.

105. In its Advisory Opinion of 8 July 1996 on the Legality of the Threat or Use of Nuclear Weapons, the Court had occasion to address the first of these issues in relation to the International Covenant on Civil and Political Rights. In those proceedings certain States had argued that “the Covenant was directed to the protection of human rights in peacetime, but that questions relating to unlawful loss of life in hostilities were governed by the law applicable in armed conflict” (I.C.J. Reports 1996 (I), p. 239, para. 24).

The Court rejected this argument, stating that:

The protection of the International Covenant of Civil and Political Rights does not cease in times of war, except by operation of Article 4 of the Covenant whereby certain provisions may be derogated from in a time of national emergency. Respect for the right to life is not, however, such a provision. In principle, the right not arbitrarily to be deprived of one’s life applies also in hostilities. The test of what is an arbitrary deprivation of life, however, then falls to be determined by the applicable lex specialis, namely, the law applicable in armed conflict which is designed to regulate the conduct of hostilities. (Ibid, p. 240, para. 25.)

109. The Court would observe that, while the jurisdiction of States is primarily territorial, it may sometimes be exercised outside the national territory. Considering the object and purpose of the International Covenant on Civil and Political Rights, it would seem natural that, even when such is the case, States parties to the Covenant should be bound to comply with its provisions.

The constant practice of the Human Rights Committee is consistent with this. Thus, the Committee has found the Covenant applicable where the State exercises its jurisdiction on foreign territory. It has ruled on the legality of acts by Uruguay in cases of arrests carried out by Uruguayan agents in Brazil or Argentina (case No. 52/79, López Burgos v. Uruguay; case No. 56/79, Lilian Celiberti de Casariego v. Uruguay). It decided to the same effect in the case of the
confiscation of a passport by a Uruguayan consulate in Germany (case No. 106/81, Montero v. Uruguay).

The travaux préparatoires of the Covenant confirm the Committee’s interpretation of Article 2 of that instrument. These show that, in adopting the wording chosen, the drafters of the Covenant did not intend to allow States to escape from their obligations when they exercise jurisdiction outside their national territory. They only intended to prevent persons residing abroad from asserting, vis-à-vis their State of origin, rights that do not fall within the competence of that State, but of that of the State of residence (see the discussion of the preliminary draft in the Commission on Human Rights, E/CN.4/SR.194, para. 46; and United Nations, Official Records of the General Assembly, Tenth Session, Annexes, A/2929, Part II, Chap. V, para. 4 (1955)).

125. A distinction is also made in the Fourth Geneva Convention between provisions applying during military operations leading to occupation and those that remain applicable throughout the entire period of occupation. It thus states in Article 6:

The present Convention shall apply from the outset of any conflict or occupation mentioned in Article 2.

In the territory of Parties to the conflict, the application of the present Convention shall cease on the general close of military operations.

In the case of occupied territory, the application of the present Convention shall cease one year after the general close of military operations; however, the Occupying Power shall be bound, for the duration of the occupation, to the extent that such Power exercises the functions of government in such territory, by the provisions of the following Articles of the present Convention: 1 to 12, 27, 29 to 34, 47, 49, 51, 52, 53, 59, 61 to 77, 143.

Protected persons whose release, repatriation or ré-establishment may take place after such dates shall meanwhile continue to benefit by the present Convention.

Since the military operations leading to the occupation of the West Bank in 1967 ended a long time ago, only those Articles of the Fourth Geneva Convention referred to in Article 6, paragraph 3, remain applicable in that occupied territory.

126. These provisions include Articles 47, 49, 52, 53 and 59 of the Fourth Geneva Convention.

According to Article 47:

“Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory.”

Article 49 reads as follows:

Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.

Nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand. Such evacuations may not involve the displacement of protected persons outside the bounds of the occupied territory except when for material reasons it is
impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased.

The Occupying Power undertaking such transfers or evacuations shall ensure, to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated.

The Protecting Power shall be informed of any transfers and evacuations as soon as they have taken place.

The Occupying Power shall not detain protected persons in an area particularly exposed to the dangers of war unless the security of the population or imperative military reasons so demand.

The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.

According to Article 52:
No contract, agreement or regulation shall impair the right of any worker, whether voluntary or not and wherever he may be, to apply to the representatives of the Protecting Power in order to request the said Power’s intervention.

All measures aiming at creating unemployment or at restricting the opportunities offered to workers in an occupied territory, in order to induce them to work for the Occupying Power, are prohibited.

Article 53 provides that:
Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.”

Lastly, according to Article 59:
If the whole or part of the population of an occupied territory is inadequately supplied, the Occupying Power shall agree to relief schemes on behalf of the said population, and shall facilitate them by all the means at its disposal.

Such schemes, which may be undertaken either by States or by impartial humanitarian organizations such as the International Committee of the Red Cross, shall consist, in particular, of the provision of consignments of foodstuffs, medical supplies and clothing.

All Contracting Parties shall permit the free passage of these consignments and shall guarantee their protection.

A Power granting free passage to consignments on their way to territory occupied by an adverse Party to the conflict shall, however, have the right to search the consignments, to regulate their passage according to prescribed times and routes, and to be reasonably satisfied through the Protecting Power that these consignments are to be used for the relief of the needy population and are not to be used for the benefit of the Occupying Power.

127. The International Covenant on Civil and Political Rights also contains several relevant provisions. Before further examining these, the Court will observe that Article 4 of the Covenant allows for derogation to be made, under various conditions, to certain provisions of that instrument. Israel made use of its right of derogation under this Article by addressing the following
communication to the Secretary-General of the United Nations on 3 October 1991:

Since its establishment, the State of Israel has been the victim of continuous threats and attacks on its very existence as well as on the life and property of its citizens.

These have taken the form of threats of war, of actual armed attacks, and campaigns of terrorism resulting in the murder of and injury to human beings.

In view of the above, the State of Emergency which was proclaimed in May 1948 has remained in force ever since. This situation constitutes a public emergency within the meaning of article 4 (1) of the Covenant.

The Government of Israel has therefore found it necessary, in accordance with the said article 4, to take measures to the extent strictly required by the exigencies of the situation, for the defence of the State and for the protection of life and property, including the exercise of powers of arrest and detention.

In so far as any of these measures are inconsistent with article 9 of the Covenant, Israel thereby derogates from its obligations under that provision.

The Court notes that the derogation so notified concerns only Article 9 of the International Covenant on Civil and Political Rights, which deals with the right to liberty and security of person and lays down the rules applicable in cases of arrest or detention. The other Articles of the Covenant therefore remain applicable not only on Israeli territory, but also on the Occupied Palestinian Territory.

…

137. To sum up, the Court, from the material available to it, is not convinced that the specific course Israel has chosen for the wall was necessary to attain its security objectives. The wall, along the route chosen, and its associated régime gravely infringe a number of rights of Palestinians residing in the territory occupied by Israel, and the infringements resulting from that route cannot be justified by military exigencies or by the requirements of national security or public order. The construction of such a wall accordingly constitutes breaches by Israel of various of its obligations under the applicable international humanitarian law and human rights instruments.


The Court's final opinion may be read in its entirety by turning to Appendix A of this essay.

See Appendix A


Article 31 reads: "a treaty must be interpreted in good faith in accordance with the ordinary meaning to be given to its terms in their context and in the light of its object and purpose."

See Appendix B: 95


It is worth noting here the Separate Opinion of Judge Kooijmans on this matter who notes, in response to the Opinion's historical background as presented in paragraphs
70-78, that “nothing is said, however, about the status of the West Bank between the conclusion of the General Armistice Agreement in 1949 and the occupation by Israel in 1967, in spite of the fact that it is a generally known fact that it was placed by Jordan under its sovereignty but that this claim to sovereignty, which was relinquished only in 1988, was recognized by three States only...and the fact that Jordan claimed sovereignty over the West Bank only strengthens the argument in favor of the applicability of the Fourth Geneva Convention.”

See Appendix B: 95


See Appendix B: 92, 95 and 96

See Appendix B: 126 and 137


Ibid. 102

Ibid. 106

See Appendix B: 105

This notion of extraterritorial jurisdiction is distinct from executive jurisdiction, namely, “the capacity of the state to act within the borders of another state” (Shaw 234) by enforcing their domestic laws over and above the laws of another State. Israel’s (illegal) seizure of Eichmann in Argentina in 1960 would be indicative of the value of this distinction.

Article 2 reads: “Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

See Appendix B: 109

See Appendix B: 127

Home to numerous sites considered sacred by both the Palestinians and the Israelis—notably the Dome of the Rock and the Wailing Wall.

This process was continued in spite—as the ICJ notes—of UNSC Resolution 478 which stated that “all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem...are null and void.” See: Op cit. International Court of Justice. Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory. See Appendix B: 75

Ibid. 78

United Nations Charter: Article 96

De Brichambaut, Marc Perrin. Role of the UN Security Council. International Law. De Brichambaut gives three examples to confirm this finding. Perhaps the clearest concerns the bombing of Pan Am Flight 103 over Lockerbie, Scotland where the UNSC “recalled the right of all States, in conformity with the Charter and the principles of international law, to protect their nationals from acts of terrorism which constitute a threat to international peace and security’...By way of Resolution 748, it imposed a selective embargo on Libya, and in doing so created rights as well as obligations. Thus, all States had an obligation to engage in the embargo, and all States had the right to ignore existing contracts previously signed with Libya.”

