

# CPSR

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# CPSR

# COLORADO POLITICAL SCIENCE REVIEW

## About the Colorado Political Science Review

The Colorado Political Science Review (CPSR) is a student-written and student-edited journal bringing political science perspectives to important issues of the day. The opinions and perspectives in the *CPSR* are those of the individual authors. We seek to generate thoughtful discussion and analysis rooted in social science theory and supported by research and data. The *CPSR* is housed in the Political Science Department at the University of Colorado Boulder and is supported by the American Politics Research Lab and the LeRoy Keller Center for the Study of the First Amendment.



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## The White House vs. The Free Press: How the Trump Administration is Reshaping Media Access

4/1/2025 • By **Preston Meyer**

The Trump administration is shaking up Washington in more ways than one, and the White House press conferences are no exception. Traditionally, the White House Correspondents Association (WHCA) has been in charge of deciding which pool of journalists gets to ask questions of the President of the United States. However, the dynamics of the White House press conferences have now undergone significant restructuring. On February 25th, 2025, the Trump administration announced that the authority to select the press pool will no longer be in the hands of the WHCA but of the administration itself. This statement indicates that legacy media outlets will continue to remain in the press pool, but the White House press team will bring in new voices to join the White House press conferences at their own discretion (C-SPAN 2025).

This bombshell announcement blindsided the WHCA, prompting them to issue a statement moments after the announcement, proclaiming that “the White House did not give the WHCA board a heads up or have any discussions” regarding the announcement. Eugene Daniels, the President of the WHCA, further emphasized that “this move tears at the independence of a free press in the United States. It suggests the government will choose the journalists who cover the president. In a free country, leaders must not be able to choose their own press corps” (Thomma 2025). This move follows the administration's decision to limit the Associated Press from accessing the White House and Air Force One after its refusal to label the body of water off the coast of Louisiana the Gulf of America. The AP has argued that this is a direct violation of the First Amendment of the Constitution, which enshrines the free exercise of the press. However, U.S District Judge Trevor McFadden, a Trump-appointed judge, denied the AP's request for a temporary injunction restoring its access to the Oval Office, Air Force One, and events held at the White House (Goudswaard 2025). This decision further underscores how the administration is attempting to exert control over the media and undermining the freedom of the press.

This development is especially consequential since the administration now has the authority to decide who participates in the press pool. Furthermore, it may serve as a red flag to other media outlets that the White House press team may decide to restrict access to certain media outlets if they do not conform to the administration's agenda. The decision made by the White House to take control over who gets to be in the press pool is a bold testament to its willingness to reshape the relationships between the government and the press. This change will now set a precedent for how press conferences and future relations between the press and government will be held. Within its first 100 days, it is clear that the Trump administration is well on its way to delivering on its promise of shaking up Washington.



## References

C-SPAN. (2025, February 25). White House Daily Briefing. C-SPAN.org; C-SPAN.  
<https://www.c-span.org/program/white-house-event/white-house-daily-briefing/656262>

Goudswaard, A. (2025, February 24). US judge to hear AP challenge to Trump's ban over use of Gulf of Mexico name. Reuters.  
<https://www.reuters.com/legal/us-judge-hear-ap-challenge-trumps-ban-over-use-gulf-mexico-name-2025-02-24/>

Thomma, S. (2025, February 25). WHCA Statement on White House Announcement on Press Pool | White House Correspondents' Association (WHCA). White House Correspondents' Association (WHCA).  
<https://whca.press/2025/02/25/whca-statement-on-white-house-announcement-on-press-pool/>

## Why the Judiciary Is No Longer the “Least Dangerous” Branch: Examining Its Expanding Power in Modern American Democracy

4/1/2025 • By Edyn Webber

Alexander Hamilton’s portrayal of the judiciary as the “least dangerous” branch of government in Federalist No. 78 starkly contrasts the courts’ significant influence in contemporary American politics. In Federalist Paper No. 78, Alexander Hamilton famously characterized the judiciary as the weakest branch of government. He argued that, unlike the executive and legislative branches, the judiciary lacks “the power of the sword and the purse,” implying that it neither enforces laws nor controls resources. Instead, its role remains interpretative, ensuring that laws conform to the Constitution. While Hamilton’s assertion aimed to alleviate fears of judicial overreach, many contemporary constitutional issues suggest that the judiciary wields significantly more influence than the Founding Fathers may have anticipated. As judicial decisions shape national policy in ways the Framers may not have expected, examining how Federal No. 78 applies to today’s constitutional landscape remains essential. Ultimately, while Hamilton pushed the idea of a less potent judiciary, the role of judicial review, the increasing politicization of judicial appointments, and the growing use of nationwide orders challenge the notion that the judiciary acts as the “least dangerous” branch of government in modern American democracy.

Federalist No. 78, written by Hamilton in 1788 as part of the Federalist Papers, outlined the judiciary’s essential role in the U.S. Constitution. In this essay, Hamilton emphasized the importance of the judiciary branch through its duty to interpret laws and act as a guardian of constitutional principles. He reassured critics that the judiciary would remain the “least dangerous branch” as it could not act on its authority; however, as American governance evolved, the judiciary increasingly played an active role in shaping national policy (National Constitution Center). The landmark Supreme Court decision *Marbury v. Madison* (1803) established judicial review, allowing courts to nullify unconstitutional laws and lending more power to the judiciary to determine the constitutionality of legislative and executive orders. Moreover, recent cases such as *Citizens United v. FEC* (2010) and *Dobbs v. Jackson Women’s Health Organization* (2022) demonstrate the judiciary’s growing ability to influence fundamental aspects of society, from election financing to reproductive rights. These cases highlight how the Supreme Court’s power, although initially framed as limited, has grown into an influential force in American democracy. Ultimately, the evolution of the judiciary forces the reconsideration of Hamilton’s description of the “least dangerous” branch and how it conflicts with its modern role in constitutional interpretation.

Hamilton, in Federalist No. 78, argued that the judiciary’s power stemmed solely from its ability to interpret the law, particularly in cases where legislation conflicted directly with the Constitution. The United States solidified this power through the case of *Marbury v. Madison* (1803), in which Chief Justice



John Marshall established the doctrine of judicial review, allowing courts to strike down unconstitutional laws. However, what Hamilton initially framed as a necessary check on legislative overreach continues to evolve into a tool for shaping policy in ways that extend far beyond its original intent. The current judiciary wields significant influence over civil rights, reproductive rights, and executive authority issues. For example, *Roe v. Wade* (1973) and its subsequent reversal in *Dobbs v. Jackson Women's Health Organization* (2022) illustrate the judiciary's ability to dictate national policy, drastically reshaping reproductive rights through judicial rulings rather than legislative debate. Similarly, *Shelby County v. Holder* (2013) significantly weakened the Voting Rights Act of 1965, removing key provisions that required certain states to seek federal approval before enacting voting laws, which critics argue led to widespread voter suppression efforts. These cases demonstrate how judicial decisions have directly shaped American civil rights policy without the input of elected legislators. While Hamilton envisioned judicial review as a check on legislative overreach, modern courts often use the power to shape policy directly, sometimes even bypassing the elected branches of government altogether. This shift in the judiciary branch leads to concerns that the branch no longer deems the nature of remaining the "least dangerous"; instead, it can wield power that profoundly impacts American society without direct electoral accountability, underscoring the impact of its role in shaping policy.

Furthermore, Hamilton envisioned the judicial branch as free from elected appointments and factions that could impede the branch's ability to interpret laws and constitutional provisions without bias; however, many argue that the modern judiciary exists far from the impartial body Hamilton imagined. The increasing polarization of judicial appointments, particularly at the Supreme Court level, turns the nomination and confirmation process into a partisan battleground. Justices often face selection based on their perceived ideological leanings, with presidents and legislators prioritizing nominees who align with their political agendas rather than those committed to strict constitutional interpretation. This trend undermines the judiciary's independence and erodes public trust in the checks and balances framework of American democracy, posing a potential threat to democratic principles. The danger of politicizing these appointments shows itself in the polarization of voting measures. Notably, "Between the 2018–2019 and 2021–2022 terms, the number of polarized partisan decisions—where all the justices nominated by Republican presidents voted as a bloc against all those nominated by Democratic ones—tripled, from 9% of cases (7 of 74) to 29% (17 of 58), while the number of unanimous rulings fell markedly", highlighting the shifting dynamics in which justices and their political alignments can significantly influence national policy, deviating from the neutral and impotent stance Hamilton once believed. As a result, the judiciary, once envisioned as an impartial body of government, increasingly functions as an extension of partisan divisions, raising concerns about its ability to uphold democratic principles free from political influence.

Lifetime appointments, intended to insulate justices from political pressure, now enable long-term ideological entrenchment, which allows the Supreme Court to shape national policy that reflects partisan divides rather than neutral legal principles. Some scholars even argue "that Article III judges time their retirements to align with their political party's strength in Washington D.C., further politicizing the ostensibly non-partisan appointment process," further emphasizing ways partisanship continues to shape the judiciary despite the original intentions of an unbiased branch. Ultimately, this evolution of the judiciary, from an apolitical safeguard to an active participant in the struggles of modern American democracy, challenges its status as the "least dangerous" branch of government as envisioned by Hamilton.



Furthermore, the growing use of nationwide orders challenges the perception of the judiciary as the “least dangerous” branch by significantly expanding its influence over national policy and governance. Unlike traditional judicial rulings, which typically apply to the parties in a case, nationwide injunctions allow a single federal judge to halt the enforcement of laws, executive actions, or agency regulations nationwide. This expansive judicial power can override the decisions of elected government branches, effectively allowing unelected judges to shape national policy on critical issues such as immigration, healthcare, and environmental regulations. For example, in *Texas v. United States* (2016), a single, distinct court judge issued a nationwide injunction that effectively blocked the Deferred Action for Parents of America (DAPA) immigration program, overriding an executive action to relieve undocumented immigration. More recently, *West Virginia v. EPA* (2022) limited the ability of federal agencies to regulate environmental protections, curbing executive authority over climate policy. These cases illustrate how the judiciary’s role continues to shift from a constitutional body to an active policy-making branch of government, often creating decisions that reshape national governance without direct electoral accountability. Moreover, the ability to issue sweeping rulings has incentivized forum shopping, where litigants strategically file lawsuits in jurisdictions where they are likely to receive a favorable decision, further politicizing the judiciary. Judges from the political spectrum utilize these injunctions to obtain a favorable decision. This pattern leads to an escalating cycle in which each administration faces broad judicial interventions that delay or derail its policy agenda (CRS report). As a result, rather than acting as the impartial body that Hamilton envisioned, the judiciary has increasingly become a battleground for national policy disputes, wielding power that rivals the legislative and executive branches. Ultimately, this trend calls into question the traditional understanding of the courts as possessing “neither force nor will, but merely judgment,” highlighting the judiciary’s growing role in governance and its potential to disrupt the balance of power in modern American democracy.

Some may still argue that despite the judiciary’s expanded role, it remains the “least dangerous” branch because it lacks enforcement power and relies on the executive and legislative branches to implement its rulings; however, while the judiciary lacks direct enforcement power, its ability to issue binding legal interpretations and nationwide injunctions demonstrates a substantial influence over policy. The modern judiciary is not merely a reflective body but plays a crucial role in shaping national governance through judicial review and strategic rulings. The increasing reliance on courts to resolve major political issues—from reproductive rights to election laws—elevates its role beyond what Hamilton originally envisioned. Additionally, the executive and legislative branches often comply with judicial decisions due to the legal and political consequences of defying the courts. For instance, even contentious rulings such as *Bush v. Gore* (2000) or *Dobbs v. Jackson Women’s Health Organization* (2022) had immediate and far-reaching impacts despite their reliance on executive enforcement. Furthermore, nationwide injunctions allow individual federal judges to halt government policies, granting the judiciary a decisive role in shaping the nation’s legal landscape. This growing judicial authority suggests that Hamilton’s description of the judiciary as the “least dangerous” branch is outdated, as courts now wield considerable power over American democracy without direct electoral accountability.

