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The Pi Sigma Alpha Undergraduate Journal of Politics

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Editor's Preface to the Centennial Celebration Issue

This issue celebrates the Centennial celebration of Pi Sigma Alpha and marks the twentieth issue of the *Pi Sigma Alpha Undergraduate Journal of Politics*. The inaugural issue of which was published in the Spring of 2001 by the Delta Omega Chapter at Purdue University, under the name *The American Undergraduate Journal of Politics and Government*. With the sponsorship of the national office, the name of the Journal was changed to the *Pi Sigma Alpha Undergraduate Journal of Politics* with the fall 2004 issue. Since its development in 2001, the Journal has published 153 articles across all subfields of Political Science.

This issue offers a look back at the most influential articles published in the Journal during its twenty-year existence. To identify these manuscripts, the Fall 2019 and Spring 2020 Editorial Board members evaluated every manuscript published on criteria including:

a) if the research addressed a "big question,"

b) the topic or issue examined is still relevant to Political Science today,

c) if the research expanding existing knowledge within the discipline,

d) if the research contributed to real-world solutions,

e) if the research was methodologically rigorous, and

f) if the findings were "high impact" at the time of publication.

The manuscripts assembled in this special Centennial Edition of the Journal are accompanied by commentary from the authors of the top twelve selected articles. The authors provided brief remarks addressing such issues as to why they conducted their research as an undergraduate student, and why they feel that their research was the most influential among the manuscripts published in the Journal. The authors also provide insight into the importance of undergraduate research, as well as the positive impact undergraduate research can have on one's career and life.

Arranged in chronological order of publication, these papers include impelling and important topics at the time of publication that remain relevant today. The publications were completed by a range of professionals still working in the Political Science sphere, including professors, lawyers, and foreign policy analysts. Together the articles and commentaries are meant to inspire undergraduates to conduct research and seek to publish their own work. This edition also highlights the unique platform that the Pi Sigma Alpha Undergraduate Journal of Politics offers to undergraduate students to be published and achieve great things in their post-undergraduate career.

The Centennial Editor, Brooke Hebb

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The Centennial Issue Editor

Brooke Hebb is the Editor of the 2020 Centennial Celebration Issue of the *Pi Sigma Alpha Undergraduate Journal of Politics*. She has been a member of Pi Sigma Alpha for nearly two years and served as the Treasurer of Oakland University's Pi Sigma Alpha Nu Omega Chapter from 2019-2020. She also served on the Editorial Board of the *Pi Sigma Alpha Journal* in 2019 and 2020. In Spring 2020, Brooke graduated from Oakland University, where she studied International Relations and Spanish Language. Brooke has always been passionate about research, international issues, and government. She began her undergraduate career focusing on issues surrounding the Taliban in Afghanistan, then went on to research topics on the environment and human rights. Most notably, Brooke presented her paper on the weakening of anti-torture norms at the 2019 International Studies Association-Midwest conference. She also recently completed her Honors Thesis on why states decide to engage in hydraulic fracking. In addition to her research accomplishments, Brooke works in the immigration sphere. She has worked at the Mexican Consulate in Detroit on a multitude of immigration issues and currently works as a Legal Assistant for employment-based immigration. She is an aspiring graduate school student and Foreign Service Officer.

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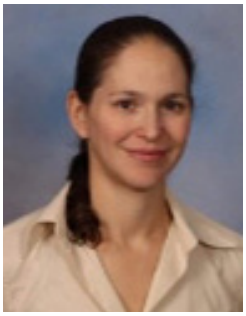
Author Biographies and Commentary

William Adler, Associate Professor of Political Science, Northeastern Illinois University, Chicago:

I completed my undergraduate work at Yeshiva University, where I majored in Political Science with a minor in Economics and graduated in 2001. Shortly thereafter, I began my graduate studies at the City University of New York Graduate Center, where I completed my Master's degree in 2007 and my Ph.D. in 2011, with a concentration in American Politics and a secondary concentration in Public Policy. Following that, I held visiting positions at Hunter College and Yeshiva University and then a two-year stint as the Patrick Henry Postdoctoral Fellow at Johns Hopkins University

The project that culminated in the article reprinted here began during a seminar course in globalization during my senior year at Yeshiva University. I became interested in religious fundamentalism because of both my Judaic studies at Yeshiva as well as economics minor. My research for this article was unique in that it combined several disparate areas, including material from religious studies as well as economics. The subject of religious fundamentalism attained more importance after the 9/11 attacks and may have contributed to the continued relevance of this work. This article was important to my career as it sparked my desire to conduct further research in the field of Political Science and taught me how the process of publishing could work. I also believe that it assisted my entrance into graduate school. Undergraduate research is quite important for the students who engage in it, as it provides them their first taste of how to conduct research. Even those who are not planning a career in academia benefit from the process of learning—how to do research and how to write - both of which are skills necessary for any career they will choose.



Darya V. Pollak, Intellectual Property and Corporate Attorney, LA, California:

I earned a Bachelor's degree in Spanish Language and Political Science, Magna Cum Laude from Rice University. I spent a year as a Thomas J. Watson Fellow conducting independent research in South America. I have a J.D. from the University of California, Los Angeles School of Law, where I was a member of the Law Review and Order of the Coif. I undertook this research reprinted here because I wanted the opportunity to bring together my interests in Spanish Language and Political Science and work independently and in-depth on a project. I had enjoyed taking courses from my faculty advisor, Dr. John Alford, so I was excited to work with him to develop a research question and design. By conducting this research, submitting my paper for publication (thank you, Dr. Alford, for encouraging me to submit!), and presenting my paper at the Southwestern Political Science Association conference, I was introduced to an important part of what a career in academia would entail. Ultimately, I decided to pursue a different career path, but in law school, it was only natural for me to conduct independent research, write an academic article, and go through the publication process. For many students, undergraduate research is the first time they have the opportunity to dive deeply into a topic of their choosing. It is also a helpful preview of and springboard to a possible career in academia. I think this article was selected for this issue because questions around political participation among under-represented groups repeat in American politics. When the group whose participation is sought identifies itself in part by language, the use of that language by political campaigns takes on prominent roles as a signifier, both to group members and those outside the group. My research highlighted these recurring questions in the context of a growing part of the U.S. electorate.

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Author Biographies and Commentary, *cont'd*

Marc Dotson, Assistant Professor of Marketing, Brigham Young University Marriott School of Business:

I graduated with a Bachelor's degree from Southern Utah University in 2008, an MSc from The London School of Economics and Political Science in 2009, and a Ph.D. from The Ohio State University in 2016. My research interests include Bayesian inference, predictive modeling, consumer preference heterogeneity, and unstructured data. Presently, I teach undergraduate marketing analytics. As an undergraduate student, I studied journalism and international relations. In the beginning, I focused more on the former. However, as I continued to study, I leaned more and more toward the latter. This metamorphosis resulted from slowly appreciating the complexity of the topics in which I was interested.. The causes of September 11, the role of globalization in unrest and prosperity, the policies that might result in a better future — these issues require more thought, and rigor than reporting alone can provide. This was my inspiration for undergraduate research. It was during this undergraduate research that I began to appreciate the place and importance of quantitative methods. While my career has focused on more micro-level policy interests, the interest in quantitative methods that began to germinate with this undergraduate research was a key motivation in my pursuit of mastering Bayesian inference and predictive modeling. Undergraduate research is important because I am a firm believer in "learning by doing." This belief is not just a pedagogical philosophy—there are things you can only learn by doing. Undergraduate research is essential in that it provides interested students with an opportunity to swim in deep waters and learn something about the difficulties of understanding complicated topics in a way that a course assignment simply cannot replicate.

Jonathan T. Menitove, Litigator, Simpson Thacher & Bartlett LLP, New York:

Following the completion of my undergraduate studies in political science at Yale, I attended the Harvard Law School and clerked for a federal judge. My analysis of factors that influence the success of a congressional challenge to a presidential veto was largely the result of strong support and encouragement from two of my political science professors: David R. Mayhew and John Lapinski. Professor Mayhew was the best professor I had in college—a legendary tour de force of American politics, who combined an effortless way of explaining things with his encyclopedic knowledge and good humor. Professor Lapinski pushed me to try new ways of exploring my interest in the interplay between the political branches of government, encouraging me to learn new statistical methods and software to analyze issues in a way I never had previously. Working on this paper reprinted here with Professors Mayhew and Lapinski challenged me to develop my skills working with data and statistical analyses, and today, as a litigator, I frequently leverage these skills, analyzing expert reports and damages models. I will fondly remember working on this paper, as it ultimately became a capstone project for my study of political science as an undergraduate. This research gave me a chance to couple various theories I had studied with different research techniques and present a new idea on how to understand the interplay between the legislative and executive branches. I will always value this experience both personally and professionally. I truly appreciate the opportunity to be part of Pi Sigma Alpha's Centennial Edition.

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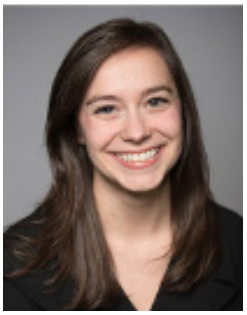
Author Biographies and Commentary, *cont'd*

George Ashenmacher, Intellectual Property and Technology Attorney, Robins Kaplan LLP, Minneapolis, Minnesota:

I attended Saint John's University in Collegeville, graduating with a Bachelor's in Political Science in 2011. Then, I committed to a year of service with AmeriCorps, working at the United Way of Greater Duluth, Minnesota, to assist in connecting various non-profits with people who wanted to volunteer. AmeriCorps was a great way to get some real-world experience before heading back to school to attend the University of Minnesota Law School. I graduated in 2015 with a dual degree, also obtaining an M.A. in Mass Communications from the University of Minnesota School of Journalism & Mass Communication. The research reprinted in this issue was part of an advanced political science class. Still, I was also inspired by my classmates and professors at Saint John's to challenge myself and to contribute to a scholarly dialogue by conducting my own research. Publishing my research helped give me confidence going forward, and inspired me to continue to write about topics I care about and improve my writing. Having work published also likely helped me gain admission to a good law school and inspired my research work once in law school. Undergraduate research requires students to develop writing and critical thinking skills that are highly valuable later on in life and work. It also pushes students to try to think of something that is original or that helps drive a research area forward, which is an advanced skill for any undergraduate to acquire. My research republished in this issue synthesizes various sources, including scholarly articles, news stories, and legal opinions, that all weighed in on how terrorists should be defined in international law.



Kate Walker, Lower School French Instructor, Atlanta, Georgia:

I attended Samford University and graduated with a Bachelor of Arts Fellows in French and Political Science. In 2017, I graduated from Southern Oregon University's Summer Language Institute with a Masters in French Language Education. I was inspired to conduct my research by one of my Political Science professors. I had taken a series of classes he offered, all developed around the theme of Nationalism. His passion for his topic and his research was contagious, and I found myself thinking: "I need to know more." Therefore, I undertook my research and found the experience to be incredibly rewarding. The critical thinking and collaborative skills developed and honed during the research process I use in the day-to-day process of creating and developing lessons. My undergraduate research laid a very firm foundation for further research in my Master's program. I was already familiar with the process, which I believe made for better quality research. I believe the deep thinking and critical thinking skills involved in research are essential in both school and a career. Moreover, the process of conducting research helps us to understand other scholars' research better—the work involved, the way studies are designed, etc. However, one of the greatest benefits of undergraduate research is the space it creates for one-on-one mentorship. The discussions with my advising professor birthed deep understandings of the topic, as well as a greater passion for the subject. I believe my manuscript was selected for this issue because separatist movements span the globe continue to be prevalent in today's political climate. From movements in South Asia to cultural groups in Europe—even Brexit can be seen as a type of separatist movement—the pervasiveness of separatist movements demonstrate that research on this topic is continually necessary. The issue at the very heart of separatist movements is a universal one: identity. A group of people feels that their collective identity and thus, their rights have not been acknowledged. While this research focuses specifically on France, the themes apply to a much wider audience.

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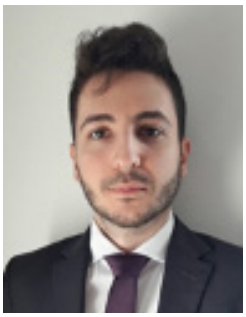
Author Biographies and Commentary, *cont'd*

Pauline Syrnik, Legal Aid Society Fellow, Criminal Appeals Bureau, New York:

I graduated from Yale Law School. While an undergraduate, I studied political science and became interested in criminal justice reform after I observed the racial and classist injustice perpetuated by the juvenile justice system. During this time, I also became critical of the narrative surrounding Guantanamo, America's most infamous prison camp, which is notorious for its exceptionalism and lawlessness. It became clear to me that many of the examples cited for Guantanamo's exceptionalism also existed within America's domestic prisons, especially maximum-security prisons, which led me to write and publish my undergraduate thesis on the topic. The themes in this paper are still relevant today, as courts and the prison system still legitimize inhumane practices through preventive rationales and the administrative state. My passion for research has only grown since graduating undergrad, as I have conducted research on police accountability and legitimacy, solitary confinement, death penalty exonerations, and juvenile sentencing. I am now able to use the skills and knowledge gained from my research and writing to actualize real change in the criminal justice system and advocate for those marginalized and dehumanized by it.

Allison Kim, Associate Attorney, Cleary Gottlieb Steen & Hamilton, New York:

I attended Georgetown University's Walsh School of Foreign Service for my undergraduate degree. Then Columbia Law School for my J.D. I was inspired to pursue my research by a professor for whom I was employed as a research assistant. At the same time, my studies had been oriented separately around both North and South Korea, and my topic seemed like a good way to consolidate my learning in both fields. The pursuit of my research project allowed me to develop certain skills that remain relevant to my career. Learning how to pursue a singular, novel question teaches valuable and transferable research skills. I also had multiple opportunities to present on my research following publication, including at the Pi Sigma Alpha research conference. Undergraduate research is important because it teaches you how to think through and solve problems, as well as how to leverage and sift through the large bodies of knowledge that already exist. These are both valuable skills, and I have found both to be transferable to several fields, including my own. I hope that my research reprinted in this issue helped establish a stronger picture of how political discourse changed throughout South Korean history, as well as developing our understanding of how political discourse moves as a general matter.



Gianmarco Capati, Country Risk Analyst, Fitch Solutions, Sub-Saharan Africa Team

I am currently a Country Risk Analyst in the Sub-Saharan Africa team of Fitch Solutions, a leading international research firm. After obtaining a Bachelor's degree in International Affairs from John Cabot University, I pursued further study at postgraduate level, completing an M.A. programme in International Political Economy at King's College London. What inspired me to conduct undergraduate research was my desire to understand how the world works and my preference for writing as a means to express my ideas. Besides being the best way of gaining knowledge of a topic, undergraduate research allows students to sharpen their logic and learn how to defend their views through the systematic use of evidence—skills theory will find very useful in life. This publication impressed my current employer during the recruitment process, and I can confidently say that what I have learned from the peer-reviewed edits

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Author Biographies and Commentary, *cont'd*

with the Journal still makes me a better analyst and writer today. The contribution of my article on Egypt's "failed revolution" was to provide an alternative explanation of democratization within the complex and dense literature on the subject — one that emphasised the role of context and social norms more than institutions. The way it challenges prevailing accounts of democracy is what I think made the article impactful enough to be chosen for this edition.

Elizabeth Bailey, Graduate Student, International Relations, New York University:

I graduated from Mary Baldwin University in 2017, where I received a Bachelor's degree with distinction in Political Science, with minors in Economics and Religious Studies. Since 2017, I have been a Research Executive at survey research company ORB International, where I have worked on quantitative and qualitative studies in Africa, Asia, the Middle East, and Central America. In Fall 2020, I will be attending New York University to pursue an M.A. in International Relations; I then plan to pursue a Ph.D. in Comparative Politics and International Relations. I have always had a passion for research and data and was lucky to attend a university that supported students in writing a research-heavy undergraduate thesis. An internship inspired my manuscript topic, where I spent three months working with Hands Along the Nile Development Services, an excellent non-profit dedicated to supporting disadvantaged groups in Egypt, Morocco, and Tunisia. I believe the importance of this research has only become more clear in the few years since my article was originally published, as we see the paths of the countries of study diverging ever-more. I cannot understate the impact that conducting undergraduate research had on me. In addition to being a published writing sample I could show to employers, it prepared me more than anything else in undergrad for skills required to work in the field. Undergraduate research teaches hard skills with data programs and how to find and use sources, but so do classes. What typical classes prepare you for less is the self-motivation and independence required to focus intensely on a single topic and take it from proposal to completion across months of work. While this is an especially valuable experience for those who intend to work in academic or private research, I think it is an experience that can bring tremendous value to all undergraduate students.

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The Economics Of Fundamentalism In The Globalization Era

WILLIAM ADLER

Yeshiva University

Though globalization has established itself as a dominant trend of the twentieth century, the last hundred years also witnessed another phenomenon, the rise of religious fundamentalism. Among the most important implications of each of these trends are economic developments: both globalization and fundamentalism promote definitive economic philosophies, often manifestly in opposition to one another. This paper will focus primarily on the economic ramifications of fundamentalism and attempt to determine the extent to which globalization aids or impedes fundamentalist economic policies. As a secondary objective, this paper assesses the impact of economic globalization on fundamentalist ideologies and regimes. The forthcoming analysis concludes that while fundamentalist economic policies have significantly influenced specific regions—namely the states in which they have been instituted—they have had little impact on the global economy. Furthermore, recent trends in many fundamentalist states lean toward liberalization.

Introduction

While religion has long been a cornerstone of society, the twentieth century witnessed the rise of a new phenomenon, religious fundamentalism. While influencing many aspects of social and political life, one of the most prominent implications of the fundamentalist phenomenon is its economic policy. This paper focuses primarily on the economic ramifications of fundamentalism and attempts to determine the extent to which globalization aids or impedes fundamentalist economic policies. A secondary objective will be to assess how economic globalization will affect fundamentalist ideologies and regimes. The forthcoming analysis concludes that while fundamentalist economic policies have significantly affected specific regions—namely the states in which they have been instituted—they have had little impact on the global economy. Furthermore, recent trends in many fundamentalist states lean toward liberalization.

