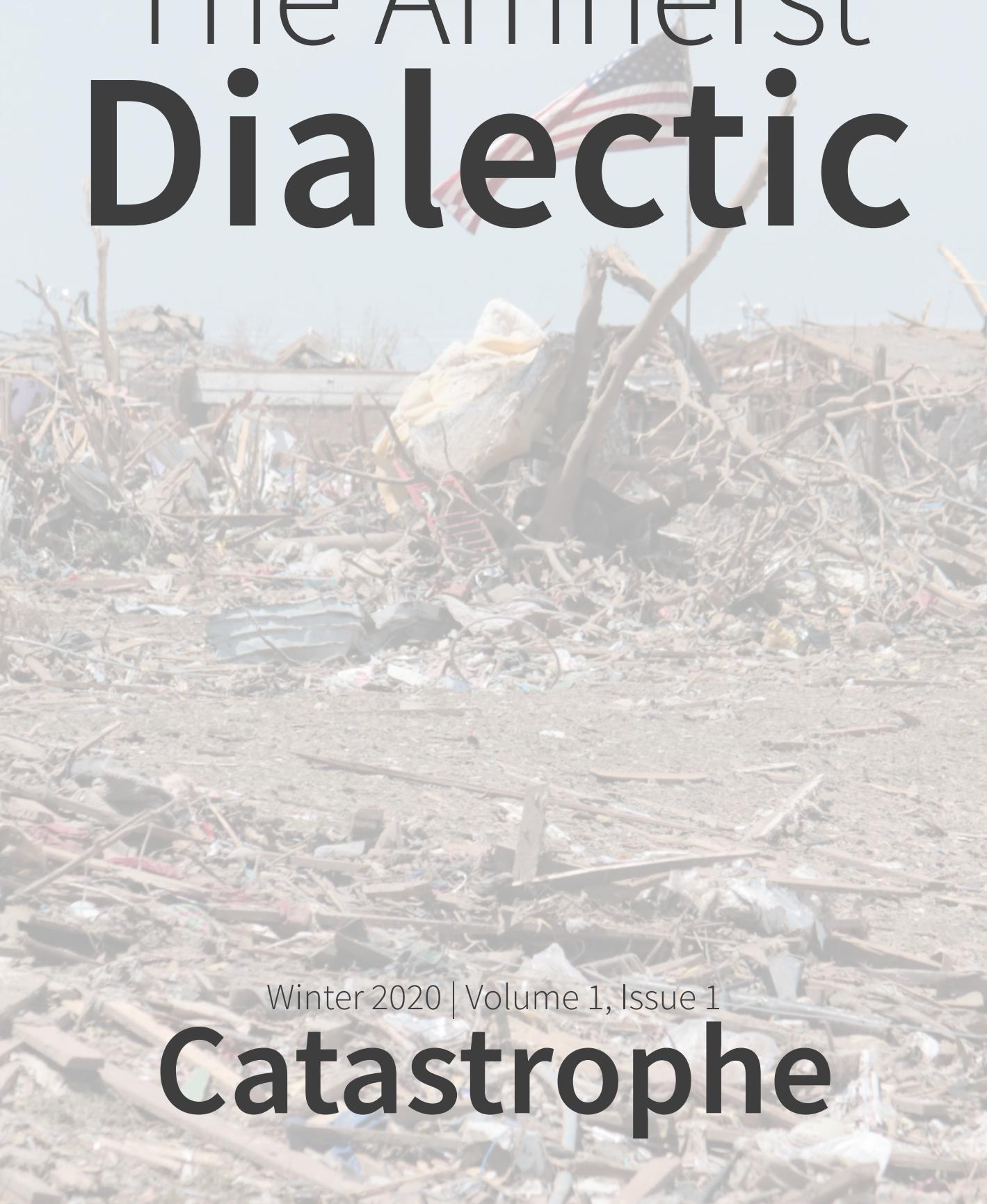


The Amherst Dialectic

A photograph showing a person sitting amidst a vast field of rubble and debris. In the background, an American flag flies from a pole. The scene suggests a location that has suffered significant destruction, possibly from a natural disaster like a tornado or hurricane.

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Catastrophe

About The Dialectic

At The Dialectic, we strive to explore the roots of pressing issues facing contemporary society, with a particular focus on political and historical inquiry. Central to our philosophy is the idea that no one discipline holds the keys to fully understanding an issue. We hope that as you read these carefully selected and edited papers, you bear in mind not just what each disciplinary approach holds, but what it can tell you about the big questions of our world.

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To learn more about The Dialectic, including information about our contributors, guidelines for submissions, or the contents of other issues, please visit our website at amherstdialectic.com.

Credits to Vicki Barsky for the photo on the cover, depicting the aftermath of a powerful tornado that passed through Moore, Oklahoma. Used under Creative Commons Deed CC0.

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Letter From the Editors

Dear Readers,

It is with immense pleasure that we present the first ever issue of the Amherst Dialectic. We are an interdisciplinary undergraduate academic journal devoted to discussing a single semesterly theme from as many angles as possible.

This semester, our theme is Catastrophe. Catastrophes are sudden. At any given time, they can come about with calamitous force and bring about a wave of disruption lasting from moments to years. But their suddenness doesn't mean that they must remain mysteries under an analytical gaze. Rather, these catastrophes are often emblematic of underlying societal mechanisms and pathologies, both in how they arise and in how we react. They reveal truths about our systems and institutions by showing us the extreme.

To many people, we are currently living in the midst of a catastrophe. Its exact nature is up for debate, and it certainly has many facets — the coronavirus pandemic, civil unrest over police brutality, mass unemployment — but if nothing else, it is true that we've transitioned to a new normal.

Examining catastrophes forces us to confront cutting questions. What can catastrophes past and present reveal about the state of our society? Do catastrophes come from bad luck and misfortune, or do they require pre-existing conditions? What makes catastrophes so physically and psychologically damaging? How can society prepare for and cope with events that are, by their very nature, unpredictable and disruptive? And finally, what avenues for positive change can a catastrophe open?

These questions don't have easy answers, but with the combined work of numerous gifted writers and researchers from Amherst College, we hope this journal can provide insight into the nature of catastrophes past and present.

We'd like to extend our deepest gratitude to these brilliant writers and editors, who all approached their topics with passion, rigor, and varied perspectives, and bore out awkward Zoom calls and late-night emails. This journal would not exist without your hard work, work which is all the more impressive because it came at a time of academic stress, political unrest, and a thousand other distractors.

One of the most moving parts of Catastrophe is the new growth which always arises in the wake of destruction. We hope that this journal will be one of those new shoots, rising up to take its place in a new and transformed world.

Thomas Brodey and Ryan Yu
Editors-in-Chief

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An Interview With Professor Lawrence Douglas

Professor Lawrence Douglas is the current chair of Amherst College's Law, Jurisprudence, and Social Thought (LJST) Department. He has received major fellowships from the National Endowment for the Humanities, the U.S. Holocaust Memorial Museum, and many others. He also published numerous books on catastrophe, including Law and Catastrophe, and even a novel, The Catastrophist.

Before the 2020 U.S. presidential election, The Dialectic sat down with Douglas to discuss his recent work studying potential catastrophes that could arise from the election, as well as his pedagogy surrounding the broader topic of catastrophe. The interview, edited and condensed for clarity, is available below.

The Dialectic (TD): What is your background in studying catastrophe?

Lawrence Douglas (LD): At Amherst College, Austin Sarat and I co-taught a colloquium on the meaning of catastrophe. I've also spent a lot of my academic career writing about trials that have involved perpetrators collaborators, and deniers in the Holocaust, one of the great catastrophic events of the 20th century. And even right now, I just wrote a book

called *Will He Go? Trump in the Coming Election Meltdown in 2020*, which also looks at the vulnerability of our electoral system to some type of catastrophic disturbance. I also wrote a novel called The Catastrophist. So I guess I have a pretty dark imagination that has always circulated around these questions of catastrophe.

TD: What were you trying to commu-

nicate to students when teaching your course on catastrophe?

LD: One of the things that we were trying to do was introduce students to the very concept of catastrophe itself. Sometimes we use these words like “disaster” or “catastrophe” indistinguishably. And I think the point that we were trying to make the students appreciate was the way in which catastrophes represent a larger challenge to a normative order. That is, there’s something more than just a disastrous event. It’s a disastrous event that really challenges our faith or belief in the deeper normative fabric of a society. And since norms and laws have a very interesting relationship, it kind of was almost a natural thing for two professors in LJST to collaborate, and to work with students. We had a lot of questions we wanted to ask: How can societies repair themselves in the wake of these kinds of challenges? What kind of legal, political, social, cultural, educational, and reparative actions can help us?

TD: Many people today would consider the world to be in some state of catastrophe with the pandemic and the related problems. What do you think is the difference between teaching about catastrophe in a period of relative calm versus a period more like today?

LD: I wouldn’t necessarily say that we find ourselves in a catastrophic situation right now. The pandemic represents a national tragedy, a continuing and a very grave health concern, which, of course, has been exacerbated by this epic failure of leadership on the part of our president.



Professor Lawrence Douglas (center) delivers a lecture on catastrophe to his students, with fellow professor Austin Sarat (left) helping to guide the discussion. Photo courtesy of Amherst College.

But I think we’ve learned in the last few years just how vulnerable the normative fabric of our society is. I don’t think it’s been torn apart yet, but I do think that we’ve seen holes emerge in that normative fabric. And we’ve seen an incredible erosion in a civil discourse. We haven’t re-taught the course recently, but if we were to bring it back, we would have to pay attention to the kind of vulnerabilities in our society that we didn’t need to pay attention to before.

TD: As we’ve seen in the COVID crisis, certain communities, such as the Black community, can be far more affected by

catastrophes than other groups. How can we meaningfully assess the severity and danger of catastrophes, when the effects are often so unevenly distributed?

LD: The structural problems in our society are such that when you do have something like this incredible health disaster, it's not as if everyone feels it equally. And obviously, it is the case that Black communities, Latino communities, and also poorer communities have shouldered a tremendously disproportionate brunt of the suffering here. The response to catastrophe can't ever be one that is based on divisions, and that attends only to the interests of the upper class or the privileged. Because again, if one does that, and we continue to see these kinds of challenges that our society is facing, it is just going to tear the fabric of the society apart. Society can't tolerate these levels of divisions, and this kind of unequal responses.

TD: You mentioned that you wrote a novel, *The Catastrophist*. I was wondering if you could talk a little bit about that, and particularly what you were trying to communicate in writing the novel.

LD: It's a funny kind of hat to wear, the hat of a novelist. When you write non-fiction or more scholarly work, there is something that you're essentially trying to communicate; there's a set of ideas that you're trying to present and defend. When you're writing a novel, I think it's a little bit different. One of the animating ideas that I was intrigued by was a protagonist who seems to have unjustified and neurotic concerns about the future.

And yet those concerns end up being very prescient in ways that the protagonists himself does not even imagine. It kind of illustrates how predicting that something big and catastrophic is going to happen is essentially meaningless, even if is entirely correct.

TD: Building off of that, what makes catastrophes so unexpected and difficult to predict?

LD: Almost by definition, catastrophes undermine a normative framework, which means they are typically not likely events. Some experts who study catastrophes say that you have to take the likelihood of a catastrophic event, and multiply it by the harm that would occur, in order to evaluate risk. That's how you have to arrive at your degree of preparedness. Even if the event seems pretty unlikely, if the magnitude of harm is likely to be huge, then it suggests that we really do need to prepare. And I suppose one of the things that is very hard, especially given our present political climate, is having the political will to invest in the money and the preparation that will troubleshoot something which is not directly around the corner, in which there's just a possibility. The problem with catastrophes is once they happen, you have to start playing catch up, because a lot of hurt has already been done.

Then, of course, there are other kinds of catastrophes that are not sudden, but unfold slowly, such as climate change. These slow catastrophes also require a tremendous amount of political will and future thinking. I'm not going to

get into evolutionary biology and say that human beings simply are not equipped to deal with that type of future thinking, but perhaps that plays some kind of role. However, I think most of it has to do with our political will. The vision of both the people and the leaders, and the pressure that we bring upon our leaders to make sure that they are safeguarding us, returns to a question we discussed earlier: what do we mean by us? Obviously, our leaders represent the country very, very differently. People with money receive much more protection from the political leaders, which often makes our society as a whole all the more vulnerable.

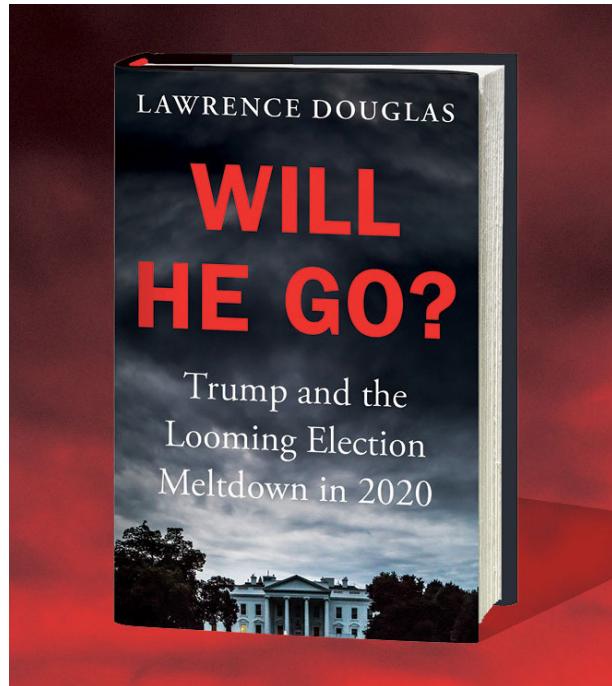
TD: Typically, a society will have pre-existing conditions which render them more vulnerable to catastrophe, even seemingly random ones, like floods or earthquakes or hurricanes. To what extent can we blame the disaster or the natural event for the outcome, as opposed to the societal problems which facilitated the disaster?

LD: We can't control nature, but we can control our response to it. So for example, if you're building in an earthquake zone, and you know that your buildings are not up to code, then you are contributing to the catastrophe. If you continue to build in a flood zone, when you know that climate forecasters tell you that there's going to be catastrophic flooding, then you are an accessory to the catastrophe. And so while there might be some genuine events which catch us off-guard and are impossible to plan for, we have some pretty sophisticated planning models out there.

There are always ways that we can prepare in advance. And that is the thing we need to focus on when we're talking about catastrophes, as opposed to embracing a spirit of fatalism that we're at the mercy of forces beyond our control.

TD: As you said, you've written a book recently about the possibility of a potential meltdown in the event President Trump refuses to leave office after the election. So would you describe this as a potentially catastrophic scenario? And if so, why?

LD: I certainly hope it doesn't turn catastrophic. But yes, I do think it's a potentially catastrophic scenario in the sense that the peaceful transfer of power is a bedrock of constitutional democracy. We have, in the White House, a president



Douglas' most recent book, Will He Go?, has received widespread recognition for its accurate predictions of Trump's behavior after his loss in the 2020 U.S. presidential election. Photo courtesy of Amherst College.

who has refused to commit to the peaceful transfer of power. And, you know, one of the things I tried to point out in the book is that our system of constitutional and federal law is not particularly well-equipped to deal with that type of electoral defiance, should a president engage in such an act. I try to point out that our system really presupposes that there's going to be a peaceful transfer. It does less to really secure that peaceful transfer. I could really imagine Trump engaging in this kind of real constitutional brinksmanship, which could have incredibly destructive consequences for our country.

TD: A few years ago, you co-wrote a book, *Law and Catastrophe*. In the introduction, you write: "The list between law and other limiting conditions, such as state of emergency has been the subject of rich and growing literature. By contrast, a little has been written about law and catastrophe." Can you expand on that a little bit?

LD: If you look for books and articles, there isn't much material on law and catastrophe or legal responses to catastrophe. There just hasn't been that much of literature, with maybe one exception. There's a lot written about the subfield of transitional justice. Transitional justice is really that field that examines how societies try to repair themselves, after episodes of, for instance, catastrophic, authoritarian rule and after episodes of systematic human rights abuses. That literature is quite rich. But the literature on, for example, how law connects to things

like environmental catastrophe, or pandemics or earthquakes, is very sparse. So that was a gap that we were trying to fill.

TD: Catastrophes often lead to deep psychological scars in the people involved. People can overreact in the aftermath, or they might do their best to try to forget and move on. What, in your opinion, is the key to successfully moving past the events to catastrophe without also forgetting its lessons?

LD: I think that that's a question that we can ask both on a personal level and also on a collective level. On the personal level, it does seem like one thing that we've seen is much more attention to the kinds of therapies and interventions and reparative practices that can help individuals overcome the trauma of catastrophic experiences. For society, there are also ways to try to do it. Some of them might come through legal means like trials or truth commissions, or they can come in the form of commemorative exercises: that is, the creation of memorials, like we saw, for example, for the victims of the 9/11 attacks. We can also use pedagogy. Educational institutions like Amherst College can encourage a form of reckoning and remembrance, which hopefully, permit us to learn lessons from the past so that we don't make the same mistakes in the future.

This interview was conducted on Oct. 7, 2020, by Thomas Brodey. Credits to Dave Roback of The Republican for the photo on the front page.



Planes, Strains, and Hurricanes: Elections in the Wake of Catastrophes

By Cole Graber-Mitchell '22

Abstract

Catastrophes often impact voting. From the coronavirus pandemic to Hurricane Katrina to 9/11, states and territories have dealt with catastrophes by canceling, replacing, postponing, and modifying elections. However, states rarely adopt preventative measures in their election statutes. By examining case studies from three different 21st century elections affected by catastrophe, I present a full account of the types of mitigatory measures that states take in response to different types of disasters. After highlighting the need for prevention and identifying how disasters act on elections, I argue that states and territories should implement universal vote-by-mail, hold elections over an entire week, and eliminate voter registration to make their elections more resilient to catastrophe.

Introduction

An airborne virus that spreads through tiny droplets, a major hurricane that flooded a city, and a terrorist attack that reshaped America all have two things in common. First, they are catastrophes: violent, destructive, and

momentous events in our shared history. Second, they all hindered or warped voting, the most basic affirmative act of democracy.

These three catastrophes are the coronavirus pandemic of 2020, Hurricane Katrina in 2005, and 9/11 in 2001,

respectively. The coronavirus made voting itself dangerous in a world in which following public health advice meant avoiding indoor public spaces; Hurricane Katrina hammered New Orleans for days, then forced hundreds of thousands of people to evacuate for months; and 9/11 forever changed the New York skyline, taking thousands of lives and destroying polling places in the process. During and after each of these catastrophes, legislators, governors, and election officials scrambled to ensure that voters could effectively exercise their right to vote. By modifying election rules, postponing elections to later dates, replacing elections with entirely new ones, and canceling elections outright, state and territorial governments responded to each of these disasters in unique ways determined by political, partisan, and judicial factors. What they did not do, however, is prepare for these disasters — at least in their election laws — beforehand.

In Part 1 of this paper, I will describe the three disasters I introduced above and outline their effects on American elections. In each case study, I will discuss how the disasters operate on the world and how those mechanisms translate into dangerous, inaccessible, and distracting elections. Though Hurricane Katrina and 9/11 are commonly used to understand how disasters interact with elections, the coronavirus pandemic has not yet been summed up in terms of its effects on elections. Though the dust of the 2020 general election has yet to settle,

I hope that my summary of elections in the pandemic thus far can jumpstart future research into this area.

In Part 2 of this paper, I will discuss the most common area of research into elections in catastrophe: mitigation. Scholars, administrators, and legislators commonly ask how they can respond to catastrophes in order to keep elections free, fair, and safe. They have determined a hierarchy of responses that I extend and problematize in light of the coronavirus pandemic.

Finally, in Part 3 of this paper, I lay out my argument for intentionally designing elections with catastrophe in mind. In doing so, I offer a rough theory of disaster that I use to categorize my case studies and understand their underlying mechanisms. Then, using what I learn from the case studies, I present three proposals — universal vote-by-mail, stretching voting over a week, and eliminating voter registration — that will harden our elections against interference and disruption due to catastrophes. Though these proposals must only be the beginning of our thought about prevention, I hope that they can provoke inquiry and further argument about the best ways to build resilient elections in the United States.

Part 1: Catastrophe-impacted elections in the United States

1.A: 2020 Primary and General Elections

In December 2019, local health authorities in Wuhan, China reported

a number of cases of viral “pneumonia of unknown origin.” By mid-January 2020, the World Health Organization confirmed that a novel coronavirus named SARS-CoV-2, capable of spreading from person to person, caused this viral pneumonia. Around the same time, officials in Washington state reported the first case of the coronavirus in the United States.

By March 15, the date of the 11th Democratic primary debate, the federal government had declared a national emergency and suspended travel from much of the world in response to the growing threat of the virus. The last primary debate, planned for April, was canceled, and the White House urged people to avoid groups larger than ten.¹ As colleges and universities sent students home, businesses closed their doors, and public health officials scrambled to keep the pandemic under control, states and territories had to figure out how to hold an election when voters and poll workers could easily spread a deadly and poorly-understood disease.

In the following weeks, almost every American state and territory modified their elections procedures, post-

poned elections, or canceled elections outright.² These responses differed from one jurisdiction to another and from one election to another, subject to the particular political configuration of each state and territory. In some places, governors signed executive order after executive order to modify elections, which did not always prevail against onslaughts of legal challenges. In other states and territories, legislators worked with governors to pass new laws specifically altering their elections during the pandemic. Regardless of their nature, these changes were nucleation points for super-heated partisan politics as parties, candidates, and outside groups fought in the courts over which changes could be made and by whom.

To highlight the pandemic’s effects on American elections and the choreographed exchange of legal battles that ensued, I will present two specific examples from states that held primaries in the spring of 2020.³ In each of these states, executives and administrators attempted to change elections but lost challenges in both state and federal courts.

In Wisconsin’s spring election, Joe Biden and Bernie Sanders, the last re-

1. Liptak, “White House Advises Public to Avoid Groups of More than 10, Asks People to Stay Away from Bars and Restaurants.”

2. Since each jurisdiction holds its local, state, and primary elections on its own schedule, some early elections finished before the pandemic began. The only jurisdictions to make no changes to their voting rules and election timing during the coronavirus pandemic were Oregon, Colorado, and Washington. All three of these states use universal vote-by-mail, a system in which every voter automatically receives a ballot at home and may send it back at their convenience.

3. Unfortunately, at the time of writing this article, the 2020 general election had barely finished. I could not find enough information about that more important election in order to present it as a detailed example. However, Table 2, which can be found in the appendix, includes states’ changes to their general elections in addition to their other elections during the pandemic.

maining candidates in the Democratic presidential primary, shared the ballot with two less-familiar names: Jill Karofsky and Daniel Kelly, candidates for the State Supreme Court. The stakes were high: if Karofsky won, the Wisconsin Supreme Court would skew more liberal, potentially shaping important cases during the November general election. One day before the scheduled election, Wisconsin's Democratic Governor Tony Evers issued an executive order postponing all in-person voting for more than two months, fearing that holding in-person elections would force voters to choose between their right to vote and their health.⁴ Elections officials, foreseeing a court order staying the election's postponement, continued preparing to hold it the next day anyways.

Sure enough, the Republican-controlled state legislature filed to block the executive order within hours of the governor's decision, and the Wisconsin Supreme Court obliged, forcing the election to proceed as originally planned. The four justices in the majority concluded that even in the face of the pandemic, the Governor did not have the power to "suspend or rewrite state

election laws."⁵ That same day, the U.S. Supreme Court struck down a federal judge's ruling that would have extended the state's deadline for receiving absentee ballots by 6 days.⁶ As justification, the majority wrote that courts should refrain from changing election rules "on the eve of an election," a notorious doctrine known as the Purcell principle.⁷ Wisconsin's election continued on April 7 as originally scheduled, but not without problems.⁸ Besides voters not receiving absentee ballots they had requested and counties treating abnormal absentee ballots inconsistently, voters who braved the coronavirus to vote in-person faced long lines and crowded polling places.⁹ Worse, at least 19 people contracted the virus after voting in-person or working at polling places.¹⁰ Though turnout was unexpectedly high across the entire state, turnout in Green Bay and Milwaukee — urban areas home to much of the state's Black population — was much lower than the rest of Wisconsin.¹¹

Halfway across the country, in the part of the United States hit hardest by the coronavirus in the spring, New York's election changes also triggered litigation. After Joe Biden's last opponent in the

4. "Executive Order #74."

5. Wisconsin Legislatu v. Evers at 3.

6. Republican Nat'l. Comm. v. Democratic Nat'l. Comm., 140 S. Ct.

7. Scholars have criticized the Purcell doctrine in recent years for improperly balancing voting rights with the state's interest in straightforward elections, particularly when it comes to elections in catastrophe. Hasen, "Reining in the Purcell Principle."

8. Epstein, "Upset Victory in Wisconsin Supreme Court Race Gives Democrats a Lift."

9. Hasen, "Three Pathologies of American Voting Rights Illuminated by the COVID-19 Pandemic, and How to Treat and Cure Them," 267.

10. Karson, "19 New Cases of Coronavirus in Wisconsin Linked to Election Activities."

11. Pildes and III, "The Wisconsin Primary Had Extraordinarily High Voter Turnout"

Democratic presidential primary, Bernie Sanders, dropped out of the race, officials canceled the election, choosing instead to only hold primaries for New York state and federal offices.¹² While the state's Board of Elections claimed that the uncontested primary served no purpose and only increased coronavirus risk, the Sanders campaign and supporting organizations claimed that the decision denied their voters a chance to influence party policy. Furthermore, progressive candidates running in other New York races worried that the absence of the presidential primary would depress turnout down the ballot, affecting their own chances at election.

After New York's decision, presidential candidate Andrew Yang—who had suspended his campaign already—and a number of pledged delegates for Yang and Sanders sued the state Board of Elections in federal court.¹³ The judge, finding that the cancellation substantially impacted the First Amendment rights of the delegates,¹⁴ ordered the officials on the Board of Elections to reinstate the presidential primary and hold it on the same date as the state's other primaries.¹⁵

Wisconsin and New York were

not election law's only battlegrounds during the pandemic. Thus far, litigants filed lawsuits in state and federal courts seeking to modify the elections of at least 49 states and territories.¹⁶ Together, the coronavirus pandemic and a high stakes presidential election spawned a truly immense number of court fights. Often, political parties and interest groups filed suits to force governments to make changes; other suits argued that governments should back away from changes they had already made. Occasionally, different branches of state governments would sue each other, as in Wisconsin. The numerous elections between the beginning of the pandemic and the general election—including regular state elections, primaries and caucuses, the presidential primary, runoffs, and special elections—merely added gas to the fire. If a litigant was unsuccessful at modifying elections procedures for one election, they were able to try again for the next, perhaps with new arguments, updated evidence, and in a different court.

Unlike catastrophes that force residents to evacuate or that damage polling places before the election begins, the coronavirus pandemic presented a

12. Saul and Corasaniti, "New York Board of Elections Cancels Democratic Presidential Primary."

13. Yang et. al v. New York State Board of Elections.

14. In New York State (and many others), voters in the Democratic Primary do not actually vote in a single, state-wide election to pick the Democratic nominee for president. Instead, voters elect delegates to the Democratic National Convention from their congressional district. These delegates are then able to vote on party policy, rules, and the nominee. Hence, the federal judge presented with the delegates' claims was asked to rule in part on the injuries the state board inflicted on delegates removed from the running even though they still desired to compete for votes. Yang et. al v. New York State Board of Elections at 21.