See Appendix A: Sections B, C, and D
The use of fossil fuels has long been at the forefront of both environmental and economic debate. The detrimental effects of fossil fuels, and the development of alternative energy leads us to question not only our current practices but those we will use in the future. Mr. Brown raises questions concerning the future of energy in the United States, and argues for the need to move toward alternative energy sources. Claiming that the implementation of renewed environmental policy and activism are integral to the adoption of a hydrogen economy, Mr. Brown offers an interesting solution to our dependency on fossil fuels.

The economics of a new energy policy was one of the major debates in the last presidential election. Both John Kerry and George W. Bush used the phrase “hydrogen economy” to signal energy independence for the United States. The public has not been as receptive as hoped; there is still a prevailing belief that cheap oil will continue to flow out of the ground.

Hydrogen also evokes thoughts of the hydrogen bomb and of the Hindenburg disaster. These events truly do not relate to the hydrogen that could run your car or heat your home, which is less dangerous than gasoline. Instead, hydrogen should bring forth thoughts of forward progress, both economically and culturally.

The time is now to begin the switch from an oil-based economy to a hydrogen-based economy. A gradual shift that slowly phases out fossil fuels will allow for the development of a hydrogen infrastructure and as few economic problems as possible. If we wait until the oil runs out we will be in dire straits. The hydrogen economy is a feasible plan in the United States but it will require changes politically and economically as well as a huge cultural shift by the American people. The hydrogen
society is an energy revolution that will transform an industry, change our lives, and maybe even save the planet.

The World is Running Out of Oil

There is an impending energy crisis in the United States and around the world. Everyday more and more people are becoming dependent on fossil fuels including oil, coal, and natural gas. All of these resources are running out. When this happens an unimaginable economic downturn is imminent.

Statistics show that while there is a fair amount of oil left in the earth it will not last for more than 40 years at the current rate of consumption. Less and less oil is being discovered so it seems clear that we are at the peak of oil supply. The current prediction is that a downward trend in oil production will occur between 2004 and 2008. The United States and the rest of the world needs to understand that running out of oil and other fossil fuels is a huge problem and one that makes more sense to confront sooner rather than later. Kenneth Deffeyes is a leader in oil production research and has worked with great minds such as M. King Hubbert. The late Hubbert was a geophysicist and an authority on the estimation of energy resources. Deffeyes attempts to make it clear that “the world will not run out of energy, but developing alternative energy sources on a large scale will take at least 10 years. The slowdown in oil production may already be beginning; the current price fluctuations for crude oil and natural gas may be the preamble to a major crisis.”

Running out of oil could be devastating to the economy so it will be necessary to develop some other form of energy system and the best choice is to center this system on hydrogen. Other renewable energy sources will still be needed but developing a hydrogen economy soon will eliminate the problem of running out of oil.

Environmental Reasons to Lessen Dependence on Fossil Fuels

There are multiple environmental factors that will help to influence this decision to switch from fossil fuels to alternative sources of power. First and foremost is global warming. The media seems to report constantly on this subject but little is being done to rectify it. The temperature of the earth has been rising at an alarming rate. When this trend is put next to the concentration of carbon dioxide in the air the result is clear: as fossil fuels are burned for their energy, more carbon dioxide is released and the temperature of the earth rises. The excess amount of carbon dioxide that is produced from burning fossil fuels acts as a blanket over the earth, not allowing the heat that would normally escape, to exit the atmosphere. Some predict that global warming will result in “widespread and drastic impacts on ecosystems, water resources, food and fiber production, coastlines, and human
health. The polar ice caps will melt, sea levels will rise, large stretches of coastline (including some of the world’s biggest cities) will be inundated, and scores of islands in the Pacific may disappear.”

Though they do not happen constantly, oil spills are another environmental reason that the world’s dependence on oil needs to shift. Oil spills kill many animals and plants. The Exxon Valdez disaster in 1989 showed that oil spills can kill untold amounts of wildlife and take years to clean up. The clean up efforts of this oil spill still continue today, sixteen years later.

Air quality also declines due to gasoline vapors and emissions. Each time gasoline is transferred from one storage container to another, some fuel is exposed to the atmosphere and evaporates. This includes putting the fuel in the tanker trucks, from the trucks to the gas stations, and from the gas stations into cars. Multiply that by about 400 million cars and trucks around the world and it is clear that a huge amount of gasoline vapor is polluting our air.

The damage inflicted on the environment by the burning of fossil fuels needs to stop. An energy source needs to be found that could maintain the current industrialized economies but the energy source must also be environmentally friendly. There are many options of renewable energy sources but when looking at the environmental and economic aspects of the switch, the best choice is hydrogen.

**Renewable Energy Options**

What are the options? We’re running out of oil and the more we use the more dangerous it is for our environment. Many people argue that “renewable” sources such as wind, solar, and hydroelectric powers are the next step for us to take to conquer this energy problem.

Wind and solar power have become a very important source of energy over the past decade. The erection of wind and solar farms across the United States and in many European countries has slightly reduced the amount of fossil fuels being burned. Although wind turbines and photovoltaic cells are generally efficient there are still a few drawbacks. Economically it is unfavorable to center the energy system on these renewable sources; fossil fuels are still too cheap even with this recent rise in price. Also, these farms will not produce much energy on cloudy or still days. “As intermittent energy sources, they require vast
systems to store the energy they produce, or must rely on the rest of the electrical system for backup." Storage of electrical energy is difficult and dissipates quickly.

Hydroelectric power can produce electricity with a greater consistency but the damming of rivers has large environmental effects. The flooding of the area behind the dam changes the ecosystem, putting water in an area that was previously devoid of it. Wetlands and other important habitats can be destroyed. If every river in the United States were dammed many ecosystems would be destroyed and many people would be displaced from their homes.

There is also an overarching problem with these technologies: they are not suitable for use in vehicles. Though these may help with the production of energy for home or business use it will still be necessary to develop some sort of transportable energy, an equivalent to gasoline. These technologies should be pursued but not as a final answer to the energy problem facing the United States and the world.

**Hydrogen as a Fuel**

Fossil fuels are bad for the environment and renewable energies have their drawbacks, so what’s the next step? Hydrogen. There has been a great amount of talk about the concept of a “Hydrogen Economy” in this past election yet it is unclear as to what this actually means.

Hydrogen is a combustible energy rich gas. It is the most abundant element in the universe. It makes up 75 percent of the mass of the universe and 90 percent of its molecules. Hydrogen can be burned in modified internal-combustion engines but emphasis has shifted to fuel cells as the method to utilize this energy. This was done due to the low efficiency of these engines. A hydrogen powered car running on a fuel cell is able to travel more miles per unit of fuel.

There are many different types of fuel cells but proton exchange membrane fuel cells (PEMFC) are currently the best choice. The technology is actually fairly simple chemistry. The hydrogen gas (H2) enters on the anode side of the cell and it is forced through the catalyst where it is split into two H+ ions and two electrons. This is the important step since the energy lies within the electrons. For example, in a battery a chemical reaction occurs that allows for the transfer of electrons. The energy contained in these flowing electrons allows for a light bulb to illuminate or for a stereo to play music. In the fuel cell the electrons are conducted through a circuit where the energy can be utilized to do some type of work. The electrons are then brought back to the cathode side of the cell. Here oxygen (O2) is being funneled in and split into two separate oxygen atoms. It is at this point that the oxygen atom, H+ ions, and the electrons combine to form water.
(H2O), the only byproduct. Each fuel cell produces only about 0.7 volts so a fuel cell stack, or a group of fuel cells, is used to attain the desired voltage.

The oxygen is free and comes from the air, but where does the hydrogen come from? That’s where renewable energy sources like wind, solar, and hydroelectric powers come in. These technologies can be used to harness the energy needed to electrolyze water (split H2O molecules into H2 and O) or to provide the energy needed to make chemical hydrides or liquid hydrogen. One of the biggest problems with this technology is the cost.

Environmental Benefit of Hydrogen Fuel

Over the past decade many cleaner fuels have been developed and new technology has reduced emissions of factories and cars worldwide. Natural gas is one of the new alternatives but, like oil and coal, it is a finite fossil fuel that will eventually run out. The emissions of natural gas still produce carbon dioxide but only one tenth as much as oil. A hydrogen fuel cell on the other hand will only have water vapor coming out of the tailpipe or rising through the smokestack.

The pollution is not limited to cars. “A single cargo ship coming into New York Harbor can release as much pollution as 350,000 current-model-year cars in an hour.” It will be necessary to not simply focus on converting cars and factories to hydrogen but any internal combustion engine that uses fossil fuels.

Hydrogen can be such a difficult gas to work with that “about 10-20% of the current volume shipped escapes.” Though this environmentally friendly fuel will not harm the environment if it escapes, there is still a financial loss. New methods have been found to store hydrogen in gaseous and liquid forms as well as in the form as of metal hydrides. These technologies will make hydrogen a safe fuel for people and a safe fuel for the environment.

Shifting to a Hydrogen Economy

The need to switch from an oil-based economy dependent on foreign supply is readily apparent, so why haven’t we started the switch yet? There is no one answer to the question since there are many cultural and political dilemmas to overcome. Many people in the United States take cheap energy for granted and are scared to move on to
something different that may initially cause some economic discomfort. It is important for people to realize that this discomfort is nothing compared to what would happen if we wait for the oil supply to dry up.