Defining Fundamentalism

It is difficult to precisely define "fundamentalism," as the exact boundaries of the term vary widely among notable scholars. For the purposes of this analysis, we shall adopt the definition of Samuel Heilbron and Menachem Friedman: fundamentalists fight militantly against perceived threats to their traditional identity, fight for a certain worldview, fight with selective resources that support their cause, fight against others, such as the infidel or the secular, and fight under God.[1] Islamic fundamentalism, for instance, represents the paradigm example of a fundamentalist movement: its adherents consider Western values to be inimical to their traditions, want to spread their ideology to fellow Muslims, quote only from the parts of the *Koran* that support their agenda, oppose secularism and regard themselves as the agents of God on earth.[2]

Many theorists consider religious fundamentalism an essentially anti-Western, anti-American phenomenon. Accepting this assumption, it becomes readily apparent how ideologies of this sort directly conflict with the predominant economic and social trends of the globalization era. Globalization moves the world in an inherently Western direction, as it embodies many of the values that have made Western civilization thrive, including, for instance, capitalism, consumerism, and freedom. The forces underlying globalization are, therefore, intrinsically anathema to most fundamentalist movements. Further, as economic liberalization lies at the vanguard of globalization, "new age" economics— embracing wholeheartedly free trade and an internationally-oriented economic perspective—will inevitably confront fundamentalist challenges.

The Roots of Religious Fundamentalism

Several theories attempt to explain the underlying causes of contemporary religious fundamentalism. Fredric Jameson argues that fundamentalism is an attempt to produce an alternative to "American consumerism."[3] With the collapse of communism, according to Jameson, there exists no other force capable of resisting the ever-growing tide of Americanization throughout the world. Before the

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globalization era, there was always a struggle in the Third World between the impulse to Westernize and the predilection toward tradition. Now, however, many perceive the struggle to preserve tradition against the ever-augmenting Western pressure to be so great that only fundamentalist religion may stem the tide.[4]

Similarly, Roland Robertson views fundamentalism as opposition to the homogenization of the world, an otherwise inevitable result of the globalization process.[5] Gilles Kepel traces the root to the economic turmoil of the West during the 1970s: high inflation, oil shortages and the hostage crisis all proved the bankruptcy of modernism. Religions that had previously felt a need to adjust themselves to modern conditions now experienced a revival in response to the discrediting of modernity.[6]

Unlike the aforementioned scholars, who accept anti-Western motives as an elemental premise of the fundamentalist movement, Ali A. Mazrui maintains that fundamentalism is actually an attempt to reconcile the modern world with pre-modern values.[7] A more benign perspective, Mazrui's analysis observes nothing inherently anti-Western in fundamentalism, regarding it instead as a simple extension of the desire to remain traditional in the modern age. Such a viewpoint, however, fails to explain the often violent, and inherently non-traditional, lengths to which fundamentalists resort in order to further their cause. After all, if fundamentalism is driven by an internal desire to preserve traditional values and religious principles, criminal outbursts of terrorism and murder represent an abomination to the very ethics and morality they intend to protect. Irrespective of the root causes of fundamentalism, however, its consequences for several aspects of human life, among the foremost of which is economics, may be profound.

The Economic Consequences of Fundamentalism

Islamic Fundamentalism

Among the most drastic consequences of fundamentalist governance are international economic and political isolation, pertinent examples of which include Iran and Pakistan. Far from economically motivated, such isolation is triggered by the desire to create cultural self-sufficiency.[8] The economic impact, however, can be profound. In Iran, for instance, following the 1979 Islamic Revolution and the taking of American hostages, international contact effectively ceased, as trade and investment flows into and out of the country came to an abrupt halt. Furthermore, the Islamic Revolution influenced other countries as well. Israel, for instance, could no longer import Iranian oil and was forced to import more oil from ever more distant sources, raising costs to consumers and discouraging the use of individualized transportation in favor of mass transit.[9]

More interesting are the internal dislocations caused by fundamentalist economic policies. Timur Kuran identifies a new form of economic analysis, "fundamentalist economics," in which purely economic calculations are subordinated to social concerns.[10] Some fundamentalists, for example, view capitalism as inherently unjust because it does not altruistically provide supplies to all those in need. All uniformly agree that the rapid transformation of society engendered by globalization economics is harmful to tradition and morality.

Fundamentalists intend, therefore, to supplant secular economic thought with policies more acceptable to their social values. Islam's version, "Islamic economics," is based upon various scriptural references in the *Koran* to economic issues.[11] Much of its thought, for instance, is focused upon the ban on interest payments: Islamic beliefs permit money to be lent on interest only if the creditor shares in the risks of the venture that he is helping to finance, such that he, too, stands to lose.[12] Taxation is another issue of principal concern to Islamic economists, as the *Koran* prescribes that *zakat*, a tax ranging between 2.5 and 20 percent on wealth and income in the agricultural, livestock, mining and precious minerals sectors, must be used to correct distributional inequities in society.[13]

Despite a fairly substantial body of work on these and other issues, however, Islamic economics neglects broader initiatives and macroeconomic policy goals. As Kuran says, "Islamic economics does not offer a comprehensive framework for a modern economy… it presents a package of loosely connected policies rather than a complete blueprint for reform."[14] Nonetheless, this weakness has not prevented the adoption of Koran-based policies in several countries. Pakistan instituted the *zakat* and a total interest ban in 1979, and Iran has adopted similar policies in the years since the revolution.[15] Iran, in fact, has taken the emphasis on agriculture, livestock and mining found in the *zakat* to the extreme, requiring that foreign direct investment (FDI) occur only in one of those sectors, or in certain forms of industry.[16]

The impact of such programs is hard to determine with any precision, but a few clear facts surface.

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Investment limitations in Iran, for instance, have prevented the beneficial growth of FDI; the IMF estimates that in 1996-97, total FDI was only US$14 million.[17] While indirect investment has slowly accelerated in spite of significant barriers, its impact is not nearly as effective at creating jobs and achieving economic growth as is FDI, one of the principal agents behind the astounding growth of many developing countries over the past decade. In short, without FDI Iran may be stuck in permanent stagnation.

Another factor contributing to low growth rates in the Islamic world is the ban on interest. Murat Cizakca, a Turkish economist, says that without the credit opportunities usually created by interest-charging banks, Islamic countries will never be able to develop entrepreneurship of the sort that has made Western economies enormously prosperous.[18] In response, Cizakca recommends taking advantage of the exemption for risk-taking ventures allowed under the Islamic interest law to create a class of venture capitalists. Venture capitalists "participate in the risks of the firms they finance," as Muslim law requires, while at the same time providing businessmen with the opportunity to create jobs and spur economic growth.[19]

Interestingly, in non-fundamentalist Islamic countries, where interest-free banking is merely one option for consumers, conventional multinational banks, like Citicorp in Egypt, have responded to the creation of Islamic banks by offering interest-free banking for their Muslim constituency.[20] Customers give the bank their money and do not ask for any interest in return, undeniably a fantastic opportunity for Western banks. Unfortunately for the host country, Westerners profit while their domestic economy remains stagnant due to a lack of capital. The potentially destructive impact of fundamentalist policies is clear.

Kuran further notes that the *zakat* is unlikely to prove a useful tool for the redistribution of income, as the maximum rate of taxation, twenty percent, falls well below that of most modern tax schedules. Furthermore, taxing agriculture and livestock may have made sense in the seventh century, but most contemporary income is generated in other economic sectors.[21] In addition, the overarching communitarian design of Islamic economics may prove ineffective compared to globalization and Western capitalism. Proponents envision a collectivist spirit oriented toward the achievement of common goals, with heavy emphasis on the guiding direction of national or religious purpose.[22] Unfortunately, Adam Smith proved that individuals, not communities, spur economic growth several centuries ago. Selfish people pursuing self-interest come together to create an efficient marketplace. In Smith's example, the baker makes bread not that others may be fed, but rather to make a profit. Yet that profit benefits others, who, through the baker's selfish pursuit, can consume bread. Thus all come out ahead: the producer earns a profit and the consumer enjoys the product. The current state of the Iranian and Pakistani economies testifies to the validity of Smith today: Islamic economics have produced low growth, high unemployment and stagnation for the foreseeable future.

In defense of Islamic economics, it should be noted that certain of its institutional arrangements might actually prove economically beneficial. Studying the effect of interest-prohibited lending relationships in Islam, Presley and Sessions conclude that permissible risk-sharing agreements enhance decision-making efficiency between investor and project manager, overcoming the otherwise problematic economic dilemmas of asymmetric information and prompting more efficient market conditions.[23] Furthermore, participants in the "Islamic sub-economy" can receive benefits otherwise unavailable in secular marketplaces.[24] Nonetheless, the detrimental effects of Islamic policies far outweigh these limited gains.

Other Fundamentalist Movements: Jewish, Christian, and Hindu Fundamentalism

Some members of the Orthodox Jewish community, such as Rabbi Dr. Aaron Levine, have endorsed the creation of "Jewish economics," essentially attempting to reconcile Hebraic Law and modern economics.[25] Unlike Islamic economics, however, no contemporaneous political force is considering the systematic institution of such policies. Hence, the ideas presented in such studies represent more of a Talmudic exercise, trying to apply Hebraic legal principles to modern economic life.

Despite their limited influence in overall economic policy-making, however, Jewish fundamentalists have significantly affected the Israeli economy. Haredi families, for instance, have successfully sought governmental subsidies for their characteristically large numbers of children. Shas, the party of Sephardic Jews, relies on government funding to operate its school system. Settlers in the West Bank, often considered to be fundamentalists of the land, have received extensive subsidies to help build their communities. In short, all of these religiously-specific programs have required

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significant government funding, increasing the already troublesome Israeli budget deficits. These deficits, in turn, tend to "crowd-out" private investment, as people put their money into safe government bonds in lieu of other private sector investments, a phenomenon that inhibits economic growth.

Beyond these macroeconomic problems, Jewish fundamentalism creates serious microeconomic difficulties. For instance, *Haredim* enjoy exemption from military service, but only while they study in *yeshiva*. The moment they begin to work, they are subject to the draft. This creates a very strong disincentive to work, as *Haredim* are unalterably opposed to military service. Refusal to work, however, creates extreme poverty in many communities. Further, after surpassing the draft age, their limited skills, minimal secular education, and lack of experience severely restricts their earning capacity.

Closer to home, Christian fundamentalism has proven a significant political force in contemporary America. Their impact on economic policy, however, has been negligible. Furthermore, any impact more prominently reflects their political association, not religious belief. Yet both left and right-wing Christian fundamentalists have expressed economic perspectives. Most generally, the right wing supports a more conservative, free-market approach to economics, while the left wing favors initiatives to secure social justice and welfare for the poor.[26]

Hindu fundamentalism, as articulated by Gandhi, conveys a definite economic perspective. Hostile to modern industry and urbanization, Gandhi advocated self-sufficient, rural life, relying on no external production. The sum effect of Gandhi's autarkic view would clearly require isolation from the global economy. Presently, the nationalistic Bharatiya Janata Party (BJP) in India supports this type of program. They have indeed restricted foreign trade and investment in the past, though recently favored a trend toward liberalization, particularly encouraging investment in the high-tech sector.[27]

Conclusion: The Economics of Fundamentalism and the Effects of Globalization

The preceding analysis explores the likely effects of globalization on fundamentalist regimes and economic philosophies in the coming years. We have concluded that the economic impact of fundamentalism, while certainly noticeable in certain specific circumstances, has not seriously affected the global economy. If anything, globalizing forces are already beginning to weaken the impact of destructive fundamentalist economic policies, not the reverse.

We have explored the numerous detrimental effects of fundamentalist economic policies. In fundamentalist Islamic states, the *zakat* has proven ineffective for the needs of a modern economy, and similarly the statutory ban on interest has proven untenable. Similarly, Hindu India has already begun to drift away from autarky, allowing FDI in high-tech sectors and signaling the potential of opening other sectors to trade and investment in the near future.

On a broader level, fundamentalist regimes are beginning to suffer under the weight of globalization. Iran, in particular, faces constant internal challenges from those lobbying for a freer and more democratic society. Recent elections in Iran, where reformers who support more contact with the rest of the world won large majorities, are just part of the overall trend. Many Iranians look to the outside world and see a better life, and have, therefore, begun to demand the conditions, such as freedom and capitalism, necessary to produce that kind of life. Clearly, such an outcome would not have been possible at any previous time in history. Globalization has made it possible: communications and technology have brought us closer together, making us more cognizant of how others live.

In time, the pressures of globalization may sound the death knell of the Islamic republics like Iran. An alternative, more frightening scenario, however, may also develop. In response to their weakening authority, fundamentalist leaders might assume a more radical stance. In short, globalization could potentially foster the disintegration of various fundamentalist economic systems, while at the same time encouraging extremist backlashes within others. The end result will be, of course, an empirical question, but the predominant trends of recent years seem to point toward further liberalization in fundamentalist states. Moreover, the effects of fundamentalist economics upon the global economy have been negligible, in spite of their marked impact in fundamentalist states. ■

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Notes:

1 Martin E. Marty and R. Scott Appelby, ed., *Fundamentalisms Comprehended* (Chicago: University of Chicago, 1993), 9.

2 Timur Kuran, "Fundamentalisms and the Economy," in *Fundamentalisms and the State*, ed. Martin E. Marty and R. Scott Appelby (Chicago: University of Chicago, 1993), 290-91.

3 Ibid., 64.

4 Ibid., 67-68. Jameson refers to fundamentalism as a postmodern invention, which fits well in the framework of his theory. For a countervailing example, see Eli Berman, "Sect, Subsidy and Sacrifice: An Economist's View of Ultra-Orthodox Jews," Discussion Paper No. 98.08 of The Maurice Falk Institute for Economic Research in Israel, 5-6. Berman views the *Haredi* form of Jewish fundamentalism as beginning with Jewish exposure to modernity in the 18th and 19th centuries. Even this variation, however, agrees that fundamentalism is anti-Western in content and origination.

5 Roland Robertson, "Social Theory, Cultural Relativity and the Problem of Globality," in Cu*lture, Globalization and the World-System*, ed. Anthony D. King (Minneapolis: University of Minnesota, 1997), 77.

6 Gilles Kepel, *The Revenge of God*, trans. Alan Braley (University Park, Pennsylvania: Pennsylvania State University, 1994), 3.

7 Ali A. Mazrui, "Globalization and Cross-cultural Values: The Politics of Identity and Judgement," *Arab Studies Quarterly* 21.3 (1999): 106.

8 Timur Kuran, "Islamic Economics and the Islamic Subeconomy," *The Journal of Economic Perspectives* 9:4 (1995): 169-70.

9 Wolf Blitzer, *Between Washington and Jerusalem: A Reporter's Notebook* (New York: Oxford University Press, 1985), 87.

10 Kuran, "Fundamentalisms and the Economy," 289.

11 Timur Kuran, "The Economic Impact of Fundamentalism," in *Fundamentalisms and the State*, ed. Martin E. Marty and R. Scott Appelby (Chicago: University of Chicago, 1993), 318.

12 John R. Presley and John G. Sessions, "Islamic Economics: The Emergence of a New Paradigm," *The Economic Journal* 104:424 (1994): 586.

13 Kuran, "The Economic Impact of Fundamentalism," 318. Kuran notes that these specific sectors are taxed because of their overwhelming importance in the economy of seventh-century Arabia.

14 Kuran, "Islamic Economics and the Islamic Subeconomy," 170.

15 Kuran, "The Economic Impact of Fundamentalism," 302.

16 International Monetary Fund, "Islamic Republic of Iran: Recent Economic Developments," *International Monetary Fund Staff Country Report No. 98/27* (April 1998): 19.

17 Ibid.

18 Kuran, "Islamic Economics and the Islamic Subeconomy," 171.

19 Ibid.

20 Kuran, "The Economic Impact of Fundamentalism," 317. 21 Ibid., 318.

22 Ibid., 326-28.

23 Presley and Sessions, 586.

24 Kuran, "Islamic Economics and the Islamic Subeconomy," 169.

25 Aaron Levine, *Economic Public Policy and Jewish Law* (Hoboken: Ktav Publishing, 1993).

26 Laurence R. Iannaccone, "Heirs to the Protestant Ethic?: the Economics of American Fundamentalists," in *Fundamentalisms and the State*, ed. Martin E. Marty and R. Scott Appelby (Chicago: University of Chicago, 1993), 347-50.

27 Deepak Lal, "The Economic Impact of Hindu Revivalism," in *Fundamentalisms and the State*, ed. Martin E. Marty and R. Scott Appelby (Chicago: University of Chicago, 1993), 350.

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Spanish Language Use During the 2000 Campaign Cycle

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In 2000, Hispanics comprised 7 percent of the U.S. electorate, and 55 percent of U.S. Hispanics expressed a preference for Spanish language use. With Hispanic voter participation growing rapidly, presidential and congressional candidates are targeting them as an important emerging demographic. This study examines voters' reactions to the many uses the candidates made of the Spanish language through Internet websites and speeches along campaign stops, and whether candidates gave the address in Spanish or had a proxy communicate the message. Candidates hope that through the use of Spanish in campaigns they will connect with Hispanic communities and form strong party ties with immigrants. With the diversity of American society and the high level of out-reach supported by candidates on the presidential and congressional stage in 2000, we should expect the Spanish language to increasingly contribute to the U.S. election process.

Introduction

By 2010, Latinos will be the largest minority group in the United States of America. During the 2000 election cycle, George W. Bush and Al Gore battled for the votes of 8.5 million Hispanic registered voters, concentrated in key states including Florida and New Mexico. Hispanic voter participation is growing rapidly and their turnout is becoming on par with that of the general population. In 2000, they comprised 7 percent of the electorate, up from 4 percent in 1996. What was once regarded as a group of non-citizens and non-voters to be ignored by political players has transformed into a critical element of electoral success in much of the United States. Politicians at all levels of government are realizing that the Latino vote can and must be courted. This paper takes a preliminary look at the role Spanish language plays in that courting.

For the first time in U.S. campaign history both candidates for president aggressively pursued the Hispanic vote, with Spanish language use as a major tactic. Hispanic Trends, a research firm that studies and analyzes the Hispanic market, found that 55 percent of U.S. Hispanics express a preference for Spanish language. Raul Yzaguirre, president of the National Council of La Raza (NCLR) pointed out the rapid rate at which Latinos are naturalizing and that "newly naturalized citizens have a greater proclivity to register and actually get out to vote."[1] These people are less likely to have complete English fluency. Hispanic Trends also found an increase in support for George Bush from "Latinos who are more comfortable speaking Spanish than English and those who get their news coverage from Spanish-language television networks."[2]

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[1] "Debate Chats 2000: How Will the Latino Vote Affect 2000 Elections?" www.abcnews.go.com/sections/politics/DailyNews/Debatechat09028.html, 28 (September 2000).

[2] Stephanie Ernst, "Black, Hispanic Vote Could Swing Presidential Election." www.hispanictrends.com/analysis.html, 20 (November 2000).