In light of the judiciary’s expanding influence, it remains crucial to reconsider the role of courts in maintaining the balance of power in American democracy. While Hamilton envisioned the judiciary as the “least dangerous” branch, its modern role in shaping policy through judicial review, politicized appointments, and nationwide orders suggests otherwise. The increasing involvement of the courts in highly contentious political issues calls for greater transparency, accountability, and perhaps structural reforms to preserve judicial impartiality and limit judicial overreach. Potential solutions could include



revisiting lifetime appointments, implementing more explicit guidelines on using nationwide injunctions, and promoting bipartisan efforts in the judicial nomination process to limit politicization. As the judiciary continues to exercise power in ways that profoundly impact society, it remains imperative for lawmakers, scholars, and citizens to engage in discussions on judicial reform to ensure that courts remain fair and equitable. Without these meaningful dialogues, the judiciary risks transforming into an instrument of partisan agendas rather than the neutral safeguard Hamilton envisioned, challenging the very principles democracy should uphold.

## References

19-1392 Dobbs v. Jackson Women’s Health Organization. Accessed 20 Feb. 2025.

[www.supremecourt.gov/opinions/21pdf/19-1392\\_6j37.pdf](http://www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf)

20-1530 West Virginia v. EPA (06/30/2022). Accessed 20 Feb. 2025.

[www.supremecourt.gov/opinions/21pdf/20-1530\\_n758.pdf](http://www.supremecourt.gov/opinions/21pdf/20-1530_n758.pdf)

“Bush v. Gore, 531 U.S. 98 (2000).” Justia Law. Accessed 20 Feb. 2025.

[supreme.justia.com/cases/federal/us/531/98/](http://supreme.justia.com/cases/federal/us/531/98/)

“Citizens United v. FEC, 558 U.S. 310 (2010).” Justia Law. Accessed 20 Feb. 2025.

[supreme.justia.com/cases/federal/us/558/310/](http://supreme.justia.com/cases/federal/us/558/310/)

“Federalist 78 (1788).” National Constitution Center – Constitutioncenter.Org. Accessed 20 Feb. 2025.

[constitutioncenter.org/the-constitution/historic-document-library/detail/alexander-hamilton-federalist-no-78-1788](http://constitutioncenter.org/the-constitution/historic-document-library/detail/alexander-hamilton-federalist-no-78-1788)

Hlr. “District Court Reform: Nationwide Injunctions.” Harvard Law Review, 20 Apr. 2024.

[harvardlawreview.org/print/vol-137/district-court-reform-nationwide-injunctions/#:~:text=Nationwide%20injunctions%20issued%20over%20the,is%20foundational%20to%20legal%20development](http://harvardlawreview.org/print/vol-137/district-court-reform-nationwide-injunctions/#:~:text=Nationwide%20injunctions%20issued%20over%20the,is%20foundational%20to%20legal%20development)

Levendusky, Matthew, et al. “Has the Supreme Court Become Another Political Branch? Public Perceptions of Court Approval and Legitimacy in a Post-Dobbs World.” Science Advances, U.S. National Library of Medicine, 8 Mar. 2024.

[pmc.ncbi.nlm.nih.gov/articles/PMC10923515/#:~:text=Between%20the%202018%E2%80%932019%20and,rulings%20fell%20markedly%20\(4\)](http://pmc.ncbi.nlm.nih.gov/articles/PMC10923515/#:~:text=Between%20the%202018%E2%80%932019%20and,rulings%20fell%20markedly%20(4))

“Lifetime Appointments of Federal Judges: A Double-Edged Sword.” Lifetime Appointments of Federal Judges: A Double-Edged Sword | Georgetown Journal of Legal Ethics | Georgetown Law. Accessed 20 Feb. 2025.

[www.law.georgetown.edu/legal-ethics-journal/blog/lifetime-appointments-of-federal-judges-a-double-edged-sword/](http://www.law.georgetown.edu/legal-ethics-journal/blog/lifetime-appointments-of-federal-judges-a-double-edged-sword/)

“Marbury v. Madison, 5 U.S. 137 (1803).” Justia Law. Accessed 20 Feb. 2025.

[supreme.justia.com/cases/federal/us/5/137/](http://supreme.justia.com/cases/federal/us/5/137/)

“Roe v. Wade.” Center for Reproductive Rights, 1 Apr. 2024.

[reproductiverights.org/roe-v-wade/](http://reproductiverights.org/roe-v-wade/)

Ryan Cooper. "The Case against Judicial Review." The American Prospect, 11 July 2022.  
[prospect.org/justice/the-case-against-judicial-review/](https://prospect.org/justice/the-case-against-judicial-review/)

"United States v. Texas, 579 U.S. \_\_\_\_ (2016)." Justia Law. Accessed 20 Feb. 2025.  
[supreme.justia.com/cases/federal/us/579/15-674/](https://supreme.justia.com/cases/federal/us/579/15-674/)

Where a Suit Can Proceed: Court Selection and Forum. Accessed 20 Feb. 2025.  
[crsreports.congress.gov/product/pdf/LSB/LSB10856](https://crsreports.congress.gov/product/pdf/LSB/LSB10856)



## The Demise of Democracy in the U.S.: Authoritarian Parallels with El Salvador

4/1/2025 • By **Kate Huntington**

Last year, I wrote a critical piece on the political state of El Salvador. I argued that their leader, Nayib Bukele, manipulated both the Salvadoran government and its people in order to secure the presidency. Since his victory, he has overstepped his presidential power in many respects, establishing himself as an authoritarian leader while operating under the guise of a democratic one. As I researched the fall of their democracy, I was relieved to be living in ours. But now, only a year later, this American “democracy” is starting to resemble the one in El Salvador. Donald Trump and Bukele both employed a similar election strategy centered on crime, disregarded democratic principles, and removed their opposition to consolidate power. The very tactics that unraveled El Salvador’s democracy are now taking place in our very own.

When it came to election strategy, both Bukele and Trump capitalized on the concern for security risks in their country. For Bukele’s constituency, the promise of less gang violence was rightfully a crucial issue. In the U.S., the “threat” of undocumented immigrants mobilized voters in a similar way. “They’re bringing crime. They’re rapists,” was how Trump described the undocumented immigrants, particularly those from beyond the southern border (Phillips 2017). Under Bukele’s administration, innocent Salvadorans have been imprisoned, making his crackdown method on gang membership controversial. Most of those deported by the Trump administration are also innocent, with their only “crime” being moving to a country in hopes of achieving the American Dream.

Now the two leaders are working hand in hand to accomplish Trump’s deportations. Recently, over 200 Venezuelans, who are alleged by the White House to be gang members, have been deported to Bukele’s supermax prison in El Salvador. When a federal judge inevitably blocked the ruling, Bukele responded on X with “Oopsie...too late” after the deportation flights had already departed (Correal 2025). Trump used jargon from the Alien Enemies Act of 1798, saying gang members were waging “irregular warfare” against the U.S., allowing him to override one of the earliest American principles: due process (Drenon 2025).

Their comparable election strategies also took advantage of American and Salvadoran frustrations with the status quo. They curated their campaigns to emphasize progress and “New Ideas,” presenting themselves as the only ones able to resolve these grievances. Trump’s “Make America Great Again” slogan has been printed on countless pieces of merchandise, serving as a constant reminder to his supporters of promises like lower prices, stricter immigration enforcement, and an aggressive foreign policy. Similarly, Bukele’s Nuevas Ideas party promised a change from the corrupt, ineffective parties that ruled for decades before (Will & Lucas, 2021). At the Conservative Political Action Conference, Bukele encouraged the conservative American audience to take action against the “dark forces” of the



country, urging for drastic change (Lincon, 2024). This change, he implied, would require an unconventional leader, a strongman with a no-nonsense approach. For Bukele and many voters, Trump embodied this role. Like Bukele, Trump established a tough, authoritarian-like image of himself by breaking political norms. For example, he used unorthodox rhetoric in his speeches. It is not often you hear a presidential candidate calling their opponent “a stupid person,” “a nasty woman,” or “horseface.” Yet this unfiltered bluntness attracted voters who perceived it as a sign of authenticity.

Perhaps the most worrisome similarity between the two is their disregard for the democratic institutions of their respective countries. Most notably, both leaders entertained the possibility of changing their constitutions to run for another term, something Bukele even acted upon. “I suspect I won’t be running again unless you say, ‘He’s so good we’ve got to figure something else out,’” Trump stated, knowing it would be unconstitutional (Nicholas 2025). However, like Bukele, President Trump’s party controls the entire legislative branch. Bukele was permitted an additional term thanks to this power.

Both reject the democratic norms of their country in other ways as well. The incitement of the riot on January 6th, 2021, was President Trump demonstrating his distrust in the democratic process and preventing the U.S. tradition of a peaceful transition of power. Both leaders have criticized the press and attacked journalists exercising free speech and press despite the media protections outlined in their constitutions. Journalists in El Salvador are free to report on what they like, but are frequently subject to harassment and violence for anti-regime sentiments. Government officials in El Salvador and the U.S. alike also perpetuate disinformation in the media (Freedom House 2024). Fact-checkers noted 33 falsehoods from Trump compared to Kamala Harris’ 1 during their 2024 debate (Gold 2024). Further, Trump coined the term “fake news” to describe virtually every remark critical of him or his regime. He has described the press as “the enemy of the people,” urging his followers to disregard their reports of him. He also tweeted out 46 tweets in one month alone, including the words “fake” or “phony” (Keith, 2018).

Silencing critics is one of the first steps of consolidating control. But running a regime is a lot easier when none of the opposition is in power at all. Bukele acted quickly after his election victory to rid the legislature of those who might have any level of power against him. He fired the independent attorney general as well as judges in the country’s highest court. He packed the legislature with loyalists in his New Ideas party, dismantling their system of checks and balances (“El Salvador Court Rules Presidents Can Serve Two Consecutive Terms” 2021). Upon President Trump’s swearing in of his second term, he, too, targeted members of the Democratic Party employed by the federal government. Under the scapegoat of downsizing for decreased taxes, he snatched the jobs of those who had the knowledge to question his authority. Most notably, he dismissed Ellen Weintraub, the chair of the Democratic Federal Elections Committee, who monitors federal elections and supervises campaign finance laws. Gwynne Wilcox, the chair of the National Labor Relations Board, was also fired- an unprecedented act. Multiple prosecutors involved in the lawsuits against Trump were fired as well (Halpert 2025).

Democratic backsliding often happens subtly, but the changes occurring in both the U.S. and El Salvador are not subtle at all, which should be a major cause for concern. The parallels between our country and theirs serve as a warning. However, the disregard of democratic principles, the vilification of the media, and the increase in executive power do not happen in isolation. We still have a voice in our democracy, and we must use it before we lose it.

## References

Correal, A. (2025, March 17). Nayib Bukele, El Salvador's Leader, Sees Opportunity in Trump's Deportations. The New York Times.

<https://www.nytimes.com/2025/03/17/world/americas/el-salvador-nayib-bukele-deportees.html>

Drenon, B. (2025, March 16). US removes hundreds of Venezuelans to El Salvador despite court order to turn back deportation flights. BBC News.

<https://www.bbc.com/news/articles/cp9yv1gnzyvo>

El Salvador court rules presidents can serve two consecutive terms. (2021, September 4). BBC News.

<https://www.bbc.com/news/world-latin-america-58451370>

Freedom House. (2024). El Salvador: Freedom in the World 2024 Country Report. Freedom House.

<https://freedomhouse.org/country/el-salvador/freedom-world/2024>

Gold, H. (2024, September 11). ABC debate moderators live fact-checked Trump's false claims from the stage. CNN; CNN.

<https://www.cnn.com/2024/09/11/media/abc-moderators-debate-fact-check-trump-harris-false-claims/index.html>

Halpert, M. (2025, February 8). "You're fired": The people Trump has sacked since taking office. BBC News.

<https://www.bbc.com/news/articles/c4g3yk3m3z4o>

Keith, T. (2018, September 2). President Trump's Description of What's "Fake" Is Expanding. NPR.org.

<https://www.npr.org/2018/09/02/643761979/president-trumps-description-of-whats-fake-is-expanding>

Lincon, A. (2024, February 23). El Salvador's president gets rock-star welcome at conservative gathering outside Washington. AP News.

<https://apnews.com/article/cpac-nayib-bukele-trump-conservative-dc454b92a57fad8907b376b6eacf5b7e>

Nicholas, P. (2025, February 26). Trump keeps toying with a third term — but the Constitution forbids it. NBC News.