15. Yang et. al v. New York State Board of Elections at 29–30.

16. "Litigation and Court Orders Involving Election Administration Issues during the Coronavirus (COVID-19) Pandemic, 2020."

unique challenge to state and territorial governments by making the very act of voting potentially dangerous. Moreover, the pandemic was not confined to a given geographic area, could not be mitigated easily through intuitive means,¹⁷ and was not a discrete event. Hence, what may have worked for one state may not for the next; what may have worked in March's elections may not have in November. The pandemic's relative unpredictability also made planning difficult: though there was no doubt in administrators' minds that the pandemic would still pose problems in November, no one guessed that the worst spike yet would occur on and around election day.¹⁸

Despite the pandemic, voters turned out in droves. In absolute terms, more people voted in the 2020 general election than in any election in the history of the United States, and as a percentage of the eligible population, preliminary estimates predict that turnout will soar above every other American election since 1900.¹⁹ It is still too soon to know if poll workers, voters, or ballot counters spread the coronavirus on election day, and it is impossible to know for sure how

many people skipped the polls because their states made it unduly difficult to vote by mail. Over the next few months and years, we will continue to learn more about the impact of the coronavirus on election results and turnout, particularly among marginalized groups that bear the brunt of catastrophes.²⁰

1.B: 2006 Municipal Elections in New Orleans

At the end of August 2005, Hurricane Katrina struck New Orleans, destroying more than half of the parish's voting precincts and flooding huge portions of the parish.²¹ The majority of the parish's population evacuated; many remained out of the state for months after the hurricane as rebuilding efforts proceeded slowly. The city was not reopened to evacuees until early October, and even then, only 20 percent of the population was allowed to come back.²² Of the voters displaced, three-quarters were Black.²³

Before Katrina hit, New Orleans had scheduled its municipal elections for February and March of 2006. However, these dates quickly became unrealistic

17. By this, I mean that the public health advice for dealing with the coronavirus was not common sense. There is no clear, obvious response to an airborne virus — even experts contradicted each other and were at a loss when it came to certain aspects of the virus's spread, especially during the early parts of the pandemic. After public health advice informed by expert opinions became widely known, many still misunderstood the relative risk levels of different activities, such as voting, and the precautions one needed to take in order to be safe.

18. Wan and Dupree, "U.S. Hits Highest Daily Number of Coronavirus Cases since Pandemic Began."

19. Riccardi, "Referendum on Trump Shatters Turnout Records."

20. Mid-pandemic estimates show that the coronavirus kills Black people at twice the rate as white people due to structural, systemic racism in the American healthcare system. Netburn, "Coronavirus Kills Black People at Twice the Rate as White People."

21. Coleman and Fischer, "Elections in States Affected by Hurricanes Katrina and Rita."

22. Brox, "Elections and Voting in Post-Katrina New Orleans."

23. Williams, "Reconstructing Section 5," 1119.

as the damage increased. These elections were particularly important since the winning candidates would shape New Orleans's reconstruction. Given the ongoing state of emergency in January 2006, Kathleen Blanco, Louisiana's Governor, delayed New Orleans's primary and general municipal elections until April and May respectively.²⁴ In addition to her executive orders, Blanco asked the Louisiana State Legislature to revamp voting laws to ensure free and fair elections as a sizable portion of the city's population still sought refuge outside the state.

Though the legislature passed some reforms, its inaction on some changes sparked vigorous protest from the legislature's Black members. Only once a federal judge threatened to intervene did the state legislature give in and pass certain reforms, like allowing early voting outside the Parish of Orleans for displaced residents.²⁵ The most monumental change that the legislature considered was satellite voting, which called for establishing voting stations wherever evacuees were located — even out of state — rather than only at specific locations within New Orleans.²⁶ Since evacuees rarely had mailing addresses, the Postal Service was still recovering from

the devastation, and neither the state nor federal government knew precisely where displaced voters resided, satellite voting would have allowed the parish to reach its voters without creating more problems than it solved.²⁷ The legislature approved a narrow satellite voting bill that set up polling places across Louisiana, but a companion bill that would have permitted satellite polling places in cities like Houston, which hosted hundreds of thousands of evacuees, failed.²⁸

Alongside voting reforms in the legislature, advocacy groups filed suit in federal court to challenge the changes or ask for more reforms. For instance, the NAACP Legal Defense and Education Fund asked a federal court to loosen absentee restrictions and institute the out-of-state satellite voting centers that the legislature would not.²⁹ Though the court declined in this case and many others, a few substantive changes emerged from post-Katrina litigation.³⁰

In the end, however, voters sheltering out of state could only use absentee ballots to cast their votes. In the April 22 election, voters returned more than twice as many absentee ballots as they had in the equivalent election in 2002, yet voter turnout dropped by ten percentage points. In the May 20 mayoral ru-

24. Williams, 1130.

25. Williams, 1133.

26. Americans used satellite voting at least as far back as the Civil War. For example, while the Union soldiers from Minnesota cast an early form of absentee ballot, soldiers from Vermont placed their ballots into special field ballot boxes that operated almost exactly as did polling places back home. Benton, *Voting in the Field*, 15, 71, 88.

27. Williams, "Reconstructing Section 5," 1134.

28. Coleman and Fischer, "Elections in States Affected by Hurricanes Katrina and Rita," 3.

29. Nossiter, "Judge Orders New Orleans To Proceed With Election."

30. Morley, "Election Emergencies," 562.

noff, which used the same voting procedures, turnout was at 37%, one point higher than the April election. Despite the state's efforts to expand voting in the wake of flooding and mass exodus — and perhaps because they did not do enough — Hurricane Katrina markedly changed New Orleans's municipal elections.

Like the coronavirus pandemic, Katrina complicated voting over a long period of time through its lasting impacts rather than interrupting voting on elections day itself. However, Katrina's relatively limited geographic size ensured that its impact was heavily concentrated in certain parts of one state.

1.C: 2001 Primary Elections in New York

On the morning of September 11, 2001, poll workers across New York City opened polling places for the city's mayoral primary and voters started to cast their ballots. Later that morning, terrorists flew the first of two planes into the World Trade Center in Manhattan.³¹ The collapse of the Twin Towers, and the subsequent closing and evacuation of Lower Manhattan, ended voting in some polling places that were too dangerous to enter.³² Halfway through the day, New York Governor George Pataki

indefinitely postponed primary elections across the entire state.³³ Though there are doubts that the governor's executive order was lawful, and even though he rescheduled elections entirely unaffected by the events in New York City, no lawsuits emerged to challenge his decision.³⁴ The legislature rendered moot any questions about the governor's authority when they met on September 13, two days after the attacks, to reschedule the state's primaries to September 25, the day originally reserved in case of runoffs.

However, the statute passed by the legislature did much more than simply reschedule the election.³⁵ Though the election would now occur two weeks later, the legislature froze the voter rolls and prohibited any new registrations, effectively shutting out voters who would be otherwise eligible to participate under state law. Moreover, the law nullified any in-person ballots cast on September 11, even in parts of the state where no votes from that day were lost. Though the attack destroyed some polling machines in Lower Manhattan, it did not affect voting in other, farther jurisdictions — counties whose elections the legislature nonetheless rescheduled.

In New York City, the Campaign Finance Board decided to prohibit most expenditures from candidates who had

31. Nagourney, "AFTER THE ATTACKS."

32. Goldfeder, "Could Terrorists Derail a Presidential Election Special Series on Election Law," 525.

33. Curiously, the New York City Board of Elections asked a state Supreme Court justice to postpone the elections before the governor's order. He "orally ordered the suspension of elections in New York City" on the basis of his "inherent judicial authority." Morley, "Election Emergencies," 553; Nagourney, "A DAY OF TERROR."

34. Goldfeder, "Could Terrorists Derail a Presidential Election Special Series on Election Law," 526.

35. Morley, "Election Emergencies," 555.

received public money as part of the city's publicly funded election program.³⁶ The Board did not allow candidates to place ads, print materials, or pay canvassers. Instead, the Board only permitted spending to replace office space if it was damaged by the terrorist attacks and to recreate the goods and services that campaigns had acquired for the original election day.

Unlike Louisiana after Katrina, where elections were canceled outright and then held later with a new slate of candidates and campaigns, New York attempted to hold as much as possible about its elections constant — the state and its elections officials maintained the same candidate list, froze the voter rolls, and prevented mayoral candidates from even campaigning. Despite the fact that 9/11 dramatically shifted the political conversation, candidates could not address the new political questions and inform the public of their views.

Part 2: Mitigating catastrophes' effects on elections

In the case studies above, and in much of the available literature, the focus is on catastrophe mitigation. When we mitigate disasters, we ask how to minimize the effect that a given event has on an election after the event has occurred. In the case of 9/11, New York responded by postponing the election by two weeks but maintaining most of its rules. After Hurricane Katrina, Louisiana effectively

canceled the original elections and held new ones, complete with new filing deadlines and candidate lists. It also expanded absentee voting, opened some satellite voting centers, and changed other voting rules to deal with an unprecedented civilian evacuation that lasted for months. During the coronavirus pandemic, virtually every state responded by modifying its election procedures and rules for at least one of its elections. Some states canceled primaries and caucuses; others postponed elections by weeks or months. Many states expanded absentee voting, changed polling place regulations, and altered filing and signature regulations. At least 13 states switched to vote-by-mail by restricting in-person voting or sending absentee ballots to all registered voters. When states did not act, outside actors like political parties, activists, and advocacy groups sued in state and federal court to force changes.

Though state responses to catastrophe are varied, they fit broadly into three categories elaborated by Michael Morley in his law review article "Election Emergencies: Voting in the Wake of Natural Disasters and Terrorist Attacks."³⁷ First, there are modifications, in which a state adds additional methods of voting, extends voting deadlines, or makes voting more accessible. For example, Minnesota modified its voting rules in response to the coronavirus pandemic by eliminating its absentee ballot witness requirement, sending absentee applications to all vo-

36. Morley, 556.

37. Morley, 549.

ters, and extending its absentee ballot return deadline.³⁸ Unlike other states, it did not attempt to cancel or postpone elections. Another common example of election modification is keeping polling places open for a few extra hours after unforeseen circumstances force them to open late.³⁹ Paradigmatically, modifications simply loosen state rules in order to mitigate the impact natural disasters have on voting.

The second category of Morley's analysis is postponement, which he defines as attempts to move elections without meaningfully changing the election's actors.⁴⁰ Voters, candidates, and campaigns are kept static through the postponement; often, postponements act as if no intervening time passes at all. New York's reaction to 9/11 is an example of election postponement — new voters could not register, and candidates were essentially unable to continue their campaigns between the originally scheduled election and the new date.

Another, more recent example of Morley's category of postponement is Ohio's delay of its March 17, 2020 primary election.⁴¹ After the Ohio Heal-

th Director prevented polling places from opening hours before the election started, the Ohio state legislature passed a bill delaying in-person voting until April 28 and requiring most voters to vote by mail. However, it did not extend the voter registration deadline or allow new candidates to file to run. After the League of Women Voters of Ohio sued to extend the registration period, a federal judge went so far as to say that the legislature had not canceled or even postponed the election; rather, the legislature had merely extended voting by a month and a half. As such, all of the election's original rules that the new law had not modified — such as the voter registration deadline — still applied.

The last of Morley's categories is cancellation, which may be better termed "replacement." A state replaces an election when it sets up an entirely new election for one affected by catastrophe. After Katrina struck New Orleans, the state canceled its previously scheduled elections outright. Since New Orleans still needed new municipal officers, however, the state scheduled new elections, replete with new filing deadlines,

38. The last change was blocked by federal courts mere days before election day. Montemayor, "Federal Judges Order Minnesota's Post-Election Day Ballots to Be Held"; Webster, "Mail-in Ballot Witness Requirement Waived for Minnesota's November Election."

39. An example is Tennessee's presidential primary in early 2020, before the coronavirus pandemic reached its spring heights. A tornado outbreak swept through central Tennessee the night before Super Tuesday, killing 24 people and disrupting power to polling places. In Nashville, 15 precincts redirected voters elsewhere. After the Tennessee Democratic Party sued, a state judge ordered elections officials to keep polling places open up to 3 hours longer in order to ensure everyone could vote. Sutton, "Polling Location Hours Extended Due to Impact of Tornado Damage."

40. In the table of states' responses to the coronavirus that I present in section 1.A, I do not use the words "postponement" or "cancellation" in the same way as Morley. See the notes in the table for more information.

41. Carr Smyth, "Ohio Sets All-Mail Primary April 28; in-Person Voting Off"; Rouan, "Federal Judge Denies Voter Advocates' Lawsuit to Change Ohio Primary Election."

new candidates, and new voters — hence the word replacement. Similarly, during the coronavirus pandemic, many states actually replaced their summer elections when they said they were “delaying” or “postponing” them. For example, New Jersey moved its primary from June 2, 2020 to July 7.⁴² In the meantime, it allowed new voters to register and reopened candidate filing for independents. Though New Jersey did not change the most filing deadlines for the primary, it did not attempt to hold much static between the two dates: candidates could campaign and voters could register.

Morley’s analysis did not anticipate the last type of catastrophe response that emerged from the coronavirus pandemic: outright cancellation. Whereas states postpone and replace (Morley’s cancellation) elections with the goal of holding those elections later, some states totally and utterly canceled elections during the pandemic with no expectation that they would ever be held. The clearest example of outright cancellation is Utah’s treatment of its 2020 caucuses. According to the Salt Lake Tribune, Utah’s Republican and Democratic parties canceled their respective caucuses and “announced that delegates elected two years ago will simply continue to serve.”⁴³ The state’s parties did not postpone or replace the caucuses, so voters never had a chance to select delegates to represent them at state and county conventions. Another example from the

pandemic is New York State’s attempt to cancel its presidential primary. As discussed above in Part 1.A, a federal judge later ordered the state to hold its primary precisely because without it, voters could not select delegates to represent them in party events.

Since canceling elections eliminates democracy and removes voters from the equation of power, it is the most undesirable of all catastrophe responses. Though the New York State Board of Elections and parties in Utah thought it was justified in the face of the coronavirus pandemic, other states’ responses clearly show that it was possible to hold effective primaries and caucuses without ignoring public safety.

The other three responses exist along a severity spectrum, with modifications as the least impactful and replacements as the most. Not every catastrophe will require a state to replace or even postpone an election, since some can be easily dealt with using less intrusive tools. As illustration, no state attempted to cancel, replace, or postpone its November 3, 2020 general election during the pandemic. By that point, eight months after experts first detected community spread in the United States, jurisdictions had largely figured out how to hold elections that met their standards for health and safety. In fact, some states changed nothing in their general elections, opting instead to only make modifications to their primary, and three states made

42. Salant, “Today’s Your Last Day to Register to Vote in the July 7 Primaries in N.J.”

43. Davidson, “Utah’s in-Person Caucus-Convention System Is a Casualty of the Coronavirus.”

no changes at all to their elections procedures in any election in 2020.

In many cases, states find more than one type of change necessary to conduct free, fair, and safe elections. While Louisiana did replace New Orleans's elections, it also modified them by expanding absentee eligibility and instituting satellite voting, among other changes. Similarly, many states that delayed their 2020 elections also expanded absentee eligibility, added early voting, or moved to vote-by-mail. Since each response has a particular use, and since catastrophic events often impact many parts of an election, responses spanning multiple categories allow states to adequately respond to all but the simplest of disasters.

Part 3: Preventing catastrophes from affecting elections

As mentioned above, state and territorial governments, experts, and lawyers devote huge amounts of their time and energy towards responding to disasters. Though I suspect is it impossible to calculate the lawyer-hours spent on election rule litigation over the course of the coronavirus pandemic, it is no small sum: a compilation by the Healthy Elections Project found at least 610 unique docket numbers in courts around the country devoted to litigation concerning the coronavirus and elections.⁴⁴ Meanwhile, elections administrators put in countless hours over many long mon-

ths dealing with mountains of absentee applications, designing and setting up safe polling places, and processing more absentee ballots than ever seen before. State legislatures wrote, debated and passed bills to ensure safe voting; state executives issued order after order to modify, postpone, replace, or cancel almost all of the elections held in the United States during the pandemic.

In the face of all of this effort, three outliers present themselves: Washington, Oregon, and Colorado, the only three states to not modify their elections procedures whatsoever. None of the three dealt with long lines, overflowing absentee ballot applications, or even an extraordinary number of absentee ballots to process. Instead, elections in Washington, Oregon, and Colorado proceeded quite normally and without much fanfare. This is not true because these states failed to respond appropriately to the coronavirus, as did some states; rather, Washington, Oregon, and Colorado effectively prevented the coronavirus from impacting their elections by conducting their elections by mail regardless of the circumstances. Each election, these three states send a ballot to every registered voter, who can then drop it off at a ballot drop box or send it back through the mail. Since the vast majority of voters in these states do not use polling places, and since they were already accustomed to receiving millions of ballots through the Postal Service, the pandemic had very

44. "COVID-Related Election Litigation Tracker."

little effect on their election administration.

When it comes to election law, the old adage holds true: an ounce of prevention is worth a pound of cure. However, the language of catastrophe prevention — vulnerability, risk reduction, and precautions — rarely surfaces in conversations about elections outside the context of voter fraud or foreign meddling. Protecting the vote from the moment that an eligible voter marks their ballot until the moment that the vote count is certified is integral to holding fair elections, but by ensuring that everyone can access the polls is equally as important. Just as we design our voting machines to resist tampering, we should design our elections to be resilient in the face of catastrophe. It is impossible to prevent hurricanes and eliminate those who would commit acts of terrorism, but it is not impossible to intentionally design our election laws to prevent those acts from having an impact on our democracy.

One impact of disasters on elections that we can prevent is confusion. Many states lack an explicit statutory authority who can modify, postpone, replace, and cancel elections, so disasters are met with half-baked executive orders later overturned by courts, judges who must make last-minute decisions to modify elections, and wild attempts by admi-

nistrators to ease restrictions on voting.⁴⁵ In this absence, Michael Morley has called on states to pass explicit election emergency statutes to provide objective criteria for determining an appropriate response and designate a clear authority to make these decisions.⁴⁶ Though his list of desirable criteria and preconditions for election changes leaves room for argument, his observation that preparation before disasters would minimize confusion, provide clear responses, and speed up disaster mitigation is prescient.

Likewise, Jerry Goldfeder argues that the United States Congress should establish national guidelines for responding to “a terrorist attack or a widespread natural disaster on or immediately preceding election day.”⁴⁷ He sees the current system, in which each state sets its own rules for responding to disaster, as unstable and ripe for disruption. His goal, like Morley’s, is to better equip states to deal with disaster precisely by preventing confusion, litigation, and partisan battles in the heat of the moment through anticipation and planning.

While Morley’s and Goldfeder’s proposals solve real problems in the way we deal with election catastrophes, they too focus on mitigation rather than true prevention. Of course, their intention is to prevent confusion by better enabling states and the federal government to

45. In particular, Wisconsin’s 2020 primary includes the first, New York’s 2001 primary includes the second, and Arizona’s 2020 primary includes the third. Rosenblatt, “Court Stops County Recorder from Sending Ballots to All Voters for Tuesday Election.”

46. Morley, “Election Emergencies,” 551.

47. Goldfeder, “Could Terrorists Derail a Presidential Election Special Series on Election Law,” 563.

mitigate disastrous effects, but they do not spend time on how states can better avoid those effects altogether. If we want to ensure that states can hold free, fair, and safe elections in the wake of catastrophe, we must shift our focus towards prevention.

When considering how to best prevent disasters from impacting elections, we must consider the contours of those disasters and the mechanics of their disruption. Each disaster has characteristics that set it apart from others, and an elections infrastructure that effectively prevents one disaster from having an impact may not prevent another with different qualities. I have identified a few axes that provide a rough depiction and description of different catastrophes and that prove helpful while evaluating prevention proposals.

The first of these axes is a disaster's immediacy. An immediate disaster is one that occurs after voting has begun, but before it has completed, or soon enough before voting begins that it poses a present problem. Since immediate disasters give states little time to react, they demand last-minute changes on the part of executives, administrators, or judges. On the other hand, non-immediate disasters provide time for preparation and well-thought-out responses. In particular, legislatures often have little role to play in the crucial decisions during or after immediate disasters. In the case studies discussed above, 9/11 was an immediate disaster: it occurred after voting had begun and forced Governor Pataki to take qui-

ck action. On the other hand, Hurricane Katrina was a non-immediate disaster. It occurred months before the elections it affected, providing the executive, the legislature, and voters ample time to respond. The coronavirus pandemic ranges between these two extremes depending on the jurisdiction in question. Another factor that confounds an easy assessment of the coronavirus's immediacy is its fluid nature, since states necessarily prepared their elections before knowing the coronavirus's spread rates and prevalence on election day.

A second axis is impact duration. Long-lasting disasters affect normal life for a long period of time. Short disasters, on the other hand, only affect elections for a relatively short period of time. Some prevention and mitigation efforts are only effective during short disasters. For example, while postponing the municipal elections in New Orleans gave voters more time to prepare and may have allowed a few more people to return to the city before election day, Hurricane Katrina's impact lasted well into the new election date. Similarly, some jurisdictions that postponed elections during the coronavirus pandemic did so with the hope that everything would be back to normal on the new election date. However, this was rarely the case — postponements allowed more voters to request absentee ballots and legislatures to tailor rules to the pandemic's health requirements, but they did not allow states and territories to sidestep the problem entirely, since the pandemic was a long di-

saster. 9/11 was a shorter disaster than Katrina and the coronavirus — postponing the election by two weeks allowed New York to avoid most of the problems associated with holding an election during a major terrorist attack. Though the damage to Manhattan and the Pentagon still posed problems, those problems did not majorly affect voting.

The third axis is geographic range.

ding a disaster's precise impacts. In terms of the case studies, the coronavirus pandemic was a widespread disaster. Though it affected different places in the United States differently over time, it spared no jurisdiction.⁴⁸ In contrast, Hurricane Katrina affected a far smaller area. Though it made landfall in many of the coastal Southern states, it only impacted elections in New Orleans and a

Table 1: The characteristics of each case study that I present in Part 1.

Catastrophe	Immediacy	Duration	Range	Intentionality	Atomicity
Coronavirus pandemic	Not immediate	Long	Widespread	Unintentional	Non-atomic
Hurricane Katrina	Not immediate	Long	Regional	Unintentional	Atomic
9/11	Immediate	Short	Contained	Partial	Atomic

Some disasters are confined to extremely small areas, affecting only one or two precincts in a single city. Others affect every polling place in America. Most, however, fall somewhere between these two limits. When a disaster is widespread, jurisdictions can work together to lessen its effects, which is not possible when a smaller area bears the brunt of the disruption. However, disasters that affect smaller areas involve fewer decision-makers and have lower stakes. Moreover, disasters often affect elections in specific geographic patterns — for example, Hurricane Katrina did not flood every part of New Orleans equally. Though these complex patterns fail to fit into a simple axis of widespread to contained disasters, they are helpful in understand-

few other small cities in the region. Finally, 9/11 disrupted elections in the smallest geographic area of all three case studies, only directly affecting a few polling places in a single city.

The second to last disaster axis is intentionality. Some disasters are intentionally designed to affect elections, and some are the product of chance. Human hands did not direct Hurricane Katrina's devastation; the laws of epidemiology govern the coronavirus's spread, not radioed orders from some paramilitary group intent on making voters sick. On the other hand, 9/11 was an intentional act of terrorism. Its perpetrators attempted to disrupt normal life in New York City. That said, there is no evidence that the attackers intended to attack the elec-

48. As a professor of mine likes to say, the virus does not care about borders or geography. It is everywhere.

tion per se. It does not take much imagination to dream up a scenario in which attackers intentionally disrupt elections; election security laws attempt to prevent such attacks from both foreign and domestic antagonists. Mitigation in the face of a successful attack is almost impossible, so election law has always focused on prevention in this realm.

The last axis of my analysis is atomicity.⁴⁹ An atomic disaster is one that is indivisible and that happens all at once. While the impacts of such a disaster may last for a long while, the actual precipitating event either happens or does not happen. There is no in-between. Accordingly, a non-atomic disaster is one that can exist halfway between non-existence and completion. The best example of a non-atomic disaster is the coronavirus pandemic, in which there is no single event that propagates the virus. Instead, the virus is spread through millions upon millions of individual events, each with its own probability. Taken apart, any one infection does not meaningfully disrupt elections. Only upon the accumulation of thousands of infections does the pandemic force polling places to close and cause voters to stay home. On the opposite end of the spectrum is 9/11. Despite the moments of incompleteness in between the impact of the first and second planes, those acts of violence alone

culminated in New York stopping the election.

While these five axes do not capture a disaster in its entirety, they do help us understand the mechanisms through which they are disastrous. Each proposal that I will discuss below, from universal vote-by-mail to eliminating voter rolls to expanding election day, interacts with these characteristics in specific ways. Disasters with particular characteristics may frustrate prevention, while disasters with others prove more amenable.

The first of the proposals I offer to prevent the impact of catastrophes on elections is universal vote-by-mail. By learning from the example of Washington, Oregon, and Colorado during the coronavirus pandemic, we can make our elections more resilient in the face of many types of disaster. Put simply, states with universal vote-by-mail send actual, legal ballots to all registered voters in advance of election day. While 30 states and U.S. territories (including the District of Columbia) allow voters to request an absentee ballot without providing an excuse, only five proactively mail ballots to all voters.⁵⁰ These five, by eliminating most in-person voting and sidestepping in-state absentee ballot applications, dramatically reduced the amount of work needed to run their elections while maintaining a high level of voter accessibility.

49. The word “atom” comes from the Ancient Greek word meaning indivisible. While most uses of “atomic” nowadays refer to the atomic bomb — which splits atoms, once thought to be the smallest units of matter — computer scientists commonly use “atomic” to refer to database operations that either succeed or fail without leaving incoherent states in between.

50. West, “How Does Vote-by-Mail Work and Does It Increase Election Fraud?”

At the same time, elections in these states are far more resilient to disaster than traditional, in-person elections.

Universal vote-by-mail helps states prevent disasters from derailing elections because it defuses the act of voting temporally and spatially. No longer must voters go to a specific physical location to vote, so disasters that shut down polling places (like Hurricane Katrina and 9/11) and disasters that make voting itself potentially dangerous (like the coronavirus) have little effect on a voter's ability to vote. However, it is still susceptible to service outages: if the Postal Service is unable to deliver ballots, vote-by-mail may suffer. In order to diminish this vulnerability, states like Oregon offer ballot drop boxes and allow voters to return their ballots themselves. Moreover, if a ballot is lost, a voter can always get another—protection against voter fraud occurs during counting, not by ensuring that ballots are scarce. Longer disasters still pose problems under vote-by-mail, but since the stakes are so much lower when voters have longer to cast their ballots, voters and election officials can more easily find workarounds to problems that would otherwise debilitate an election.

Similarly, immediate disasters, which can so effectively prevent voters from reaching the polls, no longer pose a serious threat under a universal vote-by-mail scheme. Since the time frame for universal vote by mail is so long, a disaster on election day or during the

entire voting period is barely disruptive to the act of voting. Though disasters may still strike while votes are counted, there is no need for elections officials to worry about flash floods on election day or morning-of tornados systems.

All around, universal vote-by-mail reduces vulnerabilities and attack surfaces in elections. The bulk of this work is done by diffusing the act of voting rather than concentrating it, as so many jurisdictions do, on a single day. In this vein, my next proposal attempts to achieve the same success without switching entirely to vote by mail.

Rather than asking all voters to visit their polling places on a single election day conspicuously located in the center of the week, states and territories could ask voters to come in at any point during a much longer length of time. For instance, polls could be open from 6 a.m. until 8 p.m. every day during an extended "election week" which includes two full weekends and a full work week.⁵¹ While some states already do this using any one of a varied set of techniques commonly dubbed early voting, they usually restrict such initiatives to specific polling places, only open them for strange hours, and advertise early voting far less than the actual election day. By keeping neighbourhood polling places open for a total of nine or more days, jurisdictions can provide their residents with numerous opportunities to vote, regardless of their work, school, or life schedules.