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Spanish Appreciation

In their paper on the acquisition of political partisanship by Latinos and Asian Americans, Cain, Kiewiet, and Uhlaner posit that increased comfort with the English language leads to the development and intensification of party affinity. Although this suspicion does not hold up to statistic verification, they do find that "for Latinos the percentage of strong [party] identifiers increased steadily with time spent in this country by immigrants and by generation."[3] By putting their message into Spanish, politicians are better able to access recent immigrants before their partisanship and commitment to a party has developed. The authors relate "trends in party choice or partisan intensity… to greater exposure to U.S. politics and, more specifically to information about the major political parties."[4] Communicating in Spanish thus allows the parties to generate increased exposure for themselves and provide political information to these potential voters as quickly as possible. They begin to build a relationship from the outset, sometimes even before Latinos naturalize.

In *Counting on the Latino Vote,* Louis DeSipio describes the potential political rewards for courting Latinos prior to naturalization. He finds that the majority of noncitizens fall into a behavioral or attitudinal category that can later be linked to increased voting likelihood. He points out that in his study:

> the partisanship of the noncitizen… was largely unformed. Those who had begun the process [of naturalization] were more likely to have a partisan identification. Nonetheless, among those who had begun to naturalize, the majority of Mexican Americans and Dominican Americans were unaffiliated.[5]

Although he hypothesizes that the newly naturalized will most likely follow the party preferences of their citizen co-nationals, "the high rate of unaffiliation offers opportunities for both parties, should either take the initiative."[6] Campaigning in Spanish is an important way of doing this. Although candidates do not specifically target noncitizens, the information coming through Spanish language media is certainly accessible to noncitizens and helps them form an interest in the political process and a potential party affinity. While Spanish may strike a cultural chord with the assimilated Latino voter, its use as a communicative mechanism reaches beyond current voters to possible future participants in the American political process.

This study aims to provide an overview of the use of the Spanish language during the 2000 campaign, looking at House, Senate, and the presidential races. This overview will be presented with an understanding of Spanish language use as playing both a symbolic and pragmatic role. When used as a symbol, language is employed as a signifier. It serves as a political tip of the hat to convey that the candidate identifies with speakers of the language and "is one of us" or "cares about us." Language use is a particularly effective political

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[3] Bruce Cain, D. Roderick Kiewiet, and Carole Uhlaner, "The Acquisition of Partisanship by Latinos and Asian Americans." *American Journal of Political Science* (May 1991): 390-419.
[4] Ibid.
[5] Louis DeSipio, *Counting on the Latino Vote* (Charlottesville: University of Virginia Press, 1996).
[6] Ibid.

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symbol because of its deep emotional charge. The pragmatic function of language is as a communicative mechanism necessary for the transmission of ideas and information. Clearly, the two are not mutually exclusive. The symbolic capacity of language usage is inherent in any pragmatic application of Spanish. I will examine both roles in terms of the media, message, and individuals employed.

Internet and Spanish Language

When looking at the media used, I aim to acquire a sense of what types of campaigning occur in Spanish. Is its use restricted to speeches, pamphlets, and websites, or does it extend to phone banks, precinct walkers, and position papers? Have campaigns hired Spanish-language media consultants and, if so, what is the extent of their responsibilities?

The communicative context is also important. Are the messages put forth in Spanish merely translations of previously created English language materials, or is content actually altered when addressing an audience in Spanish? If the messages are altered, what is included and what is left out?

Another key part of communication is who delivers the message. Is the communicator Anglo or Hispanic? Is it the candidate who speaks, or does he or she deputize someone else to do it? If so, is that person a supportive Latino politician, a Spanish-speaking staff person, or perhaps a Latino family member? Does this surrogate speaker merely play the role of messenger or does he or she also become a symbol?

Although this paper attempts to address all communication media, a primary focus will be placed on the Internet and the Spanish language content of campaign websites. This focus was chosen because of the novelty of the Internet as a campaign medium and its potential impact on the future of campaigning. Furthermore, Latino computer ownership and Internet usage is quickly increasing as Latinos achieve greater economic prosperity. The rates of growth are rapid and far outpace those of the general market and most other ethnic groups. Currently, 47 percent of U.S. Hispanic households own a personal computer with an average of 2.2 users per household. Sixty-four percent of adult Hispanic computer owners report using the Internet for activities other than e-mail.[7] Spanish language websites can therefore be thought of as a powerful new way for politicians to target their message to a more prosperous subgroup of Latinos, who might feel overlooked if candidates had only a general, English language site. The Gore campaign, for example, estimated that 10-18 percent of daily traffic on its website was in Spanish.[8]

The 2000 election demonstrated the beginnings of a solid presence for Spanish language on political websites, although it can by no means be considered widespread. Of all the state party websites in states with significant Hispanic populations, only California's Republican Party has Spanish on its site. This is particularly noteworthy because of the poor relationship that existed between California's Latinos and the state's Republican government during the Pete Wilson administration. Of the candidate sites I examined, it seemed that the higher profile and more contested races were those more likely to have Spanish language on their sites. Both the New York senatorial candidates had significant Spanish language sites,

[7]Raul Yzaguirre, "The Digital World of the US Hispanic II." *Cheskin Research.* www.nclr.org (2001).
[8] Ben Green, Director of Internet Operations for Al Gore's presidential campaign, telephone interview with author, 19 December 2001.

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as did the victors in the New Jersey and Florida senatorial races. In California, by contrast, the senate race was not at all close and Spanish was absent from the sites of both candidates, although Hispanics are the state's largest minority group at 30 percent. Both *georgewbush.com* and *algore.com* had extensive Spanish language content. I also found Spanish language content on the website of a few Hispanic congressional candidates, but it was not present in the majority of sites I examined.

My methodology for finding sites was basically to look at the state party websites and follow links to candidates with Hispanic surnames. If the candidate did have Spanish on his or her website, I then went to the opponent's website (if it existed) for comparison. In addition, I checked senate races in states with large Hispanic populations and, of course, the presidential candidate sites.

The format and content of the Spanish language section of websites varied dramatically across the board. The formats differed substantially, but the links from the English homepages to the Spanish ones were usually easily identifiable and sometimes quite prominently displayed. The California GOP website took this to a higher level by opening with a banner greeting that alternated between "Welcome to the California Republican Party website" and the Spanish equivalent "*Bienvenido al website del Partido Republicano de California*." In order to enter the site, visitors must click on "In English" or "*En Español*" to be brought to the corresponding index page. The most noteworthy formatting discrepancy I saw was between the Gore and Bush sites. On Gore's page, the "*En Español*" link appeared prominently in a banner across the top of the screen. Following the link, the Spanish page looked very much like the English one, but the Gore-Lieberman logo on the upper left hand corner was altered to read "*Viva* [Live! or Long Live!] Gore-Lieberman," the same logo present on some of Gore's campaign signs. On the Bush page, the link was small and off to the side, and said in English, "Spanish." Over the many times I looked at the site, the Bush campaign kept changing the location of its Spanish link and changed from the phrasing "Choose Your Language" where one must click and then select Spanish, to simply reading "*En Español*." The result was that the Spanish link on the Bush site was much more difficult to find and much easier to overlook.

The content of the various websites ranged from a simple welcome message to significant coverage of campaign news, issues, and positions. Some of the sites were near mirrors of their English counterparts, containing translated versions of the articles appearing on the English side. Others had near translations with a Hispanic tweak. Still others had content substantially different from that of their English counterparts, focusing on issues and events relevant to the Hispanic community. Never was the Spanish language content of a site completely comparable to that of the English site, although many came quite close. English sites were always at least slightly more extensive and up-to-date.

The campaigns with the most extensive Spanish language content were the most high profile ones. On sites with less Spanish language, it seemed that a welcome message and candidate biography were always available in Spanish, but the links to issues, campaign information, etc would usually lead the user back to English or to a very brief Spanish language snippet. When the sites did make extensive use of Spanish, Their content fell into one of two categories: a mirror or near mirror of the English site, or a Hispanic oriented and Hispanic centered site.

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New Jersey's senator-elect had one such mirror site: *www.votecorzine.com* provided both Spanish and Portuguese versions of its site with the same structure as the English one. Articles and speeches were literal translations of the English language originals. New York senatorial candidate Rick Lazio put a slightly different spin on this by making use of literal translations from the English side but adding in a sentence or two aimed directly at Hispanics. *www.lazio.com's* section on community begins with:

> to be an effective representative, you must work hard to improve the quality of life for your constituents.

The Spanish equivalent states that:

> to be a representative that is truly at the service of the Hispanic community, one must work hard to create opportunities that improve [their, your] quality of life.

It then continues with text identical to that of the English site. When discussing housing, the site tells readers that "owning a home is part of the American dream" but tells Spanish language readers that "owning a home is part of the dream of many Latinos." While maintaining essentially the same content, Lazio's campaign still uses the Spanish website as a way to target Hispanics and show that he is aware of the Hispanic community and its issues.

The victor in the New York senate race, Hillary Rodham Clinton, took a much different approach with her Spanish language website, which featured more Hispanic specific content. The Spanish site had articles about Hillary Clinton participating in the Puerto Rican Day Parade and about the commencement of the campaign to promote her "Latino Agenda." Clinton's Spanish language site lauded her as "a champion for children" and discussed "children and families" in Spanish. She has a biography and an "in the news" section in Spanish, but sections about youth, volunteering, and contributing to the campaign are available only in English. She also has an "issues" section in Spanish but not all issues covered on the English side appear in Spanish translation. The *www.hillary2000.org* won an HOLA award for "excellence in design, content, user interface, and great value to the Hispanic online community" from HOLA, a Madrid based magazine.

Presidential Websites

George W. Bush and Al Gore's websites take similar approaches to that of Clinton's in the sense that they vary content significantly between English and Spanish. Their Spanish sides both open with lead stories about issues of interest to the Hispanic community such as education, medical care, or Hispanic specific content such as "Al Gore honors the Hispanic Congressional Committee." Gore's site also includes a Hispanic specific welcome message that speaks of "the values found in the heart of being Latino" and the desire that "all workers have the opportunity to live according to their values and realize their dreams." It concludes by asking Hispanics to "join your forces with mine."

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Both candidates' sites contain news releases and texts of speeches, some Hispanic specific. Al Gore's Spanish site included an article about the candidate's appearance on the Spanish-language variety program "Sábado Gigante." It also contained the Spanish language translation of an anti-crime speech delivered in Boston, but I was unable to find the corresponding English language text on the English side. A bilingual response to a town hall question regarding relations with Mexico was also displayed on the site. Both Bush and Gore's sites allow visitors to view English and Spanish language commercials produced by the campaigns. The sites have broad Spanish language coverage and provide positions and updates on many key issues. Of the 30 plus issues that appeared on Gore's site, ten were available in Spanish with content very similar to that of the English sections. Bush's site offered six or seven issues in Spanish that differed significantly in content from the English side. His Spanish language education section, for example, centered more on the academic achievements of Hispanic students in Texas. The lead issues on the Bush site (that is, the ones featured on the homepage) were usually very different from the issues leading on the Spanish site. In late October, the English home page featured "the greatest generation, the blueprint for the middle class, renewing America's purpose, and ending the education recession" whereas the Spanish leads were "foreign policy, education, immigration, and an agenda of opportunity and prosperity that includes all."

From the presidency to the congressional races, all campaign websites that included Spanish language versions of candidate positions had one thing in common: the issues that appeared translated in Spanish were first and foremost education and health care. These are two of the three key issues for Latinos in the 2000 election as identified by Arturo Vargas of the National Association of Latino Elected and Appointed Officials.[9] Other issues of importance, according to a National Council of La Raza report, include economic development, immigration, and civil rights.[10] These issues were the next to appear in Spanish language sites, although some sites went beyond and touched on more subjects than the five mentioned above.

Webmasters — How Spanish Language Content is Determined

To gain more insight into the thinking behind Spanish language websites, I conducted interviews with webmasters in charge of Spanish language political sites, posing questions about both the Internet site and the overall Spanish language campaign. I also asked about their visions for the future of Spanish language and Internet campaigning. I spoke with Ben Green, director of Internet Operations for Al Gore's presidential campaign, Dave Harper, webmaster for Rick Lazio's senatorial campaign, Mark Middlebrook, webmaster for California congressional candidate Rodolfo Favila, and with Stuart Devo, communications director for the California GOP. I also interviewed advertising mogul Lionel Sosa, a Hispanic media consultant for the Bush campaign

I asked the interviewees about the manner in which the Spanish language content of the sites was determined and what factors influenced this. All said that it was important that the Spanish language sites be as complete as possible and should not lag behind the English

[9] Debate Chats 2000.
[10] Raul Yzaguirre, "The Latino Agenda: Issues at Stake in the 2000 Presidential Election." *National Council of La Raza.* www.nclr.org (2000).

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site in quality or timeliness of the news items posted. Lionel Sosa stressed that readers of the Spanish language site should not feel left behind or relegated to lesser importance, and that issues of special interest to the Hispanic community were given first priority. The content of the Bush site was determined by the general campaign team and then assigned to the Spanish-language web consultant for writing or translation. Gore's campaign had a Hispanic outreach committee that could post articles directly to the web. Other times, the website director received English language articles that a bilingual staff person then translated.

Mark Middlebrook explained that the Favila for Congress campaign chose to include Spanish language for purposes of perception: to show that the candidate relates to the Hispanic community. The campaign decided that it had the capacity to do a complete Spanish language site and that it would not have achieved the perception it sought if it had not done a complete job. Existing members of the campaign staff translated the text of the Spanish-language site. Completeness was also stressed by Lazio's campaign, although Harper cited time constraints as a reason why the site did not include much content specific to Hispanic issues, but rather was a near mirror of the English side. The Lazio campaign hired a professional translation company to provide the Spanish text. The California GOP, which aimed for a full content mirror site, contracted with a professional free-lance translator who consults with the party from time to time.

A major concern cited by all I interviewed was that the language used on the website be "correct Spanish" and not "Spanglish." They mentioned the importance of properly translating electoral or campaign vocabulary and of avoiding using a style of Spanish specific to a certain country or region. Within itself, the Hispanic community of the U.S. is extremely diverse and campaigns made conscious efforts not to alienate any group by using regional or colloquial Spanish.

I asked why the campaigns chose to include Spanish language on their websites and was told, in the case of Favila, that since the candidate is himself Hispanic and the district has some large Hispanic communities, the campaign felt it was important to show the proficiency of the candidate in Spanish language and Hispanic culture. Mr. Middlebrook explained it was done for purposes of perception, and not because they believed that people would not be able to understand the message otherwise. Mr. Devo pointed out that California is a minority state with a large Hispanic population, and that the California GOP's objective is to put forth a message. After looking at polls and research, they determined that the message would be better transmitted to new immigrants through Spanish. The party is concerned that no one be restricted from access to this message. Dave Harper noted the important Spanish speaking demographic in New York State. Both Al Gore and George Bush themselves made the decision to include a website in Spanish. According to Ben Green, not doing it was never a consideration. "We assumed that we would have to do it and just did."[11] The Gore campaign considered Hispanics part of their "winning coalition." Mr. Sosa told me that George Bush decided that a Hispanic outreach effort was important and that this should include the Internet. He stated that Bush wanted to "reach out for every single vote," paying special attention to Hispanics and women. The campaign recognized Hispanics' increasing numbers and political participation, and felt that Hispanic outreach was important in promoting the governor's message of inclusion and uniting people. The Republican Party has traditionally earned between 15 to 22 percent of the Latino vote, but set

[11] Green, interview.

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its goals for 35 percent in 2000. It earned an estimated 38 percent according to Sosa, or 31 to 35 percent according to the *New York Times*.[12] Sosa attributes this success to the active Hispanic outreach campaign.

When voters made contact with any of the campaigns by email, there were mechanisms in place to respond to the emails in Spanish. Although, as with any political organization, emails are not always responded to. The same procedure was in place at the Gore campaign. Twenty-five percent of the emails received by *www.favila.com* were in Spanish.

In my interviews, I asked for opinions about the future of Spanish language use in campaigns and received varying responses. The strategists I spoke with from the presidential campaigns both believed it would become more and more important in future races. "As long as both candidates are out there fighting for Hispanic votes," said Sosa, "the Hispanic population is going to win." Mr. Devo said Spanish language use depends on the individual candidate and campaign, but that the key to campaigns is reaching voters and that for the California GOP this means being able to communicate in several languages. He sees the inclusion of languages like Chinese and Armenian in the future. Mr. Harper and Mr. Green also believe we may see an extension into languages other than Spanish. Mr. Middlebrook said he does not foresee an increase in Spanish language Internet campaigning, because it is for the purpose of perception, not for the purpose of transmitting information.

None of the interviewees reported substantial political backlash from non-Hispanic voters nor do they expect such a backlash to occur. Even if it were to occur, Mr. Devo stated that if you feel it is right in principle, it will transcend criticism. All agreed that criticism of this nature would not be politically correct. Mr. Sosa said his focus groups have shown that all Americans are beginning to understand the multi-cultural nature of the nation and realizing that we can learn from each other. He believes that people are becoming more tolerant.

Campaigning and the Internet

With respect to Internet campaigning in general, all seemed to feel its importance would grow, especially as targeted email becomes manageable. This could in turn lead to sending targeted email in Spanish. Political ads could be streamed and sent over the web. Mr. Devo predicts a major increase in political usage of the Internet and believes that campaigns will not be forced to spend as much money on television and will be able to reach voters directly, hurting special interests. Mr. Harper describes the value of the Internet in facilitating political activism by making it easier to become involved. For example, people can now send electronic postcards to friends reminding them to vote or encouraging their support of a particular candidate. The Internet will become a new method for organizing volunteers and accumulating donations. Internet growth will also allow for more detailed policy information, eventually allowing voters to make educated decisions based primarily on resources available online. Mr. Green believes the Internet and television will converge as media, which will result in a greater emphasis on Internet campaigning. Mr. Sosa foresees Internet use as an important new method of fundraising and getting out the vote. He thinks it allows for a much closer feeling between the voter and the campaign, allowing more

[12] Eric Schmitt, "Hispanic Voter is Vivid in Parties' Crystal Ball." *New York Times,* 9 (April 2001): A14.

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extensive communication on the part of the candidate and a feeling of being in touch on the part of the voter. Mr. Middlebrook of Favila for Congress sees an increase in spending on banner ads and the use of the Internet as a means of providing information to voters through sites like *www.cnn.com* or w*ww.voter.com*. He does not view the web as a main driver for campaigns and believes that the number of campaigns with websites will increase, but slowly.