Politically there are other problems. In his campaign for presidency, John Kerry pushed the energy issue, stating, “I want an America that relies on its own ingenuity and innovation—not on the Saudi royal family.” The current presidential administration has ties to large oil companies and foreign sources so it will be difficult for them to shift gears towards a hydrogen economy. It is also the tendency of humans to not change until a change is absolutely necessary. After the oil crisis of 1973 “the U.S. and other governments began to invest small amounts of public funds in hydrogen research. The U.S. program never exceeded $24 million. As the energy crisis waned and the price of oil began to drop again on world markets in the 1980s, government funding for hydrogen research declined significantly.”

Many decisions, involving many groups, still need to be made before phasing in a hydrogen economy. One of the greatest decisions is what form of hydrogen fuel is to be used. If gaseous or liquid hydrogen were chosen it would be necessary to change the entire infrastructure of the fossil fuel industry. New tanker trucks would be needed, gas stations would have to be converted to the new fuel. Research is still being conducted into the transport of hydrogen, but at the moment it seems that the cheapest and most efficient form of hydrogen fuel is metal hydrides. In this form, the fuel will be in a semi-liquid form and could still be used within the current fossil fuel infrastructure. There are many hidden costs in switching to a hydrogen economy. The cost to change the infrastructure could be huge and needs to be taken into account.

One of the reasons that there has not been a shift towards a hydrogen economy is because of cost. As of right now it’s impossible for fuel cell production to compete with the internal combustion engine. The cost of the fuel itself also poses a problem because hydrogen is still more expensive than fossil fuels. These problems can be countered by simple measures such as mass production of fuel cells and hydrogen fuels. This could occur in a manner very similar to how the automobile has evolved. Initially only very wealthy people could afford an automobile, but over time, through mass production, and the assembly line, people who were of lower economic standing were able to afford automobiles. A similar occurrence must happen today but will occur only with increased research and a change in political and cultural views.

**Conclusion**

Facts:
Oil and other fossil fuels are running out worldwide. The use of fossil fuels has hurt the environment and will continue to do so. Wind, solar, and other renewable energy sources are good in theory but are intermittent and difficult to use in transportation. Hydrogen is the best choice as an alternative fuel and is environmentally friendly.

Shifting to a hydrogen economy will require difficult political and economic changes as well as a huge cultural shift in the United States. There has been scientific evidence for years that the use of fossil fuels hurts the environment. Efforts have been made in reducing the use of fossil fuels but it is necessary to stop using them completely and shift to an energy source that does not pollute if we want to save the environment. The next steps are complicated and difficult to achieve. Fossil fuels need to be phased out of use and the use of hydrogen needs to be increased. The government needs to move from dependence on foreign sources of oil, especially in the Middle East.

Culturally, the citizens of the United States will have to realize that cheap energy is not an unalienable right and that it is necessary to switch to hydrogen power to save the environment as well as save American lives in conflicts centered around our foreign dependence on oil.

Policy changes also have to be made. The obvious first change is that we must reduce our use of energy and decrease our dependence on foreign sources. One of the most promising ideas to achieve this is the concept of a “fee-bate” system. This would entail fees for people who purchase automobiles that get poor mileage and rebates for people who purchase automobiles that get high mileage or are fueled by alternative systems such as hydrogen. This sort of system would be ideal because people would start to purchase vehicles that are environmentally friendly and automobile makers would respond by increasing the supply to match the demand. Greater government subsidy for businesses that use alternative powers would also aid in the switch.

How should these changes take place? Will the government be receptive and begin funding an energy plan that would move us from oil to hydrogen? Will the cultural shift required of the American people actually occur? These
questions can’t be directly answered because they need to take place gradually over the next twenty years before the world’s supply of oil runs out. The hydrogen economy is a necessary endeavor to save the environment and it will require a change in our culture, not just our politics. Maybe it would be better to refer to it as a hydrogen society, rather than a hydrogen economy.

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Female circumcision and other seemingly radical initiation rituals practiced in many cultures are understandably controversial, and even appalling, to the uninformed Westerner. They are also, however, greatly misunderstood and merit extensive research and discussion. When dealing with any foreign concept or practice that does not directly affect oneself, it is critical to examine any related historical, social, cultural, and developmental factors that lead to such practices.

Rituals of initiation among the Hofriyati of northern Sudan and the Sambia of Papua New Guinea are no exception, and must be studied carefully to account for the values and steadfast cultural beliefs of the Hofriyati and Sambia themselves. It can be said that the two cultures are similar in regard to gender relations. This may help to validate their perspectives in the eyes of outsiders, who will see that neither society is alone or “freakish” in the way it carries out cultural practices. However, the Hofriyati and Sambia are also opposite in many ways. The two societies provide examples of fundamental cultural differences that exist in the world—a reminder a certain way of doing things is neither right nor wrong, only existent and fundamental to the formation of a cultural identity.

Male initiation rituals among the Sambia exist in response to two salient cultural features: ambivalent, volatile gender relations and a history of constant warfare. The Sambia distinction between what is “male” and what is “female” is so strong that the two concepts are completely polar. Paradoxically, men try to achieve for themselves what is essentially feminine
through a series of rituals that directly parallel female “life crises” (namely menarche, menstruation, and childbirth). To the Sambia, femininity is imbued with natural powers of strength, monthly purification by menstruation, and childbearing. Women are born with these potentials, and grow into their femininity with no effort on their part. For them, socialization is a steady process. Men, on the other hand, are considered inherently weak and tenuous, and must actively achieve masculinity through critical ritual procedures. This is cause for great envy in men who seem to resent female power and go to great lengths to achieve it themselves. They do this by separating themselves entirely from the feminine sphere, becoming as “unfeminine” as possible through enacting their own versions of female life crises.

Male initiation involves considerable emotional and physical trauma which purposely shifts the socialization process from the female to the male sphere. Starting around five years of age, boys are taken from their mothers and allowed to associate with men only. Initiation rituals are secretive and kept from the eyes and ears of women. Secrecy enhances their social power and reinforces animosity toward women, whose presence will contaminate the new initiate’s masculinity. The rituals involve homosexual relations, namely fellatio, which strengthen the boys and help them to grow strong through the ingestion of semen. Semen is male essence, or jerungdu, which helps to form bone, muscle, and skin, and which will cultivate masculinity in the young initiates. Heterosexual relations will only contaminate the boys, stripping them of strength and jerungdu. This is so strongly believed by Sambia men that they wear special nose-plugs during heterosexual intercourse to keep contaminants from entering through the nasal orifice. Older initiates responsible for inseminating the young boys can replace their semen by drinking a tree sap that is likened—along with semen itself—to mother’s milk. This illustrates the essential ambivalence toward women whose bodily fluids are both valuable and contaminating to men. Another important ritual involves carrying a naked initiate through two rows of men to be beaten and bloodied before emerging—usually in tears—on the other end. This is a symbolic reenactment of childbirth that also implies the rebirth of the boy into the masculine world.

Initiation rituals are war-like in their inclusion of surprise “attacks” and unexpected thrashings and nose-bleedings. Nose-bleeding is a form of male “menstruation” by which men rid themselves of female contaminants as their wives menstruate vaginally. Such painful practices serve to strengthen and toughen the weak, feminine boys and prepare them for war, which can occur without warning as made clear by
Sambian history. A man’s success in battle is directly proportional to his masculinity and sexual prowess. The constant threat of war thereby conditions men to be aggressive, sexually dominant, virile, suspicious, and vengeful—especially toward women who come from enemy hamlets through exogamous marital practices. Women are therefore social outsiders, associated with external powers and contaminants—a key problem that men never fully come to terms with. Through ritual initiation, then, men are “radically resocialized” (Herdt, 2002, p. 81), leading to considerable emotional backlash, a reactionary resentment of women, and an aggressive nature.

The socialization of men has strong historical roots that have remained firm through generations, despite outsider criticism. This is because male rites of initiation are necessary realities that literally create masculinity. The strict division of gender is a mechanism of social structuring without which the culture would be chaotic and disorderly. Through initiation, boys achieve full social status and humanity by becoming men, husbands, fathers, warriors, and members of Sambian culture (Herdt, 2002, p. 168). In trying to uproot the Sambian model of masculinity by doing away with rituals deemed unfit and destructive by Western standards, outsiders rob the Sambia of their very identity, which is carefully constructed in response to their own perceived needs and values. As expressed by Gilbert Herdt, “The sexual polarity of Sambia economic roles is a powerful fact in the behavioral environment….The sexes economically complement rather than cooperate in this division of labor” (Herdt, 2002, p. 20-21).

A similar statement can be made about the Hofriyati of northern Sudan. Like the Sambia, Hofriyati men and women are said to complement each other by becoming sexually and economically opposite, each gender important for the social role it assumes. According to Janice Boddy, “Village women do not achieve social recognition by behaving or becoming like men, but by becoming less like men, physically, sexually, and socially….” (Boddy, 1989, p. 56). This idea is manifested in the infibulation of women between the ages of five and ten. While infibulation involves the closing of the vagina to create supreme
femininity and viable fertility, male circumcision involves removing the foreskin of the penis, exposing the organ and creating supreme masculinity.

The idea of internal harmony is as crucial to Hofriyati women as it is to Sambia men. While among the Sambia, men are primarily concerned with protecting the hamlet and keeping potentially dangerous outsiders at bay, Hofriyati women are strongly associated with ideas of enclosure and internal purity. This is in part a reaction to an historically-based mistrust of external power structures that have negatively affected Hofriyati culture. The women therefore spend most of their time with each other, maintaining their own social world within the high walls of their hosh. They are responsible for the moral character of the village and are obligated to visit each other regularly, especially in times of sickness and death. This social "enclosure ideology" is physically manifested through the cultural regulation of fertility and the womb. Circumcision itself is a "legacy of the pharaonic past" (Boddy, 1989, p. 51). It is a process by which girls' bodies are made clean, smooth, pure, and ready for the responsibilities of womanhood, including marriage and childbearing. It is not until a woman is circumcised that she can marry and give birth, thereby advancing her social position and becoming a legitimate member of society.