51. One could aptly term this longer-than-a-week election week a "baker's election week." It says week on the tin, but you can vote for a full nine days.

Since such an election week spreads voting over a longer period of time, it can effectively disarm catastrophes that function on temporal dimensions. For example, say a blizzard rages through a city during election week and shuts down all travel for a day. If that had been election day, elections officials would have a major problem on their hands. Since this hypothetical city has an election week, though, voters can simply ignore the blizzard, stay home for a day, and vote any of the eight other days.

However, disasters that strike particular geographic areas and destroy polling places are only slightly less impactful under an election week regime than they are now. Though an election week gives officials more time to respond and lowers the stakes, they must still establish alternate polling locations and redirect voters to them. Similarly, non-atomic, long disasters like the coronavirus pandemic still cause problems during an election week — the entire voting period may occur while the disaster is still an emergency, stymieing voters' attempts to work around any problems they face while voting.⁵²

The last of my proposals is eliminating voter registration. In a number of democracies around the world, govern-

ments generate voter rolls automatically based on census data, state identification cards, and other records.⁵³ However, in the United States, a prospective voter must take affirmative action to place themselves on the list of approved voters — action that catastrophes often inhibit or affect. It is no surprise that this additional step in the voting process introduces more vulnerabilities for disasters to exploit. By eliminating voter registration and instead relying on other, more automatic state records to ensure only eligible voters cast a ballot, states can preemptively reduce the effects of disasters on their elections.⁵⁴

Unlike my other two proposals, doing away with voter registration is not a full solution in itself. Instead, it augments the other proposals by further minimizing election vulnerabilities in a separate sphere of election administration. Campaigns and community organizations spend immense amounts of time and energy in the weeks, days, and hours leading up to voter registration deadlines ensuring that low-information voters have the tools to access the polls, and hurricanes, storms, and other catastrophes frequently overlap with this final push. For example, after Hurricane Matthew forced Florida's voter registration

52. An emergency is not the same as a disaster. Emergencies occur during or immediately after disasters while people are still scrambling to understand what happened and deal with injuries and other immediate problems. Atomic disasters often cause emergencies, but non-atomic disasters generally are emergencies since they occur continuously over a period of time.

53. Schumacher and Connaughton, "From Voter Registration to Mail-in Ballots, How Do Countries around the World Run Their Elections?"

54. Elimination also has the added benefit of increasing turnout and democratic participation. There is broad consensus that Election Day Registration, which emulates eliminating voter registration altogether, boosts turnout and strengthens democracy. Ho, "Election Day Registration and the Limits of Litigation," 186.

offices to close in 2016, Hillary Clinton's campaign filed lawsuits seeking to delay the registration deadline.⁵⁵ Regardless of the merits of this litigation, the very fact that Florida required its voters to register instead of simply compiling lists of eligible residents from extensive alternative records fomented the Clinton campaign's case. In at least Arizona, North Carolina, and Ohio, similar litigation emerged out of the coronavirus pandemic.⁵⁶ During active emergencies, this litigation clogs up courts, distracts election officials, and leads to rapid, dramatic switches in voter eligibility that confuse voters. Even if nobody files litigation, disasters still affect the constant, background process of voter registration by taking time and energy that community groups and governments could otherwise use to register more voters.

Beyond my three proposals, which are initiatives that individual states and territories can implement, the law scholar Richard Hasen recently argued for a constitutional amendment to formally enshrine voting rights nationwide and establish a centralized, non-partisan agency to run federal elections.⁵⁷ Hasen's arguments rest on three "pathologies" of American elections: fragmentation, polarized decision making, and the constitution's weak protections for voting rights. Such an amendment, and the

agency it calls for, could implement nationwide preventative measures for voting disasters.

Hasen's constitutional amendment, and the proposals that I outline above, are simply first steps towards an election system that is both resilient and responsive to catastrophe. They do not solve all of the problems associated with American elections. Nor do they prevent natural disasters, terrorist attacks, and pandemics from hampering Americans' voting rights. However, they should start a conversation about prevention that has long been absent. As we think about catastrophes and their impacts on elections, we should consider their mechanics and calibrate our preventative measures to deal with as many different kinds of disaster as possible. As long as we continue to focus solely on mitigation in our election laws, we doom ourselves to replay the stock set of disaster responses that too often fail to protect our right to vote.

Conclusion

Catastrophes are unpredictable, devastating events that leave little in our society untouched, including elections. From the coronavirus pandemic of 2020, which pushed almost every state to change its election procedures that year, to Hurricane Katrina, which forced hundreds of thousands of New Orleanians

55. Morley, "Election Emergencies," 572–82.

56. Oxford, "Voter Registration Extension Curtailed in Arizona — Thursday Is New Deadline, Court Rules"; Rouan, "Federal Judge Denies Voter Advocates' Lawsuit to Change Ohio Primary Election"; Shaffer, "NC Faces a New Lawsuit over Voting Restrictions during the Pandemic."

57. Hasen, "Three Pathologies of American Voting Rights Illuminated by the COVID-19 Pandemic, and How to Treat and Cure Them."

into exile right before important municipal elections, to 9/11, which occurred less than three hours after polls opened for a municipal primary in New York City, catastrophes disrupt our elections and hamper one of the only formal exercises of democratic power in American democracy.

In the face of the threat that natural disasters, terrorist attacks, and pandemics pose to our ability to exercise the right to vote, we have developed and deployed four different categories of election changes in order to make voters whole. Whether we modify an election's rules, postpone an election, replace an election with another, or cancel an election outright, our current toolbox focuses almost exclusively on mitigation and not

prevention. However, mitigation is less effective than outright prevention: it breeds adversarial litigation, confuses voters, burdens election officials, and cannot fully remedy disastrous impacts. This is not to say that mitigation is a fool's errand — we will always need to take responsive action after catastrophes. However, what is foolish is to spend our time and energy exclusively on mitigation when we can prevent many of the adverse effects of disasters. Instead, we should implement universal vote-by-mail, move to an election week, and eliminate voter registration altogether. These preventative measures are only the beginning — future efforts must continue to build a more resilient, inclusive, and democratic voting system.

Appendix: Attempted Responses to the Coronavirus Pandemic

Table 2. States' and territories' attempted responses to the coronavirus pandemic in any election. If a state moved an election to universal vote-by-mail, the accompanying voting modifications are not listed separately. An asterisk (*) indicates that the response in question was later blocked, at least in part, by a court.

Response¹	States and territories
Cancellation ²	Delaware ³ , New York ^{*4} , Utah ⁵
Switch to vote-by-mail ⁶	Alaska ⁷ , California ⁸ , Hawaii ⁹ , Idaho ¹⁰ , Kansas ¹¹ , Maryland ¹² , Montana ¹³ , Nevada ¹⁴ , New Jersey ¹⁵ , North Dakota ¹⁶ , Ohio ¹⁷ , Utah ¹⁸ , Wyoming ¹⁹
Postponement ²⁰	Alabama ²¹ , Connecticut ²² , Delaware ²³ , Georgia ²⁴ , Guam ²⁵ , Indiana ²⁶ , Iowa ²⁷ , Kentucky ²⁸ , Louisiana ²⁹ , Maine ³⁰ , Maryland ³¹ , Massachusetts ³² , Mississippi ³³ , Missouri ³⁴ , New Jersey ³⁵ , New York ³⁶ , North Carolina ³⁷ , Ohio ³⁸ , Oklahoma ³⁹ , Pennsylvania ⁴⁰ , Puerto Rico ⁴¹ , Rhode Island ⁴² , South Carolina ⁴³ , South Dakota ⁴⁴ , Texas ⁴⁵ , Virginia ⁴⁶ , West Virginia ⁴⁷ , Wisconsin ^{*48}
Voting modifications	Alabama ^{*49} , Alaska ⁵⁰ , Arizona ^{*51} , Arkansas ⁵² , California ⁵³ , Connecticut ⁵⁴ , Delaware ⁵⁵ , Florida ⁵⁶ , Georgia ^{*57} , Illinois ⁵⁸ , Indiana ⁵⁹ , Iowa ^{*60} , Kentucky ⁶¹ , Maine ⁶² , Maryland ⁶³ , Massachusetts ⁶⁴ , Michigan ^{*65} , Minnesota ^{*66} , Mississippi ^{*67} , Missouri ^{*68} , Montana ⁶⁹ , Nebraska ⁷⁰ , New Hampshire ⁷¹ , New Jersey ⁷² , New Mexico ⁷³ , New York ⁷⁴ , North Carolina ⁷⁵ , Ohio ^{*76} , Oklahoma ⁷⁷ , Pennsylvania ^{*78} , Rhode Island ⁷⁹ , South Carolina ⁸⁰ , South Dakota ⁸¹ , Tennessee ^{*82} , Texas ^{*83} , Utah ⁸⁴ , Vermont ⁸⁵ , Virginia ⁸⁶ , Washington D.C. ⁸⁷ , West Virginia ⁸⁸ , Wisconsin ^{*89}

Notes for Appendix

1. In these categories, I do not use the formal terms outlined by Michael Morley, which I discuss later in Part 2.
2. If a state or territory does not hold scheduled elections without rescheduling them, I count it as a cancellation.
3. “Changes in Upcoming School Board and Municipal Elections.”
4. Yang et. al v. New York State Board of Elections.
5. Davidson, “Utah’s in-Person Caucus-Convention System Is a Casualty of the Coronavirus.”
6. If a state or territory’s modification to an election either restricts in-person voting to those unable to vote by mail or involves sending actual ballots to all voters, I count it as a switch to vote-by-mail.
7. Bohrer, “Alaska Democrats Hold Mail-Only Presidential Primary.”
8. “Executive Order N-34-20.”
9. Associated Press, “Hawaii Democrats Scrap In-Person Voting Plan for Primary.”
10. Sewell, “Idaho May 19 Primary Is a Go, but You Get to Stay Home to Vote.”
11. “Press: KDP Issues Update for 2020 Primary Election.”
12. Opilo, “Maryland’s June 2 Primary Will Be Conducted by Mail with Limited in-Person Voting, Governor Orders.”
13. Dennison, “Looks like All MT Counties Will Do All-Mail Ballots for June 2 Primary”; Samuels, “Montana Allows Counties to Hold All-Mail Voting in November.”
14. DeHaven, “Nevada Legislature OKs Election Bill Expanding Mail-in Voting, Ballot Collection Procedures.”
15. “Governor Murphy Announces Changes to Upcoming New Jersey Elections in Response to COVID-19”; Johnson, “What You Need to Know about N.J.’s Mostly Mail-in Ballot Elections, with All the Controversy.”
16. Associated Press, “North Dakota Sets All-Mail June Primary Due to Virus Fears.”
17. Carr Smyth, “Ohio Sets All-Mail Primary April 28; in-Person Voting Off.”
18. Eppolito, “Utah Passes Election Bill Requiring In-Person Voting Options.”
19. Coulter, “Democratic Party Cancels In-Person Presidential Caucus, Encourages Mail-in Votes.”
20. If a state moves elections from one day to another, I count it as a postponement. Note that I do not distinguish between postponements that attempt to keep the election static and what Morley would call “cancellations.”
21. Lyman, “Gov. Kay Ivey Postpones Alabama Primary Runoffs until July Because of Coronavirus Concern.”
22. Keating, “Connecticut Presidential Primary Pushed Back Two More Months to Aug. 11 Due to Coronavirus Concerns.”
23. Gamard, “Delaware Postpones Presidential Primary for Second Time, State to Mail Ballot Applications.”
24. Nadler, “Georgia Postpones Primaries Again Because of Coronavirus.”
25. Josh Putnam, “Twitter.”
26. Kinney, “Indiana Postpones Primary to June 2 in Response to Coronavirus.”
27. “Media Release: Secretary Pate Reschedules Three Special Elections for July 7.”
28. Sullivan, “Kentucky Secretary of State Says Primary Postponed.”
29. Mott, “Louisiana Postpones Presidential Primary Election to July”; Ballard, “Louisiana Should Allow More Mail-in Ballots for Nov. 3 Election, Federal Judge Rules.”
30. Catalina, “Mills Signs Executive Order To Postpone Primary Election Till July.”
31. Richman and Opilo, “Maryland Primary Moves to June amid Coronavirus Pandemic; Voters to Pick Cummings’ Replacement by Mail in April.”
32. Tuthill, “March Special Elections In Massachusetts Postponed.”
33. Wagster Pettus, “Mississippi Delays a GOP Primary Runoff amid Pandemic.”
34. Eisele, “Missouri Postpones April 7 Municipal Elections.”
35. “Governor Murphy Announces Changes to Upcoming New Jersey Elections in Response to COVID-19”; Friedman, “Murphy Officially Delays New Jersey Primary to July 7.”
36. Mahoney, “Cuomo Delays Presidential Primary to June amid Coronavirus Pandemic.”
37. Campbell, “NC Congressional Runoff Election Postponed to June Due to Coronavirus.”
38. Rouan and Futty, “Coronavirus: Ohio Supreme Court Allows Delay to Primary Election.”
39. Forman, “Oklahoma Elections Secretary: Localities Can Reschedule April 7 Elections.”
40. Terruso, “Pennsylvania Just Postponed Its Primary Due to Coronavirus. Here’s What It Means for Voters and 2020 Campaigns.”
41. Bernal, “Puerto Rico Democrats Set 2020 Primary.”

42. Gregg, "Raimondo Orders R.I. Primary Postponement."
43. Bohatch, "SC Postpones Local Elections Due to Coronavirus Concerns."
44. "Sioux Falls Postpones Municipal Elections to June."
45. Pollock, "Gov. Greg Abbott Postpones Special Texas Senate Election Due to Coronavirus Pandemic"; "Governor Postpones Primary Election Runoffs."
46. Schaumberg, "Northam Postpones Primary Election by Two Weeks, Seeks Legislative Action to Move Local Elections."
47. Bentley, "West Virginia Primary Election Postponed Due to COVID-19."
48. "Executive Order #74"; Wisconsin Legislature v. Evers; Republican Nat'l. Comm. v. Democratic Nat'l. Comm., 140 S. Ct.
49. Brewer et al., "Absentee Voting During State of Emergency"; "Order in Pending Case"; Merrill v. People First of Alabama, 592 U.S.
50. Bohrer, "Alaska Absentee Witness Requirements Scrapped for Election."
51. Arizona Democratic Party v. Hobbs; Oxford, "Voter Registration Extension Curtailed in Arizona — Thursday Is New Deadline, Court Rules"; Rosenblatt, "Court Stops County Recorder from Sending Ballots to All Voters for Tuesday Election."
52. "Executive Order Pursuant to the Public Health Emergency Concerning Covid-19."
53. Koseff and Wildermuth, "Gov. Gavin Newsom Signs Bill Sending Mail Ballot to Every Active California Voter"; Beam, "California Sets In-Person Voting Rules amid Coronavirus."
54. Interestingly, the Governor extended the absentee ballot deadline for the August primary because of another event, the Tropical Storm Isaias, in addition to the pandemic. Pazniokas, "Socially Distanced Senate Passes No-Excuse Absentee Ballot Bill"; Hamad, "The Secretary of the State Will Send out Absentee Ballot Applications to Every Registered Voter in Connecticut. Town Clerks Are Preparing for a Lot of Mail This Fall.>"; Krasselt, "Lamont Extends Ballot Deadline amid Squabbling over Primary Election."
55. Chase, "Delaware Residents Will Be Able to Vote by Mail in 2020 as Bill Becomes Law."
56. "Public Notice: Secretary of State Laurel M. Lee Provides Update about Voter Registration in Florida."
57. Niesse, "Georgia to Mail Absentee Ballot Request Forms to All Active Voters"; Niesse, "Appeals Court Restores Georgia's Election Day Absentee Ballot Deadline."
58. Cherone, "Governor Signs Bill to Expand Vote-By-Mail Amid Pandemic."
59. Rickert, "Indiana Removes Hurdle to Absentee Voting during COVID-19"; Blake, "Federal Appeals Court Sides with Indiana on Absentee Ballot Deadline."
60. Klar, "All Iowa Voters to Get Absentee Ballot Request Form"; Gruber-Miller, "Iowa Secretary of State Extends Absentee Voting Period for June Primary Due to Coronavirus"; Gruber-Miller, "Iowa Secretary of State Will Mail Ballot Request Forms to All Voters before Fall Election"; Foley, "Iowa Supreme Court Puts Ruling on Absentee Forms on Hold."
61. Robertson, "KY Expands Mail-In Voting For Primary Election, Activists Want Permanent Change"; Ting, "Kentucky Election Plan to Allow Absentee Voting, Drop-off Sites."
62. "An Order to Further Facilitate the State Primary and Local Elections Within Public Health Restrictions Due to Covid-19"; Miller, "Mills Signs Executive Order to Support Absentee Voting, Protect Polling Places from COVID-19."
63. "Maryland's Elections Board Plans To Mail Absentee Ballot Applications For Fall Election By End Of August"; Amara, "Maryland Board of Elections Approves Dates for Early Voting"; Wood and Opilo, "Maryland Gov. Hogan OKs Plan for Just 360 Voting Centers Statewide for November Election amid Lack of Poll Workers."
64. Feldman, "New Law Allows All Massachusetts Voters to Cast Ballots by Mail"; Van Buskirk, "Galvin Moving Forward with Sending Vote-by-Mail Applications after Funding Dispute Is Resolved."
65. Eggert, "Michigan Mails Absentee Ballot Applications to All Voters"; Egan, "Appeals Court Reverses Ruling That Said Late-Arriving Absentee Ballots Must Be Counted."
66. Webster, "Mail-in Ballot Witness Requirement Waived for Minnesota's November Election"; Montemayor, "Federal Judges Order Minnesota's Post-Election Day Ballots to Be Held."
67. Wagster Pettus, "Mississippi Expands Curbside Voting, Sets Absentee 'Cure.'"
68. Lowry, "Missouri Voters Must Return Mail Ballots through USPS after Court Sides with Ashcroft"; Ballentine, "New Missouri Law Expands Absentee Voting during Pandemic."

69. Dennison, "Montana Supreme Court Sets Mail-Ballot Rules for Nov. 3 Election."
70. Stoddard, "Nebraska Sending Mail-in Ballot Applications to All Registered Voters."
71. Wells, "Governor Sununu Signs Bill Making Absentee Voting Easier."
72. Catalini, "Murphy Signs Bill to Make November Election Mostly Mail-Only."
73. Boyd, "With Election Day in Sight, NM Absentee Ballot Planning Underway."
74. Axelrod, "Cuomo Announces All New Yorkers Can Vote Absentee in June Primaries"; "Governor Cuomo Signs into Law Sweeping Election Reforms."
75. Doran, "Cooper Signs Bills on Hog Farms, Vote-by-Mail Expansion and Juvenile Justice Reform into Law"; Murphy, Campbell, and Battaglia, "US Supreme Court Keeps Nov. 12 Deadline for NC to Accept Mailed-in Absentee Ballots."
76. Ludlow, "Split Federal Appeals Court Blocks Multiple Ballot Drop Boxes in Ohio Counties"; Carr Smyth, "Court Nixes Ohio Ballot Applications Arriving by Fax, Email."
77. "Renewing COVID-19 State of Emergency, Stitt Allows Absentee Votes without Notarization for November Election."
78. At the time of writing, the litigation over Pennsylvania's Secretary of State's order to count ballots received after election day had not finished. Lai, "Pa. Extends Mail Ballot Deadlines for Philadelphia and Five Other Counties"; Levy, "Pennsylvania to Cover the Cost of Stamps for Mail-in Ballots in Election"; Couloumbis, "Counties Cannot Reject Mail Ballots Because of Mismatched Signatures, Pa. Supreme Court Rules"; Liptak, "Supreme Court Allows Longer Deadlines for Absentee Ballots in Pennsylvania and North Carolina."
79. Ponte, "RI Secretary of State Encourages Mail Ballot Voting in Presidential Primary"; Hagen, "Supreme Court Upholds Rhode Island's Easing of Mail-In Voting Rules"; Gregg, "Gorbea: I'll Send out a Mail-Ballot Application to Every R.I. Voter."
80. Green, "New Law Lets All in S.C. Vote Absentee in June Primary"; Gresko, "High Court Reinstates S. Carolina Ballot Witness Requirement"; Koeske, "SC Counties Ordered to Stop Rejecting Absentee Ballots over Mismatched Signatures"; Lovegrove, "SC Election Officials Agree to Provide Prepaid Postage for Absentee Ballots"; Associated Press, "SC's Governor Signs into Law New COVID-19 Election Rules."
81. Snee, "South Dakota Voters Will Receive Absentee Ballot Applications in the Mail."
82. Dries, "Tenn. Supreme Court Splits Decision on Absentee"; Associated Press, "Court Keeps Tennessee 1st Time Voter Change Pending Appeal."
83. Ura, "U.S. Supreme Court Declines Texas Democrats' Request to Allow All Texans to Vote by Mail"; Ura, "Texas Supreme Court Puts Expansion of Voting by Mail on Hold"; Harper, "Texas Can Reject Mail-in Ballots over Mismatched Signatures without Giving Voters a Chance to Appeal, Court Rules"; McCullough, "Order Allowing Texas Counties to Have Multiple Mail-in Ballot Drop off Sites Is Upheld, but Appeal Halts Openings"; McCullough, "Texas Voters Won't Be Required to Wear Masks While Voting after Appeals Court Temporarily Lets Abbott Order Stand"; Platoff, "Federal Appeals Court Temporarily Blocks Ruling That Reinstated Straight-Ticket Voting in Texas"; Svitek, "Gov. Greg Abbott Extends Early Voting for November Election by Six Days, Starting Oct. 13."
84. Eppolito, "Utah Passes Election Bill Requiring In-Person Voting Options."
85. Ring, "Vermont Legislature Gives Final Approval to Mail Voting."
86. Sullivan, "Witnesses Aren't Needed for Absentee Voting in Virginia. But the Instructions Sometimes Say Otherwise.>"; Moomaw, "Virginia Officials Say All Voters Can Cast Ballots by Mail for May Municipal Elections"; Ley and Sidersky, "After Statewide Voter Registration Outage, Attorney General Files Motion and Civil Rights Groups File Lawsuit to Extend Deadline"; Friedenberger, "Gov. Ralph Northam Signs Legislation to Allow Ballot Drop Boxes for November's Election"; Lavoie, "Judge: Virginia Can't Count Some Ballots without Postmarks"; "Federal Court Approves Partial Settlement in ACLU Voting Lawsuit Challenging Virginia's Witness Requirement During COVID-19 Pandemic."
87. Austermuhle, "D.C. Plans To Mail Every Voter A 2020 Election Day Ballot."
88. "1.2 Million Absentee Ballot Applications Sent to West Virginia Voters"; Rehman, "West Virginia Voters Can Now Request Absentee Ballots for Nov. 2020 Election."
89. Marley, "U.S. Supreme Court Declines to Change Wisconsin's Voting Rules, Keeps Election Day Deadline for Mailed Ballots"; Marley, "Wisconsin Elections Commission Approves Sending 2.7 Million Absentee Ballot Request Forms to Voters."

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War or Peace: Napoleon and the Sixth Coalition

By Theo Hamilton '23

Abstract

In the aftermath of Napoleon's disastrous invasion of Russia, the Napoleonic wars entered one of their most crucial phases. While the campaigns of 1812 had largely destroyed France's army, France's empire continued to dominate a huge swath of Europe. Europe's other great powers saw a chance to renegotiate the continent's balance of power and regain much of the influence and power they had lost to France over the previous decades. The question was whether a compromise peace could be forged that limited Napoleon's empire without needing to destroy it, or whether the War of the Sixth Coalition would have to be fought out until one side was decisively defeated. This essay attempts to explain why efforts to negotiate a compromise peace repeatedly failed, eventually leading to the destruction of Napoleon's empire and his removal from power. First, this paper will look at the actions of the Sixth Coalition to demonstrate that Napoleon's continental allies (Austria, Russia, and Prussia) were genuinely willing to look for a middle ground. Next, the essay will turn to France and search for the reasons that Napoleon failed to seize on these opportunities for peace, even when his military situation was desperate. In analyzing these decisions this essay aims to move the conversation away from the emperor's larger-than-life personality and look into the systemic and domestic pressures that informed Napoleon's actions and pushed him along the road to catastrophe.

Introduction

Napoleon's invasion of Russia is one of the most famous catastrophes in political and military history. Fought on a flimsy pretext with vague strategic goals, it led to hundreds of thousands of unnecessary deaths and the destruction of the Grande Armée that had formed the base for French dominance of Europe, enabling the beginning the decline of the First French Empire. Nonetheless, as Napoleon and the ragged remnants of his army limped out of Russia, the fate of Napoleon's empire still

hung in the balance. France remained the master of most of continental Europe, able to draw resources not only from the modern borders of France, but also from the Low Countries, Italy, and much of modern Germany. At the same time, Austria and Prussia — the great powers of Central Europe — remained nominally allied with Napoleon. Despite its fame, the disastrous invasion of Russia cannot, by itself, explain the collapse of French hegemony over Western and Central Europe. The fall of Napoleon's empire two years later at

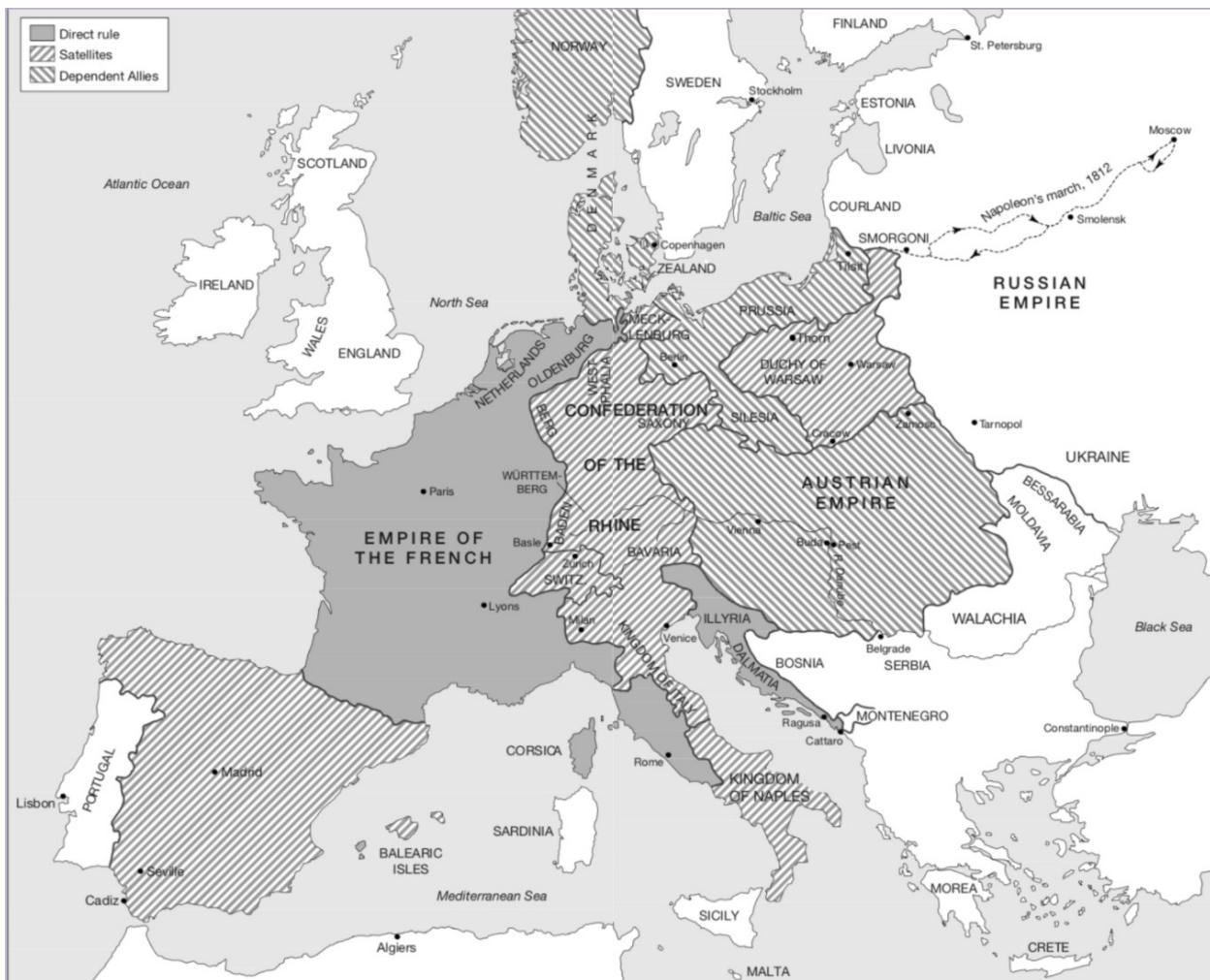


Figure 1. Napoleon's Empire and Allies in 1812 (From Price 12-13)

the hands of the combined armies of Russia, Austria, Prussia, Britain, Spain and several smaller states can only be understood by looking into the catastrophic failure of French foreign policy throughout 1813 and 1814 to make peace with the Sixth Coalition.