Although the Internet was the Favila campaign's primary Spanish language communication medium, excepting a few print ads in local Spanish publications, many other campaigns have far more extensive Spanish language components. Hillary Clinton's campaign included the distribution of bilingual campaign materials and interviews with members of the Spanish language media. The California GOP conducted a paid media campaign and a bilingual voter registration effort in heavily Latino areas. They also opened a campaign office in predominately Hispanic East Los Angeles and gained free coverage in Spanish language media.

In the presidential race, Spanish language made frequent appearances. Both candidates made efforts to include some Spanish in Hispanic focused speaking engagements, peppering their English language statements with a few words in Spanish. In a July news conference Bush, who speaks some Spanish, told reporters "I like to fight that stereotype that somehow we [Republicans] don't have the *corazón* [heart] necessary to hear the voices of people from all political parties and all walks of life."[13] Gore, speaking about drugs before the National Council of La Raza "contrasted his promises with Bush's *palabras* [words]." [14]

Candidates or their spokespeople also appeared on Spanish language media to tout their policies. The Bush campaign created a position new to the history of presidential politics: Spanish language relations spokesperson. They hired Sonia Colín, a former anchorwoman on both of the major U.S. Spanish Language television stations, to fill the post.

In the Democratic camp, vice presidential candidate Joe Lieberman was interviewed on Univisión, the nation's largest Spanish language television station in late October. In August, Al Gore and his family appeared on Univisión's Saturday night variety show, "Sábado Gigante." Bush also made an appearance on the show and was interviewed for Univisión's news program.

In addition to this free media exposure, both campaigns purchased commercial time on Univisión and its competitor Telemundo. These commercials, which were aired in two swing states (i.e., Florida and New Mexico) with significant Hispanic populations, addressed themes of opportunity and education.[15] They were also available for viewing on the Internet. The Gore ad "faces" featured Latinos of all ages talking about opportunity and what the future holds, stating "we have come far, but there is more to accomplish." Patriotic music plays in the background. Gore appears only at the very end and does not speak. One Bush ad "un nuevo día" [a new day] tells voters the American dream is for all and that George W. Bush shares "our" values and cares about "our" children, without ever using the word Hispanic or Latino. Without explicitly stating it, the ad's purpose seems to be to convince Hispanics that George Bush is like them and understands them. At the end of the ad, George Bush says in heavily accented Spanish, "*es un nuevo día*" [it's a new day]. In a commercial

[13] Christian T. Miller, "Bush Aims at Latino, State Vote." *Los Angeles Times,* 6 (July 2000): A7.
[14] Stephen Braun, "Gore Takes Drugs Plan to the Experts." *Los Angeles Times,* 4 (July 2000): A3.
[15] Laura Meckler, "Bush, Gore Ads Courting Hispanics." www.dailynews.yahoo.com, 19 (October 2000).

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focused on education Bush says in Spanish, "For me, education is number one because our children deserve the best." In a third ad called "America the beautiful," the song plays while an announcer tells voters that Bush knows how "we Latinos contribute much to American society." The commercial uses the inclusive first person plural conjugation "we," instead of the third person plural "they" thereby creating a sense of closeness between the campaign and the targeted audience. It also states that "Latino pride is also part of the Bush family, it's part of its blood" while flashing images of George Prescott Bush, the 24 year-old Hispanic nephew of George W. Bush.

George P. Bush- A New Face for the Republican Party

George Prescott Bush is the eldest son of Florida Governor Jeb Bush and Columba Garnica Bush, originally from Guanajuato, Mexico. Until dropping off the campaign to begin law school in September of 2000, G.P. Bush was an active part of the Bush campaign's Latino and youth vote efforts. He made campaign appearances, gave interviews, and posed for photos where his dark hair and skin reflect the physical appearance typical to most Latinos. George P. also made eight television commercials on his uncle's behalf, both in English and in Spanish (in which he is fluent). His ads had themes of youth, voter participation, and family. In one Spanish language ad, he tells Latinos that "we have become the most important electoral block" and in another he identifies himself as "a young Latino from this country," "in many ways, like any American," and "very proud of my roots."

Lionel Sosa believes George P. caused people not predisposed to voting Republican to take a second look.

> He breaks a barrier for people who would never, ever listen to a Republican message. All of a sudden they're saying, "Wait a minute. Listen to this. He is one of us.[16]

George P. Bush's Spanish language commercials told Latinos "I have an uncle who wants to be president. His name? The same as mine." Sosa thinks George P. Bush's presence erased some misconceptions about Republicans and Latinos, but cautions that George P. speaking Spanish was not enough. He warns that to reach Latinos, English must be used so that Hispanics will not feel left out of the general market and so that non-Spanish-speaking Latinos will feel included. Latinos need to see people with Latino faces speaking English, so they know that "he's talking to me."[17] George P. therefore made four ads in English that aired in high-density Hispanic areas.

When I spoke with George P. Bush I asked his opinion of the ads he appeared in. He said that the purpose of the ads was to introduce George W. Bush to the Latino community and to help change the reputation of the Republican Party within this community. "To see a young Latino on a campaign is pretty exciting," he said. "It shows Latinos they can take more control over the political process."

George P. Bush did not create the ads, although he worked closely with Lionel Sosa to ensure he felt comfortable with the scripts. While on the campaign trail, he was

[16] Massie Ritsch, "The Bush with *Muy Guapo* Appeal." *Los Angeles Times,* 27 (July 2000): E1.
[17] Lionel Sosa, personal interview with author, 18 December 2000.

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responsible for creating the text of his own speeches, focusing primarily on his own experiences, testimonials about his uncle, and some policy information.

I asked George P. Bush how much of his campaigning was actually done in Spanish, and he replied that it varied a great deal by geographic region as well as by the type of group being addressed (a Latino political organization versus recent immigrants, for example). For the most part, he employed Spanish in its symbolic form, dropping a few words of Spanish into an English language speech to energize the crowd. Spanish was employed heavily in South Florida, in migrant farm communities in Wisconsin, and in California's San Fernando Valley. In one example of pragmatic usage, Bush gave an impromptu all-Spanish speech to a group of roughly 1,000 recent Colombian immigrants near Atlanta.

George P. Bush described the reactions to his use of Spanish as very positive. The Bush campaign encouraged him to use Spanish as much as possible (although they did not explicitly state this). He said people seemed shocked that a Republican knew Spanish and that using Spanish was a way of telling them that he understands their culture. Bush pointed out that Spanish language use is not imperative in reaching most of the Latino community but that it is respected. He described his role as primarily symbolic because the Latino demographic the campaign was interested in already knows some English. According to Bush, when his Anglo uncle, George W. Bush spoke in Spanish it was also quite well received, although he believes some people might find it patronizing when a non-Latino candidate speaks Spanish.

As far as the future of Spanish language campaigning, George P. Bush expects an increase on local and sometimes state levels but believes that at the presidential level it will remain at its present level and continue to be "piecemeal." He described Spanish language in the presidential campaign as "here to stay" and said future campaigns must include it at some level.

At the Republican National Convention in August of 2000, George P. made an appearance, addressing the crowd in both English and Spanish. The speech was primarily in English but included a few phrases in Spanish like *el sueño Americano* [the American Dream]. In Spanish, Bush told delegates that "as governor of Texas, my uncle has created more opportunities for our people than any other politician" (words echoed in the Bush commercials). In English he spoke of unity through diversity and said "I respect leaders who respect my heritage." Initially George P. Bush intended to include more Spanish in his speech but convention coordinators asked him to scale it back for fear of alienating non-Spanish-speaking viewers.

The Republican National Convention also featured the first ever U.S. political convention speech delivered entirely in Spanish by California State Assemblyman Abel Maldonado. Hector Barreto, California co-chairman of the Bush campaign, also included Spanish in his convention speech.[18] The Democratic National Convention included a speech by Dr. Cynthia Telles, wife of California State Assembly leader Bob Hertzberg and daughter of Raymond Telles, the first Hispanic mayor of a major U.S. city (El Paso) and first Hispanic appointed an American ambassador. Telles addressed delegates first in English and then in Spanish.[19]

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[18] Dana Calvo, "A New Accent." *Los Angeles Times,* 3 (August 2000): A18.
[19] Julie Tamaki, "'Big Kahuna' Bob Hertzberg, Making the Most of His Time to Shine." *Los Angeles Times,* 17 (August 2000): A10.

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Latino Reactions

Latino reactions to the prominence of Spanish language during the 2000 campaign have been mixed. While all welcome the heightened attention the Hispanic vote has received, many are concerned that it is merely political lip service, not a real commitment to the concerns and issues facing the Hispanic community. "Politicians cannot just come in, speak a little Spanish, march in the *Cinco de Mayo* parade and think they can get the Latino vote" said California Lieutenant Governor Cruz Bustamante in July of 2000.[20] Raul Yzaguirre, president of the National Council of La Raza explained that "both candidates have shown a lot of interest in marketing for our community: doing the right kinds of ads, focus groups, finding the right phraseology and symbolism to attract our votes."[21] But he also noted his concern that the election be "not a referendum on photo ops, but a contest of ideas and issues that are relevant to the Latino community."[22] "Issues and substance," said Yzaguirre, "more than marketing and symbols, will decide who Latinos will vote for at all levels of government."[23]

Hispanics have made it clear that using Spanish purely for symbolic purposes is not sufficient. Univisión nightly news anchor María Elena Salinas told the Miami Herald that,

> It isn't enough that candidates for the nation's most influential job speak a few words in Spanish. To get my attention and possibly my vote, they also need to show some understanding of who we are, of the experiences that shaped us and of the concerns we share.[24]

In an October news broadcast, Univisión reporter Lourdes del Rio, in a story about the Latino and Immigrant Fairness Act emphasized that "despite a few words in Spanish, neither Bush nor Gore has given Hispanics very much support on the immigration issue."[25]

Hispanics I spoke with expressed similar concerns. I interviewed both naturalized and native-born Hispanics of varied socioeconomic status and language fluency regarding their impressions of the 2000 campaign. I asked how they feel when a non-Hispanic candidate speaks in Spanish or has campaign materials in Spanish. Most responded that they were pleased because it shows the candidate recognizes the importance of the Hispanic community and is trying to make a connection to it. They said it shows a concern for issues of importance to Hispanics and they appreciate the extra effort to communicate with potential voters. Those with limited English fluency were more likely to view it favorably simply because it enables them to understand what the candidate is saying, although one person I spoke to noted that this happens only during elections and afterwards there is no Spanish.

More acculturated, English speaking Hispanics tempered their positive responses, expressing skepticism and the hope that the candidates were being sincere and not speaking

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[20] Stephen Braun, "Gore Takes Drugs Plan to the Experts." *Los Angeles Times*, 4 (July 2000): A3.
[21] Debate Chats 2000.
[22] Debate Chats 2000.
[23] Raul Yzaguirre, "Statement." *National Council of La Raza,* www.nclr.org, 10 (August 2000).
[24] www.hispanictrends.com.
[25] Laurien Alexandre and Henrik Rehbinder, "Campaign 2000 on Univision and Telemundo." www.hispanictrends.com/media.html, 29 (October 2000).

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Spanish only for campaign purposes. One said that she perceived it as trying to pretend candidates have a tie to Hispanic culture although they really don't, and was quick to note that issues are what matter most. A Hispanic university professor active in Latino politics felt that Spanish language use was acceptable if it was informational or bilingual but felt that otherwise it was "taking advantage of people by language" and viewed Spanish language use as a claim by the candidate to be "one of us." "Don't try to say that you're one of us," he cautioned. "You don't know who we are or what about us is important."

I then asked the people I interviewed how they felt about Hispanic candidates speaking in Spanish or having campaign materials in Spanish. Reactions were either positive or neutral, some said that it was expected. Finally, I asked how they would feel about a Hispanic candidate who was not able to speak Spanish. Most of the people I interviewed expressed discomfort with this although they agreed that the ability to speak Spanish would not affect their vote. Bilingual Latinos felt they would identify less with the candidate and that they would regard it as (in the words of one interviewee) "minus a point." Another said the candidate "should be ashamed of himself for missing a part of who he is" although he also agreed it would not directly affect his vote. One Hispanic not fluent in Spanish says she would probably identify more with the candidate although she would be surprised at his inability to speak Spanish. Another said that this would not bother him unless the candidate denied his background. Most non-English fluent Hispanics said they would feel disappointed because they could not understand the candidate and would not identify very well with him. Being Hispanic, the candidate should be able to speak Spanish. One said that she would not identify less because she has children that do not speak Spanish. All agreed that it would not affect their vote because "we understand that not everyone learned Spanish" and that "we are in an English speaking country and we should speak English."

As these interviews show, opinion on the political use of Spanish language is varied and emotionally charged. I am pleased with the breadth of my sample as far as language capabilities and socioeconomic status, although I am concerned because I interviewed only Hispanics living in Texas. They are primarily Mexican in origin and as a group they historically have a far better relationship with the political establishment than do Hispanics in other states, notably California.

As far as the breadth of campaigns I discuss, I am less pleased. The majority of campaigns I studied were those of Anglo candidates. In an Anglo-Latino relationship, an Anglo politician attempts to reach out to Latino voters. As my interviews have shown, language may function as an entryway for the Anglo, a means for the candidate to show prospective voters he or she cares about them and identifies with their community. On the flip side, the Anglo candidate may be perceived as an interloper or be accused of tokenism and pandering to the community, using a linguistic cloak to conceal policy inadequacies.

In future research, I hope to learn more about Spanish language use in campaigns where Latino candidates seek Latino votes. This occurs more frequently in congressional and local races. Since I focused my study on presidential and senatorial campaigns, the opportunity to study Latino-Latino communication was more limited. When this type of communication does exist, language becomes a variable of authenticity. If the candidate does not speak Spanish, is she or he really "one of us?" Can she or he be trusted? On the other hand, all Latino voters are by no means Spanish speakers. Although many may have some familiarity with the language, there are significant numbers who are not fluent. This

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raises the question of the relevance of Spanish campaigning to second and third generation Latinos, who are more likely to be citizens and assimilated into the dominant culture. Arturo Vargas, executive director of the National Association of Latino Elected and Appointed Officials points out that

> the patterns of Latino immigration demonstrate that Latinos are acculturating very quickly. By the third generation, English has completely replaced Spanish as the primary language that's spoken in Latino households.[26]

Given this, could the use of Spanish actually work against a candidate by alienating acculturated Latino voters? What would be the point of transmitting a message in Spanish to a population that cannot actually understand the message and that may even harbor some cultural guilt for not being able to do so?

It is difficult to get a sense of this from the limited number of interviews I have conducted, although it does not seem to be the case. As the Latino population continues to assimilate and acculturate, these issues may become more poignant. These are certainly questions worth pursuing.

For the time being, I have presented a thorough overview of Spanish language use as it played out during the 2000 campaign cycle. My findings indicate the presence of Spanish language in federal level campaigns is still in its nascent stages. As the U.S. Hispanic population continues to grow both in sheer numbers and in its level of political participation, I believe we will see an increase in both the depth of Spanish language political content and the breadth of its distribution.

We can expect Spanish to play a greater role in congressional and senate campaigns as the Hispanic demographic shifts to new regions of the country and strengthens its presence in current locations. More and more politicians will become cognizant of the sleeping giant that is Hispanic voters and realize that although Latinos are largely Democrats, this party affiliation is less established and more susceptible to change than that of other portions of the Democratic coalition.

One cannot divorce the Spanish language from Latino outreach efforts although regarding them as synonymous misunderstands and misrepresents the needs of the Hispanic population. For most Latinos currently involved in the political process, Spanish plays a powerful symbolic role by demonstrating the (Anglo) candidate's understanding of and sensitivity towards the Hispanic community. The pragmatic role of Spanish, distributing political information to those who would otherwise be unable to understand it, is reserved for a smaller portion of politically active Latinos.

Conclusion

The future implications of a pragmatic use of Spanish may be quite staggering given current rates of immigration and naturalization. If Spanish speakers have access to the political process from the moment they arrive in the U.S., even before they learn the language or become citizens, there is tremendous potential for political parties to develop strong party identification in these individuals. This will serve the general good by

[26] Debate Chats 2000.

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encouraging more members of American society to quickly become citizens and to participate once naturalized. It will also serve the party well by naturalizing an individual with an existing relationship to a particular party. The *New York Times* reports that "Mr. Bush's strategists are already planning to build on the [existing] Spanish-language outreach program" and warn that:

> If Mr. Bush wins the same percentage of minority voters in 2004 as he did last year, he would loose by three million votes… the Hispanic share needs to rise to about 40 percent.[27]

These figures demonstrate that the stakes are high and the rewards large. As we enter into this period of the tremendous diversification of the American polity, we can expect to see Latino outreach and with it the use of the Spanish language become a permanent, expected feature of American campaign life.

[27] Schmitt, A14.

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The Shape of Things to Come: American Generational Value Change and Developing Global Civil Society

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Global civil society is emerging in a world dominated by nation-states and thus requires the approval of the great powers, among which the United States is chief. Global civil society critically needs the U.S. government's acceptance – motivated by the American people's involvement in or support of transnational society – to become a functional and valid forum for policy development. The willingness of U.S. citizens to be personally involved, or supportive of others' involvement, on the world stage is inseparable from their attitude toward the overarching phenomenon of globalization and the attempt to govern it, a perspective that has been in flux since the end of the Cold War and the wakeup call of September 11 – especially along generational lines. This analysis investigates the existence of an American generational value change toward a globalist perspective, which would contribute to the function and validity of global civil society as part of the struggle to shape things to come.

Introduction

Globalization, perhaps more than any other force, defines the modern era as it has emerged from the Cold War's threat of nuclear annihilation. Efforts to harness the dynamic and powerful elements of globalization have generated focus on global governance, a break in emphasis from the traditional form of international relations. Governance does not mean the creation of a world government; it refers to the efforts of numerous global actors to develop global policy. The nation-state is arguably the primary actor. Another actor vying for say in governance issues is global civil society, a transnational stage on which globally-minded individuals have the opportunity to help tackle challenges facing humanity in a more democratic system than is presently afforded in state-centric negotiations.

Because global civil society is emerging in a world dominated by nation-states, its survival requires the approval of the great powers, among which the United States is chief. Global civil society critically needs the U.S. government's

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acceptance – motivated by the American people's involvement in or support of transnational society – to become a functional and valid forum for policy development. The willingness of U.S. citizens to be personally involved, or supportive of others' involvement, on the world stage is inseparable from their attitudes toward the overarching phenomenon of globalization and the attempt to govern it, a perspective that has been in flux since the end of the Cold War and the wakeup of September 11 – especially along generational lines. This analysis investigates the existence of an American generational value change toward a globalist perspective. Such a change would contribute to the function and validity of global civil society as part of the struggle to shape things to come.