The mechanics of circumcision are said to shape the womb for optimal containment of vital bodily fluids, the most important of which is blood—"the source of a woman's fecundity" (Boddy, 1989, p. 62). This is reminiscent of Sambia men who carefully track seminal emissions and accumulate as much semen as possible to create physical strength and virility. Hofriyati women liken the shape of the infibulated womb to that of an ostrich egg after the contents have been drained: a perfect, smooth ovular shape with a tiny hole at the bottom to keep fluids from escaping. Such imagery extends to the spatial arrangement of the village, with each hosh being surrounded by high walls, symbolically recreating the enclosed womb.

The mixing and baking of kisra bread is another largely symbolic act. The vessel in which the grains are mixed is round and smooth with only a narrow opening at the top. Women take the agricultural products (which are likened to sperm) cultivated by men and mix them in the womb-like container, after which they are baked to form kisra, a dietary staple. The heat involved in the baking process is likened to the heat and pain women feel during circumcision and childbirth. Heat is also an important aspect of pre-marital cosmetic rituals in which women remove all body hair and take long smoke baths to remove the top layer of skin, revealing lighter skin beneath. The recurring themes of heat, pain, whiteness,
smoothness, enclosure, and purity are salient features of Hofriyati culture that are all directly related to fertility and femininity. It is interesting to note that almost all of these themes (heat, pain, trauma, hairlessness, purity, and a sense of internal harmony) apply to Sambia boys’ achievement of masculinity.

Another similarity between the two societies is the seeming obsession with bodily orifices. While Sambia men regard the nose as the ultimate beauty signifier, and guard it against female contamination by using nose-plugs, Hofriyati women feel similarly about their nostrils, vaginas, and mouths. Spirits are drawn to menstrual blood in particular, and the more tightly closed the vaginal orifice, the safer the woman. Hofriyati measure beauty by nostril size, and are rarely seen open-mouthed in pictures. This is in response to notions of beauty and propriety, and is yet another sign of the importance of enclosure.

While the Hofriyati are criticized by outsiders who see infibulation as a means of oppressing women, Hofriyati women maintain that by circumcising their daughters, they are safeguarding their fertility and making them social beings. Fertility is a sacred cultural force and the source of great social power for women. Viable fertility created by a womb made moral by infibulation is the ultimate cultural capital in Hofriyat. It leads to marriage, children, and economic stability, and is the cultural crux upon which society functions. While many Westerners feel that infibulation is a way to increase men’s sexual pleasure and denigrate female sexuality, Hofriyati women see the ritual as a beneficial and necessary creation of ultimate femininity (not unlike the purposeful creation of masculinity among Sambia boys). The assumption that Hofriyati women are wholly oppressed by men is an ignorant one born of the ethnocentric expectation that all women aspire to Western gender roles and identities. It is Hofriyati women themselves who enforce the continued practice of infibulation. Janice Boddy stresses the complementary nature of men and women in Hofriyat: “If it is through men that the social order receives its structure, its rigidity and permanence—its “bones”—then it is through women that it receives its fluidity and ephemeral integration—its “blood” and its “flesh” (Boddy, 1989, p. 67). It is by functioning in the female sphere—by becoming the polar opposite of men—that women exert social power. They are responsible for the primary exchange network of food, goods, and information, and control kinship systems by arranging appropriate economic and marital connections for their children.

Such a concept can be easily misunderstood by American women who have long been trying to achieve equality by becoming more like men, and renouncing “classical” ideas of femininity. It is important to remember that America is
but another culture with its own influential past, changing and functioning according to Americans’ own perceived social needs. Fundamental to a person’s gender identity is his or her body image, social role, culturally regulated sexuality, and salient set of social values. When the practices and rituals that create, maintain, and reinforce this gender identity are made illegal, a society’s very foundation is disturbed; the sense of order that defines a culture and makes sense of otherwise arbitrary life experiences is undermined, along with individual and collective identities. The implications for illegalizing Sambia initiation rituals and Hofriyati infibulation are enormous, and must be seriously considered. This is not to say that the Sambia and Hofriyati are inflexible in the face of social change. On the contrary, they face change often and adapt according to their own cultural guidelines, taking foreign concepts and making them socially relevant where possible or necessary. They do, however, have a strong self-concept resulting from physical, emotional, and cognitive socialization into their own particular culture. It is entirely possible that for two societies who so strongly value internal harmony, the threat of outside interference will only heighten social anxiety and intensify physically grueling rites of initiation and identity formation.
Memory and the Holocaust

By Matt Magida
Class of 2007

Matt Magida’s essay is a deeply personal expression of his engagement with his family’s experience as Jews living in Nazi Berlin. Magida’s personal journey through this history took on new resonance in the context of a Connecticut College course on the history and culture of Berlin, which included a ten day trip to Berlin. In Berlin, Magida found the apartment where his grandfather had lived, visited the Sachsenhausen concentration camp where his great-grandfather had been incarcerated, and found the cemetery where many relatives were buried. Magida’s essay does more than relate the story of his reconnection with his “home” city of Berlin, however. In the best liberal arts tradition, the essay informs and expands on that experience by placing it in the historical context of Berlin and Germany under the Nazis, while also examining the experience of Holocaust survivors and their families. It is a powerful and touching essay.

Introduction by Marc R. Forster
Professor of History

It is not every day that an undergraduate is given the opportunity to return “home” through a generous gift from their school. Memories faded from over sixty-five years of silence. Connections to “home” are few and far between. I know little of the cuisine except for apricot Berliners and liver stuffing as told by Mom. Childhood bedtime stories of “Doktor Doolittle” read by Grandpa Auf Deutsch still clearly resonate in my mind; however, I now forget their meaning and plot. In fact, my grasp of the language is four words strong, “Ich spreche kein Deutsch.” I am the product of American assimilation. Who is Hertha Berlin and who enjoys Berliner Kindl and green beer? My team is the Philadelphia Eagles, and I prefer Yuengling. This is what I have been brought up with in suburban U.S.A., thousands of miles from scarred wounds and covered graves. I hope to answer my German question of identity and culture during my visit to Berlin because there is nothing of the city at home, except dinners where some members of my family consider chicken organs a delicacy.

“The Shoah refuses to disappear,” writes Alan Berger. “Memories of the monstrous evil unleashed by this fiery cataclysm of history continue to plague its survivors, to vex the religious imagi-
nation, and defy the notion of innocence” (43). Remaining survivors of Hitler’s Third Reich are largely divided on the issue of how to remember and memorialize experiences of their youth. While many speak at public events, there are other survivors who remain silent out of fear. This fear takes on different forms, not only personal ones but also associative ones. Desecration of memorials, physical violence and verbal abuse, and the forced reopening of wounds are pivotal reasons why Holocaust survivors refuse to speak out and thus remain quiet to the grave. Their silence forces children born to victims of the Shoah to educate the world on the horrors in ghettos, concentration camps, and hiding from the Nazis. The burden for many descendents of Holocaust Survivors causes inter-generational conflict and feelings of self-denial from being raised in a world void of knowledge prior to the start of the World War II.

Returning to a city one loosely refers to as “home” is not easy. I remember the first time I seriously dreamed of visiting Berlin, even worse, Germany. “Why would you want to go?” My mother would snap with anger, as my grandfather continued sitting in the kitchen with his back to the George Washington Bridge, distraught at such a comment. I cannot recall my exact age, that’s not what is important to the story. Rather, my family’s unwillingness to permit my desire to seek out home prompted years of generational tension between child, parent, and grandfather. My mom never sought to uncover her German question as the daughter of an exiled Berliner. Whether it was her father’s inability to come to grips with the past during her upbringing, New York was the city. Berlin stopped at my great-grandmother’s 166th Street apartment. For my generation, it was stuffing in the goose comforter my brothers and I slept on as children at my grandparents’ Fort Lee, New Jersey apartment. It never saw the light of day, because it was hidden in a closet for the world to never see except when my family would visit overnight.

Sigal and Wienfield define the term Holocaust Survivor during their analysis of intergenerational effects on experiences during the Third Reich. “The term ‘survivors’ [refers] to persons who were subjected to the Nazi persecution, regardless of whether they were
in ghettos, in hiding, in labor or concentration camps, or in the partisans” (163). A common misconception of the Holocaust is that Jews were the only victims of Hitler’s Final Solution. Gypsies, homosexuals, people with varying handicaps, Communists, Poles, and members of Jehovah’s Witness, are all included in a list of over 11 million peoples murdered by Nazi hands. There is no official number documenting the victims who suffered persecution under the Nazis because almost every non-“Aryan” individual suffered in some respect, leading up to or during the Second World War.

The need for Holocaust survivors to reflect on their past, to tell younger generations their story, has grown over the last decade because increases of Anti-Semitic activity in both Europe and North America have caused alarm in the Jewish Community of the Diaspora. “There was an uneasy silence about the Holocaust for more than two decades following World War II, and the subject was barely touched upon in school throughout Europe and the United States. Interest was revived in the shadow of the Eichmann trial and the turmoil of the 1960s” (Schwartz 98). Uncertainty over the world’s condition shortly after the Second Great War and the immediate launch into the Cold War left many survivors unable to trust humanity. They reentered society labeled as displaced citizens and refugees, without any stability or anything to fall back on. It would take the sentencing of several high profile Nazi War Criminals and a renewed sense of security for the children of Auschwitz to speak for the first time.