Time after time, opportunities to negotiate a peaceful settlement that would have saved lives and preserved Napoleon's empire fell through. The debate as to why these opportunities were missed has become one of the most heated within Napoleonic studies.¹ On the one hand, a group of mostly French historians have categorized the peace terms offered by the coalition to Napoleon as insincere, deliberately vague and impossibly harsh. Instead of a genuine attempt to end conflict, this school of thought generally views the peace proposals as a tool used by the Sixth Coalition to buy time and cast Napoleon as an insatiable warmonger.² At the same time, a number of other historians argue that a reasonable compromise peace was in fact on the table throughout 1813 and 1814 and that the war's bloody continuation was, first and

foremost, the result of Napoleon's own ambition and narcissism, the almost inevitable conclusion to a one-dimensional foreign policy that consistently demanded hegemony and eschewed accommodation.³

For the most part, this essay falls into the latter school of thought, emphasizing that Austria in particular was willing to negotiate a compromise peace with Napoleon, and that the emperor's steadfast refusal to make concessions was catastrophic for his reign and for the people he claimed to represent. Nonetheless, analyses of why Napoleon refused to come to terms have often been overly simplistic, placing excessive emphasis on the emperor's personality and temperament.⁴ Instead of attempting to view French foreign policy primarily through the lens of its emperor's personality, it is crucial to understand the influences on French foreign policy during the final years of the First Empire that lay at home, in the domestic pressures acting on Napoleon and in the complex system through which he structured his legitimacy.

1. A good overview of this debate can be found in Munro Price, "Napoleon and Metternich in 1813: Some New and Some Neglected Evidence," *French History* 26, no. 4 (December 2012): pp. 482-503, <https://doi.org/10.1093/fh/crs119>.

2. Good examples of this perspective include Albert Sorel, *L'Europe Et La Révolution Française*, vol. 8 (Paris: Librairie Plon, 1906) and Thierry Lentz, *L'Effondrement Du système napoléonien: 1810-1814* (Paris: Fayard, 2008).

3. Generally representative of this position is Paul W. Schroeder, *The Transformation of European Politics: 1763-1848* (Oxford: Clarendon Press, 1996). A similar perspective can be found in Munro Price, *Napoleon: the End of Glory* (Oxford: Oxford University Press, 2016).

4. Schroeder, for example, remarks that the best explanation for the downfall of Napoleon's empire is one emphasizing the emperor's "ambition, fatalism, and sense of honour." Although Schroeder notes that an explanation based on little more than personality needs supplementing, he provides little supplement besides remarking that the emperor "was probably caught too deeply by his own past" to change course. Schroeder, *The Transformation of European Politics*, 469.

The Formation of the Sixth Coalition

Until 1813, the greatest triumph of Napoleonic diplomacy was its success in preventing France's three greatest continental rivals — Austria, Prussia, and Russia — from joining together in an alliance. This was accomplished despite the fact that the growing power of Napoleon's empire posed an existential threat to the security of any independent state in Europe. While some of the emperor's advisors, most notably the former foreign minister Charles Maurice de Talleyrand, had noticed this and urged him to cultivate a stable European balance of power, France continued to pursue a policy of empire-building.⁵ As a result, the nations of Europe were incentivized to take any sign of French weakness as an opportunity to pounce and press for a more equitable status quo. This was the case in 1809, when Austria had seized upon Napoleon's troubles with the Spanish revolt to attempt to regain its lost influence in Germany and Italy and prevent any further expansion of Napoleon's power.⁶ In early 1813, with the Grande Armée destroyed and Russian soldiers marching into the easternmost reaches of Napoleon's empire, skillful diplomacy would be required to keep Austria, Prussia and Russia from uniting against Napoleon, but there were still enough fault lines

among Napoleon's potential enemies that the Sixth Coalition's formation was far from inevitable.

The Russian decision to continue pursuing the French army once its remnants had crossed the Vistula was not inevitable. Although Tsar Alexander I made no secret of his belief that the only safe peace for Russia "would be one signed in Paris,"⁷ his enthusiasm for the total destruction of Napoleon's empire would repeatedly be tempered by more practical obstacles over the following years. The first significant obstacle Alexander faced came from his own court. To many members of the Russian elite, it seemed as though the Franco-Russian war was already over in 1812. After all, the outbreak of war had been caused by a relatively small handful of issues — above all the fate of Poland and whether Russia should adhere to the Continental System.

Now that France's army had been shattered, Admiral Alexander Shishkov voiced a view shared by many Russian politicians and generals by remarking that "sitting in his Paris, what harm can [Napoleon] do us."⁸ General Mikhail Kutuzov, who would be transformed into the great hero of 1812 by Tolstoy's *War and Peace*, joined Karl von Toll, quartermaster of the Russian army, in arguing that Russia's participation in any fighting in Germany should be lim-

5. Schroeder, *The Transformation of European Politics*, 316.

6. Phillip Dwyer, *Citizen Emperor*. (New Haven: Yale University Press, 2013), 304-305.

7. Dominic Lieven, *Russia Against Napoleon* (New York, NY: Penguin Books, 2009), 287.

8. Ibid, 544.

ited to a supporting role.⁹ Beyond the resistance of many military leaders, Alexander also faced the simple problem that the Russian army had come out of the brutal conflicts of 1812 in only slightly better shape than the French, with only about 42,000 front-line soldiers fit for duty in spring 1813 from an army that had once numbered almost 300,000.¹⁰

Despite these obstacles, Alexander remained determined to continue the conflict and liberate Europe, and while some of his courtiers may have questioned Alexander's decision, none of them were willing to question the fact that the emperor's word was law. Nonetheless, the relative caution of Alexander's court and the material realities of France and Russia's positions placed limits on the Tsar's vision of a peace signed in Paris. A more realistic description of Alexander's goals can be found in a memorandum submitted by Karl von Nesselrode — the Tsar's chief diplomatic adviser and a proponent of war with France. Nesselrode wrote that Russia's maximum objectives in this war would be to restrict French power within the "natural limits" of "the Rhine, the Scheldt, the Pyrenees and the Alps," and that even this could only be achieved with Austrian and Prussian support.¹¹ This document suggests that

despite the Tsar's hatred of Napoleon and desire to avenge the events of 1812, Alexander was still willing to accept a relatively powerful France and does not seem to have envisioned the total destruction of Napoleon's empire as a likely outcome.

Once Alexander had committed Russia to continued war, the next step was to win over the support of the great German powers, Prussia and Austria. Prussia, which had suffered from Napoleon's conquests more than any other of Europe's great powers, seemed to be the easiest target. During the War of the Fourth Coalition, Napoleon had shattered both the Prussian army and the nation's cherished myths of military glory at the battles of Jena and Auerstadt, before stripping the country of almost half its territory and more than half its population in a humiliating peace deal.¹² Some historians have argued that Prussia's experience under Napoleon's boot was a crucial moment in the development of German nationalism, and it is certainly true that one doesn't have to look far into Prussian literature of the era to see an occasionally fanatical hatred towards Napoleon. The poet Ernst Moritz Arndt's apocalyptic description of the French Emperor — "For Satan has come/He has taken of flesh and bone/And wants to be lord of

9. Ibid, 545.

10. Price, *The End of Glory*, 57.

11. Ibid, 39.

12. David Avrom Bell, *The First Total War: Napoleon's Europe and the Birth of Modern Warfare* (London: Bloomsbury, 2008), 240.

the Earth” — was hardly unique in its furious anti-French tone.¹³

Still, Prussia in 1812 was a distinctly second-rate power, neither able nor willing to act unilaterally. Even if many of its political and military elites shared a desire for revenge against Napoleon’s Empire, they were hesitant to act without strong signals of Russian support, and Prussian King Frederick William strongly favored taking a neutral position and attempting to mediate peace between France and Russia.¹⁴ His hand would be forced by his generals, who took the first step towards a Russo-Prussian alliance in late 1812 with the Convention of Tauroggen, in which the Prussian contingent that had formerly fought alongside the French army agreed to take a neutral role and allow Alexander’s army to enter Prussia without resistance. This decision fatally undermined Napoleon’s trust in Prussia, and scuttled whatever slim hopes Frederick William might have once had for peace.¹⁵ The king, concerned that he might be taken prisoner, fled French-occupied Berlin in January 1813. Although disputes over the future of Poland delayed Russo-Prussian negotiations, the collapse of Frederick William’s plans for mediation left the king with little alternative but to sign onto the Treaty of Kalisch, committing his country to join

Russia and Britain’s war with Napoleon in exchange for the promise of a British subsidy and eventual territorial rewards in Germany.

The ability of this new coalition to face off against Napoleon’s forces would be tested in the Spring Campaign of 1813. Napoleon had rushed home to France in the aftermath of his retreat from Russia in order to rebuild his army and stabilize his regime — a decision that will be analyzed more closely later in this essay — but by May, he had returned to the field and promptly defeated the armies of the Sixth Coalition in a pair of battles at Lützen and Bautzen. While a severe shortage of cavalry in the French army allowed the coalition’s army to escape from both of these defeats relatively intact, the battles caused a drop of morale in the allied camp¹⁶ and also demonstrated that, without Austria’s support, the Sixth Coalition would be hard pressed even to just defend Prussia’s territory. All eyes now turned towards Austria.

Although Austria had been the cornerstone of nearly every anti-French coalition of the Revolutionary and Napoleonic wars, it was, by 1812, the great power with the closest ties to Napoleon. After losing four wars to Bonaparte, Francis I, Emperor of Austria, had decided to embark on a policy of

13. Ibid, 255.

14. Michael V. Leggiere, “From Berlin to Leipzig: Napoleon’s Gamble in North Germany, 1813,” *The Journal of Military History* 67, no. 1 (January 2003): pp. 47, <https://doi.org/10.1353/jmh.2003.0047>.

15. Ibid, 47-48.

16. See Lieven, *Russia Against Napoleon*, 323-328 for a more detailed description of the coalition’s position after Bautzen.

rapprochement with France, allowing a marriage between Napoleon and his daughter Marie-Louise and sending a significant corps to join the campaign in Russia. Throughout this period, the clear rising star in Austrian politics was the foreign minister Count Klemens von Metternich, who had played an important role in orchestrating the alliance with France. He now turned his considerable talents towards exploiting the tense balance between France and the Sixth Coalition to secure the best possible terms for Austria. For Metternich, this meant above all the creation of a stable balance of power in Europe — and while a stable balance of power would entail significant curbs on the French Empire, it also required limiting Russia's gains.¹⁷ As Metternich informed both sides that he wanted to negotiate a continental peace, and as Austria began rearming to lend weight to its mediation, it remained to be seen how Napoleon and the coalition would react to this offer, and how far Austria would be willing to go if the peace talks fell through.

The Failure of Compromise (1813 to 1814)

How sincere was Metternich's mediation offer? This is one of the questions crucial to understanding the last years of the Napoleonic Wars. If, as much of the French historiography claims, mediation was for Austria no

more than "a door to leave the French alliance and enter the coalition,"¹⁸ then peace was never really an option for Napoleon — the terms were carefully designed to be too harsh for the emperor to accept, and sufficiently vague that, even if he had, Austria could still find some pretext to slip into the coalition. If, on the other hand, Metternich was genuine, then the dramatic collapse of Napoleon's empire and the massive battles of 1813 and 1814 could have been avoided had Bonaparte accepted terms.

To determine an answer to this question, we have to analyze the crucial moments at which Metternich offered peace: Napoleon and Metternich's meeting at Dresden, the Congress of Prague, the Frankfurt Proposals, and the Congress of Châtillon. Only by examining the actions of the principal actors in each of these scenes can we have any hope of deciphering their goals and intentions.

Metternich's first step was to test the water with both Napoleon and Alexander, sending representatives to both in order to determine acceptable terms. Just before the battle of Lützen, he sent Alexander two possible proposals — "maximum" terms for the eventuality that the coalition was able to inflict a serious defeat on Napoleon, and "minimum" terms in case the coalition's war effort began to flounder. The maximum terms were harsh, and probably closely resembled Russia and Prussia's ideal

17. Price, *The End of Glory*, 43.

18. Albert Sorel, *L'Europe Et La Révolution Française*, vol. 8 (Paris: Librairie Plon, 1906), 84.

conclusion to the war, demanding that Napoleon give up the Duchy of Warsaw, all of Germany beyond the Rhine, the Netherlands, Italy, and Illyria. The minimum terms were similar, but dropped the issues of Italy and the Netherlands. Just as he sent these proposals to Alexander, Metternich dispatched an ambassador to Napoleon offering Austria's help mediating a peace equivalent to the one described by the minimum terms.¹⁹

Napoleon's defenders claim that the discrepant messages Metternich delivered to France and the coalition are proof of Austria's treachery; that Metternich wanted to use the minimum terms to entice Napoleon into coming to a peace conference where he knew Russia and Prussia would insist on the unreasonably harsh maximum terms that Austria secretly desired. The end result would be to both cast Napoleon as a warmonger and give Austria an excuse to join the coalition.²⁰ But almost all of the available evidence contradicts this theory.

Nowhere in Metternich's correspondence from this time do we get even a hint that the "maximum" terms were his preferred outcome or that he was playing a cynical game in order to commit Austria to another bloody war. Instead, he celebrated the news that — after receiving his messages — Napoleon

had agreed to an armistice and opening peace talks by writing to his close friend and colleague Schwarzenberg that "we have the matter in hand just as I wanted it, and we only need good sense, calm and a major military buildup to come into port without firing a shot."²¹ When Metternich and Napoleon met face to face in June, Armand-Augustin-Louis de Caulaincourt describes Metternich responding to the emperor's question of "what peace do you want" by again laying out a concrete proposal essentially equivalent to the minimum terms he had described to Alexander, the only significant difference being that the offer he presented in Dresden also involved France renouncing its protectorate over Switzerland.²²

Most conclusively of all, by the time the Congress of Prague opened, Austria had managed to get both Russia and Prussia to endorse an ultimatum modelled on the minimum terms.²³ This was achieved during a meeting at Reichenbach in early June where the Austrian ambassador Stadion signed a treaty with the Russian and Prussian ambassadors stating that Austria would join the Sixth Coalition if they accepted Metternich's minimum terms and Napoleon refused them. Increasingly aware that it would be impossible to force Napoleon to accept any terms harsher

19. Price, *The End of Glory*, 62-65.

20. Ibid, 64.

21. Ibid, 67.

22. Munro Price, "Napoleon and Metternich in 1813: Some New and Some Neglected Evidence," *French History* 26, no. 4 (December 2012): pp. 490, <https://doi.org/10.1093/fh/crs119>.

23. Price, *The End of Glory*, 103.

than these without Austria's army, Russia and Prussia eagerly agreed.

The Treaty of Reichenbach is yet another piece of evidence suggesting that Metternich's ideal resolution to the crisis in Central Europe was a compromise peace based around his minimum terms. If his goal was to bring Austria into the Sixth Coalition and drastically reduce French power through a harsh peace, it is difficult to explain why Metternich was willing to risk with Russia and Prussia's trust in Austria by trying to push them towards a more lenient peace and it is even harder to explain why Metternich offered Napoleon terms that he could have expected the emperor to plausibly accept. In the end however, the Congress of Prague broke down when Napoleon refused to renounce his German territories. As a result, Austria was driven into the ranks of France's enemies and the bloodiest stage of the War of the Sixth Coalition began.

The entrance of Austria's army onto the field, combined with the large number of reserves Russia had managed to put onto the front lines during the armistice, placed Napoleon in an extremely delicate position when campaigning resumed in mid-August. By then, the coalition had gathered 570,000 soldiers in Germany to face a total French force of around 410,000 men. To make things worse for Napoleon, around 50,000 of

his men were scattered across various fortresses and unable to assist the main body of his army. Equally concerning, a huge portion of his troops were recent recruits — as many as two thirds of them were under 20 years old.²⁴

Heavily outnumbered, Napoleon still managed to open the campaign with a masterstroke, throwing the largest section of the coalition army into chaos during a pitched battle around Dresden. Despite the scale of Napoleon's victory at Dresden, during which the coalition suffered as many as 38,000 casualties in comparison to less than 10,000 French casualties, the success proved to be fleeting. While Napoleon triumphed, his subordinates commanding elsewhere in Germany suffered heavy defeats at the battles of Grosbeeren and Katzbach. Equally significantly, the French attempt to pursue their defeated enemy collapsed when an isolated French corps ran into the entirety of the Austro-Russian rearguard at Kulm and was nearly destroyed. With morale flagging, Napoleon fell back, gathering as much of his army as he could at Leipzig where he prepared to fight a decisive battle for Germany. The Battle of Leipzig would prove to be a disaster for Bonaparte. Outnumbered almost two-to-one, Napoleon's army was comprehensively routed over the course of an apocalyptic four-day battle; Leipzig would prove to be the largest and bloodiest single

24. John Trost. Kuehn, *Operational Art and the 1813 Campaign in Germany* (Fort Leavenworth, KS: School of Advanced Military Studies, 1998), 29.



Figure 2: France's "Natural Frontiers" along the Rhine (From Price 156)

battle fought in Europe until the First World War.²⁵

In the aftermath of Leipzig, Napoleon was forced to retreat over the Rhine and into France proper. From

then on until his abdication in April 1814, he would face overwhelming military odds. Even in this dire military situation however, peace talks intermittently continued, and Metternich provided

25. Detailed overviews of the German Campaign can be found in Trost, *Operational Art and the 1813 Campaign*, 24-49, and Lieven, *Russia Against Napoleon*, 356-459.

Napoleon with two more significant opportunities to preserve his throne and a significant portion of his empire. Ever obsessed with preserving the balance of power, Metternich was now increasingly convinced that checks needed to be placed on Russia, which was rapidly becoming the strongest force on the continent. He now tried to temper the coalition's demands so that in the future Austria could play Russia off against a strong Napoleonic France to prevent either from posing a serious threat to European peace.²⁶

His first attempt to achieve this was the Frankfurt proposals, offered soon after Leipzig, which bore a close resemblance to the maximum terms he had suggested to Alexander in Summer 1813, according to which Napoleon would give up the Netherlands, Switzerland, Italy and all of his protectorates east of the Rhine but retain what was termed France's "natural frontiers" — essentially all of the conquests the revolutionary and Napoleonic governments had made up to the Rhine, the Alps and the Pyrenees. While Alexander would have favored far harsher terms than the ones Metternich was now offering, he was won over to the Frankfurt Proposals by the need to keep Austria in the coalition.²⁷

As with the negotiations leading to the Congress of Prague, Napoleon

first delayed and then attempted to re-negotiate terms. Receiving the proposals on November 14, the emperor was eventually persuaded to announce his "adhesion to the[ir] general and summary bases" on December 2.²⁸ Nonetheless, Napoleon was still clearly unprepared to accept France's natural frontiers. The emperor's instructions to his plenipotentiary Caulaincourt insisted that France would renounce its protectorates in Italy and Germany on the condition his family members retained the kingdoms and duchies they held, which would have left almost all of Italy and a sizable portion of Northern Germany under de facto French control. Ultimately, the Frankfurt proposals were doomed even before Metternich saw the emperor's counter proposal by Napoleon's two week delay in giving a firm response. With France's position unclear and Russia and Prussia increasingly alienated from Austria by its insistence on limiting their gains at the peace table, Metternich decided that he could no longer risk isolating Austria from its allies and withdrew the proposals.²⁹ Another chance for a compromise peace was missed, and the coalition's armies began streaming into France.

The history surrounding the Frankfurt Proposals adds further evidence to the case that Austria's attempts to negotiate a compromise peace that

26. Price, *The End of Glory*, 158.

27. Ibid, 154.

28. Ibid, 162.

29. Ibid, 168-169.

would have salvaged a reduced Napoleonic empire was genuine. Even after a victory as decisive as Leipzig, Metternich was unwilling to offer terms any harsher than the maximum terms he had proposed months earlier, even though by doing so he threatened to damage relations with his coalition partners. This suggests that, far from being some sort of cynical trick to deceive Napoleon and shatter his empire, Metternich's maximum terms were exactly what the name implies: the harshest terms Austria felt it could impose on France without damaging the balance of power in Europe. Only when Napoleon again refused to seriously discuss the end of French hegemony over Germany and Italy did Metternich finally realize that his goal of maintaining a strong France could not be realized without a dangerous rupture in the coalition and begin to accede to his allies more severe demands. With the opening Congress of Châtillon in February, Metternich threw Napoleon yet another lifeline to save his regime, if not most of his conquests by proposing a return to France's 1792 frontiers.³⁰ The French Emperor again missed his chance, and fighting would continue until the coalition seized Paris and Napoleon's own Senate announced his deposition in April 1814.

But if the chance for compromise peace was real, why did Napoleon so

stubbornly refuse to take the deal?

Napoleon's Empire and Domestic Pressures

To develop a full picture of Napoleon's decision, we need to move beyond his personality and towards the manner in which his government came into being and the ways that it sustained itself. The Napoleonic state emerged from the French Revolution and, in many ways, served as the Revolution's "heir and executor."³¹ While no shortage of ink has been spilled over the transformative positive changes the Revolution brought to France and — largely via Napoleon's conquests — much of the rest of Europe, a great deal less has been said about some of the Revolution's other legacies. Alongside the demolition of feudalism, the introduction of equality before the law, the rise of meritocracy, the ideation of civic rights, and a host of other changes, the French Revolution also imbued France with deep-seated strains of both nationalism and militarism,³² as well as chronic political unrest. All three of these factors played a key role in Napoleon's rise to power, but as they wedged their way into the Napoleonic legend and state, they developed a life of their own and became an increasingly important factor in informing imperial politics.

Perhaps the defining feature of

30. Dominic Lieven, *Russia Against Napoleon*, 483-484.

31. Martyn Lyons, *Napoleon Bonaparte and the Legacy of the French Revolution* (New York, NY: St. Martin's Press, 1994), 2.

32. Otto Dann and John Rowland Dinwiddie, *Nationalism in the Age of the French Revolution* (London: Hambleton

French Revolutionary politics was instability. With the destruction of the centuries-old French monarchy, new systems had to be found to legitimize governmental rule. Above all, rule was increasingly justified as being derived not from God or from tradition, but from the people.³³ This change would only come about through a tortuous process that unleashed a flood of questions. Even the simplest question — who were “the people” — could not be easily resolved. Were they the well-off bourgeois? The urban destitutes? The landless former peasants? Were they the Catholics? The Protestants? The Jews? Above all, if the government was the direct representation of the will of the people, what happened when an individual person opposed its will? Did he have any rights, or was he a danger to the public good?

In light of all of these tensions it is perhaps not surprising that the period between 1789 and 1799 saw the rapid collapse of government after government in France. First, attempts to forge a constitutional monarchy came to nought. Then, the moderate Girondin faction saw its power collapse in the face of a Jacobin onslaught which itself would be destroyed by the conservative Thermidorian Reaction. The Thermidorian Reaction led to the creation of the Directory which would oversee French politics from 1795 to 1799, but

this period was marred by a number of coups — the most prominent of which came in 1797, when a growing royalist faction was purged, and 1799 when Napoleon was involved in a plot that overthrew the Directory and replaced it with the Consulate.

At first glance, there was little reason to think that this new government, headed by Napoleon and two of his co-conspirators (Emmanuel Sieyès and Roger Ducos), would be any more durable than the long list of regimes that had come before it. The fact that it would ultimately prove to last, albeit with a series of peaceful transformations, until the collapse of Napoleon’s empire in 1814 owes a great deal to Napoleon and his followers’ remarkable ability to tap into and manipulate the militaristic and nationalist currents that the Revolution had unleashed.

While recent scholarship has emphasized that the roots of French nationalism and the French nation-state can be found well before the outbreak of the Revolution, there can be little doubt that the Revolution caused a profound change in the French national identity. Until 1789, there was a split between the nation, which referred to “only those who had a right to participate in politics and to share in the exercise of sovereignty,” and the people as a whole.³⁴ But with its new attempt to

Press, 1988), 13-37.

33. Bernard Yack, “Popular Sovereignty and Nationalism,” *Political Theory* 29, no. 4 (August 2001): pp. 518-519, <https://doi.org/10.4324/9781351150361-8>.

34. Dann and Dinwiddie, *Nationalism in the Age of the French Revolution*, 4.

base the power of the state in the will of the people, the French Revolution had the effect of bridging this divide and incorporating an unprecedented portion of the population into the nation. The extent to which this change permeated French popular culture is easy to see — it manifested itself in the barnstorming lyrics of “La Marseillaise” and dozens of other revolutionary songs, in the sudden ubiquity of the tricolor flag and in the soaring rhetoric that came to dominate politics, extolling the liberties gained by the Revolution and declaring that “we shall live free or we shall die, the Constitution or death!”³⁵

The fact that France had a governmental system like no other in Europe meant that feelings of national pride could now quickly turn into a belief in national superiority and a sneering disrespect for less “enlightened” peoples. This attitude was clearly articulated during the Napoleonic Era by the intendant of Ragusa’s complaints that he had to “deal with peoples who are too ignorant, too distant from civilization and above all too poor to reach perfection suddenly,” and by the remarks of André Masséna, one of Napoleon’s most talented generals, that “only the efforts of France can stop Europe from falling back into the barbarism into which her enemies are plunging her.”³⁶ During the

later days of the Revolution and under Napoleon, the sense of national superiority evolved into an almost crusading creed with the creation of “ideological consensus in favour of conquest and expansion [for] France’s empire of liberty.”³⁷

As France’s national identity began to morph, so did the French conception of the military. Until the French Revolution, the armies of Europe were mostly relatively small professional forces pressed into service from the fringes of society and led into battle by the thin ranks of the aristocratic class.³⁸ Although Europe was wracked by a long chain of wars throughout the eighteenth century, huge segments of the population would never be directly involved in warfare. With the levée en masse of 1793 and regular drafts of the population that followed, the revolutionary governments created something entirely new: a civilian army and a nation at arms. Not only would millions of Frenchmen serve in the army over the decades of Revolutionary and Napoleonic rule that followed, their family and friends would nervously watch their progress through the military bulletins that the government circulated. The military, which had once been a somewhat alien sphere of existence, suddenly became a crucial part of most French people’s lives.³⁹

35. Ibid, 42.

36. Lyons, *The Legacy of the French Revolution*, 232.

37. Dwyer, *Citizen Emperor*, 433.

38. Bell, *The First Total War*, 45.

39. Ibid, 123-125.

Victories and defeats on the battlefield became personal triumphs or catastrophes for millions of individual citizens and, through their combined experiences, for the nation as a whole.