<https://www.nbcnews.com/politics/donald-trump/trump-third-term-constitution-forbids-rcna193329>

Phillips, A. (2017, June 16). "They're rapists." President Trump's campaign launch speech two years later, annotated. The Washington Post.

<https://www.washingtonpost.com/news/the-fix/wp/2017/06/16/theyre-rapists-presidents-trump-campaign-launch-speech-two-years-later-annotated/>

Will, F., & Lucas, P. (2021, March 2). In El Salvador, Broken Promises Have Forced the Establishment Out. Foreign Policy.

<https://foreignpolicy.com/2021/03/02/el-salvador-legislative-assembly-election-nuevas-ideas-nayib-bukele-fmln-arena-corruption/>



## **Balancing Aid and Accountability: Evaluating Welfare Conditionality in Modern Social Economic Policy**

4/1/2025 • By **Edyn Webber**

Many scholars, politicians, and citizens across the globe examine welfare conditionality and its effects on its people and economies. Understanding the outcomes of the programs implemented to approach welfare and the practical strategies countries can take to support their people while balancing redistributive practices remains imperative. Welfare conditionality exists as an approach where benefits are accompanied by specific behavioral requirements, such as job searching, fulfilling parental responsibilities, and training programs. These requirements aim to promote the self-sufficient and efficient use of public funds. While advocates for welfare conditionality argue that the approach ensures accountability, many critics say that it creates substantial barriers to receiving welfare and continues to perpetuate negative stereotypes toward welfare programs while also harming those in need. Understanding the outcomes surrounding welfare conditionality allows policymakers and citizens to better assess the effects of these requirements to proportionality by weighing the benefits of aiding those out of poverty and barriers that can hinder social progress and equity. Thus, my research asks, "What are the effects of conditionality in welfare programs upon recipients and public attitudes?". Ultimately, welfare conditionality is not a beneficial approach to welfare, as it imposes further burdensome barriers to receiving essential services, reinforces harmful stereotypes, naively relies on behavioral economics, and undermines the goal of welfare programs to provide unconditional assistance to society's vulnerable members.

### **Burdensome Barriers**

First, one of the most significant outcomes of welfare conditionality remains the burdens that it creates for recipients. The stringent eligibility and compliance requirements can hinder the ability of individuals to receive welfare benefits that they would otherwise remain eligible for. While encouraging self-improvement and accountability, these requirements often overlook the complex realities many face that put them in a situation where they seek welfare assistance. For instance, single mothers may be unable to access affordable childcare to attend training sessions, or individuals in rural/underserved areas may face limited transportation options, making it challenging to participate in required classes. By creating rigid conditions for welfare recipients, government systems neglect to account for individual circumstances, thus creating an additional layer of hardship for those already struggling, pushing them farther from stability. Researchers highlight the adverse outcomes of these conditional requirements, such as "negative personal, financial. Health, and behavioral outcomes triggered by benefit sanctions," further demonstrating the additional hardships welfare requirements place upon recipients (Dwyer et al., 2022). Understanding the complexities surrounding those in economic hardship remains crucial, as creating barriers to receiving aid worsens the situation for those actively seeking help.





Conditional welfare programs also introduce bureaucratic complexities that are time-consuming and difficult for many recipients, limiting access to needed assistance. These programs often require extensive documentation, frequent check-ins, and regular proof of compliance, further limiting people's access to welfare services. As many recipients already juggle the stresses of unemployment, mental health, and unstable housing, these bureaucratic hurdles can be overwhelming. The risk of losing benefits due to missed deadlines and the inability to provide necessary documentation on time can discourage many individuals from applying for welfare. By enforcing increased bureaucratic measures, many individuals must focus on meeting administrative demands rather than personal and professional development goals that could lead to stability.

### **Reinforcement of Harmful Stereotypes**

Another significant negative outcome of welfare conditionality remains its reinforcement of negative stereotypes surrounding welfare recipients. This reinforcement affects public attitudes toward welfare and those interested in applying for government aid. One of the most apparent effects of welfare conditionality remains the implication that recipients are untrustworthy or irresponsible with funds; thus, they must have oversight and monitoring to ensure they "deserve" the support they receive. By regulating and enforcing behavioral conditions such as drug testing or parenting courses, conditional welfare programs suggest that people cannot maintain trust that they will adequately use government funds and will take advantage of welfare; thus, they must have close supervision. Studies show the varying levels of welfare stigmatization and its effects on recipients, with the notable result, "Hispanic mothers who report high perceptions of welfare stigma may be subject to harsher judgments of public assistance," highlighting the effects that reinforcing negative stereotypes places upon individuals (Lampham, 2022). By reinforcing that welfare recipients are untrustworthy, conditionality perpetuates the stereotype that recipients are unwilling to help themselves and, therefore, need external supervision to influence responsible decision-making. In the United Kingdom, where welfare conditionality remains high, many "held stereotypes include believing that those on benefits actively avoid work or look to game or manipulate the system, despite only 3 percent of benefit spending being fraudulent in the most recent year", demonstrating the focus on the deservingness of people in receiving aid due to perceived untrustworthy notions (Kirstie Hewlett et al, 2022). Consequently, the public views welfare recipients with suspicion and continues to believe that these people are undedicated and irresponsible with government money, undermining empathy and understanding towards those in more complex situations. Ultimately, conditional welfare reinforces the notions that recipients have character flaws and must receive help before they can receive support from the state, thus continuing to perpetuate negative stereotypes rather than addressing the complexities of recipient circumstances.

Similarly, conditional welfare suggests that recipients depend on government aid by portraying them as people who enterally dependent external support to participate in society and the workforce. Requiring recipients to comply via work or other obligations frames welfare as something that recipients would not need if they had previously established the effort to become self-sufficient. The European Social Survey highlights how countries such as Poland and the United Kingdom agree more with the notion that "social benefits/services make people less willing to look after themselves/family" than their European counterparts. This survey demonstrates that states with more restrictions on receiving aid have persistent negative attitudes toward recipients (European Social Survey, 2023). Conditional welfare perpetuates the notion that welfare recipients remain dependent upon government aid rather than people facing systemic barriers that prevent them from growing out of their difficult circumstances. These notions reinforce the stereotypes that welfare recipients remain lazy and lack the ambition to locate a job. As documented by the European Social Survey, it is apparent

that in countries with less welfare conditionality, such as Sweden and Norway, people remain more likely to disagree with this negative portrayal of recipients (European et al., 2023), highlighting how universalism's focus on welfare can positively affect attitudes toward welfare. By casting recipients in a negative light, conditional welfare fails to recognize broader systemic issues such as job availability, wage stagnation, and the rising costs of living, which all remain factors in limiting even the most dedicated individuals from reaching stability. In the case of the United Kingdom, "Misunderstanding and misrepresenting most claimants' motivations is a central feature (and flaw) in the design of UK welfare conditionality," demonstrating the tendency for conditional programs to overlook individual circumstances that can prevent people from reaching stability (Wright & Patrick, 2019). Rather than addressing these economic barriers, welfare conditionality puts upon recipients the responsibility to manage these barriers, thus reinforcing the stereotype that recipients depend on welfare rather than the notion that they remain hindered by other structural obstacles that prevent them from reaching stability. Ultimately, conditional welfare programs perpetuate the stereotypes that recipients are incompetent in escaping poor economic situations and thus remain dependent on government aid rather than addressing the multitudes of obstacles that prevent many from reaching stability.

### **Behavioral Economics**

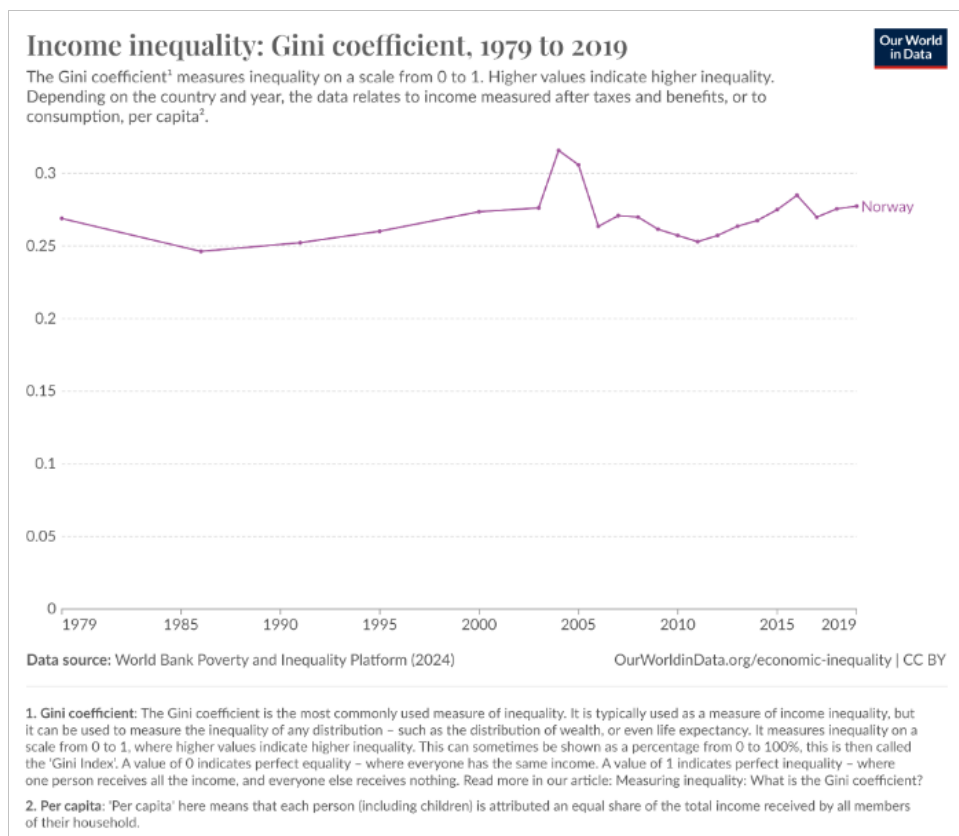
Additionally, conditional welfare programs rely too heavily on behavioral economics to incentivize individuals toward certain behaviors without understanding broader complexities influencing compliance. The foundation of welfare conditionality and behavioral economics suggests that welfare sanctions push individuals toward desired behaviors; however, these policies assume that individuals remain solely motivated by extrinsic measures; thus, non-compliance to welfare conditions stems from a lack of rational decision-making. Solely basing welfare policy on behavioral economics naively neglects the broader context of poverty. Research in behavioral economics highlights the scarcity of time, money, or other resources that affect decision-making. This research highlights that individuals facing economic hardship are not entirely unmotivated or irrational; they make decisions that appear rational within their constraints. For example, "Those living 'impoverished and chaotic lives' have been shown to discount future utility particularly heavily, meaning they are less likely to make longer-term investments in the financial, health, education or welfare realms," thus demonstrating that welfare conditionality may not effectively incentivize individuals toward compliance (Watts & Fitzpatrick 83). Welfare conditionality does not create a suitable environment for people to change their behavior or reach economic goals through incentives and penalties, as the system ignores the complex realities of poverty. Ultimately, rather than focusing on conditional welfare measures, systems should focus on attainable goals that address the root causes of poverty and empower individuals to thrive.

### **Undermining the Goals of Welfare**

The introduction of welfare conditionality undermines addressing poverty, inequality, and other systemic issues by ensuring that access to basic needs is tied to specific goals and requirements. While many argue that the principles of conditionality incentivize self-reliance and responsibility, implementing conditional requirements often excludes those in need, further perpetuating cycles of poverty and marginalization that welfare systems aim to break. Countries such as Mexico, Nicaragua, and Colombia tested the effects of conditional programs; however, "the World Bank concluded of Mexico's flagship scheme that its effect on intergenerational transmission of poverty may be but a 'small dent,'" highlighting the minor effects conditional welfare programs had upon elevating poverty and its effects (Ford et al. 2011). Unconditional welfare programs operate on the principle that everyone deserves access to basic amenities regardless of the situation. Conditional programs shift the

paradigm by attaching requirements for benefits, creating a narrative that welfare should be earned. The shift toward support of welfare conditionality highlights a broader societal narrative that poverty stems from individual failings rather than structural disadvantages, further stigmatizing recipients as needing discipline or oversight to "deserve" aid. On the same note, a prominent consequence of welfare conditionality was the exclusion of those unable to meet prescribed requirements, further limiting access to the support required. Many people, such as those with disabilities, single parents, and those struggling with mental health or homelessness, often face insurmountable barriers to compliance; therefore, they cannot reach the compliance standards and fail to receive aid. States such as the United Kingdom receive numerous critiques on its conditional programs and how they address mental health as a "highly conditional benefit regime" that "can undermine the mental health of those subject to it." highlighting the inability for conditional welfare programs to properly acknowledge the broader complexities that keep many people in poor socioeconomic conditions (Dwyer et al, 2023). Ultimately, conditional welfare does not effectively work to support all of those in need; instead, it creates an exclusive barrier to receiving aid, thus contradicting the ethos of unconditional support.