It is the morning of my scheduled departure to Berlin, the goose comforter is now faded from ten years of warm sun penetrating its red cover print; it graces my bed at home. I’m off to make a quick visit to my Grandfather at his apartment before meeting up with my professors and seventeen classmates at Newark Liberty Airport. Grandpa has returned from the hospital and is recovering from cellulitus. His face is swollen and red, but due to make a full recovery with antibiotics. After lunch, my brothers run off to the television while he opens what both my mother and I have never seen before, photographs of Berlin and his family from his youth. Looking face to face at my grandfather as a child, I am captivated by the beauty of black and white. Narrating the story of the Baumblatt dynasty, my grandfather slowly adds a dimension of depth to my German question; I begin to correlate past lifestyle to present mannerisms. Shortly before I race out the door to the airport, his cellulites ridden face lights up with news I will be attending a Hertha game. Finally, a sign of joy from the city he never mentions.

In recent years, children and grandchildren of survivors have been documented through art, literature, and various education programs to prevent Holocaust denial as loved ones pass
away. Taking on the responsibility to keep the memory of the Holocaust alive, it has become increasingly difficult over the last two decades for these people to ensure fiction is kept out of a factual, life-altering experience. Art Spiegelman’s graphic novels, *Maus I* and *II*, illustrate the biographical story of his father’s life and coming to grip with his past over forty years after his liberation from Auschwitz. Citing *Maus*, Young explains, “For like others in his media-savvy generation, born after – but indelibly shaped by – the Holocaust, Spiegelman does not attempt to represent events he never knew immediately, but instead portrays his necessarily hyper-mediated experience of the memory of events. This postwar generation, after all, cannot remember the Holocaust as it actually occurred. All they remember, all they know of the Holocaust, is what the victims have passed down to them . . . ” (669). Making his father the main character of his struggle to memorialize his family’s past allows the reader to better understand the Holocaust because the story is told through the words of a survivor, rather than second-hand accounts. *Maus* serves as an accurate second-generation account depicting the atrocities associated with the Holocaust because Spiegelman acts only as the narrator, leaving the role of storyteller to his uncooperative father.

**Going East with my America at my back, we touch down at Tegel Airport. First bus, then by U-Bahn; twenty tired Americans make it to Kruezburg. Processing my past, 20 minutes wrapped around 66 years of silence is overwhelming. The hostel is just beyond the Jewish Museum. Maybe my past will be found there too, not just at 12 Hortensienstraße.**

“Second generation Holocaust writers occupy a distinctive position. Despite their various orientations to Judaism and other differentiating factors, as children they were all ‘witnesses to their parents’ ongoing survival. Consequently, while having not personally experienced the Shoah, these ‘second-generation survivors’ constitute the group of non-witnessing American Jews most intimately familiar with its continuing effects” (Berger 45). In families where issues surrounding the Holocaust were never addressed, the burden is placed on the young adult third-generation, since the last remaining survivors
are becoming few and far between. Increasing numbers of Holocaust deniers in the United States has required grandchildren of the Shoah to preserve and protect their family’s memory. Visiting concentration camps in Poland, participating in educational outreach programs in locations across America where there are few to no survivors alive today, supporting the National Holocaust Museum, and raising awareness through the Anti Defamation League are examples of the new auditory, visual, and physical approaches to preserving the Holocaust by third-generation ‘survivors’ unavailable to their parents.

So, I am the legacy of an exiled German, who has returned to the homeland I know nothing historical about except from a biased high school textbook, abridged stories told by Mary Fulbrook and Brian Ladd and the notorious “Hitler Channel.” We are at the Topography of Terror, a sore pit in the German stomach, surrounded by walls of tyranny. Ladd does not give it justice, nor does the History Channel. Looks on German school children’s faces stand out like rotten milk to the stomach. Splash, there goes the milk, rolling down a girl’s ageless white porcelain face. Instead of wiping tears away, the girls rub them into their skin, absorbing them as memories. The cold air blows against my now aged and pale dry skin. “Nineteen years old,” reminding myself of my age as I walk, looking at a reflection of resistance fighters. Twenty year old university students, united under the umbrella resistance movement known as the White Rose, sealed their fates on this very ground along with thousands of war criminals. Their legacy remains, permanently etched both along and under a land mass ironically parallel to the Berlin Wall. Why are the names of resistance fighters recorded in stone, but Jewish victims of the similar fate not? Did these resistance fighters, many about my age, die so that I could reflect and never forget my families story?

Shoah survivors educate the nation about the Holocaust through various teaching techniques including thought-provoking discussion in the classroom. Unfortunately, these members of the greatest generation have been under intense scrutiny for several years by critics citing “concern” on the level of attention the United States gives to teaching school children Schwartz comments on these individuals, outlining his opinion on the importance of “over-teaching” and significance of Warsaw and Dachau to World History;” the Holocaust does not deserve special attention, some critics maintain, when history is everywhere replete with injustice, suffering and human misery . . . Those objections notwithstanding, the rationale for teaching about the Holocaust is compelling and overwhelming… As the ultimate consequence of bigotry, intolerance, and hatred, the Holocaust raises significant
and disturbing questions about people, nations, the use of science and technology, and the human condition” (100). While the majority of the world stood silent for six years beginning in 1933, the Third Reich built political prisons (later concentration camps), rebuilt an illegal army, stockpiled weapons, forced sterilization of mentally disabled persons, and gradually removed the civil rights of Jews (first in Germany, later in occupied countries and territories), ultimately leading to the Final Solution in 1942 calling for the deaths of all Jews and other unfit peoples. Before Hitler, no nation successfully developed and executed as detailed a plan for exterminating over 11 million people. Using methods of modern torture to eliminate a people solely on their faith, nationality, sexuality, disability, or political ideology, Nazi Germany became the first national state to develop science specifically for the sole purpose of eliminating undesirables as outlined in Hitler’s Mien Kampf.

The empty S-Bahn brings a group of American and German youth to what appears to be the edge of time and space, Lichterfelde. From an architectural standpoint, it looks as though time has stood still since 1939. As a group we disembark at Botanischer Garten. It is perfection personified. Everything seems in order and cobblestones line the streets and individualized shops surround the town square. Immediately, I feel at home. I open the now worn-out envelope which contains photographs of the building I am searching for. We make our way into the town square and find Hortensienstraße. 13…12A…12, “Stop!” I stare at the structure, eyes like saucers and mouth a gasp. The wooden fence is no longer standing; a modern metal one has taken its place, amid great controversy my cousin and I would later find out. I nervously ring the bell and the door clicks open. My grandfather’s voice echoes in my head, “Third floor on the right.” Wooden stairs creek as I continue up to the second floor. A confused woman with an infant in her arms greets us. My cousin translates our story, the woman smiles with joy. I explore the apartment, not convinced until we enter out on the balcony and look out on the street below me. It is true. I am finally home!

The Holocaust remains unique to world history; sixty years after the allied
nations liberated Treblinka and Bergen-Belsen, the topic for many survivors remains an issue they refuse to discuss publicly primarily out of fear. While questions over how its memory should be best preserved, an intense inter-generational debate has been ignited for the last several decades in both Europe and North America, while thousands of individuals remain uneducated on basic facts of the Holocaust. It has become a responsibility for families of Holocaust survivors to break the silence. Otherwise the world will do what survivors dread most: forget.

The last 24 hours have been painful. Leaving the group early from Sachsenhausen, I walk the streets of Berlin alone on an empty Sunday afternoon. How could my great-grandfather survive Sachsenhausen for 6 weeks, while I couldn’t handle my emotions for more than 6 minutes? On the trolley car to his grave, I finally begin to understand my grandfather. Plot number 99926; first death by Nazi and second death by ivy’s strangulation. This is my Topography of Terror, the Jewish Cemetery. My great-grandfather’s name, (along with thousands of other men and women who met similar fates) carved in his own headstone. The covered grave is overwhelming as I fall to the ground taking in tears while moving dirt and clearing ivy. Understanding his trauma first-hand by traveling back to Berlin, the puzzle to my German past is finally solved as I look face to face with the man who died for my freedom.

My journey to Berlin has been monumental because this is the first time I ever felt home in a place outside the bubbles of suburban Philadelphia and Connecticut College. I am looking forward to my return to Berlin, my family’s city. Berlin is the city where I not only rediscovered who I was, but also uncovered my grandfather’s dream to go back one last time. I hope he comes with me...

My Family’s Exodus to America.

The story of my grandfather’s incredible journey was orally passed down to me for the first time less than three hours before I departed for Berlin. Born Otto-Günter in August 1922, he lived in a well-to-do suburb on the outskirts of the capital city walls, Lichterfelde. After Hitler’s rise to power in 1933, his family, along with many other Jewish families at the time, assumed the sharp rise in anti-Semitism and violence against Jews would eventually go away, as it had in previous years. My grandfather was eventually pulled out of his local public school and attended the American School of Berlin in order to prepare for a future in America. On Kristallnacht, my great-grandfather was rounded up by the Nazis and taken to Sachsenhausen, then a prison and labor camp outside Berlin. For approximately six weeks, my great-grandmother, grandfather, and great-aunt waited helplessly in Berlin, with no news of his whereabouts or contact information.
Around Christmas 1938, many Jewish men held in Sachsenhausen were released by the Nazis in order for them to leave the pure “Aryan State.” The horrific image of my great-grandfather returning from Sachsenhausen remains fresh in both my grandfather’s and great-aunt’s minds after nearly seventy years. Exhausted and sick from his stay in Sachsenhausen, my great-grandfather passed away from pleurisy on January 15, 1939; I had the opportunity to visit his grave at Weißensee, the main Jewish cemetery in Berlin (and ironically the only major graveyard in the city to not be bombed during the air raid of 1945).