Moreover, the military sphere increasingly came to dominate civilian life in France. Because the army was the primary tool for defending the interests of the French nation, love of the army became increasingly indistinguishable from patriotic love of the nation. Whatever the exact cause, successful generals like Hoch, Moreau, Bernadotte and Napoleon increasingly gained political power, joining the ranks of what had at first been a largely civilian political elite. Once Napoleon took power, the importance of the military would be increased even further, emphasizing the military as “not simply distinct from civilian society but superior.” Fifty-nine percent of the noble titles he created would be handed out to military men, while at the same time theatres were directed to churn out a stream of plays portraying the army’s victories, civilian officials were ordered to wear uniforms based on military outfits and were forced to stand behind high ranking generals, and high school classes were sorted into “companies” and overseen by “sergeants.”⁴⁰

It was through the new importance of military culture that Napoleon first came to prominence. Under the

monarchy, or in any other European country of the era, a general who found success on the battlefield would become an honored and significant figure at court, but in the Republic, Napoleon’s string of victories, combined with the public’s relentless consumption of news about the latest military heros, swiftly transformed him into a household name synonymous with glory and triumph.⁴¹ It was this unique cultural connection in Revolutionary France between military success and political importance that enabled Napoleon’s rise to power — a fact that later weighed heavily on his mind as he attempted to decide between the Sixth Coalition’s proposals and his own search for a decisive battlefield victory.

Once Napoleon had actually seized power, he attempted to add a second dimension to his public image. No longer content with simply being presented as a conquering hero, he now cast himself as a savior figure alone capable of piecing together the ruins of an endangered Revolution and restoring order and peace to France.⁴² Napoleon would continue to propagate these two images for the rest of his reign, the first owing its appeal largely to the deep militaristic currents that had developed in French society, and the second to the new French concept of the nation — which meant that, when French people

40. Ibid, 244.

41. Philip Dwyer, “Napoleon Bonaparte as Hero and Saviour: Image, Rhetoric and Behavior in the Construction of a Legend,” *French History* 18, no. 4 (2004): pp. 383-384.

42. Ibid, 393-395.

of all classes saw or heard the countless allegories and paintings depicting Napoleon rescuing the nation from disorder and collapse, they could project themselves and their livelihoods into the figures representing the nation and feel gratitude towards the man presented as their savior.

Assisted by this concentrated campaign of self-promotion, there is no doubt that, by 1812, Napoleon had concentrated nearly all of the power of the French state directly into his own hands. Napoleon had carefully presented himself as a man of order, as the only figure capable of steadyng a ship rocked by a decade of revolutionary politics.⁴³ Throughout his reign, this entailed finding a middle ground between Royalists and Jacobins, but it also helped justify an extraordinary increase in the power of the executive and the neutering of the legislative branch. Three constitutional changes, not to mention Napoleon's promotion from one of three consuls, to sole consul for life, to Emperor of the French, meant that by 1812 he had sole control over initiating legislation, declaring war, and making peace. While the Legislative Assembly retained the right to deny new taxes, this ability was essentially nullified both by presenting the assembly with vaguely worded budgets and via emergency taxes justified by the nation's constant wars since

1803.⁴⁴ Napoleon was also able, when necessary, to outflank his parliament by turning directly to the French people. Since both the Senate and Legislative Assembly were elected by a narrow voting base of just 70,000 of the richest Frenchmen, Napoleon's right to turn important political questions directly to a much larger pool of voters through plebiscites, which were frequently rigged and whose results were rarely reported accurately.⁴⁵

But despite all of its strengths, Napoleon's system still contained significant fragilities. Although Napoleon had managed to forge a wide political base that papered over most of the French Revolution's political fault lines, there remained a variety of small networks that still hoped to restore either the republic or the Bourbon monarchy. While neither of these opposition groups could count on much popular support, there was a very real risk that either might be able to cause serious harm if Napoleon's political base began to erode.⁴⁶ Throughout the campaigns and peace talks of the following years, Napoleon would keep a constant, almost obsessive, eye on the mood at home. In fact, once he had extricated the last pieces of his army from Russia, Napoleon's first action was to dash back to Paris. This was a remarkable decision. In his previous wars, he had been comfortable

43. Dwyer, *Citizen Emperor*, 17-19.

44. Price, *The End of Glory*, 16.

45. Ibid, 17.

46. Ibid, 17-18.

enough with the security of his regime to leave domestic affairs in the hands of his advisors while he took the field with his armies, but after the Russian disaster he appears to have genuinely feared that his hold on France was weakening.

He had good reasons to do so. On October 22, 1812, just as Napoleon was beginning his retreat from Moscow, the former Republican general Claude-François Malet attempted to seize control of the government in Paris. Using a forged decree from the Senate which claimed that Napoleon had died in Russia, Malet attempted to win over the Paris National Guard and establish a provisional republican government. Although the forgery was exposed and Malet executed, the plot, and others like it during the first months of 1813,⁴⁷ demonstrated serious instabilities in Napoleon's regime.

Firstly, it demonstrated that despite Napoleon's attempts to weaken the legislative branch, the Senate retained enough theoretical power to depose him. Perhaps even more significantly, the plot exposed the extent to which the empire depended upon Napoleon's cult of personality. Hearing of the plot, Napoleon lamented to his aide and friend Caulaincourt that "not one of those soldiers or officials to whom my death was announced thought of my son."⁴⁸

The implications of this were obvious — France tolerated imperial rule only because of Napoleon's personal prestige. His son, lacking that prestige (and still an infant), could not be emperor. Despite all of the regal trappings with which they had surrounded themselves, the Bonapartes had still failed to find a system that could legitimate their right to rule in the way that religious doctrine and centuries of tradition legitimated Europe's other hereditary monarchies.

It seems possible that Napoleon read even further into this rebuff — if his son could not rule without the authority that came from prestige, what would happen to Napoleon himself if his prestige was tarnished? Certainly the Austrian ambassador, General Schwarzenberg, thought Napoleon was now questioning the stability of his regime, reporting that Napoleon "was less self-assured than he had been and afraid of losing his position," and at one point even questioning "whether he was the same man."⁴⁹ Another reflection of Napoleon's growing insecurities at this point can be seen in the fact that after the Malet conspiracy he began collecting monthly reports on the state of public opinion in each of France's 123 prefectures.

Once in Paris, Napoleon began to lay the groundwork for a campaign

47. Another plot, this one linked to the Republican general Guidal and possibly planned alongside Malet's conspiracy was launched in March 1813 and attempted to seize the southern ports of Marseilles and Toulon. This plan had adherents from across the south of France and demonstrates that a potentially dangerously large number of Frenchmen were willing to directly oppose Napoleon's regime.

48. Ibid, 26.

49. Dwyer, *Citizen Emperor*, 444.

that he hoped would shore up his support and reputation after the disaster in Russia. Defeat had weakened his standing, but he remained convinced that military victory would restore his position. He found France remarkably willing to comply with the demands of another campaign. The Senate passed a draft of 350,000 new soldiers without resistance and the conscription process moved remarkably smoothly. Despite the fact that this was the single largest call up of soldiers Napoleon had yet ordered, the draft evasion rate, at only ten percent, was actually lower than it had averaged between 1800 and 1810.⁵⁰

How can one reconcile the remarkable success with which Napoleon managed to raise yet another army with the increasingly disconsolate and war-weary political climate of France at the time? The historian Sorel's vivid description of France after the Russian debacle goes a long way towards explaining the contradicting currents running through the nation. In the salons and cafés “all falls on him alone, the responsibility for the catastrophe, the measure of ... revenge, he senses that faith has disappeared. Everyone blames him, criticizes him, denounces his faults.” In the eyes of the political elites the cult of Napoleon’s “veil is torn, and behind it in the temple one discovers, like in the times of the ancient gods, inert marbles and an empty sanctuary.” Nonetheless,

“the little people persist in their confidence ... they believe that the Revolution is at stake, that the homeland is menaced, and under the same necessities that made the Levée en Masse of 1793, they again push or allow themselves to be pushed into the Grande Armée, closing their ranks.”⁵¹ While the shocks of late 1812 had torn France’s political elite away from the lure of the eagle and the revolutionary embrace of total war, two decades of indoctrination into rabid militarism and nationalism meant that there was still not an immediate shortage of Frenchmen willing to serve in Napoleon’s army.

Still, the political atmosphere he had confronted in Paris gave Napoleon real reasons to worry. The bourgeois and upper class Frenchmen who were becoming increasingly disheartened, if not yet openly hostile, to his regime had originally been the cornerstones of his support.⁵² If their wealth and administrative skills were to stop oiling the gears of the First Empire, there is little doubt that the state would eventually grind to a halt. Just as importantly, while the massive conscription push at the start of 1813 had managed to rebuild the French army into a significant (if rather poorly trained and equipped) force, this had been accomplished by calling up draftees from the class of 1814 in advance, which meant that recruitment to replenish further losses would be dif-

50. Price, *The End of Glory*, 34.

51. Albert Sorel, *L'Europe Et La Révolution Française*, vol. 8 (Paris: Librairie Plon, 1906), 39-41.

52. Dwyer, *Citizen Emperor*, 433-434.

ficult.

The emperor's correspondence around this time demonstrates the increasing paranoia he felt about his regime's stability. Caulaincourt reports Napoleon decrying that "public opinion is ever ready to prostitute itself to its own interest ... the men who I have raised to eminence are now bent solely on enjoying the benefits I have heaped upon them" and observes that "he incessantly recurred to the subject."⁵³ Unsurprisingly for a man who had gained everything through victory on the battlefield and had built his regime on the back of military prestige, Napoleon could only see one way out of his situation — a decisive masterstroke on the battlefield. He refused to believe that his position could be salvaged by a compromise peace, declaring that "I am a new man, I need to be more careful of public opinion, because I need it on my side. If I signed a peace of this sort, it is true that at first one would hear cries of joy, but within a short time the government would be bitterly attacked, I would lose the esteem and the confidence of my people."⁵⁴

How accurate was Napoleon's perception here? A number of historians have dismissed Napoleon's concerns, with Paul Schroeder going so far as to call them "self-serving, stab-in-the-

back legends of the same order as Lüdendorff's after the First World War,"⁵⁵ a thin veil hiding the fact that Bonaparte's own obstinacy and obsession with personal glory was the only real barrier to a stable European peace. Although Schroeder makes a remarkably strong claim here, much of the evidence he presents is unconvincing. First, he attacks the idea that Napoleon's regime was less stable in the face of military disasters than the hereditary monarchies of his enemies by pointing at that "the Bourbons were overthrown three times in France between 1792 and 1830. Frederick William could easily have been overthrown in 1806-7, and faced a potential insurrection and army revolt in 1813. Francis felt his throne totter in 1805 and 1809, and lived in constant fear of overthrow ... Alexander faced a possible armed revolt had he tried to continue fighting in 1807 or to stop fighting in 1812."⁵⁶ Instead of invalidating Napoleon's paranoia as Schroeder seems to have intended, this argument actually provides excellent reasons the emperor should have been desperate to shore up his legitimacy — even Europe's most well established monarchies could be shaken by defeat on the battlefield. Notably, only one of the "crisis points" Schroeder mentions (Alexander in 1807) was brought on by a refusal to

53. Armand-Augustin-Louis de Caulaincourt and Charlotte de Sor, *Recollections of Caulaincourt, Duke of Vicenza*, vol. I (London: H. Colburn, 1838), 161-162.

54. Price, *The End of Glory*, 49.

55. Schroeder, *The Transformation of European Politics*, 469.

56. Ibid, 467-468.

make peace. In 1806-7, Frederick William's internal problems were brought about by disasters on the battlefield and a treaty that cut his kingdom's size in half, and in 1813 they were caused by his unwillingness to take up arms against Napoleon. Opposition against Francis built up after his surrenders in both 1805 and 1809 and Alexander risked removal from his throne had he surrendered to Napoleon in 1812.

Schroeder also points out that at several stages in his career, Napoleon lost campaigns without damaging the integrity of his regime. In particular, Schroeder points to Egypt, Spain, Russia, Germany in 1813, France in 1814, and the Waterloo campaign as examples that "his followers would have continued to serve him in defeat; they had done so for some time."⁵⁷ But none of these examples stand up to any significant scrutiny. Napoleon's abortive conquest of Egypt occurred before he had come to political power and, despite ultimately ending in defeat, was carefully spun by his army of propagandists into a brilliant victory and a key piece of the Napoleonic myth. While Napoleon did initiate the Peninsular War in Spain, his personal involvement was limited to a handful of victories in 1808. Since he was not personally involved in any of the disasters that would later befall the French army in Spain, it would be unreasonable to expect them to tarnish his cult of personality, and even so, there

are extensive reports that the Peninsular War did cause discontent in France. The Russian debacle triggered not only the Malet conspiracy but also a number of plots in the south of France that "with time could have become very dangerous."⁵⁸ After the disastrous German campaign of 1813, confidence in Napoleon fell to such a low that he was unable to rally more than 70,000 troops to defend France in the next year. And Napoleon's defeats in the 1814 campaign for France and the Waterloo campaign would both result in huge political pressures that forced him to abdicate from his throne. Ultimately, there can be no doubt that support for Napoleon's regime could be shaken by defeat to at least the same extent as for his *ancien régime* peers.

Still, it is one thing to say that defeat and surrender could shake Napoleon's rule and something very different to say that that regime would have ended had he signed a compromise peace. As Schroeder points out, political discontent with Napoleon during the last years of his rule seems to have been overwhelmingly focused around the seemingly endless continuation of his wars. Was it possible that, had he simply brought these wars to a close, his critics would have melted away? Schroeder and most other historians in his school of thought operate from the assumption that Napoleon's domestic position was quite secure and that "only one thing

57. Ibid, 468.

58. Price, *The End of Glory*, 31.

threatened his regime ... [was] war.”⁵⁹ While it is almost certainly correct to avoid buying into the emperor’s fears of deposition and to assert that Napoleon’s reign would have continued after a negotiated defeat, it is unreasonable to point to constant warfare as the only threat to Napoleon’s position.

If this was true, then one would expect the years 1810 and 1811, probably the most peaceful period of Napoleon’s reign after 1805, to be a time in which the emperor could be very confident in his support. This does not seem to be the case. In 1810, Napoleon married the Austrian archduchess Marie-Louise, but the itinerary of the wedding seems to reflect serious doubts about the regime’s support, carefully avoiding Paris in order to prevent the wedding from being disrupted by demonstrations or threats. More worryingly, celebrations for the birth of Napoleon’s son the next year were muted, blocked out by complaints over a poor harvest.⁶⁰ In reality then, the issues undermining Napoleon ran far deeper, stemming in large part from the general political instability unleashed by the French Revolution and exacerbated by a combination of economic issues, warfare, and the tarnishing of the military glory that had previously been a crucial pillar for the empire.

It is true that, from late 1812 on, political grievances against Napoleon

were voiced in the language of war and peace. Nonetheless, the fact that many of those attacking the emperor were Republicans or Royalists who had already been critics of the regime for years suggests that demands for peace were often used as a rhetorical device to attract broader support for a more comprehensive program of political change. It certainly seems to be the case that many of the demands for peace saw the Napoleonic government as it existed as irredeemable. One example is Joseph Lainé, who emerged as one of the loudest and most eloquent voices for peace. His speeches however, went far beyond the claim that war was France’s sole problem. Instead, he indicted almost the entirety of the Napoleonic system, condemning “a vexatious administration, excessive taxes, the deplorable method of collecting them, and the even crueler abuses of the recruitment system for the army” while suggesting that change could only come about with an empowered legislative and “a strongly monarchical constitution.”⁶¹ Lainé may not have been asking for an end to Napoleon per se, but he made it clear that peace wasn’t the only demand of Napoleon’s critics in France — they also wanted a total overhaul of the French government, something Napoleon could never accept.

Even more crucially, neither of the two images through which Napo-

59. Schroeder, *The Transformation of European Politics*, 468.

60. Lyons, *The Legacy of the French Revolution*, 183.

61. Price, *The End of Glory*, 180-181.

leon tried to present himself to the public were well-suited for a compromise peace. Napoleon the conquering hero could obviously never accept terms from a position of weakness, but could Napoleon the savior? At first, the savior myth seems almost perfectly designed to give Napoleon the flexibility to discuss and accept compromise terms, thereby saving France from invasion. The reality, however, was somewhat murkier. The Napoleonic savior myth is built on a contrast of France before Napoleon as having “no national representation, no government, no constitution. Our conquests lost, our laurels tarnished, peace impossible except on dishonorable terms, our armies destroyed, the French name reviled … the aims of the revolution miscarried, the fruits of our labors, sacrifices and victories, the dregs of faction agitating and disputing with foreigners over the shreds of our country” with the secure and triumphant France created by Napoleon.⁶²

There was no room in this conception of the savior myth for a narrative in which Napoleon saves France from a crisis of his own making. Instead, he must constantly be salvaging others’ mistakes. To admit that France in 1813-14 needed a savior would mean admitting that Napoleon’s regime had put France back into the chaotic abyss from which it claimed to have pulled her. Thus, if Napoleon wanted to restore or even maintain his increasingly

battered public image, the only clear path he could see in this direction was to hold out and hope for a decisive battlefield victory that could secure his rule, enhance his son’s slim chances of succession, and mute the growing pressures for constitutional change.

Napoleon’s refusal to accept the coalition’s peace terms was not simply the result of the emperor’s stubborn personality — although that certainly played a role in his decisions — it was the result of the systems through which he tried to legitimize his rule, systems which themselves surfaced from the crisis of legitimacy the French Revolution brought about and from France’s uniquely nationalistic and militaristic culture at the turn of the 19th century. With his prestige at a low and domestic pressures mounting, Napoleon had real reasons to cast about for a decisive victory that could have secured his rule and enhance his son’s slim chances of succession. Placing Napoleon’s decisions in the perspective of his systems of legitimacy and government not only helps broaden the picture of events in 1813-14, and illustrates the systemic and self-destructive diplomatic rigidity of the revolutionary French state. Most importantly, it helps bring to light the root causes of the catastrophic warfare of those years and hopefully serves as a powerful warning against militarism, nationalism and dictatorial governments built around a cult of personality.

62. Dwyer, “Napoleon as Hero and Savior,” 398-399.

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Culpability in the U.S. AIDS Crisis

By Karen Liu '23

Abstract

The AIDS crisis in the 1980s was a catastrophe for not just the victims, but America as a whole—it whirled through susceptible minds and struck at institutions, exposing the weakness of our defenses against disaster, as well as the gashes in our social fabric. Prejudice and greed, fear and fame, plagued the decisions that empowered the virus to ruin a fragile balance where holes in the system could remain hidden, and where ethics and efficiency had never before needed to clash. America was, and still is, uniquely unequipped to contend with its most insidious and inescapable foe: the virus.

The U.S. AIDS epidemic, which first started in the 1980s, was the culmination of a multitude of factors, including doubt, competition, bizarre sexual practices, social injustices, bad timing, and lost chances. Many of the very people who exacerbated the epidemic would, years later, say that it never had to get as bad as it did. Indeed, on count-

less occasions, institutions of health, the government, and the media had failed to initiate the proper responses that could have limited the spread of the virus, resulting in social upheaval and millions of unfortunate victims. However, these institutions were not equipped, not in policy nor in expectation, to deal with an enemy as sneaky and subversive as HIV,

which took advantage of the complicated safety nets embedded in our systems of research and medical care. Combined with a fertile breeding ground within a traditionally stigmatized population, these factors allowed HIV to flourish, illness to spread, and all our weaknesses—as a society and as a species—to be exposed.

Randy Shilts, in his book *And the Band Played On*, heaps abundant criticism on institutions of research, accusing them of self-interest and invoking examples of competition and infighting as evidence. Indeed, for such an emergency, research seemed to progress at a glacial pace; papers took months to be published and funding was either held up or held back completely, all for mysterious reasons. Jay A. Levy, a researcher at the University of California, San Francisco, found his AIDS research delayed again and again, first from “a six-month delay in getting a flow hood for the most basic lab research” and then because “no lab would let Levy use its ultracentrifuge to experiment with blood from AIDS patients” (Shilts 1987, 272). At the CDC, Don Francis’s suspicions of AIDS being an infectious disease were ignored by NIH officials for fear that “his theory was simply a way to divert research funds from the National Institutes of Health to the CDC” (Shilts 1987, 129). In these experiences, the various institutions and even the scientists themselves aimed to protect their own wellbeing, whether through withholding funding or by avoiding association with the myster-

rious “gay virus.” Born from this self-interest is a lack of the cooperation that is so sorely needed to combat the disease, causing delays and friction between crucial institutions. On one level above the struggles of the individual scientists, “feuding between the National Cancer Institute and the National Institute for Allergy and Infectious Diseases also had assumed legendary proportions” as they battled for dominion over AIDS research, neither willing to concede to the other (Shilts 1987, 367). On another, the NCI appeared to be at odds with the Pasteur Institute in France as Robert Gallo and Luc Montagnier both claimed to have isolated the virus first. In truth, Montagnier was first to discover HIV by almost a year and a half, but scientists overlooked his discovery as they waited for Gallo’s results instead, resulting in a drastic delay. Eventually the U.S. government itself interfered on Gallo’s behalf to claim the discovery as American, demonstrating a harmful scientific imperialism. Collaboration was utterly absent as competition for credit surged, and AIDS continued to rage in the background. It was almost as if the institutions had completely forgotten their purpose—to battle disease, not each other.

However, these scientists and their institutions are not entirely to blame for what appeared to be selfishness and willful negligence; they themselves could barely understand the virus’s most insidious characteristic—its unusually long latency period as a lentivirus. Unlike other diseases that struck hard and fast,

like Ebola, this virus “had spontaneously stumbled upon the sublime trick of slow pathogenesis” (Engel 2006, 7). With a mean incubation period of 5.5 years, a host could unknowingly spread the virus to hundreds of new hosts before ever developing symptoms of AIDS. Furthermore, the virus’s unusually high rate of mutation allowed it to evade annihilation by thwarting vaccines and antiviral treatments, changing itself quicker than science could hope to catch up. Unlike any other pathogen before it, HIV was “uniquely adapted to evade the myriad defenses created by the world’s medical scientists” (Engel 2006, 321). Never before AIDS had science dealt with such a disease. Quietly, it jumped into innumerable new hosts to take over their immune systems, and for every one of the new hosts a new group of silent victims would arise. Researchers in the early 1980s either believed that the epidemic could not be that terrible given how low the initial numbers were, or they were frantically trying to convince the rest of the community of an incredibly unconvincing truth—that the virus was multiplying silently and viciously.

Accordingly, scientists were at a stalemate, mired in the dark, and they turned to each other for answers. There came a point when everyone was waiting for one another—waiting for Gallo’s conclusions, waiting for the CDC case-control study, among other inefficient bottlenecks. Without the study, “neatly analyzed with all the scientific ratios that the general public doesn’t un-

derstand, the conclusions would never stand up in a court of science” (Shilts 1987, 107). Unfortunately for the court of science, the systems in place—peer reviews, checks on funding, conferences, task forces—were built on the expectation that disasters can be controlled by good science: more evidence, less conjecture, more cases, less projection. They are designed to ensure accuracy and reduce risk from hasty action. But the very definition of lentivirus, “slow virus,” worked directly against the assumption—implicit in such policies—that disasters necessarily arrive with loud introductions. In a situation where the answerers had no answers to give, these institutions—even without the self-debilitating power plays—were doomed from the start for failure.

Despite their inability, or more aptly, the impossibility of being able to anticipate the effects of a slow-acting virus, scientists performed much more decently than Shilts would have us believe. Admittedly, if Gallo had not insisted on his HTLV hypothesis or antagonized Montagnier, “the virus could have been detected by 1982, before it had made its vast penetration into American life” (Shilts 1987, 452). The delays in the research process were undeniable as they were unfortunate, but they serve to make the resulting discoveries all the more impressive. Even though “neither team had a model, a structure, a transmission mechanism, or even the beginnings of a cure or vaccine...in little over two years from first notice of the epidemic, the

basic outline of the etiology had been mapped” (Engel 2006, 10). And in seven years from the first notice, the agent, HIV, had been discovered despite all its baffling and evasive properties. Shilts acknowledges that seven years is a historical accomplishment, but he diminishes this achievement by emphasizing the delay. Granted, his tilt as a writer leans heavily in favor of the victims of these institutions—and rightfully so—but the science has objectively performed a stellar job.

The slow funding is another sign of seeming negligence that Shilts has targeted; he heavily focuses his criticism on the NIH and the government. In his book, he characterizes the NIH as yet another organization crippled by its own selfish intentions; this may or may not be true, but Engel introduces the fact that “the NIH’s budgetary priorities were shaped by multiple forces, including prevalence of various diseases, growth trends among those diseases, morbidity and mortality rates from those diseases, lines of promising research, and of course, political pressure from intrusive members of Congress” (21). Such considerations have been shaped by many previous diseases so as to give the NIH a proper frame of expectation, and as discussed before, this particular virus subverts all those expectations. The initial data for prevalence was low, the growth trend would not reveal itself until many hosts’ latent periods came to an end, and not much promising research was present. Despite these self-limiting

factors the NIH have substantially increased their funding for AIDS, as seen in the 2010 figures showing NIH funding for research on select diseases. Out of twelve categories of diseases, AIDS has the second highest overall funding. It has the fourth highest amount of dollars spent per patient and the second highest per patient death, indicating that AIDS not only receives significant funding but is also one of the costliest to fund. This is a probable indicator of the NIH’s dedication to combat the disease, even if this response has come much later than Shilts would have wanted. Even so, in the 1980s the NIH was already contributing significant funding; however, “demand for such funds was nearly infinite,” and as a result “underfunded researchers loudly assigned blame for their inability to win even larger grants to the administration’s homophobia” (Engel 2006, 78).

Homophobia is a complex issue in the AIDS crisis, existing as a latent force within the minds of institutions no matter how much they denied it. In one of her crucial speeches, Secretary of Health and Human Services Margaret Heckler said that “We must conquer AIDS before it affects the heterosexual population and the general population....We have a very strong public interest in stopping AIDS before it spreads outside the risk groups, before it becomes an overwhelming problem” (Shilts 1987, 554). Prior to this statement, accusations of homophobia were largely born from prior expectations and assumption, but Heckler’s speech was grounded in the cold reality

that the topic of homosexuality could not be divorced from the epidemic in the minds of institutions. Even if Heckler was not professing actual prejudice, the fact remained that homosexuals would always be an “other” to the rest of the general population. This social separation is yet another facet of the epidemic that Shilts emphasizes, and he uses this—as well as comedic depictions of the Secretary’s vapidly—to ridicule the Reagan administration. Reagan himself never displayed any concern “for victims of the worst infectious disease to emerge in nearly a century,” and this “bespoke indifference to the welfare of America’s gay citizens” (Engel 2006, 76).

Despite Reagan’s lack of public support, however, “federal funding for AIDS grew astronomically from 1982 to 1987...with the General Accounting Office estimating that the 1988 Public Health Service AIDS budget would top \$900 million” (Engel 2006, 77). Government contribution has continued to rise substantially, as shown in figures compiled by the Kaiser Foundation on HIV/AIDS funding for fiscal years 1981–2004 (Kates & Summers, 2013). From \$900 million in 1988, the total funding would rise to \$18.5 billion by 2004 as the disease continues to afflict the world, increasingly within third-world countries. However, even though funding has improved significantly from the 1980s, it still falls short of the actual need. A different report done in 2010, also by the Kaiser Foundation, demonstrates that the estimated 2008 funding level, \$15.6

billion, falls short of the estimated \$22.1 billion that is needed for an effective response (Moss 2010). Analysis of federal funding for AIDS—the rises, falls, and shortages—is complicated and may yield any number of conclusions about government dedication. But one undeniable criticism, introduced by Jonathan Engel in *The Epidemic: A Global History of AIDS*, remains, “accusing the administration of drawing morality lessons from the epidemic” (Engel 2006, 78).