In a similar vein, welfare conditionality frequently reinforces poverty cycles by failing to address systemic barriers, which further contradicts the ethos of welfare. Conditionality seeks to resolve issues that may arise with individuals; however, it creates barriers in employment, education, or stable housing that further limit individuals from reaching stability.



## Income inequality: Gini coefficient, 1968 to 2021



The Gini coefficient<sup>1</sup> measures inequality on a scale from 0 to 1. Higher values indicate higher inequality. Depending on the country and year, the data relates to income measured after taxes and benefits, or to consumption, per capita<sup>2</sup>.



Data source: World Bank Poverty and Inequality Platform (2024)

OurWorldinData.org/economic-inequality | CC BY

1. **Gini coefficient:** The Gini coefficient is the most commonly used measure of inequality. It is typically used as a measure of income inequality, but it can be used to measure the inequality of any distribution – such as the distribution of wealth, or even life expectancy. It measures inequality on a scale from 0 to 1, where higher values indicate higher inequality. This can sometimes be shown as a percentage from 0 to 100%, this is then called the 'Gini Index'. A value of 0 indicates perfect equality – where everyone has the same income. A value of 1 indicates perfect inequality – where one person receives all the income, and everyone else receives nothing. Read more in our article: [Measuring inequality: What is the Gini coefficient?](#)

2. **Per capita:** 'Per capita' here means that each person (including children) is attributed an equal share of the total income received by all members of their household.

For example, during the 1980s, the United Kingdom started implementing harsher measures and conditions for receiving aid. Consequently, the U.K.'s Gini coefficient notably rose from 0.28 in 1970 to 0.36 in 1990, highlighting how the change in welfare conditions did not reduce poverty and inequality; instead, the country saw a significant rise in inequality. Notably, by failing to address the underlying causes of poverty and inequality, the United Kingdom's conditional measures reinforced poverty cycles and increased inequality. On the other hand, with its minimal conditionality on welfare, Norway has maintained a lower Gini Coefficient of 0.28 since 1979, demonstrating its ability to maintain programs that reduce inequality (The World Bank, 2023). This data highlights how welfare conditionality remains an approach that ignores broader context issues and further pressures recipients without providing support to meet the requirements. For instance, requiring unemployed individuals to attend job training sessions without addressing transportation issues or lack of job availability in an area further exacerbates their existing precarious situations rather than supporting them out of the predicament. The result of a welfare system with conditionality remains that it emphasizes punitive measures over meaningful solutions, perpetuating inequalities that welfare aims to resolve. Ultimately, welfare conditionality strays far from the goal of assisting all those in need by creating barriers to access and reinforcing cycles of poverty.

## Conclusion

Overall, conditionality welfare programs create many unintended consequences by imposing rigid requirements on compliance and behavioral programs that marginalize those unable to meet such expectations. The system fails to prove to be a beneficial welfare program as it exacerbates inequality, further stigmatizes recipients, and creates unnecessary barriers for those in need. Creating conditions

tied to assistance penalizes individuals facing circumstances beyond their control. Furthermore, the administrative burdens created by welfare conditionality pull individuals farther from receiving aid and valuable resources, reducing the program's effectiveness. Conditional programs create a narrative of "deservingness" that stigmatizes recipients and damages the trust in institutions that should serve them somewhat, as this approach treats poverty as a personal failure rather than allowing structural inequality. Instead of fostering self-sufficiency and creating opportunities for people to succeed, conditionality reinforces cycles of poverty and reinforces negative stereotypes toward those receiving welfare. Ultimately, more inclusive and equitable approaches toward welfare can empower recipients, truly uplift individuals, and promote long-term social and economic well-being that frees many from poverty cycles.

## References

Dwyer, P., Scullion, L., Jones, K., McNeill, J., & Stewart, A. B. R. (2020). Work, welfare, and wellbeing: The impacts of welfare conditionality on people with mental health impairments in the UK. *Social Policy & Administration*, 54(2), 311–326.

<https://doi.org/10.1111/spol.12560>

Dwyer, Peter, and others. The Impacts of Welfare Conditionality: Sanctions Support and Behaviour Change. D. (Bristol, 2022; online edn, Policy Press Scholarship Online, 18 May 2023). Accessed 13 Nov. 2024.

<https://doi.org/10.1332/policypress/9781447320111.001.0001>

European Social Survey European Research Infrastructure (ESS ERIC) (2023) ESS4 - integrated file, edition 4.6 (Austria and Lithuania not included) [Data set]. Sikt - Norwegian Agency for Shared Services in Education and Research.

[https://doi.org/10.21338/ess4e04\\_6](https://doi.org/10.21338/ess4e04_6)

European Social Survey European Research Infrastructure (ESS ERIC) (2023) ESS8 - integrated file, edition 2.3 [Data set]. Sikt - Norwegian Agency for Shared Services in Education and Research.

[https://doi.org/10.21338/ess8e02\\_3](https://doi.org/10.21338/ess8e02_3)

Forde, I., Bell, R., Marmot, M. G. Using conditionality as a solution to the problem of low uptake of essential services among disadvantaged communities: a social determinants view. *Am J Public Health*. 2011 Aug;101(8):1365-9. doi: 10.2105/AJPH.2011.300140. Epub 2011 Jun 16. PMID: 21680925; PMCID: PMC3134518.

Kirstie Hewlett, Rachel Hesketh, Rebecca Benson, Sophie Townend, Bobby Duffy. Public attitudes to poverty. December 2022. doi: 10.18742/pub01-105n.

Lapham, J., Martinson, M. L. The intersection of welfare stigma, state contexts and health among mothers receiving public assistance benefits. *SSM Popul Health*. 2022 May 9;18:101117. doi: 10.1016/j.ssmph.2022.101117. PMID: 35620484; PMCID: PMC9127679.

Watts, B., & Fitzpatrick, S. Welfare Conditionality: (2018). Welfare conditionality. Routledge. Welfare conditionality project. Retrieved December 2, 2024.

<https://www.york.ac.uk/research/impact/welfare-conditionality-project/>

World Bank. (2023). Gini index (World Bank estimate). Retrieved [12/2/2024].

<https://data.worldbank.org/indicator/SI.POV.GINI>

Wright, S., & Patrick, R. Welfare Conditionality in Lived Experience: Aggregating Qualitative Longitudinal Research. *Social Policy and Society*. 2019;18(4):597-613. doi:10.1017/S1474746419000204.



# From Shogun to Tennō and Naikaku Sōri-Daijin: An Introduction to Japanese Politics Prior to the Taishō Era

4/1/2025 • By **Deven Kukreja**

## Introduction

In the current day, Japan is widely renowned for its history, landmarks, and pop culture. With over 33 million tourists visiting the country in 2024 alone, Japan continues to be a hotbed of international travel and interaction (Japan Tourism Statistics | 日本の観光統計データ 2024). While various aspects of Japan work to build its global image, including its world-renowned technological exports, unique cuisine, and blend of traditionalism and modernism, one aspect does little in shaping the country's image to outsiders: the Japanese government. The Government of Japan—or Nihon Koku Seifu—consists of a branched structure quite similar to the American model, as enumerated in the Constitution of Japan. The Government of Japan is also home to the emperor, or Tennō, who serves as an effectively powerless figurehead not unlike a monarch in the United Kingdom. However, when comparing the governmental power of the current emperor, Naruhito, to that of his grandfather, Hirohito, the difference is staggering. By highlighting the political history of Japan prior to the Taishō era, I aim to give context for the important developments in the Japanese governmental structure in a period that is largely unknown to Western audiences. I will accomplish this by focusing on institutional changes to the governmental structure, especially in regard to the emperor's status under both the shogunate and constitutional models of government. By better understanding Japan's political history, we can better forecast the future of its government as Japan continues into an ever-uncertain Reiwa era.

## Pre-Meiji Era

### *The Age of the Court and the Shogunate*

The history of Japan can be divided into several distinct eras, usually separated by major regime changes. One of these major changes came at the end of the classical Heian era, which was characterized by a love for the arts and a traditional court system headed by the emperor. The Heian era, which ranged from the 8th to the 12th century, came to an end when the warrior-based Kamakura shogunate, led by Minamoto no Yoritomo, usurped political power from the Imperial Court and ushered in the age of feudalism in Japan. The shogunate consisted of the shogun, who was the effective political and military leader of Japan, the daimyo, who were feudal lords that ruled over different prefectures and regularly employed samurai warriors, as well as the bakufu, who were members of the government administration directly under the shōgun. The shogunate of Japan took political power from the imperial Heian Court after much infighting and subsequent battles for control of the Court. Minamoto no Yoritomo and his military allies established the first shogunate towards the end of the



12th century and brought about the age of Japanese feudalism (Kamakura period | Samurai culture, Shoguns & Buddhism | Britannica n.d.). This new government was a massive change for Japan, as for centuries, the emperor was the undisputed ruler of Japan. Truly believed to be descendants of the Shinto deity Amaterasu Oomikami, the Imperial Household maintained unwavering power over Japan for centuries prior to the rise of the Kamakura shogunate (Mori 1979). The religion of Shintoism is central to the Japanese identity, and the emperor was seen as the embodiment of Shinto belief itself. This claim is one of the major motivations behind the Meiji Restoration and why the imperial line still exists today.

While the shogunate took political power from the court and established feudal practices across the entire island of Japan, the Imperial Court was technically allowed to remain in power. The emperor, still believed by the shogunate to have descended from Shinto gods, would continue to rule over feudal Japan in name alone from the former capital of Heian-kyō—modern-day Kyoto—while the shogunate actually ruled Japan from Kamakura, closer to where modern-day Tokyo is. For centuries, lineages of emperors would primarily act as heads of state and be relegated to ceremonial duties under the control of the shogun. The feudal system would continue to be the prevailing governmental system in Japan until the late Edo period, as although there would be massive changes in the shogunate and infighting between the daimyo, the structure of military rule would last until the mid-19th century.

### *Rise and Fall of the Tokugawa Shogunate*

The Imperial Court managed to survive the rise and fall of several different shogunate governments during the feudal era of Japan. The end of the Sengoku Period in the mid-16th century is widely considered to be the most “turbulent period in Japanese history” due to numerous warring factions attempting to take control of the central government, multiple attempted invasions and massacres in places like Korea, and the introduction of European missionaries to Japan (Japan, 1400–1600 A.D. | The Metropolitan Museum of Art 2002). Military conflict between different factions was the norm during this time, but by the end of the Sengoku period, the warring factions were eventually subdued by the Tokugawa shogunate, ushering in the Edo period of Japan. Rule under the Tokugawa shogunate was characterized by a period of comparative peace, in large part due to the country’s sakoku policy of strict isolationism. Under the sakoku policy, Japan would be shut off from the rest of the world in terms of allowing visitors to enter the country and allowing Japanese citizens to leave. Aside from selective trade with the Dutch that aided efforts to modernize the country in science, medicine, and Western thought (Matsui 2018), Japan was effectively closed off from the entire world for a period of almost 200 years under the edicts of the Tokugawa shogunate. The city of Edo—now modern-day Tokyo—became the heart of Japan. During the rule of the Tokugawa shogunate, Edo was characterized by urban expansion, economic modernization via internal trade, and a return to the classical-inspired arts (Dunlop 2018). This development, however, was all but separated from the Imperial Court, which was still located in Heian-kyō. While Edo was booming, the daimyo were still lording over their respective lands throughout the rest of the country. Little did those daimyo know that their power would be completely removed within just a few short years.