Shortly after my great-grandfather’s death, my grandfather’s visa to the United States was approved to work for a cousin’s leather distributing in New York City. He cruised from Hamburg that March, leaving his sister and mother behind, waiting for visas. Shortly after his arrival in Manhattan he changed his name to Gunther. My great-grandmother was visiting her mother while their accountant was filing her taxes that April. The accountant asked my great-grandmother if she knew of any apartments for sale in the Lichterfelde district; she had two sisters living in Chicago who wanted to live out their last remaining days in Germany. Her only legal opportunity out of Berlin, the property exchange was signed. The following day she took the deed of real estate in America to the United States Embassy of Berlin, strategically placing her and my great-aunt at the top of the waiting list (which numbered in the thousands) for immigration to America. Arriving at Ellis Island on July 4, 1939 with nothing but furniture (the Nazis confiscated everything of monetary value including jewelry, silver, etc…) my grandfather was reunited with his mother and sister and began what they thought would be a new life in Chicago, Illinois.

One look at the townhouse in Chicago made my great-grandmother decide to return to New York City where she lived until her death in 1965. As a means of income, she rented out the rooms in her apartment in Washington Heights, Manhattan; however, the life of luxury she led in Berlin did not compare to the difficulties she faced and overcame as a foreigner in Manhattan.

Over 65 years later, my grandfather now owns the company which sponsored his voyage to America. He
returned to Berlin for the first time since his emigration in 1989, seven months before the Berlin Wall’s collapse and reunification. He has not been back since the German government paid part of their reparations settlement; however, my trip to the city of his birth has encouraged him to think about returning to Berlin one last time before his death.

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Both Jews and Japanese entered Brazil in large numbers during the early 20th century despite blatant discrimination and restrictive immigration laws. Under the Estado Novo regime, Dictator Getúlio Vargas institutionalized discrimination through a series of anti-immigration laws. At the same time, Brazil was trying to expand its economy by increasing agricultural exports. These two goals were not compatible. Brazil was in need of a migrant work force composed of the same peoples it wanted to keep out. The cases of Jews and Japanese in Brazil were strikingly similar. Both populations were desired for their work abilities and financial stability, but were rejected for cultural, ethnic and racial differences that set them apart from native Brazilians. In spite of claims to be a “racial democracy,” the “whitening policies” of Brazil expressed typical attitudes of natives towards the emerging migrant workforce, emphasizing the complexity of the relation between race and immigration.

Jews and Japanese came to Brazil for the same initial reason: they were recruited to work in a struggling agricultural economy. Both groups were sought after because of their renowned work ethic and their white complexion. After the abolition of slavery in 1888, Brazil was in desperate need of a compliant work force to maintain a successful agricultural industry. Brazil intended to fill this need for labor with Europeans and Japanese. In 1885, the first Brazil-Japan treaty was signed and Brazil began to actively recruit Japanese immigrants (Lesser 1999, 84).

Japan also benefited from out-migration because there was a labor surplus in the agriculture industry. Jews
were similarly brought to Brazil at the request of landowners in the late 1800s. Europeans were believed to be better workers than slaves and could simultaneously “whiten” the population. Similarly, when Henrique Lisboa, minister plenipotentiary of Brazil, visited Japan, he reported that “the character of these people is unbeatable in terms of the desire to do perfect work . . . the Japanese possess initiative and a spirit of invention and adaptation” (Lesser 1999, 84). Although Japanese and Jewish populations filled job positions, Brazil was ambivalent: “Brazil was both eager for, and frightened of, immigrants” (Lesser 1999, 82). Because Jews and Japanese were known for their intelligence and financial success, they were seen as a threat to native Brazilians, despite expressed government interest in an immigrant workforce. It seemed that Brazil had become a desired immigrant destination overnight. In nine years, between 1924 and 1935, 141,732 Japanese entered Brazil.¹ This was over half of the total Japanese immigration between 1880 and 1969.² The largest percentage of Jews also entered between 1925 and 1935. In these years, 35,521 Jews from more than five Eastern European countries (including Russia) settled in Brazil.³ This number is remarkable considering that the Jewish population was between 300 and 3,000 at the end of the nineteenth century. Jews were originally accepted as a small, unseen minority in the agricultural sector and only later discriminated against when they became a visible sub-sector of Brazilian society.

It seemed that Brazil had become a desired immigrant destination overnight.

Compared to the Jews, the entrance of large numbers of Japanese was better planned for and anticipated. Brazil had invested sufficient time and energy into researching Japanese culture in order to assure themselves that they knew what kind of people they were bringing into their country. Government officials traveled to Japan and returned impressed and motivated to create a similar society in Brazil. Images of desirable Japan were a Western Japan “filled with electric streetcars and large multistory buildings made of permanent materials” (Lesser 1999, 151). In other words, what Brazilian diplomats liked about Japan was that it was Western. Henceforth, the Brazilian government imagined a “new, industrially powerful,
and socially conservative Brazil. What they did not picture was a Brazil filled with Japanese immigrants...” (Lesser 1999, 157). At the same time, Brazilian officials planned to place Japanese immigrants, noted for their docility, to work on the farms, and thus transform the failing Brazilian economy.

By the 1920s Japanese immigrants had expanded out of the fields and into the cities. The 1920s were a decade of increasing visibility of all immigrants in Brazil, and the first group to be targeted was the Japanese. They were attacked for the same reason that Jews would be in the near future: a lack of assimilation. In the 1921 and 1923 reports to the Congressional Commission on Agriculture, federal deputy Fidelis Reis reported that “the yellow cyst will remain in the national organism, unassimilable by blood, by language, by customs, by religion” (qtd. in Lesser 1999, 100). Rio’s O Jornal agreed, arguing that “No one can be in sympathy with these immigrants who do not assimilate, nor even expend their large earnings in the place where they acquire them in so miserly a manner” (qtd. in Lesser 1999, 101). While the Jewish population never matched the size in numbers of the Japanese, Jews were targeted more aggressively. Jews were small but visible because of their concentration in a few occupations in urban areas. These occupations included textiles, peddling, and an exaggerated participation in prostitution. The latter two occupations were not respected even though they were widely used by native Brazilians. Jews saw Brazil as a country full of economic opportunities and a “fertile ground for peddling” (Lesser 1995, 31). Peddling brought financial success to the Jewish community of Brazil but also created an image of Jews as dangerous, sneaky, and swindling. The Jewish image was further tarnished by the participation of a small group of Jewish pimps and prostitutes in the larger cities which encouraged the idea of “Jewish immorality” (Lesser 1995, 38). Because Jews did not fill the role that had been intended for them as submissive farm workers, they found themselves unwelcome in a country that had just years earlier sought out their entry. However, the true reason for discrimination
against Jews was not economic, but racial. Although Eastern European Jews had white skin, they had an ethnic background that was very distinct from Brazilian culture. Opinions were constantly changing as the government balanced the pros and cons of a Jewish presence: “Jews were deemed nonwhite and antithetical to Brazil’s racial whitening policy while simultaneously being viewed as crucial to Brazil’s economic development” (Lesser 1995, 175).

Attacks on Jews came from all sectors of society, including scholars, politicians, and the press. Although only 10,000 of Brazil’s 30 million inhabitants were Jewish, Jews were labeled as “a new social danger” (Lesser 1995, 29). The argument in favor of Jewish settlement (as well as Japanese) was raised level of production and increased capital. The arguments against immigrants were based on racism and nationalism. The possibility of “an increasingly diseased race” (Lesser 1999, 116) was not worth any amount of immediate financial gain especially for those who did not put priority on increased production. In the early 1900s the main goal of government officials was to emulate European civilization and engage in an “intensive Aryanization” (Lesser 1995, 29). Instead of serving as a safe haven for European Jews, the Brazilian delegate Ruy Ribeiro Costa argued that “Brazil should not give refuge to the trash from the German ghettos” (Lesser 1995, 157).

Brazilian government officials in the 1930s found themselves in a very uncomfortable position. Almost all Japanese and Jewish immigrants had come to Brazil on government subsidies with the expectation that this money would come back to the economy through increased agricultural exports. Instead, these two talented, intelligent populations worked to establish themselves and build successful ethnic communities. Brazil was also disappointed to discover that they had recruited populations with strong ethnic identities who were not willing to give up their culture in order to become Brazilian. To rectify their action, the Estado Novo government under Vargas encouraged extreme nationalism and created a xenophobic environment through strict immigration laws and limited freedoms for migrant residents. Vargas banned all non-Portuguese materials, made it illegal to speak any language besides
Portuguese, and outlawed all political parties. Although Brazil historically and currently claims to be a “racial/ethnic democracy,” the Jewish and Japanese cases are examples of institutionalized and public discrimination on both racial and ethnic grounds.


Agricultural Transformation in Cuba

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Due to political changes in Cuba, there was an extreme reformation of the agricultural system. The intended purpose of the restructuring of the agricultural system was to strengthen the economy. These changes, however, led to improvements in the environment. Indirectly, individuals had more control over the agricultural process. The return to older agricultural methods raises the question of how the renewal of the environment is connected to the political and economic practices.