Questions of morality complicated the mutual resistance between liberals and conservatives in a time when cooperation was crucial, centering on the issue of whether or not the sexual practices of the gay community were to be respected or condemned. Even though these practices were considered extreme to others, for the gay community these were identity-defining acts “of community building, ‘a force binding atoms into new polymers of affinity,’ Edmund White wrote” (Engel 2006, 13). While some cultures were built on food, dress, religion, or the like, the gay community had built their culture on a dangerous style of sex. Conservatives impugned their behavior from a religious, moralizing perspective that disease was God’s revenge. They were “deserving [of] their ignoble end in payment for immoral lives” (Engel 2006, 323). This perspective was perpetuated by the Reagan administration, which stood against the “credo of moral neutrality” that underlay the work of public health, and so, conservatives insisted on depicting the gay community as sin-

ners. However, despite the hatefulness in their stance, the conservatives did highlight an important point in that the gay community's extreme sexual behaviors were causing their illness. Though they were probably not "special targets of a vindictive God...they were certainly flouting sensible and safe conventions in total disregard of prudence, health, and self-preservation" (Engel 2006, 324). Nonetheless, the conservatives' odious attacks on the gay community inflamed tensions.

In response to conservatives marking AIDS as a "gay disease," certain groups further politicized the epidemic and "used it to illustrate the necessary primacy of civil rights" (Engel 2006, 322). Gay men, attacked by the disease on one side and by their own identity on the other, flailed out in fear, and "in desperation they attacked any institution or agency that they felt could possibly help them" (Engel 2006, 23). Gay leaders and liberal officials rejected any form of action that could be interpreted as homophobia, from the call for screening of blood donors to authority demand for bathhouses to be closed. To provide even greater impetus for action, the gay community began to portray the disease as a threat to not just homosexuals, drug users, and hemophiliacs, but the entire population. And despite "readily available statistics [that] always showed unambiguously that this was a highly contained epidemic of a few," the general public panicked (Engel 2006, 323). These were the most unfortunate outcomes of

the most unique characteristic of this epidemic—the virus's incidental targeting of those who participated in the wildest and the greatest amount of sex: the gay community. This unfortunate overlap of the ill with a socially stigmatized demographic caused any injustice against the ill to become injustice against homosexuality.

Epidemics of the past had prioritized the wellness of the general community over the comfort of the ill, protecting the greater number by containing the disease with any possible method, "yet in this one few public health proponents seemed willing to actively advocate for the welfare of the broader community" (Engel 2006, 75). Though the ill population had historically faced the same limitations—quarantine, testing, limited privacy—that officials were trying to impose on the ill of the present, the overlap of illness with homosexuality became an operator that translated limitation into prejudice. Rightfully so, the gay community took offense and leapt to defend their civil rights because authorities had given no adequate indication that AIDS was a force to be feared above all else. Public health officials were paralyzed by their fear of angering the AIDS victims but were similarly disinclined to agitate the general public, and as a result they produced meaningless work that was aimed at satisfaction, not action. Public health officials and the media were profoundly affected, both of whom seemed to be allowing their personal trepidations to affect their health-related deci-

sion-making, consequently hurting the entire population in the process.

One outcome of the authorities' weak-willed actions was AIDSpeak, a term Shilts uses that plays on George Orwell's 'Newspeak,' but instead of simplifying grammar to reduce ambiguity, AIDSpeak creates ambiguity to reduce public outcry. The accurate term of "infected" was often changed to "exposed," as an example, for the purpose of avoiding scary diction. Unconsciously this created a dangerous misconception that AIDS could spread through casual contact. AIDSpeak had good intentions, languishing in the mouths of officials and on the headlines of newspapers, avoiding the direct truth and justifying inaction. AIDSpeak looked and sounded innocuous but was a dangerous accomplice in exacerbating the epidemic. This sort of noncommittal wavering expressed itself not just in public health officials' words but also in their actions. San Francisco's director of health, Mervyn Silverman, balked in the face of the gay community's outrage at the idea of closing the bathhouses. He reasoned that the bathhouses could be centers of education, coming up with excuse after excuse because he "did not want to endanger the relationship his department had with the gay community, a relationship he considered essential to facilitating public health education" (Shilts 1987, 414). As a result, the crucial act of shutting down the bathhouses, no matter how central to San Francisco's gay culture, was delayed until 1985, creating

hundreds and thousands of new victims in the process. Officials all around failed to emphasize that personal comforts and lifestyles, no matter how entwined with identity and expression, would no longer matter if one did not live enough to enjoy their normal lives. The acts of shutting down bathhouses and identifying the gay community as the main victims should have been, ideally, acts of prevention and protection. Such considerations as civil rights, as Shilts says, "constantly overshadowed concerns of medicine and public health," though these considerations should not have even be about civil rights if the gay community had been given enough reason to trust their words (Shilts 1987, 224). It was the officials' job to communicate and to offer compromise; instead, their perpetual vagueness and misdirection failed to illuminate the dangers of normal life. Consequently, preventive measures such as closing bathhouses were construed as attacks on personal freedom—and in this sense, the authorities had failed their duty many times over. The interplay of identity and disease reveals the complex, dynamic limitations on a human's liberties; it begs us to question the primacy of one's dignity over one's own life.

Liberals and conservatives are obligated to promote their concerns, whether for freedom or for morality, but it is the government's and health institutions' responsibility to ensure that health takes precedence. While these respective institutions have achieved much better results than Shilts suggests, health au-

thorities have failed in divorcing higher ideas of personal liberties, just as conservative officials have failed in divorcing religion, from what is most fundamental of all: life. This inversion that feels completely unnatural to us but is necessary in a time of catastrophe. Their other failures of getting drawn into self-interest and competition are partially attributed to homophobia but are much more the result of mass confusion in the face of a new, slow-acting virus, uniquely able to upend all the safety nets in our systems of research and education. In regard to this criticism, Shilts' book is fantastic at identifying the wrongs, but he dramatizes the wrongs of institutions by deliberately leaving out the drier statistics. This is mostly a result of his pathos-oriented writing, which seeks to generate sympathy for the AIDS victims and the scientist underdogs by implying a greater threat to the general public through skillful omission of detail. It is easy to get swept up in the drama of his narrative, which can be dangerous, but he manages to

pinpoint an insight that Engel's more detached reporting only glances upon: our complicated hierarchies and systems reflect a weakness that defines the whole of our failures in the face of HIV, and that is our ironic dedication to complicated things. The convoluted routes in place to acquire funding for research, to do the research, publish the paper, and attend necessary conferences, for one. The honorable but slightly inane obsession with higher ideas, for another. Both are indicative of our development as a society and our wonderful dedication to becoming better human beings. But as the AIDS epidemic has shown, death has an unnerving ability to render these concepts meaningless, transforming all the proud achievements of civilization into nothing but a flimsy hindrance. The virus attacks our devotion to complexity, showing that humanity is not equipped to fend off its quiet and subtle intrusion into the fabric of daily life, a reminder that—for all our systems and institutions and apparent “progress”—we still belong to nature.

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An Obligation From Risk: The History of Life Insurance Values

By Doug Appenzeller '22

Abstract

In 2012 in the United States, there were 645 billion dollars of life insurance premiums paid, and the life and health insurance sector maintained 3.4 trillion dollars of invested assets and 2 trillion dollars allocated to separate accounts. The emergence of the tremendous presence of life insurance in the contemporary United States was concurrent with, and is seemingly partially attributable to, a movement by life insurance marketing and agencies to position their product as intertwined with values or mores surrounding providence, fate, altruism, heritage, and familial responsibility. This paper will begin by drawing on academic literature, company histories, and primary sources that collectively help illuminate the relationship between the expansion of life insurance in the United States and the development of these aforementioned values. The paper will then move to address how the production of these values by life insurance companies has impacted government regulation of life insurance. The essay will conclude by evaluating how risk has come to proliferate life insurance in surprising ways, and how the history of life insurance has informed ideas of managing mortality.

Introduction

The history of life insurance charts the crystallization of an idea rife with tension and contradiction. The logic of in-

surance rests upon discrete quantities of damage and risk, but fitting this logic to a natural or biological catastrophe — in this case mortality — stretches insurance

beyond its capacity to protect against the underlying source of risk. To Francois Ewald, risk is a neologism of insurance: we insure exclusively against risks, but nothing is in itself a risk.¹ Therefore, risks are designated by insurance so that they may be insured against. Insurance produces risk; risk only exists as a collective entity; risk makes use of the aggregation of individual cases to be statistically calculable; and risk can be capitalized. The particular form of risk that life insurance manages is an extension of mortality, is calculable by mortality, but is not mortality. Life insurance is an indirect form of preparing for the ultimate catastrophe of death. It could even be considered a mechanism of mitigating the risk inherent in this catastrophic eventuality, which has the potential to be all the more disruptive if it comes early or unexpectedly. Despite all life insurance does to cope with death, it does not fundamentally change the nature of this catastrophe and has no power to fend it off. Instead it is a capital investment meant to absorb the loss of future income and investments a family incurs upon the death of an economically productive adult. This capitalization of one risk (mortality) has the potential to protect against other risks, like the potential for deteriorating socio-economic conditions for surviving family members. Life insurance may ameliorate certain risks, but ultimately does not affect the reality of life and death. Nonetheless, there have been rhetorical under-

currents in the history of life insurance, emanating from life insurance companies, that have (with at times great fervor) tried to imply otherwise. These rhetorical undercurrents may have had a role in the immense growth of the United States life insurance industry in the late nineteenth century. They may also have had an impact in molding the regulatory framework which emerged alongside the industry. This paper will attempt to analyze this process. It will conclude by considering the consequences of this history upon contemporary life insurance regulation and conceptual frameworks for managing catastrophe. As for contemporary life insurance regulation, its historical antecedents have contributed to an impasse where much oversight relies upon self regulation. The legacy of early life insurance marketing and agents' discourse can be parsed to articulate the definite but limited power of insurance logic to help protect against catastrophes.

The Transformations of Early American Life Insurance

Forms of life insurance that originated in Britain had particular success in the United States in the nineteenth century because of the refinement of an actuarial rationality and the subsequent attachment of values or morals by life insurance companies. By the year 1840, the conundrum remained that those most eager to purchase a life insurance policy tended to be those facing more

1. Francois Ewald. "Insurance and Risk," http://lchc.ucsd.edu/cogn_150/Readings/ewald/ewald.pdf, 199

immediate risks of death.² This problem was a direct affront to the growth of life insurance companies, considering that they still tended to be wary of taking on unsuitable risks (i.e. unhealthy or otherwise uninsurable policyholders). The insights of New York Life and Trust Company (NYL&T) founder John Bard, documented in Sharon Murphy's *Investing in Life*, were largely responsible for actuarial innovations that helped support the industry's increasing ubiquity.³ The positivist science of analyzing the mortality experience of a population to elucidate statistical laws already had a centuries long pedigree. Ulpian's tables, developed in Rome in 225 A.D., were among the first such endeavors. The revival of population sciences by Londoner John Graunt in the seventeenth century, the subsequent advancements by the likes of Edmund Halley, Abraham de Moivre, and Jacob Bernoulli,⁴ and finally Richard Price's application of mortality statistics to the London Equitable Society's life insurance pricing schedule (the Northampton Table)⁵ served as the foundation of Bard's innovation: taking this knowledge to its logical extension. Bard expressed worry that his company and other life insurers "had not written sufficient num-

bers of policies for any mortality tables."⁶ NYL&T made this insight actionable by breaking from the Northampton Table in favor of the more contemporary Carlisle Table, using census data to devise a more realistic depiction of the American mortality experience, and invoking actuarial evidence to support riskier policies that previously would have been avoided.

The natural mortality of the insured population could only be reconciled with the increasingly informative mortality tables if the insured population increasingly resembled the population samples depicted in the tables. Therefore, the ends of life insurance soon became selling more policies because the business could better resemble a secure and scientific actuarial enterprise (as portended by the NYL&T modernizations) only when operated at great scale. By the 1860s, public commentary began to echo the belief that the statistical basis of life insurance was only sound if enough policies were written, and that the companies most deserving of confidence were those that were doing the most business.⁷ An insolvency crisis in the 1870s, which saw many mutual aid organizations and small life insurance companies alike fail, only reinforced the perception of actuar-

2. Sharon A. Murphy, *Investing in Life: Insurance in Antebellum America*, (Studies in Early American Economy and Society from the Library Company of Philadelphia. Baltimore, Md: Johns Hopkins University Press, 2010), 48.

3. Ibid., 18.

4. Peter L. Bernstein, *Against the Gods: The Remarkable Story of Risk*, (New York: John Wiley & Sons, 1996), 74-131

5. Cornelius Walford, *The Insurance Guide and Handbook*, Second Edition, (London: Charles and Edward Layton, 1867), 41.

6. *Investing in Life: Insurance in Antebellum America*, 18.

7. Ibid., 285.

ial sophistication as requisite for prudent life insurance institutions.⁸ However, the articulation of a greater purpose or eschatology of life insurance would be necessary for the continued growth of life insurance first heralded by NYL&T.

The advent of the agent system in life insurance was initially something of a conservative measure to screen against “worse” risks. Yet, while one of the roles of early life insurance agents was to protect the company against policies that were viewed as overly susceptible to end in financial loss, this role would gradually recede and the responsibilities of agents would metamorphize over time.

The life insurance agent’s role in the mid-1800s was to act as a conduit between the home office, the applicants, and their references. The life insurance agent provided recommendations on the suitability of a potential policyholder on the basis of their impression of the applicant’s health, habits, skeletal makeup, susceptibility to consumption, predilection to enjoy in alcoholic spirits, and other arcane judgments. Agents also were meant to corroborate the reliability of an applicant’s physician and personal reference.⁹ This intrusiveness and extremely skeptical posture towards potential policyholders was reflected in the questionnaires that applicants, their physicians, and personal reference had to answer.

The Nautilus Mutual Life Insurance (later to be known New York Life Insurance Company) asked applicants in 1845 many of such questions: whether they had ever resided abroad; whether they had ever suffered from fits, asthma, or spitting of blood since childhood; whether they had ever had smallpox, organ diseases, constitutional diseases, or personal injury; about their marital status; and whether anyone in their family had ever been afflicted with a “disease that tends to shorten life.” Doctors and friends were queried about whether or not they believed the applicant to be sober, sedentary, “afflicted with mental derangement,” “in perfect health … and free from any circumstances tending to shorter life,” and “safely insurable.”¹⁰ The life insurance contract itself contained an exhaustive list of stipulations, with policies determined voided and forfeited upon, in the case of the Nautilus, the non-payment of any premium, suicide, any untrue statement on the application, “residence or travel south of the Southern boundaries of Virginia and Kentucky, between July first and November first, or at any time beyond the settled limits of the United States and the British Provinces of Canada, military service, or death in a duel or by the hand of justice.”¹¹ Agents, in the 1840s and 1850s, were typically lawyers, local politicians, or businesspeople with

8. John McCall, *A Review of Life Insurance: From the Date of the First National Convention of Insurance Officials*, 1897, 37.

9. *Investing in Life: Insurance in Antebellum America*., 60.

10. James Hudnut, *Semi-Centennial History: New York Life Insurance Company: 1845-1895*, (New York: The New York Life Insurance Company, 1895), 26.

11. *Ibid.*, 21.

aspirations to leverage their respected local positions to develop connections with the insurance company's big city home office. They typically found it in their own interest to be very cautious in vying for potential policyholders, as they felt the need to be vigilant in business transactions that could impact their own reputation.¹² A portrait of the discerning and prudent life insurance agent in the 1850s in Charles Dickens' short story *Hunted Down* portrays life insurance seller Mr. Sampson as being of impeccable quality in the art of "physiognomy, taken in consideration with manner."¹³ The hyperbole is only slight, as early agents would assess the health and suitability of an applicant by any judgments or inclinations they could glean. The practice of inspecting the medical history of life insurance applicants is not merely a relic of the 1840s and 1850s. That practice continued. What changed was that this information was less and less frequently used as a means to deny life insurance to all but the most vital applicants.

Agents would not long retain their original function as buffers against the expeditious increase of policies. This change was coincident or preceded by other reforms that allowed for and induced a more expansive market for life insurance, and the combination of these reforms resulted in fantastic growth in

the life insurance sector. The amount of life insurance in force (i.e. total coverage of active policies) in the United States in 1845 was about \$10 million, and, over the next thirty years, there was about a hundred-fold increase in this amount.¹⁴ In the case of New York Life, over this period insurance in force went from around \$800,000 to \$126,000,000. During this period of expansion, impediments to buying life insurance were gradually removed.¹⁵ The company eased contestations on the basis of policy forfeiture, and after two or more annual premiums, they would issue a new policy retaining the value of received premiums in the case of an eventual lapse.¹⁶ Emigrants to California and Pike's Peak were deemed insurable by New York Life with an extra charge of 1.5 percent, while Southern policies were written with comparable adjustments made, accounting for the perceived regional differences in mortality. Travel abroad could also be factored into policies, as could permission to accompany the United States Army as a surgeon "not to cover the risk of death in battle or from wounds there received." Similarly, during the Civil War, New York Life agreed to reinstate policies of individuals after safe return from military service, would cover the death of a policyholder in the event that he was killed while "only strictly in the defense

12. *Investing in Life: Insurance in Antebellum America*, 59.

13. Charles Dickens, *Hunted Down*, 1860, (Reprint, Project Gutenberg eBook, 2014).

14. *Investing in Life: Insurance in Antebellum America*, 5.

15. *Semi-Centennial History: New York Life Insurance Company: 1845-1895*, 24.

16. *Ibid.*, 62.

of his home” if his city were to come under siege during the course of the war, and did their best, despite interruptions in commerce and communications, to discharge the claims owed on policies in force in the Confederate states.¹⁷ “Public morality,” life insurers assumed, required that, except in obvious cases of fraud or when the companies simply could not afford to acquiesce, that they submit to uncontested payments. By the 1870s, many companies no longer had suicide clauses, and tended to have fewer caveats on residence, travel, and occupation.¹⁸ A way of thought was emerging that it would be better to write more policies rather than select for the healthiest and soundest ones, and more people were deemed insurable. The rise of industrial insurance in the 1870s, a less expensive weekly premium-based form of life insurance on the lives of working people and their families, demonstrated this. In an 1897 retrospective, New York Life president John McCall noted that industrial insurance “extended benefits to a large number of people including classes heretofore considered uninsurable [and that] these companies have been obliged to contend with a death-rate over twice as great as that which has prevailed among ordinary insurers.”¹⁹ By developing their own actuarial expertise, industrial insurers were able to make viable an exten-

sion of life insurance that earlier recalcitrance would have certainly avoided. The Metropolitan Life Insurance Company’s industrial plans even began to waive medical inspections for industrial insurance in small towns, instead allowing agents with experience of over one year to perform their own inspection.²⁰ McCall concluded that every condition or restriction on a policy that creates the possibility of failure or lapse was a deterrent to the certainty that the applicant for insurance seeks. Life insurance companies, in minimizing the hurdles for potential applicants, increasing the certainty of the policy’s benefit, and making their product obtainable for many more people, clearly took to heart that the fitness and full potential of their insurance technology required a scale beyond what had before been possible.

While agents were initially used as safeguards against writing dangerous policies, they were soon expected to actively canvas and bring insurance to people as opposed to helping to selectively decide who, among those wishing to insure, were fit to be given the privilege. In an issue of the *Insurance Monitor* from 1882, N.W. Harris, secretary of the Union Central Life Insurance Company of Cincinnati, penned a note titled “To Life Insurance Agents.”

“The Union Central Life Insur-

17. *Ibid.*, 68-120.

18. *A Review of Life Insurance: From the Date of the First National Convention of Insurance Officials*, 48.

19. *Ibid.*, 45.

20. Haley Fiske and Raymond Carpenter, *An Epoch in Life Insurance*, (New York : The Metropolitan Life Insurance Company, 1917), 24.

ance Co. is now engaging general, traveling, district and special agents, who desire to canvass personally for applications, giving them different contracts, and paying liberal compensation only according to the amount of business done ... You will find the 'Union Central' an easy company to work, as it offers superior advantages to the insuring public, among which is their non-forfeitable plan..."²¹

While many early companies did have life insurance agents, some, like Massachusetts Hospital Life, were so hesitant to add uncertainty into their risk profile that they required all applicants to make a personal appearance at the home office and ran a fully centralized operation.²² Many early life insurance agents attained their position by initiating a request with the home office. So, the fact that, by 1872, companies were reaching out to potential agents in the trade magazines is notable in itself. As is the content of Harris's letter highlighting the incentivized compensation according to policies sold, and the agents' responsibility to expound upon the benefits of Union Central insurance in order to attract policyholders. The Union Central advertisement shows that by the 1870s, realising the urgency to sell more policies, insurance companies had started to refurbish their agency system to better suit these objectives.

In Prudential job listing ads from this period, the word agent tended to be absent in favor of "canvasser." Early Prudential canvassers would learn the jargon by accompanying company founder John Fairfield Dryden as he spoke at lunchtime meetings of Newark workers and the "rugged, hard men with the soot and stain of the day's work on their face and their hands would listen as ... [he] explained the protection that could be bought for a few cents a week ... [and] of what life insurance could do for them and their families."²³ The Prudential company history considered that Dryden's didactic would have caused the workers to ponder: "Is this thing he's trying to sell something I ought to have for my wife and my kids?"²⁴ The Prudential agents helped ensure that talk about family, heritage, and altruism would become inextricably attached to the insurance they were trying to sell. Agents for Prudential "had to be a special type of individual ... had to mix well and easily with people ... the working men and their wives and kids. He had to understand them, and talk their language. He had to be their friend and a little more than their friend. He was also their guide, their mentor, their advisor." This complex relationship of pedagogy, sympathy, endearment, and persuasion that comprised the work of the life insurance agents was among the most important localized sources in

21. N.W. Harris, "To Life Insurance Agents," *The Insurance Monitor*, November 1, 1872.

22. *Investing in Life: Insurance in Antebellum America*, 53.

23. *Ibid.*, 54.

24. *Ibid.*

forging public familiarity with life insurance morality.

Means of Intelligibility: The Values of Life Insurance

Ewald considers the nineteenth century as a time when certain provident institutions began to conform to the rationality of insurance.²⁵ Life insurance had a significant role in shaping this development and spread of insurance rationality, particularly its infusion with ideas of providence, fate, altruism, and heritage. Even further, life insurance rationality espoused that those neglecting the promissory guarantee of life insurance to protect their family after they died were selfish, and that this negligence would invoke repercussions. While reforms of the agency system or more lenient non-forfeiture policies made life insurance accessible for many more people, life insurance was delivered en masse partly by the effects of a dramatic moral codification.

Life insurance advertising from the late nineteenth century, reinforcing the messaging of life insurance agents, demonstrates companies framing their product as inextricable pillars of positive principles surrounding heritage and altruism. Take, for example the first engraved policy heading used by what was then known as the Nautilus: “HUS-

BAND’S LEGACY: HIS LIFE WAS INSURED,”²⁶ or the New York Life advertising circular with a picture of two grieving children and the caption “New York Life Insurance Company Has Paid Widows and Orphans More than Five Millions of Dollars.”²⁷ The appeal for life insurance focused significantly on widows and orphans, yet it was neither widows nor orphans who purchased life insurance. Rather, it was instilled in the household’s wage earner to consider their death only concurrently with its implications for their family.

In Nietzsche’s second essay of *On the Genealogy of Morality*, he writes that “there is a prevailing conviction that the tribe exists only because of the sacrifices and deeds of the forefathers, — and that these have to be paid back with sacrifices and deeds: people recognize an indebtedness, which continually increases because these ancestors continue to exist as mighty spirits.”²⁸ The idea of the insurable legacy entails somewhat of a reversal, in that the indebtedness was not conceived as to one’s ancestors but to one’s progeny and dependents. The breadwinner was duty bound or indebted to establish their worth by doing what was necessary to leave advantages for their family. Not to do so, because life insurance made this transactional sacrifice for one’s family so readily attained, was

25. “Insurance and Risk,”²⁰⁹

26. *Semi-Centennial History: New York Life Insurance Company: 1845-1895*, 21.

27. *Ibid.*, 142.

28. Friedrich Nietzsche & Wilhelm, Keith Ansell-Pearson, and Carol Dieth. *On the Genealogy of Morality*. New York: Cambridge University Press, 1994.

soon to be considered by many as rank negligence.

The obligation to insure was lobbied for on the basis of altruism. Viviana Rotman Zelizer writes about how life insurance, during its development in the nineteenth and early twentieth century, was never considered mainly as a business-wise investment in the depreciating value of one's own life, as a means of savings, nor as an accumulation of cash value which could be useful in the event one found oneself short of credit.²⁹ This makes sense, as there is nothing pertaining to this form of intelligibility that distinguishes life insurance from, for example, savings banks. The unique value proposition of life insurance came from how it was interwoven into issues of life and death. Life insurance companies had the task, then, of producing an altruistic moral that would hold weight against contending patterns of thought associated with "pessimistic individualism."³⁰ In John McCall's 1897 address, he concludes that:

"under Life Insurance, individuals have freely paid these vast sums that they might insure the integrity and perpetuity of their families, and that their posterity might be free. The patriot who gives his life for his country, and the man who

insures his life for the protection of his family, alike link their being with the future by unselfish devotion to present duty, and though they perish outwardly, they still live"³¹

Michel Foucault names one corollary of liberalism as being "a mechanism continuously having to arbitrate between the freedom and security of individuals by referring to this notion of danger." Welfare measures and other programs which sought to insulate against the dangers of failures of liberalism were often paradoxically presented as producing freedom: freedom to work, freedom of consumption, political freedom, etc.³² Life insurance was postured as producing the freedom to live free from, in the case of the family, maleducation, poverty, and poor health, and in the case of the insured, freedom to die without the stained conscience or fate that would have resulted from not insuring. Zelizer cites Reverend Henry Ward Beecher from an 1880s sermon:

"Once the question was: can a Christian man rightfully seek Life Assurance? That day is passed. Now the question is: can a Christian man justify himself in neglecting such a duty? ... When men think of their death they are apt

29. Viviana A. Rotman Zelizer, *Morals and Markets: The Development of Life Insurance in the United States*, (New York: Columbia University Press, 2017), 120-128.

30. Max Weber, *The Protestant Ethic and the Spirit of Capitalism*, (Routledge Classics. London ; New York: Routledge, 2001), 63.

31. *A Review of Life Insurance: From the Date of the First National Convention of Insurance Officials*, 68.

32. Michel Foucault and Michel Senellart, *The Birth of Biopolitics: Lectures at the Collège de France, 1978 - 79*. 1st pbk ed., [Repr.]. Lectures at the Collège de France, (New York: Picador, 2010), 68.

to think of it only in connection with their own spiritual welfare ... It is mean and selfish for you to be so absorbed in heaven ... that you forget what is to become of your wife and children after you are dead.”³³

Beecher was not alone. An anonymous 1882 letter to the Insurance Journal wrote:

“It is a very old saying that we ‘should speak well of the dead’ but it is a very difficult injunction to obey if they have so emphasized their intense selfishness while living, as to leave their helpless widows and destitute children to face alone the miseries of starvation ... [people] will vilify you ... if you leave your wife and children to beggary after you are gone.”³⁴

The rationality advanced by life insurance held that the spiritual welfare for the insured was not severable from the material welfare of the policy’s beneficiaries. The consensus that the companies were able to generate in agreement with this belief solidified the obligation for primary income contributors to insure their lives in the cause of altruistic responsibility.