The Tokugawa shogunate would maintain power until the mid-19th century, when sakoku came to an abrupt end. When United States Naval Commodore Matthew C. Perry arrived in Japan in 1853, the future course of Japanese politics would be changed forever. On behalf of President Millard Fillmore and the rest of the United States government, Commodore Perry and his band of kurofune, or black ships, arrived in the bay of current-day Tokyo in 1853, demanding that Japan open its borders to

Americans. After intense negotiations with the Americans, the representatives of the emperor eventually acquiesced nearly in full to Commodore Perry's demands. In the finalized treaty between both countries, Japan was to end its sakoku practices and open two harbors for American ships; it was in these treaty ports that American citizens were granted free movement and where coal, handmade goods, and other materials were exclusively traded (Brief Summary of the Perry Expedition to Japan, 1853-1854). Perry's "gunboat diplomacy" marked the end of Japan's era of isolationism, as other countries like France and Russia also began to interact with Japan during this period. The actions of Commodore Perry inadvertently set the stage for the Meiji Restoration, as a weak shogunate that bent the knee to the Americans lost the faith of the people. This loss of faith directly led to the restoration of the emperor as the sole figurehead of Japan going forward into the Meiji era.

## Meiji Era

### *The Bakumatsu Period and the Uncertain Meiji Government*

After the arrival of Commodore Perry in 1853 and the subsequent dissolution of the isolationist sakoku policy under the Tokugawa shogunate, Japan entered into an uncertain period in its history. The 15 years between the arrival of Commodore Perry and the beginning of the Meiji era is known as the Bakumatsu period, which directly translates to the end of the Bakufu, or rule of the shogunate. It was during this period that there was massive infighting between the remaining dominant daimyos and the shogunate. Much of this infighting between the leaders of Japan derived from conflicting ideologies on how to handle the Western powers. While some argued for a kaikoku policy that encouraged open borders and free trade with the West, there were others who advocated for a Joi policy, where relations with the West would be limited as to preserve the Japanese way of life (Totman 1980). While the kaikoku policy eventually won out, these internal debates and lack of decisive action directly contributed to the falling support of the Tokugawa shogunate. Perceived as weak and ineffective by caving to American demands, middle- to low-ranking samurai from the Satsuma and Chōshū clans overthrew the increasingly unpopular Tokugawa shogunate in 1868, marking the end of the feudal era in Japan.

However, as noted by University of Colorado Boulder Professor Maricia Yonemoto in a 2008 essay, the end of the Bakumatsu period was seen as samurai fighting against a system that they directly profited from, which, on its face, does not make much sense. However, it was lower-ranking, disgruntled samurai from regions impacted by famine and drought—which the shogunate did little to address—that ultimately were pushed to the edge when the shogunate effectively sat and watched Japan enter a "semi-colonial" status under the United States (Yonemoto 2008). These samurai would dispose of the shogunate and the feudal system in order to re-install the emperor as the head of the Japanese government in 1868, which is known as the Meiji Restoration. The fall of nearly 700 years of feudal rule in Japan can be largely attributed to Commodore Perry's expedition. The complacency and inaction of the Tokugawa shogunate was the last piece of motivation needed for the unhappy, outsider Satsuma and Chōshū samurai to take decisive action to reinstall the Meiji Emperor in a bloodless revolution.

During the month of January in 1868, the Meiji Restoration was officially underway as the Meiji Emperor, otherwise known as Mutsuhito, signaled his approval to the forces standing against the Tokugawa shogunate. However, soon after the emperor was restored and the capital was moved from Kyoto to Tokyo, the new leaders of Japan were at a crossroads concerning what direction this new

government should take. These leaders, such as Iwakura Tomomi, Saigō Takamori, Ōkubo Toshimichi, and Kido Takayoshi, wanted to steer Japan in a different direction than that of the shogunate. These leaders were all fairly young, inspired individuals who wanted a better future for their country than the shogunate was promising them. “Unbound by the networks and mores of traditional leadership”, Iwakura, Saigō, Ōkubo, and Kido, among others, were strong advocates for a strong Japan unbound by the inefficiencies and weakness of the shogunate; to this end, even if they had to learn and adopt the governmental style of the West and reject their own historical precedents, they would do so for the sake of their country (Huffman 2021). The significance of the rise in Japanese nationalism under leaders like Iwakura and the Meiji Emperor cannot be understated. The Meiji Restoration was a flashpoint that set Japan on an irreversible path towards becoming a fascist global power due to the coalescence of national pride in the emperor and the new Meiji government. The effects of this rise in nationalism would not be seen explicitly until the early 20th century, but this nationalism that supported Shōwa-era expansionism and later brought the United States into World War II can be directly traced back to the Meiji Restoration.

The primary goal of this new Japanese government was to modernize into a competitive country on the global stage that could expand beyond the imperialist influences of the United States, France, and Russia. However, this new government did not know exactly how to reach those ends. In April of 1868, a charter oath issued by the new imperial government “promised to unify the classes and seek knowledge from around the world in order to strengthen the Emperor’s rule”, but this oath did not have any specific provisions on exactly how this goal was to be accomplished (Huffman 2021). Iwakura and other statesmen took this as an opportunity to learn from the current world powers how to form a new, powerful country now that the period of isolation under the Tokugawa shogunate’s sakoku policy was over.

To this end, several of the new governmental elite ventured by sea in what would become known as the Iwakura Expedition. The Iwakura Expedition of 1871 took a band of approximately 100 Japanese statesmen and scholars—including Iwakura, Kido, Ōkubo, and the soon-to-be important Itō Hirobumi—to cities across the United States, various European capitals like London and Paris, and growing Chinese metropolises like Hong Kong and Shanghai (The Iwakura Mission 2019). During the expedition, the leaders of the new Japanese government learned that for a modern country to succeed, “technological advances, a fruitful interweaving of trade and industry, and a hard-working populace” were necessary (The Iwakura Mission 2019). This time abroad was very influential to Japanese political thought during the early years of the Meiji era, as it proved the need for a strong central government, a strong, globalized industrial sector, and a deeply patriotic populace for a country to become an imperial power.

The Iwakura Expedition inspired many of those who would have an influential role in the origins of the Japanese parliamentary democracy. Ōkubo, Kido, and Itō were all members of the Iwakura Expedition, and all three were core to determining the direction of the still-developing government by providing guidance during the turbulent periods of governmental restructuring. The first of these major conflicts was the tensions with Korea in the early 1870s. As Japan was opening its borders, it had its eyes set on Korea as a regional ally, as well as a potential location for future imperial expansion. After discussions fell through and perceived offenses towards Japanese diplomats enraged leaders like Saigō, the other leaders had to step in and cool off relations with Korea after Saigō and his supporters demanded an apology from the Korean government that could have been a precipitating factor to war (Kitaoka 2018). This decision to cool off relations rather than potentially go to war was not one of fear of the Korean government but rather the potential that a war could collapse the developing

Japanese industrial complex (Huffman 2021). This caused a rift in the early Meiji government that would make it increasingly unpopular, as although the other Meiji leaders were not any less patriotic than Saigō or his supporters, the establishment believed that it was in Japan's best interest not to pursue this further. After Saigō's departure from the government, the remaining Meiji leaders were left to recoup their losses and continue to work towards a stronger government based on what they had learned from their time on the Iwakura Expedition.

The second major period of turbulence in the early Meiji government was the Satsuma Rebellion. Although the Meiji Restoration brought about the end of the Tokugawa shogunate, the newly formed Meiji government still conflicted with the remaining daimyo and samurai, who were clinging to their fleeting influence based on their family names. However, the Meiji government—which was effectively an oligarchy where a cabinet under the Emperor was formed and ministerial positions were held by those who helped overthrow the Tokugawa shogunate (Rights and Responsibilities: Looking at the Meiji Constitution 2025)—was moving forward, deciding that the old system needed to be rooted out once and for all. The daimyo were forced to offer their land to the emperor in 1871, thus eliminating the feudal system and making the emperor even more powerful (Kitaoka 2018). The last relic of the shogunate that still remained was the class of samurai across the region. After instituting an act enforcing national conscription, the samurai felt even more threatened by the potential that their services were no longer needed; this was confirmed by the 1876 Sword Abolishment Edict, where the Meiji government banned the very symbol of the samurai class and subsequently removed their hereditary stipends (Kitaoka 2018). This outrage directly led to the Satsuma Rebellion of 1877, where the remaining population of samurai, under the direction of the still-infuriated Saigō, took their last stand against the Meiji government. After much bloodshed and economic loss, the rebellion was quelled, and the Meiji government became the undisputed power across Japan.

### *Meiji Constitutionalism and the Freedom and People's Rights Movement*

After snuffing out the last embers of rebellion, the leaders of the Meiji government began to take a brand new direction for this government. In the 1880s, Japanese scholars began to discuss what a new Japanese government should look like. With the old guard of the early Meiji government no longer having much of a say in government policy—as Kido died of cancer in 1877, Saigō died in battle during the rebellion in the same year, and Ōkubo was assassinated in 1878—a new direction for the government was being formed. Specifically, it was Itō who was the main driver behind the document that would become the Meiji Constitution. Itō, a member of the Iwakura Expedition himself, took inspiration from others' opinions on how a new government for Japan should be formed. After returning to Japan, Kido remarked that Japan should adopt an “autocratic constitution”, where the emperor would “share sovereignty” with the people, but where the government would have immense power in order to bring the populace together and spread the advancement across the country instead of just in major cities (Takii 2023). Ōkubo also gave the opinion that Japan “should not thoughtlessly copy another country's institutions”, as he believed that Japan's new constitution should take inspiration from the West but reflect the intrinsic factors that are embedded into the Japanese identity (Takii 2023). These suggestions, alongside his own experiences abroad in Prussia and Austria (Kitaoka 2018), would become the basis for the shape of the Meiji Constitution. By 1890, the Meiji Constitution was promulgated and ratified, placing the Imperial line as the sole, sovereign entity of the nation, but also providing for a legislative body in the form of the Japanese Diet.





It was in the development of the Constitution that the concept of *Nihon kokumin*, or Japanese citizens, became evident. Prior to the Korean incident and the Satsuma Rebellion, the Japanese people were still divided along feudal lines and never truly viewed themselves as one part of a whole citizenry. By the time the samurai rebellions were quelled and the Meiji government ruled without contestation, the Japanese people began to feel as if they were all under one flag. This rise in nationalistic pride also came along with the desire of the people to be represented within the government. Prominent figures like Itagaki Taisuke led the *Jiyū Minken Undō*, commonly translated as the Freedom and People's Rights Movement, in the years leading up to the drafting of the Meiji Constitution. This movement, which spanned from 1874 to 1887, argued in favor of increased suffrage for the people of Japan, as they believed that the people should have a voice within the government (Irokawa 1967). This push for liberal ideals found in Western countries came into conflict with the aristocratic members of the Meiji government, which included renowned figures like Itō and Yamagata Arimoto.

These members of government believed that the emperor was the true sovereign and would only need counsel from the political elite such as themselves. Responding to this popular movement, however, figures responsible for the new constitution like Itō and Yamagata would effectively perform a “carrot-and-stick” maneuver, where they would appease the popular movement by permitting a weak parliament under the emperor while enacting harsh laws that prohibited only those with wealth and power to participate in that government (Akita 1962). The Freedom and People's Rights Movement forced the hand of the Meiji oligarchs to provide a constitution and a parliament for the Japanese people, which would be one of the first steps towards the Japanese government that can be seen today. Despite Itō and Yamagata intending for these concessions to be small so that they could continue to hold power alongside the emperor, it eventually led to the structure that would become the current-day Japanese parliament. Without those who sacrificed their time, money, and even their lives to support the Freedom and People's Rights Movement, there is a strong possibility that Japan's government could have looked completely different by the Taishō era. Despite the hope for the future that this may have caused, it was still several years before true change would be seen, as Itō and Yamagata would be the first two prime ministers, or *Naikaku Sōri-Daijin*, of this new Japanese Diet.