Classical agriculture methods dominate farming practices as first and second world countries industrialize and grow. Farming has become more mechanical than natural. Industry is no longer the only major polluting sector of a country’s economy as intensive agriculture has become just as environmentally devastating. This was true for Cuba, until the trade agreement that was supporting its agricultural system fell through and its economy collapsed. This essay will, first, study the original classical system in place and the immediate effects of its collapse. It will, then, analyze the food crisis and subsequent changes to alternative agriculture which ensued, first in general and then looking specifically at three different levels of production. The purpose of this analysis will be to determine the public’s reaction to these changes and to attempt to forecast the future of Cuba’s agricultural sector.

A central point in Communist ideology is man’s control of nature and ability to use it for his benefit. As Cuba’s Communist President Fidel Castro declared in a 1966 speech, it is necessary for his people “to struggle to dominate nature and to have it serve mankind” (Díaz-Briquets and Pérez-López, 13). In later speeches Castro proclaimed that “not an inch of land should be left unused” and that “[u]nless we conquer nature, nature will conquer us” (Díaz-Briquets and Pérez-López, 17). Given such rhetoric, underscored by a strong desire to catch up and compete with the West, it is unsurprising that Cuba focused its energy on industrialization and the mechanization of agriculture. This was facilitated by Cuba’s entry into the Council for Mutual Economic Assistance (COMECON), which opened up lucrative trade relations with the Soviet Union (Oppenheim, 218). Cuba was able to sell its sugar high above the world market value (up to 5.4 times the world
market value) to the Soviet Union which also supplied Cuba oil and manufactured goods (Rosset). In order to produce sugar at high enough levels to ensure good trade returns, Cuba adopted heavy mechanization and the Communist idea of “farm gigantism” (Díaz-Briquets and Pérez-López, 11). The state took control of large farming units to mass produce crops in monoculture harvests; for example, “some 75% of all agricultural lands were devoted to state-run farms, whose main task was the production of sugar for export” (Oppenheim, 218). Substantial amounts of chemical fertilizers, herbicides and pesticides were used to keep production levels high. It was assumed that technology would be able to ramify any problems that might come up (Díaz-Briquets and Pérez-López, 11-12). The Soviet Union provided the means and techniques for Cuba’s industrialization and large-scale agricultural production and Cuba prospered (Oppenheim, 216). That is, if its environment and displaced laborers are ignored.

The industrialization of Cuba’s agricultural system brought about two significant negative consequences. First, it destroyed the environment. The sugar industry is very hard on the environment as it “generates very large amounts of air emissions and liquid industrial wastes,” some of which are toxic (Díaz-Briquets and Pérez-López, 10). Poorly planned irrigation projects have led to the salinization of the soil. Intensive planting and deforestation have caused soil erosion and a loss in biodiversity. Run-off from chemical inputs have poisoned assorted water bodies. (Díaz-Briquets and Pérez-López, 18). The list goes on.

The second negative consequence of Cuba’s agricultural system is the movement of people from rural areas to the cities. From 1956 to the mid-1990s Cuba’s rural population decreased from fifty-six per cent to below twenty per cent (Funes, 5). As machines were more heavily used, labor was less needed and thus jobs disappeared. To survive, many had no choice but to move to the city where jobs were often hard to come by.

With the collapse of the Soviet Union, so came the collapse of Cuba’s economy, referred to as “the special period of peacetime” in Cuba because it “basically put the country on a wartime
Given that the Soviet Union was providing Cuba with virtually all of its industrial and agricultural inputs, when these stopped coming in there was no way for Cuba to keep up its production. Within four years, from 1989 to 1993, the national output dropped by a conservative estimate of thirty-five per cent. Imports dropped by an even greater amount of seventy-five per cent. Crucial to this was the drop in fertilizer, herbicide and animal feed imports, ranging from about sixty-two per cent up to eighty per cent (Díaz-Briquets and Pérez-López, 250-252). Also, exports dropped by up to eighty per cent, also (Enríquez, 203). It must be noted that with the collapse of the Soviet Union, Cuba had to start selling its sugar at the world market price and was thus bringing in much less money. According to some estimates, Cuba lost up to eight billion dollars in trade a year (Funes, 6). Unemployment in Cuba also greatly increased as many industries had no choice but to shut down (Enríquez, 204).

One of the most life-threatening effects of Cuba’s economic collapse was the food crisis it triggered. A basic knowledge of microeconomics and the idea of comparative advantage explain Cuba’s production choices: “[b]ecause of the favorable terms of trade for sugar, its production far outweighed that of food crops. About three times as much land was devoted to sugar in 1989 as was used for food crops” (Rosset). Although economically logical, this is a very dangerous move. Survival was based on the assumption that the Soviet Union would always be able and willing to hold up its side of the deal, since “57 percent of the total calories in the Cuban diet [come] from imports” (Rosset). Obviously this was not the case, though, and the health of Cubans suffered because of it. Cuba’s food crisis was further exacerbated by the ever-tightening US embargo, which made it difficult for Cuba to get any foreign aid during this time. For example, “[i]n 1992 the Torricelli bill was approved by overseas subsidiaries of US companies, and later the Helms-Burton Act (1996) restricted foreign investment in Cuba” (Funes, 7). At this point, with little outside assistance coming in, Cuba had to look inwardly to find relief. It had to make changes so that it could feed its own people and eventually build its economy back up.

Luckily for Cuba, its government realized the problem and accepted the fact that changes had to be made. Cuba is often seen as a human rights abuser by the Western world, but in this case the government stepped forward to maintain the health and dignity of its people: “‘The food question,’ said Castro, ‘has number one priority’”(Oppenheim, 219). This is unsurprising given Cuba’s strong record in social welfare, with free medical and education services. The Cuban govern-
ment is committed to providing the basic necessities for life to its people. Finding a way to be self-sufficient in terms of food became a new priority and an official policy (Oppenheim, 219). Along with the government as an advocate of change, Cuba’s intelligentsia provided technical support. Cuba has a high number of well-educated professionals, especially in the sciences: “While Cuba has only 2 percent of the population of Latin America, it has almost 11 percent of the scientists” (Rosset). Since the 1960s, Cuba has continually built up strong education and research programs in the sciences (Funes, 6). Scientific groups had, in fact, started advocating change toward more sustainable and environmentally friendly agricultural policies in the 1980s. Originally they were only considered when their ideas were to be less expensive than the traditional policies (Oppenheim, 220). During the Special Period, though, their knowledge became invaluable.

Out of necessity, government officials and scientific experts facilitated Cuba’s agricultural departure the classical model previously described to a so-called “alternative model” based on agroecological methods that are sustainable and environmentally friendly (Díaz-Briquets and Pérez-López, 253), requiring a virtual roll-back in time as Cubans reverted to methods used for centuries before industrialization. In fact, their actions would not have seemed even the least bit odd or counter-intuitive to their ancestors, as they might seem to people currently living. For example, in 1862, “Francisco de Frías y Jacob, the Count of Pozos Dulces, was quoted as saying that ‘intercropping and crop rotation in Cuba will reverse the rampant land degradation caused by ignorance and greed’” (Funes, 3). A lot of the changes that took place are obvious. As oil became harder to come by, farmers could not run their tractors and thus had to revert back to animal traction. The first time this occurred was in November of 1991, when one hundred thousand oxen took over for twelve percent of the tractors (Díaz-Briquets and Pérez-López, 251). Since fertilizers, pesticides and herbicides were no longer available, farmers started using some of the techniques the scientists had been perfecting. Instead of pesticides, the natural enemies of the pests were put to use in fields. One
example of this was the introduction of bigheaded ants to kill off sweet potato weevils (Oppenheim, 222). To discourage weed growth, farmers tried out different combinations of crops and rotated between seasons. Plants with dense foliage will be grown so little light can reach the underlying land and weeds cannot grow, which also keeps weeds from growing the next season at which point they can grow plants that otherwise would be susceptible to weeds. Various microbes have been studied and have been proven to fend off various plant diseases. Biofertilizers and polyculture harvests are used to improve soil quality (Oppenheim, 217). Composting and earthworms have also been used for the same purpose (Rosset). Because of the decrease in animal feed, Cuban farm animals have suffered. In response, work has been done to change their diets to fit more local produce, and the number of range animals has increased (Funes, 18). There have also been studies and beginning projects into the area of organic export products, such as organic sugar, fruit, coffee and cocoa (Funes, 19-20).

Essential behind all of these reforms is the “repeasantization” of the Cuban populace (Enríquez, 216). Switching to an alternative agriculture system requires a large number of workers, as labor-saving machines are no longer used in high degrees. It is thus necessary to move people out of the cities and back to rural areas. To inspire such movement, the government created incentive plans. One plan involves offering a salary and job security to anyone willing to take a period off from their job in the city to go out and work on a farm. Another is “the Plan Turquina whereby young people can substitute 2 years of agricultural work for their required military service” (Oppenheim, 226). To help out these new farmers there is state sponsored technical support to anyone who wants it (Enríquez, 206). Also, the state has promoted institutions for sharing knowledge about alternative methods. They have put together many conferences, workshops, and educational courses, such as the First National Conference on Organic Agriculture in 1993 (Funes, 11). Another program for farmers is “‘Agroecological Lighthouses,’ or farms where agroecological concepts are applied, promoting sustainable production systems in different regions of the country” (Funes, 12). All of these programs have increased the number of farmers and provided them with essential knowledge so that they can operate under the alternative agricultural model.