Regulation and the Veridiction of Life Insurance Values

From the beginning, life insurance and the American state insurance departments evolved together and some-

what congenially. In the Insurance Monitor in 1869, Superintendent of the New York State Insurance Department William Barnes wrote that it was his desire “to strengthen, consolidate and build up all existing companies on such a solid and secure foundation as to perpetuate their independent and successful existence.” At the May 1860 Life Underwriters’ Convention, Barnes and his Massachusetts counterpart Elizur Wright were in attendance to discuss the future of non-forfeiture policies. Both were in favor of them, and Barnes expressed that “the greatest objection to life insurance is in relation to these forfeitures ... you should have it so that when the assured person comes into your office to ask for the value of his policy, he can come with boldness and ask for his rights.”³⁵ The implications of such a statement are that life insurance regulation took on the role of protecting the interests of the insured, but also of protecting the viability of the insurance technology so that many people would get to have a share in its beneficent promise.

One example of a much terser confrontation between life insurance companies and regulators was the Armstrong Investigation of 1905. This investigation ended up restricting a form of life insurance less rationalizable by the values-based intelligibility of life insurance in prohibiting tonitine insurance. It also provided the necessary conditions to

33. *Morals and Markets: The Development of Life Insurance in the United States*, 64.

34. *Ibid.*, 63.

35. *Semi-Centennial History: New York Life Insurance Company: 1845-1895*, 60.

prevent the perception of these ideals being tarnished by unseemly and unethical corporate behavior. Tontine insurance is essentially a dual annuity fund and life insurance plan in which the members that live the longest receive the greatest share of the interest payments. Members of a tontine plan would pay premiums for a set number of years, usually twenty. Some of these payments went towards the purchase of traditional life insurance, and the rest would be allocated to a tontine fund. At the end of the stipulated period, all surviving individuals would receive a share of the tontine fund (either as a fixed sum or life annuity). The tontine was introduced by the Equitable Life Insurance Society of the United States in 1868, and became quite popular in the intervening decades as life insurance in general became much more prominent.³⁶ Tontines became collateral when the insurance industry corruption came under skepticism during the Armstrong Investigation and reforms were mandated.³⁷ While it is not clear that tontines were more susceptible to enabling financial malpractice by insurance companies than standard life insurance, the results of the Armstrong Investigation indicate they were more apt to be perceived as such. The jettisoned tontine form of life insurance was also, perhaps not coincidentally, a product less easily harmonized with the hegemonic altruistic moralism attached to life insur-

ance by the companies.

New York State Senator William Armstrong put future Supreme Court chief justice Charles Evan Hughes in charge of the investigation. Hughes castigated officials of life insurance companies, including of the Mutual Life Insurance Company of New York, for their seigniorial attitudes, undue extraction of money from the business for their personal enrichment, and deceptive sales practices.³⁸ Yet, this humiliation of life insurance from the very top and the elimination of tontines created the conditions out of which the concept of altruism could be renewed. The Armstrong Investigation may seem like a direct affront to the soul of life insurance from the state, an inflection in the regulation of life insurance, but it instead can be interpreted as regulation working to tether life insurance to the companies' self-anointed profitable and eleemosynary standards.

This renewal of altruism in life insurance was in large part galvanized by Charles Ives, the American great composer of music and insurance executive at the Ives & Myrick agency of the Mutual in the decades following the 1905 scandal. Ives was responsible for the cultivation of "altruism scientifically organized." Ives' approach to selling insurance was that the exact amount of money needed to generate a given annual income to survivors, based upon their

36. R. Ransom & R. Sutch. (1987). Tontine Insurance and the Armstrong Investigation: A Case of Stifled Innovation, 1868-1905. *The Journal of Economic History*, 47(2), 379-390.

37. Ibid.

38. Stephen Budiansky, *Mad Music: Charles Ives, the Nostalgic Rebel*, (Lebanon, NH: ForeEdge, 2014), 120

ages and life expectancies could be calculated, and that agents should refer to this price rather than tiptoe around the idea of affixing a monetary value to a man's life.³⁹ So, even in the most bitter regulatory struggles, it was not the values of life insurance or even the institutions themselves that were under siege, but rather certain unchecked corporate interests that were considered flagrant pathologic outgrowths of the life insurance system. The regulation of life insurance and the dispossession of certain individually powerful executives was fully reconcilable with the intelligibility of life insurance. As was the sacrificing of a permutation of life insurance, the tontine, that was a far less coherent example of life insurance morals than more standard forms of life insurance. The result of this excising was to retain or even purify the clarify this construct of values. Regulators readily accepted arguments by insurance companies of life insurance's harmonizing impact on a plurality of interests, as the examples of Barnes and Wright emphasize. However, the verediction of the worth and values of life insurance by government regulation did not necessitate, and perhaps precluded, that regulation would arbitrarily protect interests of a single proprietary group or life insurance innovations asynchronous with these values.

Regulation served to restrict that which threatened the terms or the certainty of the guarantee of legacy and protection. The history of life insurance regulation demonstrates that regulators subscribed to (or at least did not reject) the idea that life insurance nurtured values associated with altruism, heritable material legacy, and the promise of protection for widows and children. The fact that regulation sought to promote not only policyholder rights, but also the manner in which it sought to steer the growth and maintenance of the life insurance industry, suggests that life insurance's proximity to these self-inscribed values was not challenged or was even accepted by government regulation. Important results of life insurance regulation included the promotion of non-forfeiture clauses, charters which determined how funds could be invested and gave regulators recourse to frequent inspection of finances,⁴⁰ rate supervision,⁴¹ and the banning of tontine plans.⁴² Through regulation there was verediction of life insurance as a social good, and regulation converged with life insurance discourse on the normative worth of the insurance technology. Regulation may have limited the absolute freedom of life insurance companies. Yet, it privileged and protected forms of life insurance that fit within a characterization consistent with how

39. Ibid., 156.

40. Albert Mowbray, *Insurance*, (Third Edition. McGraw Hill Insurance Series. McGraw Hill, 1946), 513-538.

41. Ibid.

42. Tom Verde, "When Others Die, Tontine Investors Win." *The New York Times*, March 24, 2017, sec. Business. <https://www.nytimes.com/2017/03/24/business/retirement/tontines-retirement-annuity.html>.

companies themselves originally lobbied for life insurance to be perceived.

Moral Risks in Life Insurance

The history of life insurance is the history of a domain of an insurable risk, but it also charts the appearance of an obverse domain of risk that is produced by insurance but is not traditionally insurable. The idea of risk colonizes life insurance in a multiplicity of ways. The individual policy represents a risk for the company, in that there is a certain probability that the contract with the insured will end in a loss. The insured themselves protect as a recourse against risk. And, this mechanism of security operates with a statistically rationalized approach to risk pooling. Today, almost anyone, even the ill, the elderly, and those tending towards riskier behavior such as smoking can get some form of life insurance, whether guaranteed universal life or whole life or one of the many other life insurance incarnations, at least at some price. Based upon the way in which knowledge is deployed to calculate each individual risk, risk can be appropriately pooled in order to price life insurance accordingly. The bigger the life insurance company, and the more expansive the risk pooling, the more flexibility there is to offer more and more forms of life insurance. Today, virtually everyone can invest in the promise that life insurance offers to minimize the burden of the risks of mortality.

Yet, not all risks in life insurance are those that exist to be insured against. Life insurance creates other risks which are not insurable. Life insurance companies are essentially in the business of risk management, as they make decisions on the basis of probabilities that require moral assessment for action.⁴³ These risk assessments include protecting against the potential financial failure of an insurance institution, or those involving moral and subjective dangers.

The governance of life insurance, through the early twentieth century, regulated life insurance institutions on the basis of restricting practices that fell outside of the companies' self-professed welfare-improving framework. However, what eventually transpired was that life insurance became more sophisticated, and the dangers to life insurance—or to constituent interests or values—became more opaque. Therefore, the technical knowledge required to make regulatory risk assessments has become scarcer. However the fundamental utility of life insurance has been long entrenched and accepted by regulatory entities. The result has been a migration of governmentality.

Richard Ericson's research in *Insurance as Governance* quotes a Canadian insurance regulator as admitting “governance of risk cannot really be measured objectively, it is more like a feeling ... the way they conduct their day-to-day

43. Richard Ericson, Aaron Doyle, and Dean Barry, *Insurance as Governance*, (Toronto ; Buffalo: University of Toronto Press, 2003), 69.

business.”⁴⁴ A chief actuary is also quoted as saying that almost no one in insurance or insurance regulation actually has a proficient “touch” or “feel” for the financial and accounting dynamics within a large insurance firm. The result of this quandary is that, Ericson shows, regulation acts decisively when insurance institutions are obviously way out of line with industry standards. But, otherwise, insurance regulation takes on a much more ambivalent tenor. It is the industry standards, or the norms, that largely are used to determine appropriate risk assessment practices. These norms are often decided upon by industry associations dominated by big insurance companies, and to deviate is coercively made inconvenient or legally impossible. And, because of the overwhelming calculus involved in risk assessment, this sort of reductive approach is almost necessary. With the assumption remaining that regulation, as a general rule, tries to promote the solvency of insurance institutions, the result is a collaborative approach where state regulators perpetually “negotiate the political economy” with insurance companies in order to prevent undue loss. The governance of insurance, then, can be thought of as a form of self-governance, or insurance as a pole of governmentality.⁴⁵

The effects of this evolution of governmentality around insurance raises particular moral risks for life insurance.

One life insurance technology that has gotten recent attention is the securitization of life settlements.⁴⁶ This entails the bulk purchase of the life insurance policies that the elderly and sick sell for cash, and the bundling of such policies into tradable bonds. The rationality that ruled the tontine or wagers on the lives of third parties undesirable, and brought them to be juridically restricted, would almost certainly categorize securitized life settlements similarly. In tontines, gambling insurance, and life settlement securities, someone other than a beneficiary with demonstrable interest is financially compensated when the named individual in the policy dies. Yet, the first two have been regulated against while the latter has not. The risk that the life settlement securities pose is that they are potentially unethical, but these ethical concerns cannot be insured against. There are two main reasons: First, the degree of danger that these arrangements pose is vague or at least unquantifiable. And, second, under a regime of increasing self-governance, there is not necessarily an obvious reason for insurance companies to self-regulate against a practice whose potential dangers are only felt downstream at the level of the individual policyholder. While risk and security in insurance were originally referent to individuals or populations, these new applications of the term assess the practices of insurance businesses.

44. Ibid., 144.

45. Ibid. 142.

46. Jenny Anderson, “Wall Street Pursues Profit in Bundles of Life Insurance,” *The New York Times*, September 5, 2009, sec. Business Day. <https://www.nytimes.com/2009/09/06/business/06insurance.html>.

Being that life insurance regulation has increasingly become a part of insurance institutions, the result is a moral impasse and a fracturing of life insurance's original intelligibility that regulation once reinforced.

Managing Catastrophes

Life insurance is in many ways a neutral institution: for all of its complicated connections with normalization, security, governmentality, discipline, and the law, it is not an all-consuming assurance of providence. Even if that way of thinking was at one point promoted by life insurance companies, and even if life insurance's associations with matters of life and death make this fallacy appealing, this has always been basically untrue. Life insurance changes nothing about individual uncertainty nor death; it merely capitalizes on this uncertainty and invents a technology to redistribute this investment. How this technology became so prevalent is a history that relates to more prominent ensembles of power and gives insight into how they produce institutions and values that govern our lives.

What makes life insurance unique among insurance technologies is that it insures against a set of completely involuntary risks. No series of choices or decisions can avert death, whereas we can with prudence and luck perhaps go a lifetime without ever experiencing catastrophes that other insurance technol-

ogies encompass. So, if there is any part of the life insurance didactic to take to heart, perhaps it is to consider how life insurance has created and articulated a mechanism confronting a completely inevitable catastrophe. However, the risks of mortality are partially reconstituted by life insurance to describe not death itself but more so when it occurs and who it befalls. Ewald writes about risks that lie outside of the purview of what is traditionally considered insurable, which he terms ecological risks.⁴⁷ At what point does insurance cease to have any efficacy? Insurance as a means of managing risks of societal catastrophes like pandemics, oil spills, or climate change probably does not amount to a satisfactory response. But, on the face of it, insurance as a means of managing a risk such as mortality probably seems equally unsatisfactory. Yet, even if on a limited plane, life insurance has indeed invented a means of intervening and affecting at least some of the contingent risks of mortality. On a very general level, the logic of life insurance may suggest that there are steps which can be taken to prepare for absorbing the cascade of risks that would follow catastrophes even of an enormous or ecological scale. These projects, though, would likely fall short of preventing or mitigating ecological risks on a concrete or physical level lest they imagine a system more comprehensive than that which insurance rationality accommodates.

47. François Ewald, "Two Infinities of Risk," (In *The Politics of Everyday Fear*, edited by Massumi Brian, 221-28. University of Minnesota Press, 1993), www.jstor.org/stable/10.5749/j.ctttcd7.18, 222.

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The Year Without a Summer

By Luke Herzog '24

Abstract

In the year 1816, a volcanic eruption in Indonesia plunged the world into darkness, sent temperatures plummeting on a global scale, triggered civil unrest, and induced apocalyptic attitudes. The unprecedented “Year Without a Summer” also inspired two cornerstones of the horror genre — *The Vampyre* by John Polidori (a direct precursor to *Dracula*) and *Frankenstein* by Mary Shelley (arguably the first science-fiction novel). Then 2020 arrived, a horrific successor to 1816, and once again the conditions were right. So the question remains: What monsters will emerge from this year without a summer?

It is raining in Williamsburg, and our pod-of-four is confined indoors. While waiting out the storm, we have reverted to our standard positions and our various creative endeavors: I’ve been approaching the climax of a noir detective novel that I have been writing since March. Another resident is buried up to her neck in political science texts, preparing for a thesis on the intersection of Evangelical Christianity and American elections. A third pensive-

ly strums his guitar, arranging a series of songs that he hopes one day he’ll be able to perform in front of a real crowd. A fourth has fallen down the Stephen King rabbit hole, and, after reading *The Shining*, dinnertime conversation has turned to talk of ghosts and Jack Nicholson. Of course, our stay here has not solely been devoted to grinding away at our respective projects. *All work and no play...* Well, you know the rest. No, the four of us have spent

much of our time exploring the sights and sounds of Williamsburg and the surrounding countryside. It's not where any of us expected to be spending our pandemic-induced gap semesters — two Californians, a Rhode Islander, and a Seattleite wound up in... southern Virginia? But after months of consternation and an ambitious house search that left us only with dead ends, we managed to secure a rental house after calling in a favor from my beloved high school English teacher. Our temporary home is a red-brick fixer-upper on the outskirts of historic Colonial Williamsburg, "the largest outdoor living museum in the country."¹ Our closest neighbor lives in a cottage in the backyard. His name is Owen, and he is a professional blacksmith. Really. He looks exactly like a blacksmith should — portly, bearded, jovial. The top of his head is balding, but messy black hair sprouts from either side. Each day, he makes the three-block commute to the Colonial Williamsburg armory where he forges everything from knives to horseshoes. We have an agreement with Owen that he can use our washer and dryer once a week, and on one of these sojourns to our laundry room, he told us about his experience with COVID: "I had the virus back in March," he says, throwing a Tide pod atop his waistcoat and colonial stockings, then slamming the washer shut. "Wouldn't wish it on my worst enemy!"²

Living on the fringes of this historical preserved site means living in limbo between past and present. It is wonderfully incongruous. Last week, I passed a faux Thomas Jefferson in knee-length breeches and a tricorne hat delivering a speech to a masked audience in T-shirts and sunglasses. On my daily stroll, I listen to podcasts discussing current events while walking past the jail that imprisoned Blackbeard's pirate crew. Yesterday, I spotted a milkmaid driving a Subaru. While my location thrusts me into a simpler time of butter churns and cobblestone streets, I am constantly pulled back into the dispiriting now by a stream of news alerts reminding me of the imminent election and a global pandemic with no end in sight. With one eye locked on the past and the other eye fixated so firmly on the present, it has been difficult not to go a bit cross-eyed. This essay, which began as an academic pursuit, has become a journey of personal reconciliation, an effort to make sense of the bizarre circumstances in which I have found myself.

*I had a dream, which was not all
a dream.*

*The bright sun was extinguish'd,
and the stars
Did wander darkling in the eter-
nal space,
Rayless, and pathless, and the icy
earth*

1. "About Colonial Williamsburg."

*Swung blind and blackening in
the moonless air;
Morn came and went—and
came, and brought no day*

A pall hangs over America. “The wildfires that have choked California’s skies with smoke in recent weeks … have now stretched their sooty tendrils to the other side of the country and beyond.”² So begins a *Los Angeles Times* article dated September 15th, 2020. Uncontained wildfires rage across the West Coast, consuming millions of acres of land and transforming tens of thousands of residents into environmental evacuees.³ The effects of the blazes have been dramatic and far-reaching. Portland fishermen awoke at the crack of dawn to a dismal red sun, half-shrouded and hazy behind a veil of smoke… and those fishermen reside in Portland, Maine.⁴ The wildfires have resulted in overcast skies as far away as Germany and the Netherlands,⁵ dampening spirits across the ocean and reminding the world that our domestic disaster is in many ways an international inferno. The word “apocalypse” has been on the tongues of Americans this year like never before,⁶ and not without good reason. The 2020 Pandora’s box has unleashed a global pandemic, a climate

catastrophe, and a racial reckoning on the nation, all while unequipped leaders abdicate responsibility.

In recent months, in an effort to extrapolate answers from the past, the country has looked back a century. Experts have propped up 1918 as a sort of sister year to 2020 and its grim realities, pointing to the suffering brought on by both the Spanish flu and the last gasps of a horrific world war. A CNN headline seeks to inform us “What the 1918 flu pandemic can teach us about coronavirus.”⁷ A dour *U.S. News & World Report* article declares “Virus-Afflicted 2020 Looks Like 1918 Despite Science’s March.”⁸ One *New York Times* op-ed urges us to all be “More Like the Nuns of 1918.”⁹ The parallels with 1918 are unmistakable, especially regarding the proliferation of deadly disease: “Spanish Flu, as they call it here & some say just Flu,” writes my great-grandfather, Corporal Bernard “Bunny” Rosenblum in his letters from Italy during World War I. “It’s very bad and I do wish you folks would be careful that you wouldn’t get it. We have to take care here and I think your own health is more at stake than Dave’s & mine. Watch the kidlets.”¹⁰ Despite the ubiquitous comparisons to 1918 and

2. Money and Read, “Smoke from California Wildfires.”

3. “Death Toll Rises in US.”

4. Graham, “Smoke from West Coast.”

5. Money and Read, “Smoke from California Wildfires.”

6. Dias, “The Apocalypse as an ‘Unveiling.’”

7. Rogers, “What the 1918 Flu.”

8. Woodward, “Virus-Afflicted 2020.”

9. Bense, “We Should All Be.”

10. Rosenblum, *Bernard Rosenblum to family*.

letters like my great-grandfather's that echo today's COVID-cautious angst, the case must be made: The wrong year has been dubbed 2020's spiritual predecessor. We must turn the calendars back yet another century. This dark horse candidate was quite literally a very dark year, and for that reason it proves all the more illuminating — 1816, also known as the "Year Without a Summer."

The story of 1816 actually begins on April 10th, 1815. In a rare intersection of the geological and the literary, and in what might be a case study for the butterfly effect, a volcanic explosion in Indonesia led to the birth of Dracula and Frankenstein, establishing the modern horror canon for generations to come. The eruption began with a series of blasts that sounded for miles around — the "supernatural artillery" of a spirit queen, or so claimed contemporary natives.¹¹ Three pillars of red-hot lava spewed forth from the mountaintop, followed by a barrage of pumice stones, some "twice the size of a man's fist," that pelted the residents of Sanggar, a nearby village.¹² The immediate aftereffects were just as severe — a whirlwind that "swept up men, cattle, and horses" and tsunamis created after the "cascading lava slammed

into the ocean."¹³ What was *not* seen seemed equally terrifying, according to the captain of the East India Company ship *Benares*: "The darkness was so profound throughout the remainder of the day that I never saw anything equal to it in the darkest night; it was impossible to see your hand when held up close to the eye."¹⁴ The volcano, now known as Mount Tambora, spewed rivers of magma. But, not unlike today's California wildfires, the immediate devastation was dwarfed by an ever-growing plume: "Twenty-four hours after Tambora erupted, the ash cloud had expanded to cover an area approximately the size of Australia."¹⁵ In a year's time, this cloud would encompass the entire globe.

Temperatures plunged worldwide as countries grappled with bizarre climate oddities.¹⁶ Effects were at times downright apocalyptic:

A two-day blizzard in Hungary during late January 1816 produced brown and flesh-colored snow. The inhabitants of Taranto, in southern Italy, were terrified by red and yellow snowflakes in a place where even normal snow was a rarity. Brown, bluish, and red snow fell in Maryland in April and May. Everywhere, the dust hung in a dry fog.¹⁷

11. Klingman and Klingman, *The Year Without a Summer*, 11.

12. Klingman and Klingman, *The Year Without a Summer*, 7.

13. Klingman and Klingman, *The Year Without a Summer*, 7-8.

14. Klingman and Klingman, *The Year Without a Summer*, 8.

15. Klingman and Klingman, *The Year Without a Summer*, 12.

16. Pirages, "Nature, Disease, and Globalization," 619.

17. Fagan, *The Little Ice Age*, 170.

The sky itself was alien in appearance. About a decade ago, Greek scientists conducted a study in which they analyzed the ratio of red pigment in landscape paintings created between 1500 and 1900. Their discovery was both fascinating and unsurprising: Paintings from the years immediately after Mount Tambora's eruption used the most red paint.¹⁸ Naturally, then, the looming prospect of doomsday weighed heavily on the collective consciousness. Because an ashen haze had fallen over the country, many were able to observe sunspots more clearly or for the very first time. Indeed, the print media, in an effort to link the unprecedented summertime chill to something readily observable, pointed to these sunspots instead of the Tambora eruption.¹⁹ As a result, “[s]ome feared it was an omen of impending apocalypse, a ‘calamitous sign in heaven’ or a warning that ‘the sun may, in time … become wholly incrusted’ with spots, ‘so as to plunge us at once into the unutterable darkness that characterized the primitive chaos.’”²⁰ If those fatalistic attitudes sound familiar, it is because their reverberations are felt today — one need only examine responses to photographs of a hellish San Francisco beset by wildfires.²¹ In fact, the parallels with 2020

go deeper. The inclement weather and subsequent failed harvest only led to more strife and destruction as “plague epidemics continued to ravage eastern Europe and much of southwestern Asia.”²² Disease outbreaks were compounded still by outbursts of violence. Europe, North Africa, the Ottoman Empire, New England, and Canada faced a notable uptick in riots, arson, and social unrest.²³

*And War, which for a moment
was no more,
Did glut himself again: a meal
was bought
With blood, and each sullenly apart
Gorging himself in gloom: no
love was left;
All earth was but one thought—
and that was death
Immediate and inglorious*

Few lives, if any, went untouched. Like many who sought warmer climes in the shivery summer of 1816, a ten-year-old boy named Joseph Smith Jr. migrated with his family from Royalton, Vermont to Palmyra, New York, where he would go on to publish the *Book of Mormon* and to found the Church of Jesus Christ of Latter-day Saints.²⁴

18. Zerefos et al., “Further evidence of important.”

19. Klingman and Klingman, *The Year Without a Summer*, 77.

20. Klingman and Klingman, *The Year Without a Summer*, 29.

21. Paul, “Good Morning, Hell.”

22. Fagan, *The Little Ice Age*, 179.

23. Pirages, “Nature, Disease, and Globalization,” 619.

24. Pomeroy, *Origins, Rise, and Progress*, 11.

Meanwhile, an aging, post-presidency Thomas Jefferson “was forced to borrow \$1,000 from his agent, an enormous sum at the time”²⁵ as a result of a meager yield from Monticello corn fields. Across the Atlantic, in Portsmouth, England, a young mother named Elizabeth Dickens gave birth to her second child, Charles. As the boy came of age in the coldest decade in living memory, his childhood experiences would color future tales²⁶ (“It was the best of times, it was the worst of times...”).²⁷ On the European mainland, tinkerer Karl Drais of Germany was inspired. The bitter cold had led to failed harvests, which meant significant shortages of oats for feeding horses. Demand for a new mode of transport was on the rise, and Drais intended to satisfy that demand. After weeks in his workshop, the bicycle was born.²⁸ Perhaps the singular cultural milestone that best captured the zeitgeist of that gloomy season took place during a lakeside vacation to Switzerland. Professor Gillen D’Arcy Wood succinctly summarizes the series of events that have since passed into literary legend:

Mary Godwin (later Mary Shelley), having eloped with her poet-lover Percy Shelley, joins Lord

Byron [and John Polidori] on the shores of Lake Geneva for a summer of love, boating, and Alpine picnics. But the terrible weather forces them inside. They take drugs and fornicate. They grow bored, then kinkily inventive. A ghost story competition is suggested. And boom!²⁹

Mary Shelley wrote *Frankenstein*, often called the first science-fiction novel. John Polidori wrote *The Vampyre*, the first modern vampire story and a direct precursor to 1897’s *Dracula*.³⁰ Lord Byron wrote the narrative poem “Darkness,” eighty-two lines penned in blank verse prophesying the end of the world.³¹ Excerpts from that haunting poem are interspersed throughout this essay.

Housebound by a sunless summer, Shelley, much like the apocryphal doctor of her famous tale, breathed life into Frankenstein’s monster as thunder clapped incessantly overhead. “The thunder storms that visit us are grander and more terrific than I have ever seen before”³² writes Shelley (then Godwin), who, over the course of her stay at Lord Byron’s chalet would come to “share [Percy] Shelley’s ‘enjoyment’ of storms.”³³ Indeed, the very preface of

25. Fagan, *The Little Ice Age*, 177.

26. Fagan, *The Little Ice Age*, 170.

27. Dickens, *Tale of Two Cities*, 1.

28. Hamer, “Brimstone and Bicycles.”

29. Wood, “*Frankenstein*, the Baroness,” 3.

30. Lipman, “The Year Without a Summer,” 23.

31. Byron, “Darkness.”

32. Frayling, *Vampyres: Genesis and Resurrection*, 13.

33. Frayling, *Vampyres: Genesis and Resurrection*, 13.

Frankenstein makes several references to the unusual weather conditions — the “season was cold and rainy”³⁴ and the summer “proved … wet, uncongenial.”³⁵ Wood posits that Shelley’s novel was not only inspired by the unprecedented climate shifts of 1816, but also the plight of the climate refugees who flooded Switzerland during the Tambora period: “Eyewitness accounts frequently refer to how hunger and persecution ‘turned men into beasts,’ how fear of famine and disease-carrying refugees drove middle-class citizens to demonize these suffering masses as sub-human parasites, and turn them away in horror and disgust.”³⁶ Furthermore, Wood suggests an underlying economic commentary serves as the novel’s throughline. The contemptuous treatment of the Creature by affluent families could be interpreted as a critical analogy for the empathy gap between “bourgeois Europeans” and “Tambora’s peasant-army.”³⁷ Two centuries later, the relevance of *Frankenstein* has only magnified.