### *Japanese Imperialism Begins*

Japan, an island nation that had effectively been closed off for the last 200 years, had quickly advanced to the point that they had a revolution, explored the world, and are using those experiences to create a brand new constitution within just 40 years. This rapid growth would continue beyond the constitution, as Japan was on a crash course with other world powers that were once thought to be beyond Japan's reach. The most significant of the military conflicts that would follow the ratification of the Meiji Constitution was the First Sino-Japanese War that took place between 1894 and 1895. Going as far back as the Sengoku period, Korea has been a territory that Japan has desired to take control of for military, economic, and social purposes to set them on par with other major colonial powers (Lengerer 2019). After the Emperor of Korea requested support from the Chinese military for domestic issues alongside long-standing political conflicts, the Japanese government saw this as their chance to move in and take over the “perpetual menace to the peace of the Far East” (Skřivan Sr 2017). China, which had been the dominant force as the “Middle Kingdom” between the West and the East, was the betting favorite against the newly formed Japanese government. It was this rise in nationalism and the determination from the Meiji oligarchy caused by the Meiji Restoration that allowed the Japanese to have the confidence that they could go toe-to-toe with a historical power like China.



Despite China's near-hegemonic power in the region, Japan ended up winning the naval and land battles with the Chinese government and eventually was successful in their invasion of Korea. This result shocked not only Japan but also China and the Western powers that had vested interests in the region (Dower 2008). The First Sino-Japanese War would officially end with the Treaty of Shimonoseki signed by Itō, where the Japanese would receive not only their desired territories within Korea, but also the island of Taiwan and a large sum of silver as an indemnity (Treaty of Shimonoseki n.d.). The Treaty of Shimonoseki remains an incredibly important document, as it demonstrated the power of the Japanese to Russia, America, and various European countries. The defeat of the Chinese and the terms of the Treaty of Shimonoseki was a wake-up call for those other nations to take Japan as a serious threat and re-assert themselves as the global elite. The West's response resulted in the Triple Intervention, where Russia, France, and Germany intervened on behalf of the Chinese and asserted that the Japanese annexation of the Liaodong Peninsula was going too far against the defeated Chinese government. Not wanting to get into a battle they could not win and hoping to remain politically neutral, the Japanese acquiesced and did not take the peninsula. However, the Triple Intervention would infuriate the Japanese government and citizenry alike, as they viewed the West's interventionism as an insult to Japanese autonomy and right to be an imperial power (Iklé 1967). Japanese officials in the early days of the Meiji government were still mostly rich landowners, so imperialism was the logical next step for Japan to further modernize. However, the West was threatened by the potential power and competition that a fully realized Japan would pose to their interests.

The West's intervention in the affairs of the Japanese imperial pursuits would be the precursor to further conflict in the form of the Russo-Japanese War in 1905 and territorial conflicts in the years leading up to World War II. It was the Triple Intervention that marked the point that Japan and Russia would eventually come into conflict with one another, as Russia was the hegemonic European power that was encroaching on the territory that the Japanese believed was rightfully theirs for the taking. The Russian government was given the lease to the Liaodong Peninsula after the Triple Intervention (Iklé 1967), only worsening the relations between the Japanese, Chinese, and Russian governments. In addition, the Russian government had its eyes set on the Manchuria region and the Korean Peninsula as targets for further imperial expansion, which came into direct conflict with the desires of the Japanese government. Despite attempted negotiations between the Japanese and Russians over the territory, talks would fall through as Japan's proposals were "certainly unacceptable to the Russian side" as they were described to have the "character of an ultimatum," (Pak 2022). Finally driven to war, the Japanese forces launched a surprise attack at Port Arthur in early 1904, starting down a path that would drive Japan towards becoming the dominant force in the eastern hemisphere for years to come.

The Russo-Japanese War was underway after the attack at Port Arthur, and it would continue for over a year until the Japanese gained the territories they desired. After many naval battles that leaned heavily in the favor of the Japanese, the Japanese began moving relentlessly into the Manchuria region. This result was unexpected for the Russians, as the Czar and his military officers believed that the Japanese forces would not be enough to overpower the might of the Russian Empire (Russo-Japanese War 2018). However, much in the same case like China just a few years prior, the Russians underestimated the tenacity of the Meiji Japanese government and its military forces. After nearly two years of bloodshed that accounted for the deaths of over 150,000 soldiers and 20,000 Chinese citizens, Russia ultimately lost the conflict after the Battle at the Tsushima Straits that destroyed what few reinforcements the Russian military had left (Russo-Japanese War 2018). The Japanese, once again,



shocked the entire world as they took territory from another hegemonic power. What set this victory apart from the Sino-Japanese War was that this battle demonstrated that an Asian power could not only rival, but outright beat a European power. The Treaty of Port Arthur, which settled terms between the Russians and the Japanese, was mediated by President Theodore Roosevelt. As noted by John W. Steinberg, the United States intervening in the business of the Japanese government again would set the two countries down the path towards conflict that would ultimately lead to the attack on Pearl Harbor and the United States entering World War II (2008). The Russo-Japanese War can be the point at which Japan can truly be called an empire, as upsetting the Western-dominated global hegemony would change geopolitics forever, especially as a precursor to World War I and eventually World War II.

## Conclusion

The dreams of figures like Kido, Ōkubo, Itō, and Yamagata were all realized by the end of the Meiji era in 1912, as they had finally escaped the shadows of the weak Tokugawa Shogunate and became a legitimate global power. Despite wanting to play nice with the Western powers that they still depended on for trade, the Meiji government knew that it had the potential to become a true superpower not only in East Asia, but potentially across the entire world. Nationalism would rise year after year, as the Japanese government appeared stronger than it ever had before. The imperial pursuits of the Japanese Empire depended on the people to fuel the industrial engine that was propelling Japan. Spanning from the age of the weak Heian Court to the era of powerful rule by Shoguns to the era of the Constitutional Monarchy, Japan's government evolved greatly over the centuries to become a global superpower.

This evolution, however, did not come without sacrifice and bloodshed of not only its own people, but also innocent bystanders of Japanese imperialism. Specifically in Korea and China, the Japanese were ruthless in their expansion efforts, and would ultimately lead to the rifts that are seen today. The Meiji government continued to evolve and grow even after the death of Mutsuhito, as his son Yoshihito took Japan in a more democratic direction and expanded the Diet into the form that resembles the modern-day Diet. Figures like Itō are undeniably responsible for bringing Japan into the modern era in the Meiji era, but discussion still persists today on the degree to which the modern Japanese government should take responsibility and apologize for the actions that occurred during these periods.

## References

Akita, George. 1962. "The Meiji Constitution in Practice: The First Diet." *Journal of Asian Studies* 22(1): 31–46. doi:10.2307/2049907.

"Brief Summary of the Perry Expedition to Japan, 1853." 1953.

<http://public2.nhhcaws.local/research/library/online-reading-room/title-list-alphabetically/b/brief-summary-perry-expedition-japan-1853.html> (March 17, 2025).

Dower, John W. 2008. *MIT Visualizing Cultures*.

<https://visualizingcultures.mit.edu/home/index.html> (March 27, 2025).

Dunlop, Di. 2018. "THE TOKUGAWA SHOGUNATE: The Shaping of Modern Japan." *Asia - Journal of the Asia Education Teachers Association* 46(1): 86–102.

Huffman, James. 2021. "The Meiji Restoration Era, 1868-1889." *Japan Society*.

<https://japansociety.org/news/the-meiji-restoration-era-1868-1889/> (March 16, 2025).

Iklé, Frank W. 1967. "The Triple Intervention. Japan's Lesson in the Diplomacy of Imperialism." *Monumenta Nipponica* 22(1/2): 122–30. doi:10.2307/2383226.

Irokawa, Daikichi. 1967. "Freedom and the Concept of People's Rights." *Japan Quarterly* 14(2): 175–83.

"Japan, 1400–1600 A.D. | The Metropolitan Museum of Art." 2002. The Met's Heilbrunn Timeline of Art History. (March 16, 2025).

<https://www.metmuseum.org/toah/ht/08/eaj.html>

"Japan Tourism Statistics | 日本の観光統計データ." 2024. Japan Tourism Statistics | 日本の観光統計データ. (March 16, 2025).

<https://statistics.jnto.go.jp/en/graph/>

"Kamakura Period | Samurai Culture, Shoguns & Buddhism | Britannica." (March 16, 2025).

<https://www.britannica.com/event/Kamakura-period>

Kitaoka, Shinichi. 2018. "The Significance of the Meiji Restoration." *Asia-Pacific Review* 25(1): 5–18. doi:10.1080/13439006.2018.1475706.

Lengerer, Hans. 2019. "Pre-History of the Sino-Japanese War 1894–1895: The Taiwan Expedition: Impulse to the IJN's First Expansion and Basis for the Formation of a Merchant Marine." *Warship International* 56(2): 115–36.

Matsui, Yoko. 2018. "Japanese-Dutch Relations in the Tokugawa Period." *Transactions of the Japan Academy* 72(Special\_Issue): 139–54. doi:10.2183/tja.72.Special\_Issue\_139.

Mori, Kōichi. 1979. "The Emperor of Japan: A Historical Study in Religious Symbolism." *Japanese Journal of Religious Studies* 6(4): 522–65.

Pak, B. B. 2022. "The Final Stage of Negotiations: Beginning of the Russo–Japanese War 1904–1905." *Herald of the Russian Academy of Sciences* 92(12): S1175–84. doi:10.1134/S1019331622180101.

"Rights and Responsibilities: Looking at the Meiji Constitution." 2025. (March 22, 2025).

[https://aboutjapan.japansociety.org/rights\\_responsibilities](https://aboutjapan.japansociety.org/rights_responsibilities)

"Russo-Japanese War: Dates & Treaty of Portsmouth." 2018. HISTORY. (March 31, 2025).

<https://www.history.com/articles/russo-japanese-war>

Skřivan Sr, Aleš. 2017. "The Situation in the Far East Before the First Sino-Japanese War." *Nuova Rivista Storica* 101(1): 83–102.

Steinberg, John W. 2008. "The Russo-Japanese War and World History." *Association for Asian Studies* 13(2). (March 31, 2025).

<https://www.asianstudies.org/publications/caa/archives/the-russo-japanese-war-and-world-history/>



Takii, Kazuhiro. 2023. "The Meiji Restoration as a Constitutional Revolution." In *Modern Japan's Place in World History*, Springer, Singapore, 1–11. doi:10.1007/978-981-19-9593-4\_1.

"The Iwakura Mission: Japan's 1871 Voyage to Discover the Western World." 2019. nippon.com. (March 22, 2025).

<https://www.nippon.com/en/japan-topics/g00680/the-iwakura-mission-japan's-1871-voyage-to-discover-the-western-world.html>

Totman, Conrad. 1980. "From Sakoku to Kaikoku. The Transformation of Foreign-Policy Attitudes, 1853-1868." *Monumenta Nipponica* 35(1): 1–19. doi:10.2307/2384397.

"Treaty of Shimonoseki." (March 31, 2025).

<http://taiwandocuments.org/shimonoseki01.htm>

Yonemoto, Marcia. 2008. "Tokugawa Japan: An Introductory Essay." CU Boulder.



## **The U.S.'s Responsibility in the Destruction of Haiti**

4/1/2025 • By **Kate Huntington**

“When Haiti is more prosperous, secure, and firmly rooted in democracy, Haitians and Americans benefit” (“Haiti,” n.d.). Right now, Haiti is not prosperous, secure, or firmly rooted in democracy. Besieged by gangs, with 1 million starving and killings on the rise, Haiti’s demise appears to be in full effect. The crisis is surely one they cannot tackle alone, prompting the U.S. government to publish its 2022 plan to aid the struggling state. The U.S., however, has a history of intervening in the Caribbean nation—a rather troubling one, traditionally driven by economic interests. Therefore, they must carry out this plan with the needs and interests of the Haitian people at the forefront, not the greed that has long guided these actions.

### **The Pursuit of Statehood**

In the 1600s, Haiti (Saint-Domingue as it was formerly called) was established as a colony of the French, where its lucrative sugar and coffee resources were exploited through the brutal use of slave labor. This triggered a series of slave revolts, demanding an end to these human rights abuses. Concerned about the implications of these revolts on the survival of American slavery, Thomas Jefferson and other U.S. politicians favored sending resources to suppress the uprisings and endorsed policies that would isolate Haiti. Despite Toussaint L’ouverture and the revolutionaries’ success and achievement of independence, they still did not attain complete sovereignty. Haiti wasn’t recognized as independent by the French until 1825 when they agreed to pay around 21 billion dollars in reparations for the revolution, launching the young nation into extreme debt. Further, the U.S. did not recognize Haiti as sovereign until 1862 due to the fears that it would influence abolition movements through the spread of revolutionary ideals, making it hard for Haiti to establish itself in the international arena (Gamio et al., 2022).