Literature Review

If the beginning of wisdom is the definition of terms, the understanding of global civil society is still in its infancy. Thirty-six years ago, international relations theorists Joseph S. Nye, Jr. and Robert O. Keohane noted how a non-state-centric system was just beginning to be explored (Nye and Keohane 1971, 331). Many definitions have been offered to describe the phenomenon of a global, or transnational, society and its impact on governance; however, understanding how an American generational value change toward globalism and involvement would affect the long-term prospect of global civil society requires the marriage of two concepts: the development of global civil society and the theory of generational value change. Understanding these models creates a bridge to understanding schools of thought regarding the United States' place in the shrinking world. The division between these schools is principally the division between those who are for globalization and those who are against it – Supporters and Rejectionists – with polar-leaning moderates, who fall between world government and defending the modern state at all costs, identified respectively as Reformers and Regressives (Kaldor, Anheier, and Glasius 2004, 3). If the development of global civil society is to receive significant American contribution and support in the near future, any generational value change of the U.S. citizenry must be toward the Reformer and Supporter's globalist perspective.

While global civil society views global processes "from below," in the sphere of individuals (Kaldor, Anheier, and Glasius 2004, 1), it will better serve the study to frame the discussion from the top down. This will be accomplished by considering general views on global civil society, examining generational

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value change, and exploring the spectrum of attitudes on globalization, from Supporters to Rejectionists.

Global Civil Society

The 1995 United Nations Commission on Global Governance emphasized the growing desire of individuals to be involved in the decision-making process in ways that not only affect them locally but across national borders ("Our Global Neighborhood," 1995). The continued pressures of globalization have heightened this aim for more effective and democratic governance. The emergence and use of the term "global civil society" as a partial answer to this emphasis began in the past decade (Kaldor 2003, 583). Understanding the concept relies on grasping what is meant by civil society.

Political theorists, from Thomas Paine to Georg Hegel, defined civil society as parallel to but separate from the state (Carothers 1999-2000, 18). This definition was later expanded to present usage, indicating the place where negotiation, debate, and struggle occur in the development of sound policy and public action (Kaldor 2003, 585); it is the "realm where citizens associate according to their own interests and wishes" (Carothers 1999-2000, 18). Most important for this study, civil society identifies nonpartisan politics – seen in the U.S. and Europe as "a means of social renewal" (Carothers 1999-2000, 19) – and in the case of global civil society, reaction to the spirit of rash nationalism (Kaldor, Anheier, and Glasius 2004, 2). As noted, global civil society and the overarching study of governance issues present a deviation from the state-centric view of traditional international relations (Nye and Keohane 1971, 331). Global civil society involves the same definition as civil society, save for the all-important distinction that it is not contained to territorial states. Rather, its effect reaches much further in the operation of both international organizations and national governments. It includes social movements, nongovernmental organizations (NGOs), and individuals (Kaldor, Anheier, and Glasius 2004, 8); however, in the literature they are not equally weighted.

Most scholarly work on global civil society has investigated specific issues, such as human rights, coupled with particular forms of organization, including NGOs, social movements, networks (Kaldor, Anheier, and Glasius 2004, 8), labor unions, professional associations, ethnic associations, religious organizations, student groups, and cultural organizations (Kaiser 1971, 803). There are several reasons to consider each issue independently thanks to an

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increasingly complex world's demand for "instruments of analysis [to] be refined accordingly" (Kaiser 1971, 803). But for the basic analysis of this study, global civil society will include an amalgamation of issues**,** but the limitations for such a view must be noted. Additionally, each of the approaches on particular organizational forms gives little attention to individuals' attitudes and identities, focusing solely on associations rather than the micro level of the individuals that make such groups operative.

According to Heba Raouf Ezzat, global civil society needs to be investigated at the level of individuals, their changing perceptions, associations, and identities of themselves and the world. "It is, after all, the individual who decides to communicate, network, act and move, travel and demonstrate, and embrace notions of moral responsibility on a global scale. She or he transcends national boundaries and bridges different public spheres – domestically and globally" (2004, 46). Ezzat points out that focus on the individual as part of global civil society has been marginalized because of the emphasis on the "'societal' nature of global civil action" (2004, 46). A look at individuals and individual attitude change will afford a deeper view of the possibilities of global civil society. In such analysis, it must be remembered "that people in any society associate and work together to advance nefarious as well as worthy ends," a realization that is "critical to demystifying the concept of civil society" (Carothers 1999-2000, 20). Global civil society has existed for centuries – consider the transnational impact of the Roman Catholic Church – but it is the transformation, thanks to it "both feeding and being fed by globalization" that makes the study of its foundations essential. "It carries the potential to reshape the world in important ways, but one must not oversell its strength or idealize its intentions" (Carothers 1999-2000, 28).

Generational Value Change

Ronald Inglehart is a noted scholar on the topic of generational value change. His work on population replacement, as one generation follows another, has focused primarily on European society. There he has noted the shift in values from materialism to post-materialism following World War II – materialism referring to such concerns as maintaining order and fighting inflation and post-materialism focusing on ideals such as belonging or self-expression (Abramson and Inglehart 1987, 231). While not exactly the materialism/post-

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materialism continuum, considering the changing attitudes and identity of the American public may follow the same model of generational value change and replacement following an all-consuming conflict.

In psychology, identity is viewed as the result of experience within two periods of life. First, identity is the result of "deep socialization" during an individual's early years. Second, it is recognition of sociological and cultural inputs after initial development and throughout life (Kaldor, Anheier, and Glasius 2004, 9).

It is supposed that global civil society is more developed in Europe thanks to European thought being more cosmopolitan and ready to embrace a multiplicity of identities. This too is part and parcel with that continent's apparent shift toward post-materialism. In fact, it has been found that associating internationally is more pronounced amid the rising generation of Europeans (Inglehart 1997).

This makes sense on a number of levels, not the least of which concerns the early development of the younger generation outside the confines and memories of conflict. The generation born outside of early influence of war or the fear of war maintains a different perspective on society generally and its own identity and opportunity specifically, as described by Inglehart. Constant fear motivates different self and societal perception than the comforts of relative peace. As previously noted, the Cold War spread the threat of nuclear annihilation across the United States. No other conflict of the twentieth century, not even the terrorist attacks of September 11, has evoked the ultimate fear of total destruction for U.S. citizens. Thus, it would be expected that the post-Cold War generation, where individual identities were not limited by rash nationalism in response to fear of nuclear annihilation, would be more favorable to globalization thanks to their experience with comparative peace and worldwide interdependence.

Globalization Schools of Thought

Individual attitudes toward globalization are the fuel for international cooperation and therefore global civil society. But what is globalization? Nye and Keohane suggest that global is to transnational what globalization is to interdependence (2000, 104), all buzzwords that describe the process of the world's getting smaller on a number of fronts. The four-part continuum

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developed by Kaldor, Anheier, and Glasius effectively describes attitudes toward globalization and thereby identifies schools of thought.

First are Supporters who praise the spread of globalization in all fields – economics, politics, law, and culture (Kaldor, Anheier, and Glasius 2004, 3). Such individuals would be in support of the creation of a world government and complete surrender of sovereignty to a world federation or something similarly democratic. Supporter views would most strongly indicate a shift toward a globalism.

On the other end of the continuum are Rejectionists, those who oppose interconnection in all fields as vehemently as Supporters seek universal interdependence (Kaldor, Anheier, and Glasius 2004, 3). Such individuals support domestic issues and the preservation of their country's sovereignty exclusively--reminiscent in thought to true isolationists.

The moderates in this categorization include the Regressives and the Reformers. Regressives lean toward the Rejectionist viewpoint, supporting globalization in selected fields when it serves best to advance nationalist interests (Kaldor, Anheier, and Glasius 2004, 3). Such feeling is indicative of much of the world today, especially the dominant state actors. To preserve sovereignty, or at least to hope to preserve it from the complex onslaught of global forces, they strive to pick and choose what will be advanced in an effort to continue to maneuver and further their own cause. The American Cold War mentality was Regressive. Throughout the Cold War, countries "complained that Washington too often asserted that all disorder in the world emanated from Moscow" (Schulzinger 2002, 13). Such a simplistic view of the world and a rejection of the realities of globalization are included in the Regressive position.

Following the end of the Cold War, the opportunity to address the world's complexities properly dawned; however, the present administration has heralded a return of Cold War simplicity in the face of the war on terror. In this Regressive vein, the United States has hindered the expansion of global civil society in a number of ways. Global civil society conferences were held for NGOs prior to official state functions of international organizations throughout the 1990s. The U.S. pushed for a moratorium on the conferences and its wish was granted (Bennett 2002), but not without reason. The United States' lone status as the world's superpower places it in a position to potentially reject any threats to its hegemony. According to Kaldor, "the United States is the only country not hemmed in by globalization, the only state able to continue to act as

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an autonomous nation-state…a 'global universalist,' as Javier Solana puts it, or the last nation-state" (2003, 591). Therefore, as Kaldor points out, an expanded global civil society would provide a system of governance where decisions can be made by deliberation and not by the whim of the American hegemony (2003, 592).

Finally, the types of individuals one would expect to find in support of increased international awareness and involvement, and therefore those who identify and associate more readily with global civil society, are categorized as Reformers, persons who support interconnectedness and the effective use of global governance to benefit all of humanity and not just select countries (Kaldor, Anheier, and Glasius 2004, 3). Reformers lean toward the Supporters' aims and focus on governance as an effort to provide for the needs of humanity. These efforts include the expansion of international law – especially law concerning human rights (Kaldor, Anheier, and Glasius 2004, 3).

Conclusion

An American generational value change toward either Reformer or Supporter viewpoints would spell promise for global civil society. The Reformer's focus on globalization is best propagated by the flow of ideas indicative of social and cultural globalism, which affects personal identity and therefore international affiliation (Nye and Keohane 2000, 106). Reformers would emphasize the opportunity to push the U.S. "toward a more pragmatic and multilateral policy appropriate to the era in which we live" (Haass 2005, 27). More than that, the Reformers' view on multilateral decision-making is embodied in the concept of global civil society, whereby individuals, and not just nation-states, have a say in the development of global policy. On the other hand, the Bush administration's attempt to resurrect the Cold War mentality is indeed an attempt to preserve international relations in the traditional, state-centric sense (Kaldor 2003, 591).

Premise for Investigation

Out of the four schools of thought characterizing the different attitudes toward globalization, a shift toward a Reformer or Supporter stance would show promise for developing global civil society. This relationship can be demonstrated as a correlation chain:

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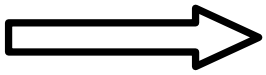
A generational shift toward Reformer or Supporter stance  Greater validity for global civil society

If the American generational value change toward globalization is indeed toward the Reformer or Supporter's globalist stance, the possibility of a sustainable contribution to developing and legitimizing global civil society is promising.

Mapping Generations and Attitudes

Determining if an American generational value change exists and leans toward globalism, thus accommodating global civil society, requires understanding the definitions and measurements of such concepts as generations and attitudes toward globalization, the tools to accomplish the measurements, and the source of data to achieve these ends.

Definitions and Measures

To determine if a value shift toward globalism exists and is generational first requires understanding what is meant by generation, specifically what is meant by the Cold War and post-Cold War generations. For this purpose, generation fundamentally has reference to the two aspects of identity development. As noted, the divide among psychologists is whether identity is a result of "deep socialization" during an individual's early years or the sociological and cultural inputs after initial development and throughout adult life (Kaldor, Anheier, and Glasius 2004, 9).

Because the debate in developmental psychology is beyond the scope of this study, both schools of thought can be accommodated by limiting each generation to a span of years in which both deep and additional socialization would have substantially occurred, each in the respective times of Cold War or post-Cold War eras. The Cold War generation can be identified as individuals born after 1950 and the start of the Cold War. The post-Cold War generation can be identified as individuals whose identities were developed following 1980 and the relative end of the Cold War.

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Attitudes toward globalization, and thus global civil society, can be identified according to a number of measures. The fundamental, albeit nebulous, measure is how an individual self-identifies on a local to global scale. Other obvious indicators of a Reformer or Supporter attitude toward globalization would be noted by an individual's belief that issues of a global nature ought to be handled by international organizations – which in the general sense would include global civil society – or at the least by national governments with U.N. assistance.

Tools and Data

A series of questions relating to these selected indicators of attitudes toward globalization were taken from the myriad questions posed in the World Values Survey. The World Values Survey is an extension of the European Values Survey, performed in 79 countries in four waves spanning from 1990 to 2005. More than 6,000 Americans participated in each wave.

The questions and responses used to determine the existence and nature of an American generational value change are: Who should decide on issues relating to international peacekeeping, environmental protection, aiding developing countries, refugees, human rights, and where individuals identify themselves geographically. These questions are pertinent, even if not asked in every survey wave, to determine an individual's attitude toward global cooperation – the true essence of global civil society – on topics that are of definite concern to globalists: human rights, the environment, developing nations, and peacekeeping.

For each question, the responses of U.S. citizens will be categorized into the two generations and compared, taking note of the responses indicative of a generation value change. For the geographical identification question, which was asked in each wave of the survey, an analysis of change in generations over time will be conducted. The accumulated analyses will offer a clear look at the existence and nature of a generation value change between Cold War and post-Cold War Americans, the real substance of the argument relating to the reality of support for a developing global civil society.

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Results

The shift toward American globalism exists and appears to be generational. A clear break in ages at the 1980 mark was not possible because the data was lumped into either six or three age intervals, without any raw birth date information. The point of division for the questions, except for the geographical identification question, is 1977; in other words, the Cold War generation is identified as individuals born pre-1977 and the post-Cold War generation is identified as individuals born post-1977. The questions, minus geographical identification, were jointly tested with a Chi-square test on their crosstabs. The test showed there is significant difference, and thus a clear distinction, between the two groups' answers. While that significance is not applicable to the difference in each question's answers specifically, it is clear that the observable distinctions have significance for the variation between the two generations across the board.

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Deciding International Peacekeeping

Figure 1

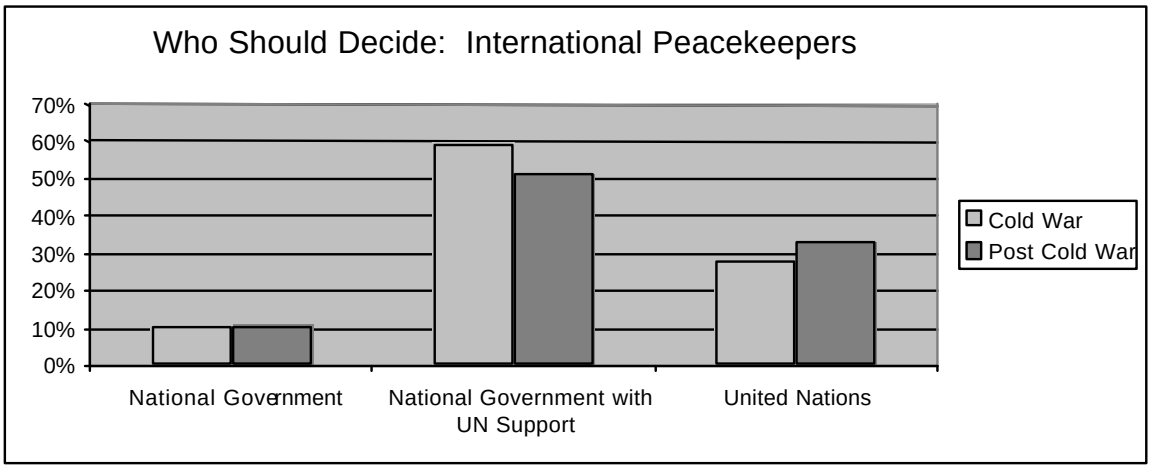

Figure 1 details American responses to the question concerning who should decide international peacekeeping, asked in the 1999 World Values Survey. Few from either generation felt the national government should determine international peacekeeping on its own. Nearly 30% of each generation felt the United Nations alone should determine the use of international peacekeepers, with the post-Cold War generation slightly more in favor of the United Nations acting unilaterally than the Cold War generation. The majority of both generations felt the national government ought to cooperate with the United Nations to determine the use and placement of international peacekeepers. The fact that both groups, and especially the post-Cold War generation, lean toward options involving the United Nations than toward national unilateralism gives credence to the case for a generational value change toward globalism.

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Deciding Environmental Protection

Figure 2

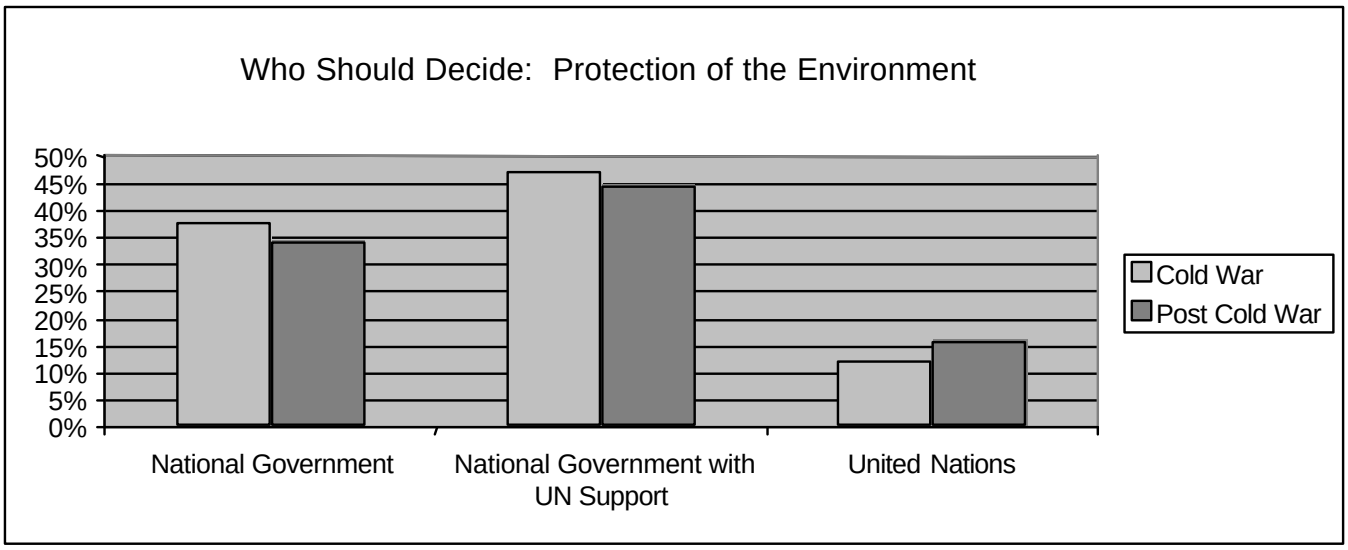

Figure 2 details American responses to the question concerning who should determine how to protect the environment, asked in the 1999 World Values Survey. While the mainstay of both generations is again in support of national government cooperation with the United Nations, and the post-Cold War generation is again the clear supporter of United Nations initiative, this response leans significantly more toward a Regressive or Rejectionist stance, indicative of the American public's view, regardless of generation, on this specific issue.