Dr. John Polidori, a companion of Lord Byron’s, also joined this debaucherous crew of writers. The would-be-poet was a recent medical graduate from the University of Edinburgh with a thesis on “sleepwalking

and mesmeric trances,” so perhaps it is no surprise that his contribution that summer would be the entrancing Lord Ruthven, a Dracula-prototype who made his debut in *The Vampyre*.³⁸ The figure is frightening from the very first page:

There appeared … a nobleman, more remarkable for his singularities than his rank. He gazed upon the mirth around him, as if he could not participate therein. Apparently, the light laughter of the fair only attracted his attention, that he might by a look quell it, and throw fear into those breasts where thoughtlessness reigned.³⁹

To give full credit to Polidori for the character’s creation, however, would be a disservice to Lord Byron. Not only did Byron serve as the real-life inspiration for the undead protagonist, but, in a move that created friction between former friends, Polidori actually adapted *The Vampyre* from an earlier Byron manuscript, much to the original author’s chagrin.⁴⁰ Whatever the exact circumstances behind the story’s origin may be, the archetype that Polidori established would endure well into the 21st century. “The modern vampire,” explains Christopher Frayling, “ar-

34. Shelley, *Frankenstein*, 6.

35. Shelley, *Frankenstein*, 9.

36. Wood, “*Frankenstein*, the Baroness,” 3.

37. Wood, “*Frankenstein*, the Baroness,” 6.

38. Frayling, *Vampyres: Genesis and Resurrection*, 13.

39. Polidori, *The Vampyre*, 27.

40. Frayling, *Vampyres: Genesis and Resurrection*, 27.

rived in the world, fully formed, as a fashionably pallid aristocrat, complete with seductive voice, pouting lips, blue blood and mean, moody and magnificent personality.”⁴¹ In fact, the nobleman status of the modern vampire may have stemmed largely from “mythologies surrounding certain members of the British aristocracy in post-Enlightenment Europe.”⁴² The rumor mill fostered more than a few eyebrow-raising claims regarding the goings-on of the upper-class behind closed doors. Alleged activities ranged from small eccentricities to monstrous proclivities: Sir John Lambert? *I hear the only women who suit his fancy are positively skeletal. And he collects mummified women on his private estate!* MP George Augustus Selwyn? *Public executions are his favorite pastime. In fact, they say the macabre is his only source of sexual gratification!*⁴³ And these scandalous stories were not idle whispers; they were ubiquitous, widely acknowledged and cheekily alluded to by the public. Upon hearing that Selwyn intended to visit, for example, a dying baron once reportedly quipped, “If I am alive, I will be delighted to see Selwyn; and if I am dead, Selwyn will be delighted to see me.”⁴⁴ Lord Byron himself endured his own fair share of sordid gossip.

*Did you hear? He “murdered his mistress and ‘enjoyed drinking her blood, from a cup made of her cranium.’”*⁴⁵ In many ways, then, the birth of the modern vampire was the antithesis to that of Frankenstein’s monster. After all, the Creature served as a stand-in for the misunderstood masses on the lowest rungs of the social ladder. Lord Ruthven, on the other hand, was an amalgamation of the tales the lower classes told to demystify the activities of the wealthy and powerful. Whereas Frankenstein’s monster was a collective manifestation by which the elite could dehumanize the downtrodden, the modern vampire was a means by which the lower classes could demonize the elite.

Two Gothic horror staples, emblematic of their time, laboratory experiment and immortal bloodsucker, were constructed under the very same roof. But 2020 is here, a ghoulish reincarnation of the year 1816, and once again the conditions are right... This year, which Joe Biden labeled a “season of darkness”⁴⁶ is the new “Year Without a Summer.” To recap: In 1816, virulent disease (typhus, cholera) brought the world to its knees.⁴⁷ In 2020, COVID-19 does the same. In 1816, smoke smothered the Earth and induced international climate di-

41. Frayling, *Vampyres: Genesis and Resurrection*, 13.

42. Frayling, *Vampyres: Genesis and Resurrection*, 29.

43. Frayling, *Vampyres: Genesis and Resurrection*, 29.

44. Tillyard, *Aristocrats*, 273.

45. Frayling, *Vampyres: Genesis and Resurrection*, 30.

46. Peoples and Jaffe, “Biden Vows to Defeat”

47. Pirages, “Nature, Disease, and Globalization,” 619.

saster. In 2020, smoke from California wildfires blankets the country and beyond, all while the countdown clock to prevent irreversible manmade climate change may be expiring. In 1816, the “starving poor” and desperate refugees fleeing disease and famine were branded inhuman scavengers by the ruling class.⁴⁸ In 2020, America faces a crisis of empathy as the president compares immigrants to “animals”⁴⁹ and ethnic minorities continue to be “disproportionately affected by COVID-19.”⁵⁰ In 1816, a sizable swathe of the public believed Lord Byron to be a mistress-murdering cannibal. In 2020, bolstered by QAnon conspiracy theorists, a significant chunk of the electorate (and more than a few candidates running for public office) believe Joe Biden to be a Satan-worshipping pedophile.⁵¹ 1816 was known forevermore as the “Year Without a Summer.” This year, too, our summers were stolen from us. Quarantine forced us indoors and sullied hopes of travel and adventure. Our ability to forge new social connections hinged on the strength of our Wi-Fi connections. Anecdotal evidence suggests we even perceive time itself differently, not as active participants so much as outside observers: “The virus has created its own clock, and in coronatime, there

is less demarcation between a day and a week, a weekday and a weekend, the morning and night, the present and the recent past,” writes journalist Arielle Pardes. “The days blend together, the months lurch ahead.”⁵² So 2020 has largely proven summer-less as well. Once again, *the conditions are right*. And one festering question remains: What monsters will emerge from *this* year without a summer?

*And others hurried to and fro, and fed
Their funeral piles with fuel, and look'd up
With mad disquietude on the dull sky,
The pall of a past world; and then again
With curses cast them down upon the dust*

The notion that “2020 is a horror movie”⁵³ — the inevitability, the tragedy, the inability to predict the next plot turn — has become a popular sentiment. One less-discussed but crucial parallel? The proliferation of face masks. They remain a necessary byproduct of the times, but, long before COVID-19, masks were fixtures of the slasher genre, the “minimum dress

48. Wood, “Frankenstein, the Baroness,” 3.

49. Fritze, “Trump Used Words.”

50. CDC, “Health Equity Considerations.”

51. Guynn, “Save the Children?”

52. Pardes, “The Coronavirus Has Warped.”

53. Langmann and Carey, “The Best Horror Movies.”

code for the stalk-and-mutilate set.”⁵⁴ Michael Myers, Jason Voorhees, Ghostface... Watching masked neighbors on a nighttime stroll, their expressions unreadable and intentions unclear, can feel reminiscent enough of *The Purge*⁵⁵ to talk yourself into drawing the blinds. An uptick in “maskaphobia” has become a documented concern in 2020, particularly among children who have not yet fully developed their facial recognition capabilities.⁵⁶ Our fear of masks may well stem from the much-utilized conceptual framework known as the “uncanny valley.” This hypothesis, created in the 1970s, states that objects or creatures that appear *almost* human elicit an unnerving psychological response.⁵⁷ “Creepy dolls, badly animated CG characters, and slow-to-react androids ... dwell at the boundary between an object and a person”⁵⁸ explains psychology Ph.D. candidate Stephanie Lay. The uneasy sensations that masks can provoke operate under the very same principles: “Masks distort the wearer’s appearance, causing him to look strange and unusual. Also, most masks do not feature moving mouths, so when the wearer speaks, the sound appears to come out of nowhere.”⁵⁹

In addition to the sudden face-

lessness 2020 has wrought, another horror movie feature has taken center stage. Mental health has suffered during lockdown, especially among young people, who have reported feelings of acute claustrophobia, of being prisoners in their own homes.⁶⁰ In 1816, Mary Shelley must have felt much the same way. According to the preface of *Frankenstein*, during their fateful vacation to Lake Geneva, “incessant rain often confined [them] for days to the house.”⁶¹ The peculiar conditions of that summer might have put a damper on their sightseeing plans, but confinement indoors clearly awoke an impulse to write. Lord Byron believed that their circumstances “might stimulate them all to ‘find room/And food for meditation, nor pass by/Much, that may give us pause, if pondered fittingly.’”⁶² One wonders if the interminable quarantine of 2020 could present the same opportunity — an inadvertent and unconventional writer’s paradise. The hours spent trapped in our bedrooms might give us a chance to ruminante on the moment we are all living through and the fears that this year has unearthed. It is not difficult to imagine that the next great, era-defining monster might have been typed on a laptop in a hell-

54. Lyne, “The Purge: Anarchy.”

55. DeMonaco, *The Purge*.

56. Klass, “Children May Be Afraid.”

57. Mori, MacDorman, and Kageki, “The Uncanny Valley.”

58. Herman, “The 10 Scariest Movies.”

59. Fritscher, “Tips for Dealing.”

60. Pierre-Bravo, “‘Untethered,’ ‘Claustrophobic,’ and ‘Stressed.’”

61. Shelley, *Frankenstein*, 9.

62. Frayling, *Vampyres: Genesis and Resurrection*, 18.

ish San Francisco beset by wildfires or scribbled on a napkin during the unrest in Kenosha. Horror films, and monster movies in particular, can be revelatory regarding the anxieties of a period: “King Kong? A metaphor for the Great Depression or the threat of the black man to white social norms. Godzilla? A Japanese reaction to the devastation of the bomb. And the vampires haunting us of late? A coded response to the trauma of AIDS.”⁶³ As previously outlined, creepy cornerstones of the genre like Frankenstein and Dracula also came about as a result of social commentary. Regardless of the form it ultimately adopts, and though it may well be *inspired* by nightmares of the past, the incipient Monster of 2020 will assuredly be a product of the present.

Contemporary trends in horror offer glimpses of the frights to come, and examining the direction in which the genre is headed may give us hints as to what the Monster of 2020 may have in store. When discussing individuals who have made the most significant impact on the genre in recent years, one name rises above the fray: Jordan Peele. His landmark achievement in 2017’s *Get Out* went beyond Black representation; the film served as a catalyst for a new outpouring of what has been dubbed “social horror.” In the vein of *The Stepford Wives* or

The Twilight Zone (a television show which Peele helped reboot in 2019), the director used the exaggerative nature of thrillers to isolate “one aspect [of society] until it turns nightmarish.”⁶⁴ In *Get Out*, the Armitages — a white, liberal family — kidnap Black people in order to transplant their brains with those of eager Caucasian applicants.⁶⁵ The entire sinister operation serves as an extended allegory for the way that “Black bodies are attacked, commodified, and endlessly appropriated in American society. They’re targeted by police violence, while also being used as background props in the music videos of white pop stars.”⁶⁶ In 2020, with the spotlight on the Black Lives Matter movement, another of *Get Out*’s metaphors has regained prominence — as a hashtag, as a rallying cry, and as a shared experience. The matriarch of the Armitage family, a hypnotist, uses her powers to trap the protagonist in an endless mental abyss known as the ‘Sunken Place.’ While speaking to a class at UCLA in 2018, Peele outlined his intentions behind the image:

The Sunken Place is something that exists not just for Black people, but for women, for our Latino brothers and sisters, for any marginalised group that gets told not to say what they’re experiencing ... It’s the system. It’s all

63. Dewan, “Do Horror Films Filter?”

64. Loughrey, “How Jordan Peele Is.”

65. Peele, *Get Out*.

66. Loughrey, “How Jordan Peele Is.”

these cogs in the wheel that sort of keep us where we are ... It is the silencing. It's the taking away of our expression, of our art. It's the very fact that this movie has never been made before.⁶⁷

Now that *Get Out* has opened the floodgates, the film has given license for horror to delve into serious socio-political themes. Like the Creature of *Frankenstein*, the nameless Monster of 2020 will not only be a reflection of our primal fears, but a manifestation of complex, modern issues.

*Then they lifted up
Their eyes as it grew lighter, and
beheld
Each other's aspects—saw, and
shriek'd, and died—
Even of their mutual hideousness
they died,
Unknowing who he was upon
whose brow
Famine had written Fiend*

In the last few years, a surge of psychological, cosmic horror films have gained in popularity:⁶⁸ In *Annihilation* (2018), the military employs a band of scientist-explorers to venture into an expanding zone of otherworldly muta-

tions triggered by an abnormal meteor strike.⁶⁹ In *The Lighthouse* (2019), a pair of stranded lighthouse keepers slowly siphon away their sanity as the world begins to unravel around them.⁷⁰ In *Underwater* (2020), a group of drillers at the bottom of the ocean awaken a horrifying creature from a bygone era.⁷¹ The major name behind this resurgence is controversial but undeniably influential 1930s horror writer H.P. Lovecraft.⁷² What makes the Lovecraftian brand of terror so unique is the fact that his monsters personify existential dread. The cosmic horrors that populate his stories are physical reminders of the infinitesimal minuteness and relative insignificance of mankind.⁷³ In reference to the aforementioned film *Annihilation*, film critic Kyle Anderson writes that “[i]t’s the kind of terror that can’t be quantified by monsters or jump scares, but by the breakdown of humanity through a revelation from outside our perception.”⁷⁴ Despite Lovecraft’s prolific bibliography, Hollywood historically has not been very keen to adapt his works, some going as far as to brand his writing “unfilmable.” After all, “most of the horror of his stories come from what is *not* seen.”⁷⁵ An indie Nicholas Cage flick,

67. Tananarive Due. “Jordan Peele discusses.”

68. Navarro, “Elder Gods Are Coming.”

69. Garland, *Annihilation*.

70. Eggers, *The Lighthouse*.

71. Eubank, *Underwater*.

72. Housman, “Color Out Of Space.”

73. Ralickas, “‘Cosmic Horror.’”

74. Anderson, “*Annihilation* is a Scary.”

75. Reimann, “Hollywood Has a Lovecraft,” emphasis added.

Color Out of Space, recently attempted the impossible with a direct adaptation of a Lovecraft tale, and the movie was met with some acclaim.⁷⁶ It seems only natural that the cosmic horror of Lovecraft would define this moment; the current anxieties that plague the public consciousness — whether they be the pandemic, climate change, or the destruction of democratic norms — are at their core *existential* threats. And this pervading fear of doomsday is universal: “Apocalypse is a flexible script,” explained Williams College religion professor Jacqueline Hidalgo earlier this year. “A sense of shared external evil can really bring folks together.”⁷⁷ And stimulate box office sales, she might have added.

These two modern horror trends — social commentary and cosmic terror — conceived a brilliant lovechild with HBO’s *Lovecraft Country*.⁷⁸ The new show (produced by Jordan Peele) premiered in August 2020. It follows the Freemens, a Black family in the 1950s, as they embark on a dangerous cross country road trip. The threats that test them every step of the way are two-fold, as the family must “overcome both the racist terrors of white America and the terrifying monsters that could be ripped from a Lovecraft paperback.”⁷⁹ H.P. Lovecraft, it should be noted, is in-

famous for the bigotry and racism that undergirded much of his work, a blight on the history of American horror that *Lovecraft Country* addresses head-on. The juxtaposition is clever; it is also wildly effective. In the very first episode, the tension created when Sheriff Eustice Hunt corners the Freemens with a barricade of squad cars reaches such a fever pitch that the arrival of the flesh-eating shoggoths seems almost an afterthought. Indeed, in *Lovecraft Country*, it is the *human* factor that again and again proves more horrifying than anything supernatural the showrunners throw at the viewer. The dynamic established by the show brings to mind a salient line from Shelley’s *Frankenstein*: “As the Creature himself puts it, he suffered first ‘from the inclemency of the season,’ but ‘still more from the barbarity of man.’⁸⁰ And as film professor Catherine Zimmer reminds us about the uncanny valley, “A horror movie ‘monster’ represents the repressed elements of an average human being, and this is why they are unsettling. There has to be enough that is identifiable or relatable about a monster to make it truly disturbing.”⁸¹ A monster with glints of recognizable humanity sends off psychological alarm bells. And if *Lovecraft Country* might be distilled to a single thesis, it is this: A

76. Stanley, *Color Out of Space*.

77. Dias, “The Apocalypse as an ‘Unveiling.’”

78. Green, *Lovecraft Country*.

79. Kreps, “‘Lovecraft Country.’”

80. Wood, “*Frankenstein*, the Baroness,” 3.

81. Herman, “The 10 Scariest Movies.”

human being with monstrous tendencies accomplishes the very same task. So the Monster of 2020 will not be entirely alien. In fact, it will be terrifying in its *familiarity*.

In the summer of 2020, author Max Brooks released his new book, *Devolution: A Firsthand Account of the Rainier Sasquatch Massacre*. Brooks is the son of celebrated humorist Mel Brooks, and, like Jordan Peele, no one would have batted an eye if he devoted his entire life to comedy. But, like Peele, Brooks gravitated toward horror. He first made waves with his book *World War Z: An Oral History of the Zombie War*,⁸² and his latest story reimagines Bigfoot in a gritty, grounded, terrifying way.⁸³ As a tribe of savage Sasquatch systematically hunts down the residents of a small, isolated eco-community, the same mantra is repeated throughout the novel: “Adversity introduces us to ourselves.”⁸⁴ The quote, originally attributed to Albert Einstein, continually reinforces itself as the story progresses. In the face of catastrophe and extermination, the cocksure become cowards and the meek prove resilient and resourceful. So what has 2020’s adversity told us about ourselves? The results are in, and the outlook is dismal. iPhone

footage of customers refusing to abide by face mask policies, “going ballistic in Trader Joe’s” or “terrorizing bagel shop patrons,”⁸⁵ has inundated YouTube and Twitter. Reports of “COVID parties” have surfaced, in which guests “gather at a location with a ‘host’ who is infected, pooling their money into a collective pot, with the payout going to whomever is the first to become infected.”⁸⁶ Members of the public continue to look for scapegoats for the pandemic to the point where the FBI had to issue a general warning “of a potential surge in bias-based attacks on Asian Americans.”⁸⁷ COVID-19 has brought to light some of the worst of humanity, releasing our inner demons and banishing our better angels.

It is a hackneyed idea, but it bears repeating here: “Knowledge is knowing that Frankenstein is not the monster. Wisdom is knowing that Frankenstein is the monster.” The first sentence is simple enough. Pedants jump at the opportunity to make the correction — “Frankenstein is the name of the *inventor*, doofus!” But language has evolved, and now the name “Frankenstein” is synonymous with creator and creation alike.⁸⁸ The second sentence, however, reframes the narrative. Victor Franken-

82. Commentators have also observed many similarities between the Zombie plague in *World War Z* and the Coronavirus Pandemic. Both originate in China but strike most seriously in the United States after a government-facilitated misinformation campaign creates a false sense of security.

83. Brooks, “About the Author.”

84. Brooks, *Devolution*.

85. Abad-Santos, “The Appeal and Futility.”

86. Smolinski, “The Coronavirus Pandemic.”

87. Wang, “Let’s Stop the Scapegoating.”

88. Garner, “Frankenstein.”

stein, in fact, *is* the monster in the less literal sense of the word. The doctor devotes himself to animating dead matter; when the deed is done, he neglects and reviles his grotesque-but-innocent child. The doctor is human to a fault — in his hubris, his selfishness, and his moral bankruptcy. Professor Gillen D'Arcy Wood concludes his piece on *Frankenstein* as an allegory for climate refugees with a stark reminder that humanity continues to fail to confront global warming, asserting that “we are all of us Doctor Frankensteins.”⁸⁹ As of late, this notion is echoed everywhere. Jordan Peele, for example, explains that his films attempt to tackle “this human monster, this societal monster. And *the villain is us.*”⁹⁰ Another horror movie trope: The protagonist stares into a mirror, conveniently ignorant of the fact that, just over their shoulder, a slobbering beast is poised to pounce. In much the same way, 2020 has held up a mirror to humanity. And in this case, there is no need to glance over our shoulder. The monster is staring right back at us.

*Ships sailorless lay rotting on the sea,
And their masts fell down piece-meal: as they dropp'd
They slept on the abyss without a surge—
The waves were dead; the tides*

*were in their grave,
The moon, their mistress, had
expir'd before;
The winds were wither'd in the
stagnant air,
And the clouds perish'd; Dark-
ness had no need
Of aid from them—She was the
Universe.*

Here in Virginia, the rain has slowed to a drizzle. We are growing hungry, and Owen the Blacksmith kindly gives us a recommendation for a cheap Chinese takeout restaurant. I glance around for a moment. The four of us have spent the last few hours writing together in silence. Our rental house in Colonial Williamsburg is no chalet on Lake Geneva. None of us can hope to be as moody or eccentric or erotic as Lord Byron and his gaggle of writers. The storm outside will never be as intense or invigorating at those encountered during the summer of 1816. The occupants of our writing enclave are not always particularly productive, and our efforts do not always bear fruit. Right now, I take comfort in the fact we simply inspire one another to get out of the bed in the morning. Outside, lightning flashes in the distance. Thunder claps. To paraphrase a famous misquote⁹¹ from a certain fictional scientist... We're alive. We're alive! WE'RE ALIVE!

89. Wood, “*Frankenstein*, the Baroness,” 6.

90. Loughrey, “How Jordan Peele Is,” emphasis added.

91. “*Frankenstein*, John Boles Quotes.”

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Book Review: Everything In Its Path

By Thomas Brodey '22

Published in 1976, Kai Erikson's Everything in its Path: Destruction of Community in the Buffalo Creek Flood has gained new relevance as a lens for understanding the social ramifications of contemporary catastrophes through its analysis of the aftermath of a devastating 1972 flood in West Virginia. As we close out our meditation on catastrophe, Editor-in-Chief Thomas Brodey leaves us with a retrospective review, giving us key insights as to how we might keep our minds conscious to the ever-present possibility of catastrophe.

On February 26, 1972, an enormous flood of water and coal slurry swept down into Buffalo Creek, a small hollow nestled into the mountains of West Virginia. Over a hundred people were killed, and nearly all the homes in Buffalo Creek were destroyed or swept away, leaving a barren and hellish landscape, and about five thousand stunned inhabitants, whose entire existence had been swept away by the catastrophe.

In 1976, sociologist Kai Erikson pu-

blished Everything in Its Path, a sociological study of the Buffalo Creek catastrophe and its aftermath. Erikson had spent many months living with the struggling survivors and collecting their impressions and reactions. The book Erikson eventually produced turns these recollections into a moving and intimate description of how catastrophe not only causes material damage, but destroys the very fabric of society.

Since its publication, Erikson's

work has been a classic of disaster sociology, but like all great humanistic inquiry, it can be reinterpreted in the context of current events. The COVID-19 pandemic has created chaos and destruction on a scale far greater than that experienced at Buffalo Creek, yet by re-examining the small, isolated disaster, we can gain greater perspective on the effects of our own global catastrophe.

The Buffalo Creek Flood was a catastrophe on both material and psychological terms. Yet although the refugees soon received housing and aid from government officials, the trauma of the event lingered. Erikson reports that an estimated 93% of the survivors suffered from an identifiable emotional disorder, be it depression, PTSD, or some other affliction.

Erikson identifies two sorts of trauma to come out of the disaster. First, the individual trauma, from individuals unable to fully come to terms with the disaster. Even years after the event, Erikson describes individuals unable to sleep easy at night. “I have the feeling that every time it comes a storm [sic] it’s a natural thing for it to flood,” said one survivor.

But the more damaging and indirect form of trauma came from what Erikson calls collective trauma. Buffalo Creek had been a tight-knit group of friends, neighbors, and family. Yet though most of the individuals survived the disaster, the community did not. Even those who did not leave the devastated area felt as though they had traveled a thousand miles away. As one survivor put it, “You can’t go next door and talk. People can’t do that

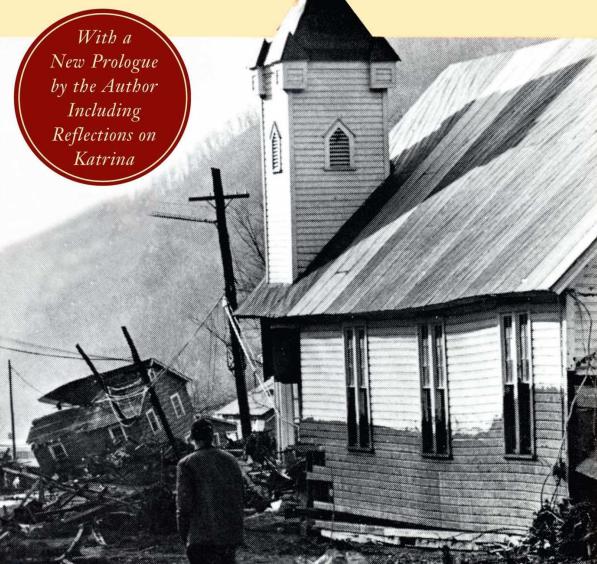
no more, there’s no next door. You can’t laugh with friends … the people that is there [sic] are so busy trying to put back what they have lost.”

In a sense, the real catastrophe of Buffalo Creek was not the flood, but the subsequent disintegration of the community. The subtitle of Erikson’s book, “Destruction of Community in the Buffalo Creek Flood” speaks to the intangible, rather than material, casualties of the disaster.

At the end of his book, Erikson notes

“A tour de force . . . a triumph of contemporary understanding.”
—The New York Times Book Review

EVERYTHING IN ITS PATH



KAI T. ERIKSON *Winner of the Sorokin Award*

Everything in its Path was first published in 1976, quickly becoming a National Book Award finalist. It was subsequently republished multiple times.

that in the context of disasters, “each historical age has its own particular problems and poses its own particular strains on the human nervous system.” The problems faced by Americans in the COVID-19 pandemic are certainly very different from those faced by the inhabitants of Buffalo Creek, but to a modern reader, Erikson’s portrait provides strikingly familiar story.

Despite the enormous death toll from COVID-19, much of America remains isolated within pods and family units, and the direct devastation of the virus remains an abstract concept to many. Yet those who have not lost family or friends to the virus must still suffer the collective trauma of the event. Isolation and distancing have saved many lives, but they also caused an epidemic of loneliness and dislocation. That collective trauma is not always easy to identify, but its effect is obvious.

People in Buffalo Creek dealt with very similar feelings. “My old home is gone and I couldn’t tell you where it used to be. I don’t know where any of my friends are now. I never see anyone anymore,” said one resident. Many people have expressed feelings of time rushing forward with little change to mark its passage. That sort of feeling may have something to do with the boredom of quarantine, but it also is connected with the dislocation caused by collective trauma. “I can remember back from 1932 up until 1972 much plainer than I can the past two years.... In the past two years, there’ve been weeks or months gone by, and I don’t know where they went, what I’ve done, or what’s hap-

pened to them.”

Perhaps the most peculiar feature of the pandemic has been the passivity it causes. In times of great crisis, people often expect to be called upon to do their utmost to help resolve the problem. In this case, most people are told that the best thing they can do is to do... nothing. They should go home, stop seeing people, and avoid unnecessary contact with the world. That expectation of passivity has led to a certain amount of lethargy on the part of many Americans.

That lethargy, however, is often a natural result of collective trauma. Although Erikson cites many stories of survivors rallying and spurring themselves on to recovery, he notes that the inhabitants of Buffalo Creek played little role in the rebuilding effort. Rather, they remained bystanders to their own reconstruction. One inhabitant noted, “Practically everyone seems despondent and undecided, as if we’re waiting for something and did not know what.”

Too often, observers see disasters as purely physical events which appear and vanish with equal speed. Yet Erikson’s book shows us that often, catastrophes are a long, agonizing process, where trauma outweighs physical destruction, and there is no clear resolution. The COVID-19 pandemic is in the process of teaching us the same lesson. If we are to take anything from Everything in its Path, it is that the end of the COVID-19 catastrophe will come not with the vaccine or the eradication of the virtus, but when we have successfully repaired the fabric of our society.

The Amherst Dialectic