### **The U.S. Occupation**

Perhaps the most devastating of the U.S.’s actions towards Haiti came in 1915 when president Woodrow Wilson dispatched marines to the island. The supposed goal was to restore stability, but the looming threat of German influence on the Caribbean following WWI coupled with the U.S.’s expansionist desires undoubtedly ignited the U.S. occupation (Scherr, 2019). The assassination of leader Vilbrun Guillaume Sam, which occurred just hours before the U.S. sent troops, only increased Haiti’s vulnerability to foreign manipulation. Under the guise of a humanitarian mission, the U.S. deployed hundreds of marines to Port-au-Prince. During the



19 year long occupation, the United States established control over the Haitian economy, siphoning \$500,000 from the Haitian national bank (Suggs, 2021). Additionally, they enforced racial segregation and violently vanquished rebellions against them, resulting in the deaths of thousands of Haitians (Crawford-Roberts, n.d.). They claimed to benefit the region by bringing doctors equipped with advanced medical knowledge that could protect Haitians. Not just Haitians though- Americans with business happenings in the caribbean. Any of the positives the U.S. planned to do for Haiti were tinged by their imperialist desires for hegemony in the region (Scherr, 2019). And not all of their harm was covert; marines outwardly abused innocent civilians. They were defenseless against the brutality and repression of the American marines who shot at and stole from them. They made attempts to cover their cruelty through the enforcement of harsh censorship codes, but ultimately their brutality was revealed. Nearly 2 decades later, U.S. troops were finally withdrawn, but the impacts of their presence lingered on. The infrastructure built under U.S. supervision and constructed by forced labor and the Haitian's own wealth was used for the production of goods meant to benefit the U.S. (Suggs, 2021). The leave of the marines did not mean the end of their means of violent repression as Haitian leaders also inherited these methods to suppress dissidents, contributing to generational modes of terror.

### **The Election of Aristide - A Step Towards Democracy?**

Nearly 70 years later, the U.S. still maintained influence in Haiti. "American leadership and the perseverance of the Haitian people has helped restore democracy to Haiti and provided concrete hope for a better future" boasted the White House under the Clinton administration in 1996 ("Fact Sheet on Haiti the Road From Dictatorship to Democracy", 1996). In 1990, the first democratically elected president, Jean-Bertrand Aristide was voted into power. With both the UN and the Organization of American States deeming the election free and fair, optimism increased for a nation that had previously witnessed the removal and assassination of multiple leaders. However, Aristide's tenure ended as quickly as it started as he was ousted mere months later. The end of his term also sparked controversy with regard to the U.S.'s involvement. As the Haitian opposition closed in on the president, the U.S. claimed members of the marine corps stationed themselves at the president's palace in an attempt to protect Aristide during the coup. Aristide tells a different story, explaining that U.S. forces removed him from office through threats that he and other Haitian citizens would be killed for his noncompliance. Former secretary of State Colin Powell and other American politicians denied these claims, asserting that Aristide willingly exited the country. Powell also added that Aristide had decided upon his resignation during a telephone call with the U.S. ambassador to Haiti just days before. The communications minister for the Central African Republic, where Aristide sought refuge, backed the U.S.'s explanation as well. While many call Aristide's accusations completely false, some, like former Representative Maxine Waters, believe his claims aren't completely baseless considering the U.S. had reasons to resent Aristide. For one, Aristide wanted to raise the minimum wage for Haitian workers sewing American clothes, which would raise prices for American businesses ("CNN.Com - Aristide Says U.S. Deposed Him in 'coup d'etat' - Mar. 1, 2004", 2004).. It is not completely clear the Clinton



Administration's role in the coup d'état, but it is clear that the coup had brutal effects on the country.

## **Operation Uphold Democracy**

Three years later, with the goal of ending Haiti's three years of chaos post-coup under a military junta, President Clinton launched Operation Uphold Democracy. Rape and murder were rampant in the nation, compelling Clinton to launch the initiative and "restore democratic government in Haiti." The U.S. first attempted negotiations with the military junta. However, when that didn't work, 25,000 troops were sent and Aristide was forcibly reinstated as president.

With no American casualties, the U.S. government and Clinton Administration regarded the operation a victory, but the operation's true motives, means, and lasting impact say otherwise. In order to undergo the operation, the CIA sought the help of Emmanuel Constant who worked under Francois Duvalier's repressive regime as well as with the military junta that removed Aristide. Additionally, Constant had founded the Front Révolutionnaire pour l'Avancement et le Progrès Haïtien (FRAPH) which had a violent history. Constant had built himself a notorious reputation through countless human rights abuses including a fire in Cité Soleil where 36 died. While working with the U.S., he also orchestrated the broadcasted assault of Stanley Schrager on the dock of where the USS Harlan County filled with U.N. workers coming to help Aristide's reinstatement was supposed to land. Clinton expressed his embarrassment about the spectacle, but the CIA did not make any adjustments to their relationship with Constant. When asked if he was reprimanded by the CIA after the fact, Constant said he only picked up "more political clout" and remained on the CIA payroll where he was rewarded with 700 dollars a month (Girard, 2002).

Not only was the means of the operation unethical, its lasting impact arguably did more harm than good for Haiti. In order to reclaim his presidential position, Aristide had to sign onto the World Bank and IMF's structural adjustment program. The U.S., IMF, World Bank and Inter-American Development Bank composed their own economic proposal for Haiti which prioritized free trade and private enterprise. Aristide pushed back at these "reforms" threatening anyone who "dares [to] sell the state's possessions on behalf of privatization". For years after the operation, Haiti experienced extreme political instability which discouraged investors and hurt the tourism industry. Further, the international community preyed on this instability, using it as a means to fulfill their own economic endeavors. They requested that a number of companies be privatized in order for foreign aid to be sent (Girard, 2004). So if "Operation Uphold Democracy"'s goal was to uphold or restore democracy, then the operation was, in fact, not a success. If the goal was for economic gains and for the Clinton administration to mobilize more voters in their favor, as many suspect it was, then the operation was surely effective in that respect.

## Haiti's Current Condition

Now, Haiti is experiencing yet more unrest, a “cataclysmic situation” as the UN puts it. Hospitals, police stations, and the airport have been shut down by gangs, causing Ariel Henry, the country’s prime minister, to step down. The Haitian police force is small and weak against the gangs. Since Haiti doesn’t manufacture weapons, gangs are using guns smuggled from America to wreak their havoc (Adams, 2024). During President Trump’s term, he set out to restrict the flow of Haitian asylum seekers. President Biden, who had promised to reverse this, has continued to turn masses of immigrants back (Ainsley, 2024).

## The Second Trump Administration

President Trump has begun his second term with extensive layoffs of federal workers, including those employed by the U.S. Agency for International Development (USAID). Workers essential to humanitarian efforts in Haiti, like vaccinators and midwives, were fired (Bhalla et al., 2025). Programs essential to the Haitian people like Action Against Hunger, a program that educates Haitians on nutrition, were shut down (Konyndyk, 2025) in the name of cutting costs and ridding the federal government of “radical left lunatics.”

American foreign policy towards Haiti has historically been tainted by the selfish desires to advance the economy and U.S. influence. The U.S.’s troubling history with intervention in Haiti emphasizes the need for a new approach- a selfless one guided by the desire to protect humans rather than one motivated by power and economic or political leverage.

## References

“25 Years After ‘Operation Uphold Democracy,’ Experts Say the Oft-Forgotten U.S. Military Intervention Still Shapes Life in Haiti.” 2019. TIME. September 20, 2019.  
<https://time.com/5682135/haiti-military-anniversary/>

Adams, David C. 2024. “‘Cataclysmic Situation’ in Haiti Leaves 1,500 Dead in Gang Violence.” The New York Times, March 28, 2024, sec. World.  
<https://www.nytimes.com/2024/03/28/world/americas/haiti-gang-violence-dead.html>

Ainsley, Julia. 2024. “Biden Admin Has No Plans to Change How It Treats Haitian Migrants despite Anger from Advocates.” NBC News. March 27, 2024.  
<https://www.nbcnews.com/politics/immigration/biden-no-plans-rethink-treatment-haitian-migrants-tps-rcna145121>

Bhalla, N., Adebayo, B., Rohullah Talaash, & Delva, J. G. (2025, February 28). “Total panic” as USAID cuts jobs from Syria to Haiti. Context.news; Context.  
<https://www.context.news/socioeconomic-inclusion/total-panic-as-usaid-cuts-jobs-from-syria-to-haiti>

“CNN.Com - Aristide Says U.S. Deposed Him in ‘coup d’etat’ - Mar. 1, 2004.” 2004. March 1, 2004.

<https://www.cnn.com/2004/WORLD/americas/03/01/aristide.claim/>

Crawford-Roberts, Ann. n.d. “A History of United States Policy Towards Haiti | Modern Latin America.” Accessed May 14, 2024.

<https://library.brown.edu/create/modernlatinamerica/chapters/chapter-14-the-united-states-and-latin-america/moments-in-u-s-latin-american-relations/a-history-of-united-states-policy-towards-haiti/#:~:text=Southern%20plantation%20owners%2C%20fearful%20of,states%20seceded%20from%20the%20Union>

“FACT SHEET ON HAITI THE ROAD FROM DICTATORSHIP TO DEMOCRACY.” 1996. The White House. March 21, 1996.

<https://clintonwhitehouse6.archives.gov/1996/03/1996-03-21-fact-sheet-on-haiti.html>

Gamio, Lazaro, Constant Méheut, Catherine Porter, Selam Gebrekidan, Allison McCann, and Matt Apuzzo. 2022. “Haiti’s Lost Billions.” The New York Times, May 20, 2022, sec. World.

<https://www.nytimes.com/interactive/2022/05/20/world/americas/enslaved-haiti-debt-timeline.html>

Girard, Philippe R. 2002. “Operation Restore Democracy?” Journal of Haitian Studies 8 (2): 70–85.

<https://www.jstor.org/stable/41715136>

Girard, Philippe R. 2004. “Peacekeeping, Politics, and the 1994 US Intervention in Haiti.” Journal of Conflict Studies 24 (1).

<https://journals.lib.unb.ca/index.php/JCS/article/view/290>

“Haiti.” n.d. United States Department of State (blog). Accessed May 14, 2024.

<https://www.state.gov/countries-areas/haiti/>

Konyndyk, J. (2025, February 21). Opinion | “We Are Seeing Complete Destruction”: The Damage Done by the U.S.A.I.D. Freeze. The New York Times.

<https://www.nytimes.com/2025/02/21/opinion/hiv-usaid-freeze-doge.html>

Mérancourt, Widlore, Amanda Coletta, and John Hudson. 2024. “The U.S. Has Tried to ‘Fix’ Haiti before. How Will This Time Be Different?” Washington Post, March 17, 2024.

<https://www.washingtonpost.com/world/2024/03/16/haiti-intervention-united-states/>

Scherr, Cooper. 2019. “Medicine Infected by Politics: The American Occupation of Medicine Infected by Politics: The American Occupation of Haiti,1915-1934 .” Historical

Perspectives: Santa Clara University Undergraduate Historical Perspectives: Santa Clara University Undergraduate Journal of History, Series II Journal of History, Series II 24:31.  
<https://scholarcommons.scu.edu/cgi/viewcontent.cgi?article=1184&context=historical-perspectives>

Suggs, David. 2021. "The Long Legacy of the U.S. Occupation of Haiti." Washington Post, August 10, 2021.  
<https://www.washingtonpost.com/history/2021/08/06/haiti-us-occupation-1915/>

## **With Liberty and Justice For All: Protecting the Rights of Incarcerated and Previously Incarcerated Individuals Through Constitutional Interpretation**

4/1/2025 • By **Edyn Webber**

The United States Constitution remains one of the highest protections of individual freedoms; however, these rights remain frequently ignored, eroded, or denied despite protections for current and former inmates. As mass incarcerations and systematic barriers to reintegration persist, it remains imperative to recognize that constitutional protections do not vanish behind bars. An originalist approach to constitutional interpretation—one that seeks to uphold the text’s meaning as understood at the time of its framing— offers a powerful defense against the erosion of these rights. The Founders, wary of government overreach and unjust punishment, enshrined fundamental protections in the Bill of Rights, including due process, equal protection, and freedom from cruel and unusual punishment. When applied, originalism protects an individual’s rights from unjust treatment, no matter the circumstance, such as incarceration. However, while originalism provides the best framework for interpreting the Constitution regarding the rights of incarcerated individuals, cases still exist where a flexible living constitutionalist approach may remain necessary to address unforeseen societal changes. This balance allows consistency with the Founders and the adaptability needed to uphold justice in a rapidly evolving world. Overall, originalism provides the most formidable framework for protecting the constitutional rights of prisoners and ex-prisoners by ensuring due process, equal protection, and freedom from cruel and unusual punishment. Still, in some cases, a limited application of living constitutionalism may remain necessary to address evolving societal challenges and uphold justice. Ultimately, in today’s legal landscape, understanding and defending the constitutional rights of prisoners and former inmates does not prove to be solely an exercise but an imperative to maintain the rights of all citizens.