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Deciding Aid to Developing Countries

Figure 3

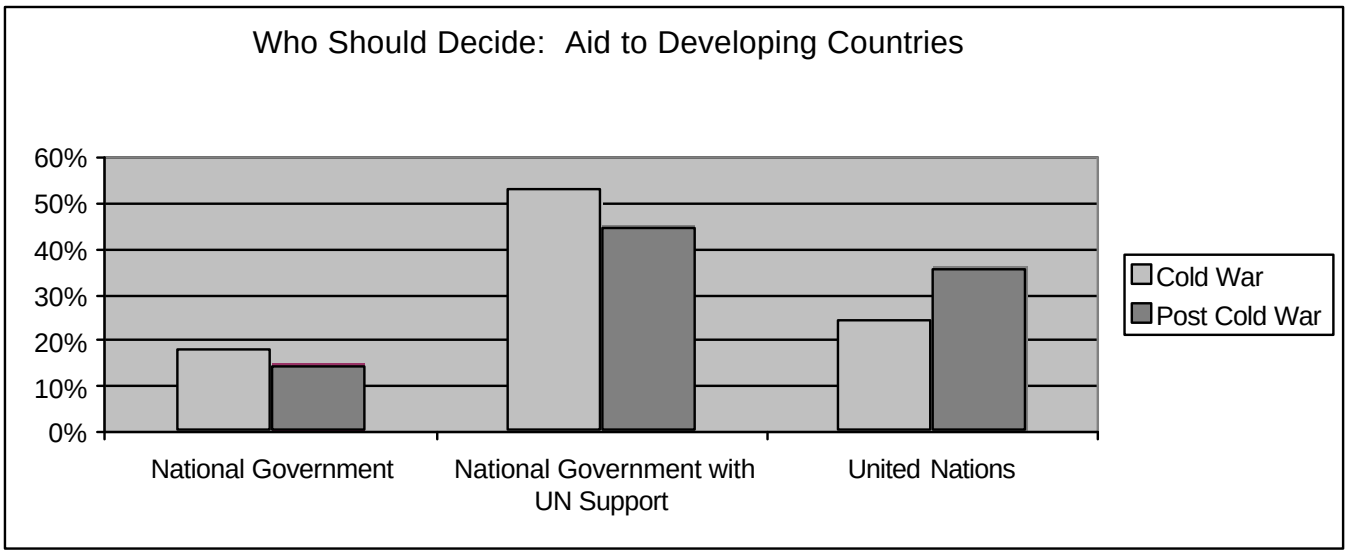

Figure 3 details American responses to the question concerning who should determine aid to developing countries, asked in the 1999 World Values Survey. This response again supports the moderate stance of national governments cooperating with the U.N. Unlike the first question, however, this question drew much clearer support among the post-Cold War generation for the proposition that the United Nations should be the chief decision-maker concerning foreign aid. In one of the most significant topics of Reformer or Supporter concern, this is sure support for globalism in the generation value change.

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Deciding Refugees

Figure 4

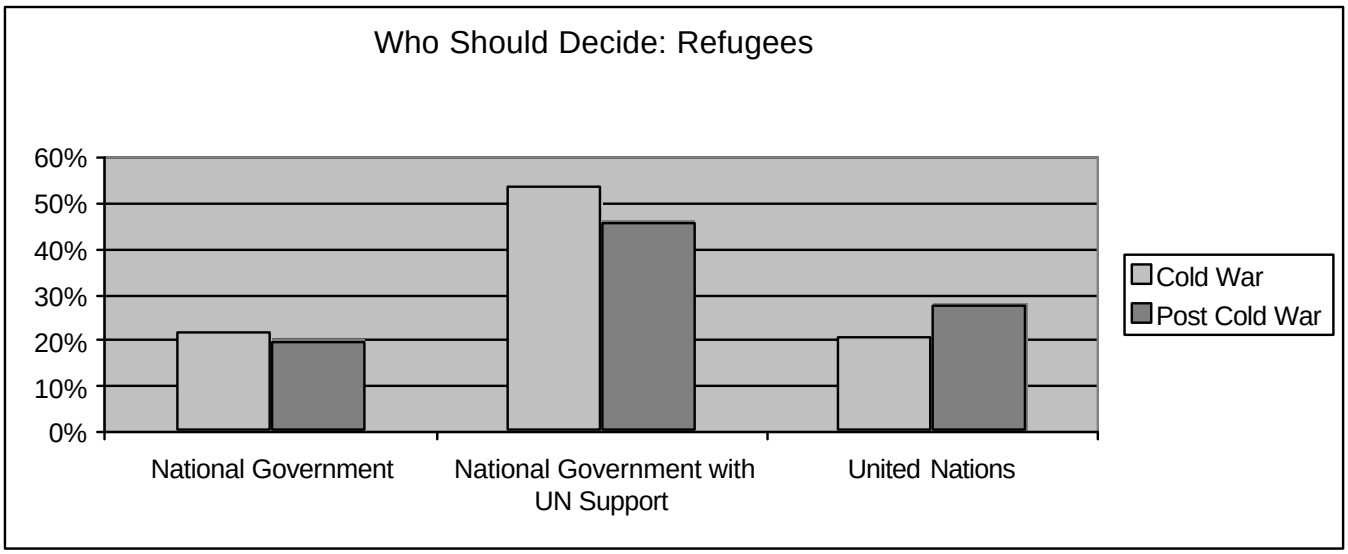

Figure 4 details American responses to the question concerning who should determine how to provide for refugees, asked in the 1999 World Values Survey. About half of the responders in each generation favored national government action supported by the United Nations. The remaining responders were about evenly split between unilateral action and action by the United Nations alone, with the younger generation more likely to favor the United Nations.

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Deciding Human Rights

Figure 5

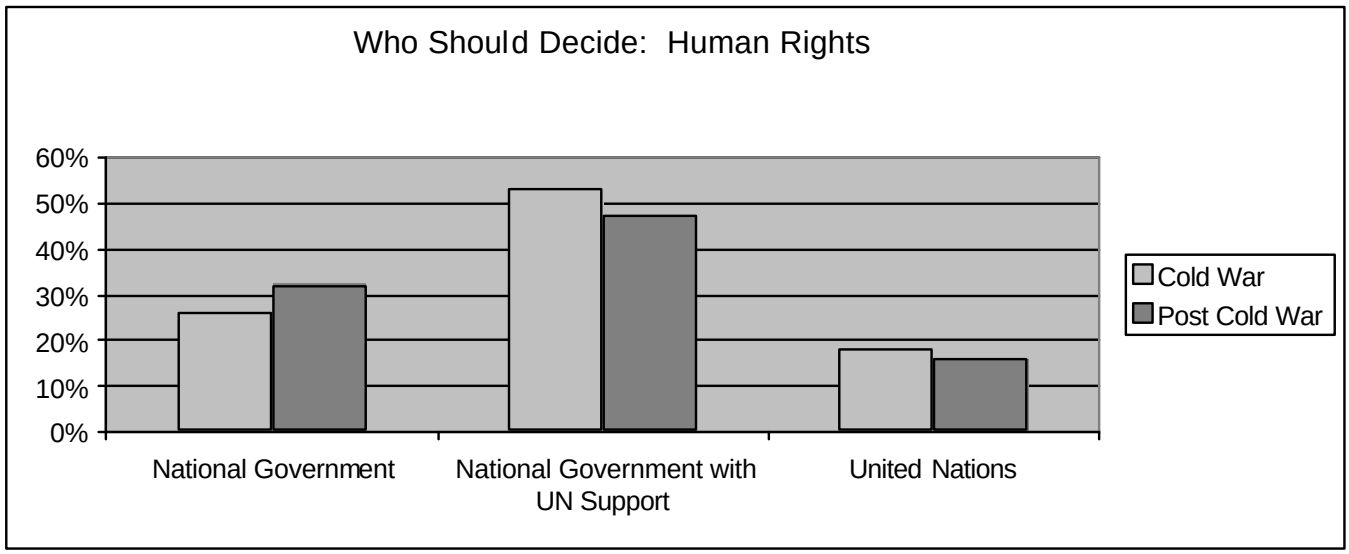

Figure 5 details American responses to the question concerning who should determine the preservation of human rights, asked in the 1999 World Values Survey. This question provides an interesting break from other "who should" questions asked in the survey. The only other question to get more of a pro-national government than pro-United Nations response was the question dealing with environmental issues. But members of the post-Cold War generation are more likely to support national government decision-making than are members of the Cold War generation, and Cold War generation members are more likely to support United Nations intervention. Perhaps this noteworthy difference, a nationalist-leaning response, stems from the post-Cold War generation's early exposure to the successful unilateral U.S. efforts in Bosnia and Kosovo and the catastrophic lack of U.N. action in the Rwandan genocide.

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Geographical Identification

The geographical identification question was asked in each wave of the World Values Survey, unlike the previous questions, and was also included in the American outreach of the 1982 European Values Survey. Although the age groups are not a split between Cold War and post-Cold War generations – since no one of the post-Cold War generation would be a part of the survey until the late 1990s – each year's responders can be split into two age groups. On the graph, the younger generation's responses are coded darker than the older generation's.