The focus of this essay will now turn away from the general changes that have taken place in reaction to Cuba’s food and economic crises in order to examine three specific levels of farming that have been changed by the switch to alternative methods of agriculture. The first and largest level is made up state farms which were broken up into Basic
Units of Cooperative Production (UBPCs). The second level is smaller farms that are either owned privately or are part of a cooperative, such as the Credit and Service Cooperatives (CCSs) or the Agricultural Production Cooperatives (CPAs). The third level is urban community gardens. Close examination of the changes specific to each different level should reveal how these changes affected different groups of people and perhaps, even indicate whether these changes will prove to be lasting.

The state-run large collective farm system is incompatible with alternative methods of production. One of the main reasons behind this is the alienation of the farm worker from the land. Teams of workers were organized to do particular jobs in certain areas, but these jobs and areas were always changing. For example, a team might till the soil in one area and the next day weed another area, a couple thousand hectares away. There was no consistency which would allow the workers to understand and know the land they were working. Such knowledge is essential to alternative agriculture. The farmer must know the soil he works; he must know what nutrients and minerals it is high in and what it is lacking. He must recognize what diseases, pests, and weeds threaten his crop and act accordingly both that season and the following season. The problem with the state farm worker is that “no one ever had to confront the consequences of doing something badly or conversely, enjoy the fruits of his or her own labor” (Rosset). An early attempt to fix this problem, even before the crises, was the program Vinculando el Hombre con la Tierra which meant to forge a link between farm workers and the land they worked on, but it was not incredibly effective (Rosset).

Cuba’s government issued Decree-law Number 142 because it was too hard to sustain a lot of large scale collective farms given the low-input level available in 1993. This law broke up many of the large state-run farms into smaller cooperatives known as Basic Units of Cooperative Production (UBPCs). The lands were given to farm workers rent-free, although the workers did have to buy the means of production (Funes, 9). The workers owned what they produced and, after farmers markets were (re-)legalized in 1994, were able to pri-
vately sell anything they produced above government quotas (Rosset), giving farm workers an incentive to use environmentally sustainable practices (Díaz-Briquets and Pérez-López, 253). These smaller farms have been more productive under the low-input conditions than the collective farms from which they were formed. The UBPC system is far from perfect, though. It is neither an easy nor a quick process to adapt to such a change. The workers must learn how to be real farmers, instead of just little pieces in a larger machine pumping out agricultural products. Further, the state is still the owner of any property and demands that the UBPCs fulfill basic quotas. By increasing or decreasing quotas the government changes how much a UBPC can sell for profit and subsequently changes how responsible farm workers are for the land (Enríquez, 204).

While the large-scale state-run sector had serious trouble adapting to alternative agriculture, smaller farms faced little difficulties. For the point of this paper, small farms will refer to rural farms owned either individually or within a CPA or a CCS cooperative. These farms were much more prepared for the agricultural transformation. Many small farmers “continued to use animal traction and intuitively practiced agroecological sciences,” and even those who might have switched to external inputs before the special period remembered older practices and had little trouble switching back (Funes, 5, 15). The number of small farmers has been increasing since the early 1990s when the government started to give out parceleros, pieces of state farm land, to families so they could grow crops to both consume and sell (Enríquez, 211). This, along with the free and guaranteed technical support provided by the state, were essential parts in the Cuban government’s desire to make its people more self-sufficient in regards to food (Enríquez, 206, 208). The people have incentive to keep their farms sustainable as it is the source of their own food and a source of money, since they can sell what ever extra they produce. The success of small farms in the switch to alternative agriculture is clear when looking at statistics from 1994: “Only 20 percent of the agricultural land was in the hands of small farmers […] yet this 20 percent produced more than 40 percent of domestic food production” (Rosset). In fact, it is easily arguable that small farmers benefited from the agricultural transformation.

Urban farming is another area that has been greatly helped by the governments push towards food self-sustainability. Low petroleum imports have caused a serious drop off in transportation and refrigeration capabilities, so it is hard to bring in food from rural areas and if they do arrive it is hard to keep them fresh that led to a government push towards urban gardens, also known as organoponics (Oppenheim,
Urban gardens are created in vacant lots or terraces that no one is using. They can be run by a family, a neighborhood, a school or any community that wants to come together, and these gardens are almost always completely organic because chemicals are too expensive and would be dangerous to use in such close proximity to people (Funes, 18). Currently there are about 1800 hectares of urban gardens under cultivation in Havana. The goal is to provide the UN recommended amount of 300 grams of vegetables per day to every citizen. Like the other two levels, urban farming has been helped by the legalization of farmer’s markets, although often excess goods are given to “local schools, hospitals and businesses” for reduced prices (Hotslander).

Unsurprisingly, the transformation from classical to alternative agricultural methods seems to have been widely and happily accepted in general. People are able to enjoy the fruits of their labor and even make small profits. They are no longer completely dependent on the state for their livelihood (Rosset). People extol the advantages of the new system, such as “economic benefits […], being able to make this contribution to the revolution, and feeling more useful as a person” (Enríquez, 211). In reference to the latter advantage, it has been written that “the small farmers’ participation in the entire process boosts their self-esteem, creative capacity, organizational skills, and sense of autonomy, while improving their incomes and living standards” (Grogg). What opposition there is to the changes is small and insubstantial. A few are afraid because of the lack of testing that has been done on the organic pesticides and fertilizers (Díaz-Briquets and Pérez-López, 267). Some people who were managers at collective farms before they were broken up are disgruntled because they are no longer in charge and instead are equal with their workers. There are also those who are happy but worry about the future. They are afraid that at any moment the government will close down the farmers markets and they will face more hard times (Enríquez, 209).

It appears that the people in the lowest levels of the agricultural system are the most appreciative of the changes. Those who enjoy urban gardens are being introduced to the com-
pletely new concept of food self-sufficiency. Small farmers are also able to make increasing profits from the changes, although it is not something completely new to them. UBPC workers have more autonomy than they did as state farm workers and can make a slight profit, but they do not experience the same increase in self-sufficiency that those at the lower levels did.

In predicting the future there are two areas that must be addressed. The first area is the debate over whether or not alternative agriculture is, in fact, sustainable. Díaz-Briquets and Pérez-López argue that it is not. They argue that the low productivity of such a system would be unable to supply food for Cuba’s population of eleven million people. This argument is based on statistics only up to 1994, though, when Cuba was just beginning to break up collective farms and open up farmers markets (Díaz-Briquets and Pérez-López, 256). Many other experts in the field are much more sanguine; they believe that Cuba is on track to become “one of the first sustainable societies of the twenty-first century” (Funes, 2). Also, they argue that there are an assortment of conditions in present-day Cuba which make the hope for it to become fully sustainable legitimate. A couple examples are “administrative and social structures that support food self-sufficiency” and “the return of many people to the countryside in recent years” (Funes, 22-23). Although the latter might appear idealistic, until there is strong and up-to-date evidence otherwise, it is important to keep this goal of Cuban sustainability in mind and work towards it.

The second area necessary to consider when forecasting Cuba’s agricultural future is the government. Although the government has endorsed alternative agriculture in the past, no guarantees can be made regarding where policy will go in the future. It has already shown signs of returning to its own ways in deals it has made with foreign firms. For example, two European tobacco companies have agreed to supply Cuba with fuel, chemical inputs and other industrial objects in return for Cuban tobacco (Díaz-Briquets and Pérez-López, 273). Also, as was previously mentioned, there are fears by some that the government will shut down the farmers markets. It must be remembered that Cuba turned to alternative agriculture because it was in a crisis, not because it prioritized environmental protection. Cuba, like most industrializing countries, is known for prioritizing economic growth over everything else. But at the same time, the improvements made under alternative agriculture are undeniable. Drastic changes would most likely evoke opposition, especially given the large number of organizations working on alternative agriculture. Further, were Cuba to go back to its old system it would just be putting itself at risk for a similar collapse. It is hard to deny that, in the
least, Cuba is in a more stable place economically than it was before the collapse. Also, it is unlikely that fears the government will take away the right to farmers markets will be brought to fruition. They were not legalized to simply help out the farmers and give them more economic opportunities. They were legalized to undermine the black market of agricultural goods (Enríquez, 204). It is unlikely the government would reverse this law as it would only bring back a strong black market.

To review, what occurred in Cuba was an extreme re-hauling of the agricultural system. More control was put in the hands of the people and there was a great decrease in the use of foreign inputs. This was a move purely out of necessity, though, and it is unlikely it would have happened when it did and how it did were it not for the economic collapse and food crisis. The economy of Cuba is now beginning to recover and the question of what will happen next must be asked. It is unlikely the government will make significant changes in the allowances it gave small farmers and urban gardeners. Because of these changes food self-sufficiency has greatly increased. People are happy and feel that they have a bit of control over their lives. There is no economic reason to change things and politically it would most likely only meet opposition.

If there are going to be changes back to more classical agricultural methods, they will occur in the higher levels. It is at these levels that export goods are produced. If Cuba wants to grow economically, it will likely revert to mass production and intensive yield policies so that it has more to trade with. The state might take back more control over the UBPCs or establish more state-run farms. Although the farm workers on the UBPCs might not be happy, their lives have not changed as much as the people working at the lower levels so they have less of a reason to resist such a change. If economic growth calls for it, there will likely be agricultural changes back to classical methods at the higher levels of agricultural production, despite detrimental environmental effects.

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