Originalism, a key philosophy in interpreting the Constitution, remains pivotal in shaping American governance and the protection of civil liberties. By grounding constitutional meaning in history, originalism aims to preserve the integrity of the nation’s foundational legal document and limit judicial activism. The origins of originalism trace back to the ratifications of the Constitution in 1787, in which the Framers advocated for a government bound by these constitutional constraints (National Constitution Center). On the other hand, some advocate for living constitutionalism, which promotes a dynamic understanding of the Constitution and its meanings in contemporary situations; however, this framework does not always provide the stability and explicit protections outlined by an originalist approach (Strauss, 2010). In the



end, the background of originalism reveals its deep historical roots and theoretical frameworks. As a method of constitutional interpretation, it seeks to preserve the documents' original meaning, providing a consistent and principled approach to legal decision-making. Whether viewed as a safeguard against judicial overreach or a constraint against constitutional progress, originalism remains a central force in American democracy, especially in protecting vulnerable people. As debates over the Constitution's interpretation's meaning persist, originalism shapes the nation's legal landscape, influencing how fundamental rights and governmental powers remain understood and applied, thus ensuring the liberties guaranteed to citizens.

The application of originalism to the Constitutional rights of prisoners and convicts shows its significance in numerous Supreme Court cases, highlighting its ongoing importance and necessity for review. While originalism ensures that the fundamental principles enshrined in the Bill of Rights remain intact, the tension between historical interpretation and modern societal issues leads to debates about whether a living constitutionalist approach remains necessary. However, a thorough examination of such Supreme Court cases reveals how originalist interpretations both uphold and challenge justice for incarcerated and formerly incarcerated individuals, demonstrating the importance of understanding originalism's importance in upholding rights for all.

First, the Due Process Clause of the Fifth and Fourteenth Amendments ensures that no individual should experience life, liberty, or property deprivation without appropriate legal procedures. These protections extend to all individuals, including incarcerated persons, reinforcing that constitutional rights remain intact even upon convictions. An originalist interpretation preserves the procedural rights of prisoners by maintaining that they must receive fair trials and sentencing consistent with historical understandings of justice. The Framers of the Constitution enshrined due process as a safeguard against arbitrary government power; thus, an originalist reading ensures that prisoners maintain these fundamental procedural protections as intended by those who drafted and ratified the Constitution ("Modern Doctrine on Privileges or Immunities Clause"). In *Wolff v. McDonnell* (1974), the Court ruled that prisoners retain due process rights in disciplinary proceedings, particularly when facing the loss of good-time credits or other forms of punishment within the prison system. The Court acknowledged that while incarceration entails certain limitations on liberty, it does not strip individuals of all constitutional protections.

Through an originalist framework, the ruling prevented unnecessary deprivations of liberty within the prison system and reinforced the constitutional limits on state power. Moreover, the decision established procedural safeguards, such as advance written notice of charges, the opportunity to present evidence, and a fair hearing, aligning with the original meaning of due process as a check against unchecked governmental authority. Ultimately, by grounding its decisions in the foundations of due process, the Court ensured that the prisoners remained protected against unjust deprivation of liberty within the prison system. This originalist approach not only upholds the constitutional limits on state power but also prevents modern interpretations that could weaken due process protections. Ultimately, by adhering to the Constitution's original meaning, the judiciary maintains the integrity of prisoners' rights while



ensuring that government actors remain constrained by the principles enshrined by the country's founding document.

Similarly, originalism remains crucial in ensuring equal protection under the Fourteenth Amendment, which in 1868 provided a constitutional protection against discriminatory state action. The Equal Protection Clause was intended to guarantee that no person would face denial of the same legal protections afforded to others under the law ("Equal Protection"). An originalist interpretation of this provision ensures that its core purpose, preventing unnecessary discrimination by the government, remains enforceable in all contexts, including within the prison system. The Supreme Court case *Johnson v. California* (2005) reaffirmed that racial segregation within prisons must face strict scrutiny, the highest level of judicial review applied to laws or policies that classify individuals based on race. The case arose when the California Department of Corrections and Rehabilitation implemented a policy of racially segregating prisoners in their cells in initial intake, arguing that this measure proved necessary to prevent violence against racial gangs; however the Court rejected this rationale, emphasizing that even in carceral settings, racial classifications must serve a compelling government interest rather than arbitrary instances.

By applying an originalist reading of the Equal Protection Clause, the Court upheld the foundational principle that government-imposed racial segregation remains inherently suspect. This decision underscores the original meaning of equal protection, which does not merely reflect historical intent but also serves as a constraint against government overreach, preventing the normalization of racially discriminatory practices, even in carceral settings. By interpreting the Equal Protection Clause according to its historical intent, preventing state-sanctioned racial discrimination, an originalist interpretation ensured that equal protection remained intact, even in the face of evolving legal challenges. Ultimately, this case demonstrates that adherence to the original meaning of the Fourteenth Amendment prevents legal justifications for racial discrimination from eroding fundamental constitutional protections, reinforcing the judiciary's role in upholding the rule of law.

Furthermore, the Supreme Court case *Hudson v. McMillian* (1992) illustrates how an originalist approach to interpreting the Constitution protects incarcerated individuals from cruel and unusual punishment as prohibited by the Eighth Amendment. The Framers explicitly banned the government from inflicting cruel and unusual punishments; thus, an originalist interpretation of this clause maintains that any form of punishment considered cruel during the ratification of the Constitution remains unconstitutional today. This interpretation prevents the judiciary from redefining punishments based on contemporary views, ensuring a consistent safeguard against excessive state power. Namely, the Supreme Court Case of *Hudson v. McMillian* (1992) affirmed constitutional protection against inhumane treatment even within the prison system. In this case, the Supreme Court ruled that the excessive force used by prison officials, even without significant injury, constituted cruel and unusual punishment under the Eighth Amendment. By grounding its decision in historical protections against governmental abuse, the ruling reinforced that the original meaning of the Eighth Amendment continues to shield prisoners from mistreatment.

Another case illustrating the power of originalism to limit state overreach in penal conditions is *Estelle v. Gamble* (1976). In this case, the Court ruled that deliberate indifference to the serious medical needs of prisoners constitutes cruel and unusual punishment, reinforcing the principle that incarceration does not strip individuals of their fundamental protection. This decision further aligns with the Founders' concerns about the abuse of government power. Based on an originalist understanding of the Eighth Amendment, the ruling underscores that the government must protect individuals even after a conviction, ensuring that punishment does not extend beyond what was initially derived from the law. By ruling that the state must provide adequate medical care to prisoners, the Court maintained the original constitutional limits on punitive authority. It prevented the state from inflicting suffering beyond what the law prescribed. These cases illustrate that an originalist approach ensures that the Eighth Amendment remains a powerful tool against government overreach. Rather than allowing judicial reinterpretation to erode fundamental protections, originalism preserves the Constitution's historical intent, preventing the state from inflicting unnecessary suffering on incarcerated individuals. By upholding the original meaning of the Eighth Amendment, courts reinforce the principle that punishment must remain just and free from unnecessary cruelty. This approach ensures consistency in legal interpretation and maintains a powerful constitutional check on government power, ensuring that even prisoners retain essential rights under the law.

Overall, while originalism provides a strong framework for protecting the constitutional rights of prisoners and formerly incarcerated individuals, there exist circumstances where a living constitutionalist approach can remain necessary to ensure that evolving societal understandings of justice, human dignity, and rehabilitation justly inform legal interpretations. The Constitution was drafted in an era where incarceration conditions, rehabilitation efforts, and concepts of punishment were different from today; thus, a rigid adherence to originalism in every instance could fail to address modern realities. For example, the Supreme Court ruling of *Brown v. Plata* (2011) demonstrates a situational application of a living constitutionalist approach. In this case, the Court held that extreme overcrowding in California's prisons led to inhumane conditions that violated the Eighth Amendment's prohibition on cruel and unusual punishment. While the original meaning of the Eighth Amendment sought to prohibit explicitly recognized forms of torture and disproportionate sentencing, modern understandings of human rights, mental health, and prison reform necessitate a broader interpretation that includes the impact of overcrowding and healthcare in today's prison systems. Ultimately, instances like these highlight how a living constitutionalist approach recognizes the evolving prison standards, thus ensuring a just interpretation of the Constitution to ensure dignity for incarcerated individuals in contemporary society.

Ultimately, ensuring the constitutional rights of prisoners and formerly incarcerated individuals requires a balanced approach that respects both the original intent of the Constitution and the necessary evolution of legal principles to meet modern challenges. While originalism provides a formidable framework for protecting due process, equal protection, and freedom from cruel and unusual punishment, a living constitutionalist approach can remain essential in addressing contemporary injustices. Nevertheless, the rights of incarcerated and

formerly incarcerated individuals do not prove to exist solely as an abstract legal question but a moral and social imperative that demands attention from lawmakers, courts, and society. As mass incarceration, systematic discrimination, and barriers to reintegration continue to affect millions, the responsibility to uphold justice does not solely rest with the judiciary system but also with legislators and citizens committed to protecting the constitutional rights of all. In the future, policymakers must pursue justice reforms that align with constitutional principles and modern understandings of justice through fair sentencing laws, improved prison conditions, expanded rehabilitation programs, and the restoration of civil rights for ex-convicts. Ultimately, a just legal system that adheres to the law and ensures human dignity, fairness, and equality is central to American democracy. The imperative remains clear: society must reject indifference and apathy toward incarcerated individuals and intentionally work toward a system that reflects the promises of justice within the Constitution.

## References

Justia Law. “Estelle V. Gamble, 429 U.S. 97 (1976),” n.d.  
<https://supreme.justia.com/cases/federal/us/429/97/>

Justia Law. “Hudson V. McMillian, 503 U.S. 1 (1992),” n.d.  
<https://supreme.justia.com/cases/federal/us/503/1/>

Justia Law. “Johnson V. California, 545 U.S. 162 (2005),” n.d.  
<https://supreme.justia.com/cases/federal/us/545/162/>

Justia Law. “Wolff V. McDonnell, 418 U.S. 539 (1974),” n.d.  
<https://supreme.justia.com/cases/federal/us/418/539/>

Kennedy, Justice. “BROWN V. PLATA,” n.d.  
<https://www.law.cornell.edu/supct/html/09-1233.ZO.html>

LII / Legal Information Institute. “Equal Protection,” n.d.  
[https://www.law.cornell.edu/wex/equal\\_protection](https://www.law.cornell.edu/wex/equal_protection)

“Modern Doctrine on Privileges or Immunities Clause | Constitution Annotated | Congress.gov | Library of Congress.” n.d.  
[https://constitution.congress.gov/browse/essay/amdt14-S1-2-2/ALDE\\_00000815/](https://constitution.congress.gov/browse/essay/amdt14-S1-2-2/ALDE_00000815/)

National Constitution Center – constitutioncenter.org. “| Constitution Center,” n.d.  
<https://constitutioncenter.org/the-constitution/white-papers/on-originalism-in-constitution>

Strauss, David A. 2010. “The Living Constitution | University of Chicago Law School,” University of Chicago Law School. May 9, 2018.  
<https://www.law.uchicago.edu/news/living-constitution>