Figure 6

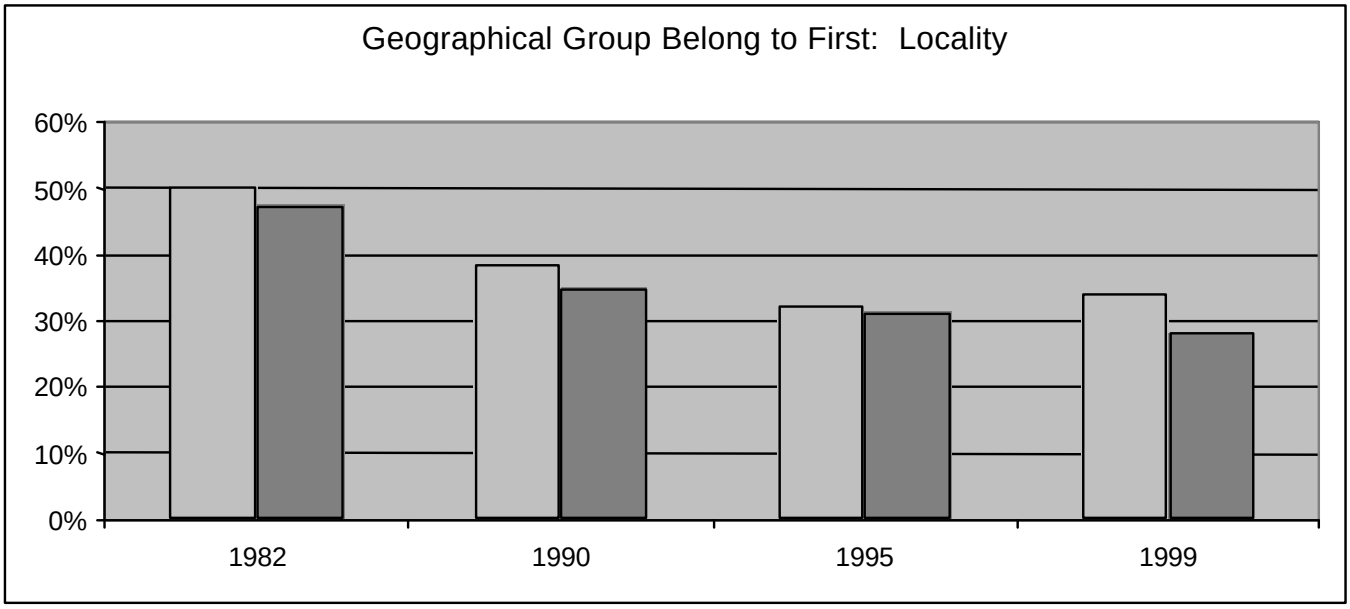

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Figure 7

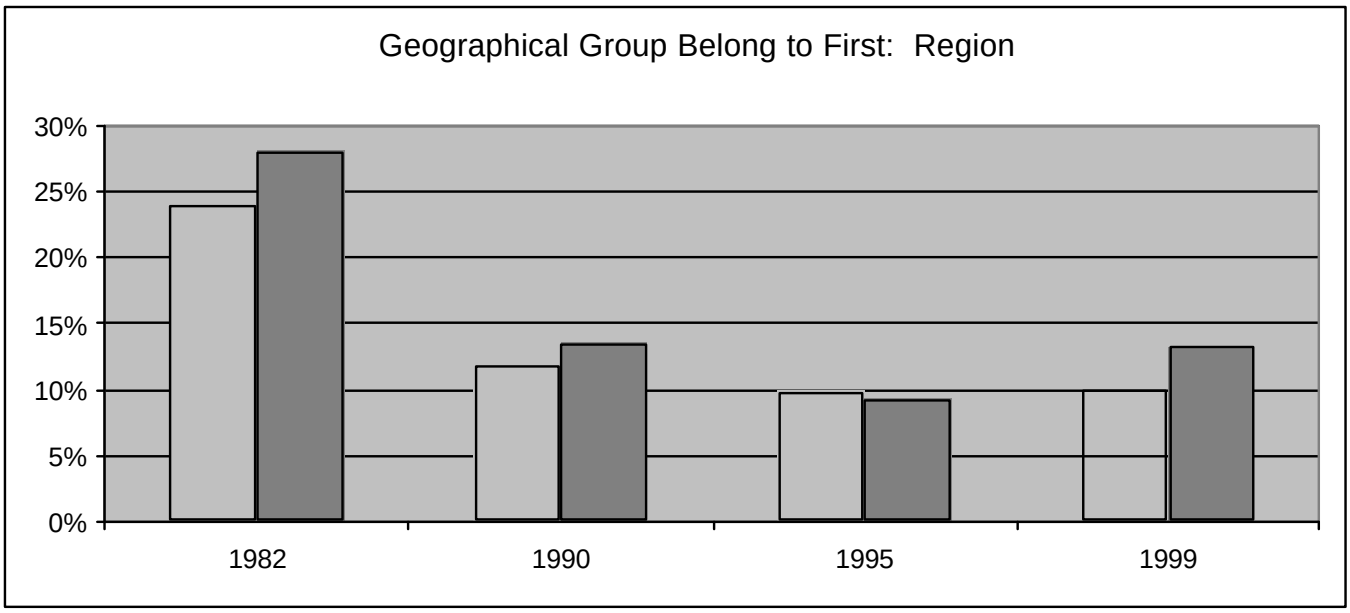

Figure 8

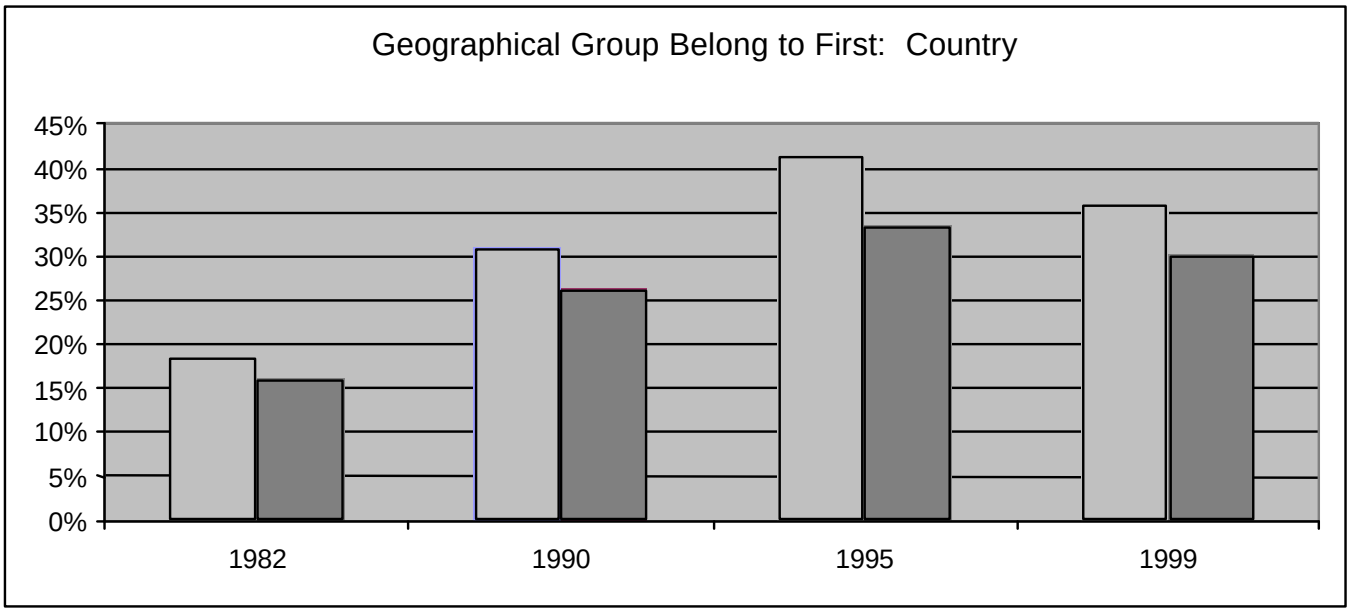

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Figure 9

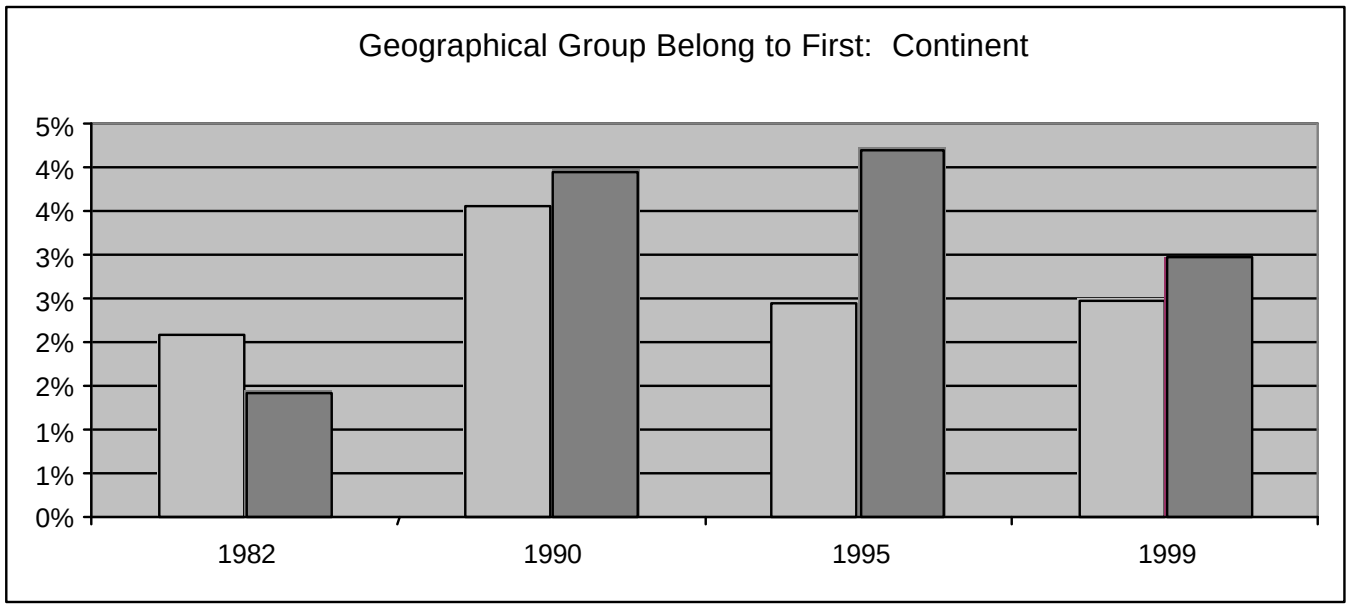
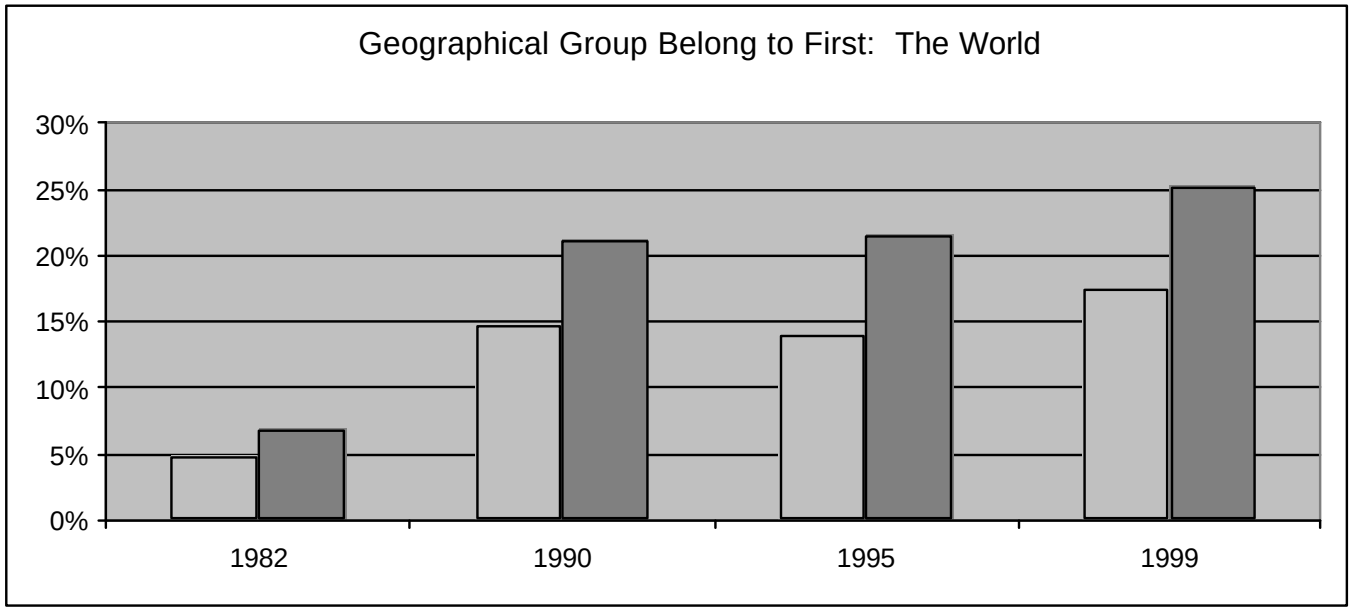


Figure 10



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Save for the fluctuation in identification at the awkward "continent" level, this question shows a clear change from a local or regional identity to a national or globalist perspective, more pronounced for the younger generation on worldwide identification and the older generation on affiliating with country.

The 1999 response to this question, which again details the Cold War and post-Cold War generations as previously specified, shows perhaps the best summarized evidence of a generation value shift and its globalist nature. The Cold War generation has shifted from locality but remains at the national level. The post-Cold War generation has shifted further to become cosmopolitan and globalist.

The Shape Of Things to Come

Because the collective perspective of the American people presently has such potential power, thanks to the United States' global hegemony, their attitude toward the overarching phenomenon of globalization and issues relating to global civil society in particular have great possible influence regarding global civil society's functionality and validity. A generational value change obviously exists and leans in support of globalism for the post-Cold War world. The responses to the environment and human rights questions appear to be exceptions to this rule, however. The other selected questions, along with geographic identification, showed support for a globalist generational value change.

A break from traditional international relations is significant for the public, academia, and policymakers. Granted, this investigation considers one small facet of a single body interested in governance, but it is important to look at the attitudes of the individuals who have great power to influence the acceptance or rejection of a transformation to a non-state-centric international order. Future studies might look at surveys specifically concerning global civil society and not use the scattered method of selecting survey questions that deal indirectly with the issue. The differences highlighted in both the environment and human rights questions also lend support to considering each issue independently. With more precision would come more opportunity to provide truly important findings on the differences between generations and other divisors, especially if conducted concerning attitudes toward globalization following both September 11 and the Iraq War. Breaking down responses by variables other than age, such as race or gender, could reveal how support for globalism varies within the younger generation.

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Considering the impact of individual attitudes on the development of a global phenomenon is true to the premise of globalization: greater opportunity thanks to the shrinking and interdependence of the world. The more accessible the stage, the more individuals will become part of the global decision-making process, whether on their own or as part of NGOs, social movements, and nation-states. Despite efforts to inhibit or stop such evolution of international relations, a non-state-centric system is the shape of things to come.

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Throwing Down the Gauntlet: The Success Rate of Congressional Veto Overrides

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This work explores factors that may influence the success of a congressional challenge to the presidential veto. There are several factors worth investigation including the partisan division of Congress, the presence of upcoming elections, the length of the president's time in office, the legislation's policy substance, and the president's past political experience. A probit regression employed to analyze the significance of these factors reveals the president's tenure in office, his past political experience as a state governor, and the policy substance of the legislation as pertaining to foreign affairs as the only significant variables. Partisan control of Congress and the electoral cycle are found to be insignificant.

[1]I would like to thank David R. Mayhew and John S. Lapinski for their support, guidance, and helpful comments.

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> Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States: If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law (United States Constitution).

Throughout President George W. Bush's first term in office, Article I, section 7, clause ii of the United States Constitution became rather unfamiliar to legislators and congressional scholars. Enjoying majorities in the House and Senate, as well as congressional leadership that worked lock step with the executive branch, President Bush had no occasion to wield the veto pen. However, current battles between the White House and Congress involving both foreign policy (the Iraq War) and domestic issues (embryonic stem-cell research, state children's health insurance program) have thrown veto politics back into the spotlight. Recognizing the reemerging importance of veto politics and the potential for congressional override, this paper seeks to investigate factors affecting the success of a congressional challenge to the presidential veto.

From 1789 through the conclusion of President George W. Bush's first term in office, thirty-five administrations vetoed a total of 2,550 bills passed by Congress.[2] Of these 2,550 – of which 1,484 were regular vetoes and thus subject to congressional override – 314 were challenged by at least one chamber of Congress and 104 of these bills were successfully overridden. Statistics can be marshaled to illustrate the significance of studying the politics of the veto override process. In his thorough account of the politics surrounding the veto, *Veto Bargaining*, Charles M. Cameron provides the telling

[2]Of these vetoes, 1,484 were regular vetoes while 1,066 were pocket vetoes. Although pocket vetoes will not be discussed in this paper, as they are not subject to Congressional override, the total number of vetoes is relevant here to demonstrate the frequent use of the presidential veto throughout American history.

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statistic that between 1945 and 1992, Congress attempted to override fifty percent of all bills vetoed by the president. Furthermore, according to Cameron's (2000) statistical analysis of veto challenges from 1945 through 1992, the prospect of success for Congress to overrule the veto pen is forty-five percent (Cameron 2000). Given these high percentages of override attempts and overall success in the modern period, it would seem that determining the factors influencing the success or failure of an override attempt is an important task, as the override of a presidential veto is not as statistically improbable as the empirical data of 104 out of 2,550 might suggest.

Addressing the question of which factors prove influential in deciding the success of a congressional challenge to a veto can be justified for several other reasons. It is important to note that in numerous instances throughout American history, key policy results hinged on the success or failure of a congressional challenge to a presidential veto. The failure of the Senate to override President Andrew Jackson's veto of the re-chartering of the Second Bank of the United States on July 13, 1832 led to the demise of the bank and likely contributed to the Panic of 1837. The successful override of President Andrew Johnson's veto of S. 453 by the Thirty-Ninth Congress in 1867 resulted in the creation of the Tenure of Office Act, a law Johnson eventually violated resulting in the first impeachment and trial of a President of the United States. The override of President Nixon's veto of the War Powers Act on November 7, 1973 altered the manner by which the commander-in-chief was authorized to deploy troops. Undoubtedly, the success or failure of a congressional challenge to a presidential veto has often influenced the course of American history. In addition to this historical significance, a study of this sort could reveal information regarding various theories of lawmaking. The challenge of a presidential veto presents a unique circumstance in American lawmaking, whereby the preferences of both the legislative and executive branches are pitted directly against each other in a high stakes conflict often involving considerable publicity and a potential threat to presidential reputation. Such a situation grants an opportunity to assess the significance of various factors that may contribute to the lawmaking process, including the role of political parties, upcoming elections, the power relations between chief executive and the branches of the legislature, the significance and policy area of the legislation being debated, and the prior political

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experience of the president vetoing the legislation. In an analysis here of the data set of the 314 veto challenges attempted from 1789 through 2004, using both descriptive statistics and probit models, it appears that the most significant factors in determining whether an override attempt will succeed include the policy substance of the bill, the president's past political experience, and the amount of time that has elapsed in the president's term. Surprisingly, factors such as partisan division of congress or the prospect of an upcoming election seem to be insignificant.

To demonstrate this argument, I have amassed a data set of the 314 veto challenges initiated by Congress from 1789 through 2004. For each of these attempts, I have identified the bill vetoed, the session of Congress in which the challenge occurred (including whether that session was during the year of a midterm election or presidential election), the partisan control of both the House and the Senate during that Congress, the significance of the bill vetoed, the policy realm into which that bill falls, and the previous political experience of the president who vetoed the legislation.[3] Using this data set, I examined descriptive statistics and also constructed a probit regression model to illustrate the significance of each of these independent variables in predicting whether the congressional challenge was successful. The argument, however, will proceed first with the theoretical expectations affiliated with each of these variables, including ideas professed by congressional scholars. Following this discussion of theory, I will then present the descriptive statistics along with my regression equation and analyze the significance of each variable and the various coefficients obtained. My explanations are not exhaustive and my methods not infallible, yet I hope this analysis does reveal some interesting insight into the significance of various factors in the override process.

On a final clarifying note before delving into theoretical predictions, it is important to remember that in dealing with questions surrounding veto politics there are three large steps in the process. The first step involves the vetoing of a bill; the second step asks the question of whether or not Congress will attempt to challenge the veto; and the final piece assesses whether or not a

[3]To address the issue of significance of the legislation as well as the policy area in which the bill falls, I have relied upon a data set complied by Joshua Clinton and John Lapinski. For more information regarding this data set, see Clinton and Lapinski (2006).

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challenge will be successful. This analysis focuses primarily on this final question regarding the success of override attempts, should Congress choose to levy a challenge. Unquestionably, the initial two steps bear influence on this final question, and I intend to highlight situations where I, or other scholars who have written on the subject, believe actions taken during these initial two steps may be confounding the results of an analysis of this third step of the veto override process.

Theoretical Predictions of Each Factor Examined

In the realm of congressional overrides of presidential vetoes, not all administrations rank the same. In their discussion of the presidential veto and the congressional response from 1945 to 1980, David W. Rohde and Dennis M. Simon (1985) describe how the success rate of various Congresses against different chief executives exhibits significant variation. While only eighteen percent of President Eisenhower's vetoes were successfully overridden by Congress, fifty percent of both President Truman's and President Carter's vetoes were later nullified. Some, although far from many, previous studies have addressed the issue of what factors contribute to the success of a veto challenge. A survey of this scholarly work reveals conclusions that are in many ways dissimilar and in some instances contradictory. After assessing this work and compiling a data set of my own, I have identified seven factors I hope to explore to provide additional information on which factors are significant predictors of override attempt success: composition of Congress in terms of political party, whether the veto challenge is attempted in an election year (midterm or presidential), the year of the president's term in office, the significance of the legislation in question, the policy substance of the legislation in question, and the previous political experience of the president. In this next section, I posit various explanations of why these variables would be significant, drawing on my own curbstone intuition and, more importantly, on the work of previous congressional scholars.

Before delving into justification of why these variables may be significant, it is necessary to explain how each of these variables is measured. Partisan division of Congress is measured by simply counting the number of chambers of Congress the president's party controls (zero, one, or two) with a special consideration for certain statistical purposes for any time a single party controls both branches

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of Congress by more than a two-thirds margin in order to test a particular hypothesis that will be presented in the next section. The election year variable segregates those override attempts carried out in midterm and presidential election years. An additional variable measures the year of the president's term in office; the variable marks the first year of a president's term with a one, the second year with a two, etc. and this counter resets if a president is re-elected (so, for example, if it is the president's fifth year in office, this variable reads one). This variable measures exactly the year of the president's term and does not rely on the calendar year. Before the ratification of the Twentieth Amendment to the Constitution in 1933, any year of any president's term extends from March of one year to March of the following year. For example, if a president was sworn in on March 4, 1917 and he vetoed legislation on February 3, 1918, then this veto is considered to be in the first year of the president's term. Following the ratification of the Twentieth Amendment, any year of any president's term extends from January of one year to January of the following year. It is important to note that not all vetoes are cast by an elected president. Presidents who succeed to the office upon the death or resignation of the incumbent are not excluded from this dataset, and, for each of their vetoes, the year of the president's term must be calculated. To address this issue, I have elected to continue the year of term clock as if the previous president were still in office (i.e. vetoes cast by President Ford in 1975 are coded as being in the president's third year in office, even though Ford took power in August of 1974). My rationale for not restarting the year of term clock is explained later when I discuss theoretical reasons for including this variable.

The significance and policy realm variables are both obtained using Joshua Clinton and John Lapinski's 2006 work "Measuring Legislative Accomplishment, 1877-1994." To identify significance, Clinton and Lapinski aggregated a variety of measures of legislative significance to develop a single model permitting a comparison of legislative significance across history. More important statutes, such as the Civil Rights Act of 1964, enjoy higher scores while pieces of legislation that are less significant enjoy lower scores. Policy realm is also identified using Clinton and Lapinski's data set, where all laws are broken down into seven "Tier 1" categories including sovereignty, organization and scope, international relations, domestic affairs, District of Columbia, housekeeping, and quasi-private (Katznelson and Lapinski 2006). Finally, the president's previous

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political experience is simply measured by researching his biography and determining whether he was once a member of Congress, a state governor, both, or neither. Using these methods of measurement, coupled with the appropriate analysis, the influence of each of these variables on the success of a veto override attempt can be discerned.

The first, and perhaps most obvious, factor warranting consideration involves the partisan division of the Congress. The intuition behind this variable is rather simple in that an initial hypothesis would suggest that if the political party in opposition to the president retains control of either or both houses of Congress, the likelihood of a veto challenge being successful would increase. Furthermore, it would make sense that as the margin of control for the opposition party increased, the chance of success in the override attempt would exhibit a corresponding increase. The opposite effect might be exhibited if the president's party were in control of Congress, with an increasing majority causing the chances of a successful override to diminish. Although this logic seems reasonable, the opinion of congressional scholars is somewhat mixed regarding the significance of Congress's partisan division in predicting the success of a veto challenge. In accordance with the initial hypothesis espoused above, Jong R. Lee (1975) has argued that party loyalty plays an integral role in predicting the success of veto challenges. Lee argues there are five factors that cause congressional overrides to increase systematically. Included in his group of five significant variables is a dummy variable measuring when Congress—either House, Senate, or both—is controlled by the opposition party.

In contrast to Lee's findings, several scholars, writing both before and after his 1975 work, have presented results illustrating congressional partisan division to be an insignificant predictor of override attempt success. Assessing presidential vetoes and override attempts from 1889 through 1937, Katherine Towle (1937, 55) concluded that, although periods of divided government had four times as many override attempts as periods of united government, "within the groups themselves the percentages of both successful and unsuccessful attempts to override the veto were almost identical." Charles M. Cameron's (2000) work, which focuses on the more modern interval of 1945 to 1992, supports Towle's previous work. In investigating only the success or failure of override attempts, Cameron's model fails to pick up the significance of divided government. At the same time, Cameron does acknowledge that

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although divided government – Cameron's variable for partisan control of Congress – does not register significance in terms of the success of an override attempt, it does illustrate significance in his analysis of the decision to try to override, thus rendering the variable not insignificant to the entire process of overriding the presidential veto. While Lee, Towle, and Cameron have all presented clear arguments regarding the role of partisan division in the success of the override attempt, Charles L. Black, Jr. adopts a less definitive stance in his 1976 work. Black, musing on his conversations with Congressman Bob Eckhardt of Texas, dismisses party loyalty as the sole factor in predicting the success or failure of an override attempt, but stops short of dismissing the variable entirely.

An entirely different theory regarding partisanship and the veto challenge can be developed resting on the assumption that Congress and the White House have distinguishable preferences and that these preferences do not necessarily align when both institutions are controlled by the same political party. In addition to this assumption, this theory also relies on Gary W. Cox and Mathew McCubbins's work *Legislative Leviathan* and their description of political parties in the House of Representatives as cartels of legislators who are tightly policed by their leaders. By manipulating the legislative agenda, committee assignments, and other perquisites, congressional leaders are able to control the members of their caucus and prompt members to vote according to leadership's preferences. Thus, when considering the role of partisan politics in the veto override process, a theory can be presented contending that should one party in Congress control a two-thirds majority in both the House and Senate, Congress will be able to legislate independently of the White House. Given the assumption that Congress and the White House have distinguishable preferences, perhaps it is arguable that if either party – regardless of the president's affiliation – has a two-thirds majority in both chambers of Congress, Congress will be better able to implement its agenda and will have a greater success rate in overriding the presidential veto. Considering this lack of consensus on the issue of partisan control of Congress in predicting the success of an override attempt, it appears any study attempting to illuminate this question of factors influencing a successful challenge should include party in its analysis.

Whether the veto is cast in an election year, be it a midterm election year or a presidential election year, is also a potentially significant factor in predicting the success of an override attempt.

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Largely neglected in Cameron's work, the nature of lawmaking likely adopts different characteristics when elections are involved. The tension between Congress and the chief executive may heighten, with each branch attempting to embarrass the other for electoral gain or, conversely, both branches may be more liable to work together to present a front of cooperation and productivity to incur the voters' favor. Groseclose and McCarty (2001), in their work on the veto, have described how veto politics during election years can turn into a "blame game" with Congress deliberately passing legislation popular with the electorate but antithetical to the president's values, thus forcing the president to veto popular legislation and risk alienating voters. The game can also be played in the opposite manner, as President Truman and President Ford both used the veto for electoral purposes to call attention to their differences with Congress in order to build a stronger political base (Copeland 1983). There is also the possibility that election years may cause the nature of congressional lawmaking to change as individual members alter their behavior to maximize their chance of re-election. Rohde and Simon (1985, 405) recognize this possibility: "The veto is likely to be perceived as a more severe weapon during election years in that its effect in blocking programs may be perceived … as an immediate threat … Election years are a time when members of Congress are 'united' in the sense that each is striving to satisfy constituent and interest group pressures in order to survive politically." In other words, it is likely that the prospect of upcoming elections fundamentally affects lawmaking and veto politics as it changes the relationship between Congress and the president as well as among members of Congress themselves. Accordingly, a variable including election years deserves consideration in a study addressing factors that influence the success of override attempts.

A third variable incorporates how far into the president's term of office a veto is cast. By employing this variable, it is possible to measure variations in the power relations between Congress and the executive over the course of a four-year term. Upon beginning his term in office, a president enjoys a "honeymoon period," in which his proposals are well received on Capitol Hill and items on his agenda arguably stand the greatest chance of being implemented (Copeland 1983). President Franklin Roosevelt's one-hundred days of legislative productivity as well as President Reagan's implementation of his economic agenda in 1981 serve as paradigm examples for the honeymoon period phenomenon. Accordingly, a

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hypothesis would expect an override initiated in the first year of a president's term to possess a diminished chance of success. However, as the president's term in office drags on, Congress usually grows more assertive in its relations with the chief executive (Rohde and Simon 1985). This increase in assertiveness could perhaps correlate with an increased success rate for veto challenges from year one to year four. Complicating the relationship between Congress and the president are the midterm elections. While the previous paragraph addressed any effect the run-up to the midterm elections may have on veto politics, an effect may be felt after these elections as well. Excepting the midterm elections of 1934, 1998, and 2002, the president's party has always lost congressional seats in the midterm elections. This bolstering of the president's opposition party in Congress may translate into an increased override success rate for years three and four.

As mentioned previously, while the year of president's term clock is reset once an incumbent is reelected and starts a new term, the clock does not restart when a new president comes to power following the death or resignation of his predecessor. Several factors justify not restarting the clock in these situations where a president comes to power without being elected: a newly sworn in president does not enjoy the same honeymoon period a duly elected president enjoys; Congress's more assertive stance does not necessarily melt away following the death or resignation of an incumbent president; and the midterm elections are held at the same time regardless of whether the incumbent president has died or resigned. A final consideration of how time in office may affect the success of veto challenges involves Congress calculating the utility in maintaining a close relationship with the White House. Perhaps it is the case that congressional leaders seek to maintain strong relations with the president when he has more time left in his term, and thus a greater ability to approve or stymie Congress's agenda (Lee 1975). To assess these various predictions, a variable marking the year of the president's current term of office (first through fourth) is incorporated into the regression analysis.

The next two elements included in this research involve the significance of the bill being vetoed and the policy realm of that legislation. At this point, it is important to emphasize that most of the bills that are vetoed are private bills. Writing in 1988, Robert J. Spitzer observed that of the 2,503 bills that had been vetoed by a President of the United States, 1,594 were private bills while 909

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were public statutes. Spitzer also notes that 19.3% of all public bill vetoes challenged by Congress were successfully overridden, yet the success rate for private bill vetoes is only 0.8%. While this analysis is based on data available in 1988, it is necessary to realize that bills of very low significance – such as the vast majority of private laws that involve only the inconsequential relief of one afflicted party – enjoy a lower success rate compared to other more important statutes. Even though many of these private bills are passed without a recorded vote and with minimal opposition, when they are brought up again on a veto override vote, they enjoy little support (Berdahl 1937). It is likely that this disparity results because Congress only wishes to invest the huge amount of time and energy to override the president's veto for bills that are legislatively significant. A variable, derived from Clinton and Lapinski's data set, has been included to measure whether a bill's significance has any discernable predictive value. It is important to note, however, that the analysis using this variable will differ from the other variables incorporated. Since Clinton and Lapinski's scoring of legislative significance relies, in part, on the use of twenty contemporary and retrospective raters of congressional enactments, the significance is known only for bills that eventually pass through Congress. Therefore, data on significance can only be provided for those pieces of legislation with which Congress was successful in its override of the presidential veto. For this reason, significance will not directly be included in the probit model, but it will be analyzed using descriptive statistics. It is also important to note that the analysis regarding significance will be limited to 77 bills rather than 106, as the data set incorporates bills from the 45th through the 102nd Congresses.

While significance is only measurable for bills that are passed, the policy realm of the legislation being reconsidered by Congress is available for all bills in question. At first glance, it might be expected that veto politics follow the well-known axiom that "politics stops at the water's edge" and that bills involving foreign policy have a lesser chance of being successfully overridden when compared to bills that pertain to domestic issues. Lee (1975, 534) echoes this sentiment: "A well-grounded proposition is that in times of foreign crisis or serious involvement in world affairs, Congress is willing to co-operate with presidential leadership. When national survival is perceived to be at stake, there is less likelihood of conflict." Charles L. Black's (1976) analysis of the presidential veto can help to shed some light on this issue. Black observes that most successful overrides involve

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legislation with universal appeal: nurses' training, handicapped persons, school lunches, railroad retirees. In other instances, lopsided override votes have included bills curbing presidential authority including the War Powers Resolution and a bill concerning presidential records. While my analysis will not dig this deeply into the substance of each bill, in order to assess the ability of a bill's policy substance to predict whether an override attempt in that bill's name will succeed, policy realm variables have been included in the analysis. These variables will, as stated before, rely on the seven "Tier 1" categories of legislation provided by Ira Katznelson and John S. Lapinski. Additionally, this categorization may aid in assessing the influence of legislative significance, as one of the seven categories includes quasi-private bills, which are undoubtedly less significant than bills included under the other six major headings. While the data included in Clinton and Lapinski's article concerns those bills presented in the 45th through 102nd Congresses, I have extended their categorization scheme to the other legislation in question, thus placing all bills under the same categorization scheme.

The final variable concerns the previous political experience of the president who vetoes the bill. Unquestionably, the presidency is a very personal office with each man who has served as president bringing with him various political skills and connections as well as baggage. The forty-two men (forty-three administrations with President Cleveland serving as both the 22nd and 24th president) who have served as president represent a variety of political backgrounds: some governors, some congressmen, some generals, some local legislators, some with no prior political experience. Perhaps prior experience in government has a relation to how presidents exercise their veto authority and, accordingly, how successful Congress is in overriding these vetoes. Lee (1975) makes the argument that presidents who have formerly served in Congress may be more deferential to the institution and not use their veto power as liberally as other presidents might. Presidents who are former members of Congress may also have friends on Capitol Hill, making a less hostile atmosphere and fewer successful overrides. Presidents who are state governors, however, may have the advantage as governors are accustomed to using the veto power with their own state legislatures. Maybe this experience with the veto translates to having selective use of the power and a lower success rate for Congress upon challenging these vetoes. On the other hand, it may be the case that former governors are "trigger happy" with the veto pen and

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possess a lack of respect for Congress that translates into a legislative liability. However, it must be recognized that this dummy variable measuring a president's experience as a governor is limited, in that gubernatorial veto power varies by state. Some states require the state legislature to override the governor's veto with a supermajority of three-fifths, while others require two-thirds. In Tennessee and Kentucky, the governor's veto can be overridden with a majority vote, but each of these states permits its governor a line-item veto. North Carolina did not afford its governor veto authority until a 1996 referendum. As such, a president's experience as a state governor is subject to tremendous variability. However, having some experience with the veto pen could be relevant to his discretion in exercising this authority. To acknowledge the highly personal nature of the Office of President of the United States, a set of variables assessing a president's prior political experience has been introduced.

A Basic Statistical Survey of the 314 Override Attempts

Before attempting to assess the relative significance of each of these variables by fitting the 314 override attempts into a regression model, some basic statistics may be worth examining to test the veracity of several of the predictions made above.[4] By comparing override success rates in accordance with the variables identified, some of the hypotheses advanced previously are confirmed, other predictions are not borne out, and the rest bear inconclusive results.

In discussing the variable of partisan division of the US Congress and its possible effect on the success of an override attempt, an initial analysis suggested that when the president's party was in power, override attempts would not be as successful when compared to override attempts made when the president's party was in the minority. Some scholars agreed with this logic, while others posited statistical models that suggested that partisan division in Congress had little influence on the success or failure of a veto challenge. A statistical survey of the data set can help to support or

[4]While the preceding paragraphs have made reference to 314 veto override attempts in American history, the total number of vetoes challenged is actually 316, with the total number overridden actually 106 not 104. My statement above states that 314 vetoes have been challenged by Congress while 104 have been overridden by Congress. There were two vetoes in the Nixon Administration that were challenged and overturned by court order. These vetoes are not included in the total number of vetoes or in the total number of overrides, as Congress was not involved.

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deny these claims. Additionally, the data set can also help in shedding some light on the hypothesis predicting that, regardless of the president's party affiliation, a Congress with one party commanding a two-thirds majority in both chambers will, detailing the success of override attempts, enjoy greater success in the override process. Table 1 illustrates a breakdown related to the number of branches of Congress the president's party controls. Although not entirely conclusive, the data does reveal that that Congress enjoys the highest success rate in overriding the veto when the president's party is in the minority in both congressional chambers. While worth noting, this data does not present a watertight argument. In contrast to the predicted result, the override success rate actually climbs from 30% to 31% as the president's party shifts from holding a majority in one chamber to holding a majority in both. Furthermore, the success rates all range within six percentage points of each other, perhaps – in accordance with the ideas of Cameron and Towle – revealing partisan division to have an insignificant effect on the success of an override attempt.

Table 1: Success of Override Attempts By Party Control

President's Party in Majority of:	Total in Category	Successful %	Failed %
0 Chambers	157	36%	64%
1 Chamber	71	30%	70%
2 Chambers	86	31%	69%
Total Attempts	314	104	210

Table 2 represents an alternative approach to assessing how partisan division may influence the success of a veto challenge. Table 2 displays all the override activity of each chamber of Congress from 1789 through 2004.[5] Table 2 provides information

[5]As prescribed by the Constitution, once the president vetoes a bill, it is returned to the house where it originated for further consideration. For the vast majority of bills, that house will elect not to challenge the veto. Other times, that house may challenge the veto and fail in its attempt. Another possibility is that the originating house will challenge the veto, succeed, and then pass the measure on to the other chamber for its consideration. Upon arriving at the other chamber, this chamber can elect not to challenge the veto, or can challenge the veto and then

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regarding the composition of Congress along and that composition's corresponding number of successful and failed override attempts. If the hypothesis that a pro-administration party's control of Congress decreased the likelihood of a successful attempt were correct, we would expect the number of successful override attempts to decrease as the number of seats the president's party held in the House or Senate increased. However, Table 2 illustrates that, even when the president's party is ahead in the House or Senate by a considerable margin, it is not uncommon to observe a successful override of the presidential veto. Nearly thirty percent of successful overrides in the House occur when the president's party is in control and nearly fifteen percent of all overrides occur when the president's party enjoys a margin of over one-hundred seats. In the Senate, over forty percent of successful overrides occur when the president's party is in control and over twenty percent of successful override attempts happen when the president's party is up at least seventeen seats. The presidents who were overridden despite their party holding a more than one-hundred seat advantage in the House include Harding,

Table 2: Success of Challenges By Margin of Party Control and Chamber

U.S. House Margin of Party Control	Successful Attempts (% of all Successful)	Failed Attempts (% of all Failed)	Total	Success Rate
Pres. Party Behind:				
150+ Seats	9 (6.72%)	2 (1.55%)	11	81.81%
101-150 Seats	25 (18.66%)	9 (6.98%)	34	73.53%
51-100 Seats	39 (29.10%)	24 (18.60%)	63	61.90%
1-50 Seats	23 (17.16%)	39 (30.23%)	62	37.10%
Pres. Party Even	0 (0.00%)	0 (0.00%)	0	--
Pres. Party Ahead:				
1-50 Seats	17 (12.69%)	23 (17.83%)	40	42.50%
51-100 Seats	10 (7.46%)	23 (17.83%)	33	30.30%
101-150 Seats	4 (2.99%)	8 (6.20%)	12	33.33%
150+ Seats	7 (5.22%)	1 (0.78%)	8	87.50%

succeed or fail in meeting the two-thirds requirement. Because of these different possibilities, the number of veto challenges each house has voted on varies considerably, with the House challenging the president 263 times while the Senate has initiated 189 challenges.

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Total	134 (100%)	129 (100%)	263	--

U.S. Senate Margin of Party Control	Successful Attempts (% of all Successful)	Failed Attempts (% of all Failed)	Total	Success Rate
Pres.Party Behind:				
24+ Seats	18 (14.88%)	5 (7.35%)	23	78.26%
17-24 Seats	9 (7.44%)	6 (8.82%)	15	60.00%
9-16 Seats	18 (14.88%)	21 (30.88%)	39	46.15%
1-8 Seats	26 (21.49%)	9 (13.24%)	35	74.29%
Pres. Party Even	1 (0.83%)	1 (1.47%)	2	50.00%
Pres. Party Ahead:				
1-8 Seats	18 (14.88%)	11 (16.18%)	29	62.10%
9-16 Seats	5 (4.13%)	9 (13.24%)	14	35.71%
17-24 Seats	16 (13.22%)	3 (4.41%)	19	84.21%
24+ Seats	10 (8.27%)	3 (4.41%)	13	76.92%
Total	121 (100%)	68 (100%)	189	--

Hoover, Franklin Roosevelt, and Carter while the presidents who were overridden despite their party holding a more than seventeen seat advantage in the Senate include Pierce, Grant, Theodore Roosevelt (during his last year in office), Hoover, Franklin Roosevelt, and Carter. In all of these instances, the legislation involved was of minor importance. However, these occasions are still worth noting as they help to illustrate how the partisan composition of Congress by itself does not adequately explain the success or failure of override attempts.

More compelling evidence can be marshaled to support the two-thirds majority hypothesis. The two-thirds hypothesis stressed the idea that Congress and the White House enjoy distinguishable political preferences and that congressional leaders – through their manipulation of the legislative agenda, committee assignments, and other perquisites – are able to compel members of their caucus to vote in line with the leadership's wishes. The hypothesis suggests that if a party, regardless of whether that party is pro-administration or anti-administration, controls two-thirds of both chambers of Congress, Congress will be able to implement its agenda despite a presidential veto. Table 3 provides support for this prediction.

Table 3: Success of Challenge By 2/3 Party Control of Chambers

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One Party has 2/3 Control in:	Total in Category	Successful %	Failed %
0 Chambers	231	29%	71%
1 Chamber	58	31%	69%
2 Chambers	25	76%	24%
Total Attempts	314	104	210

When either party does not hold a two-thirds majority in both chambers, the success rates for override attempts are relatively low, hovering around thirty-percent. However, when a political party does hold a two-thirds majority in both chambers of Congress, Congress is successfully able to override the veto 76% of the time. It is important to note that of these nineteen successful attempts when either party had two-thirds control of each chamber, over twenty-percent of the time Congress was dominated by the same political party as the president. The 76% result suggests that the two-thirds hypothesis – namely, that a single party's supermajoritarian dominance of both chambers of Congress will correspond with a dramatic increase in the success of congressional override attempts – is valid. Of course, the number of data points varies significantly among the various distributions of two-thirds party control, forcing any conclusions regarding the phenomenon observed to be made cautiously.

The second variable examined involved elections, attempting to determine if the success of an override attempt was influenced by an upcoming midterm or presidential election. Regarding the influence elections may have on veto challenges, scholars presented a variety of theories including that Congress may be more united in election years to advance an agenda designed to satiate special interests and their constituents. Another argument suggested that Congress is more inclined to override the veto during a presidential election year to embarrass the president or present itself as the more productive branch of government. Table 4 presents the breakdown of override attempts in terms of election years.

Table 4: Override Attempts By Election Year

Election Year Status	Total in Category	Successful %	Failed %
Midterm Election	86	23%	77%
Pres. Election	107	41%	59%

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Non-Election	121	33%	67%
Total Attempts	314	104	210

As can be seen in the table, there is significant variation in the override success rate with midterm election years having the lowest success rate of 23% while presidential election years have the highest success rate of 41%. This low success rate during midterm election years suggests that Rohde and Simon's (1985) argument that Congress is more united during midterm election years in their efforts to satisfy special interest groups and their individual constituencies is limited to a realm of congressional action that excludes challenging the presidential veto. However, the argument presented by Groseclose and McCarty (2001) that veto politics becomes a sort of "blame game" during presidential election years may be supported by this data. While this data does not reveal anything about the character of bills being sent by Congress to the president's desk for signature, the data does show that Congress does enjoy a higher override success rate during presidential years, perhaps stemming from a congressional desire to infringe on the president's authority and cause him to project an image of impotency.[6] Conversely, in accordance with Gary Copeland's (1983) argument, these numbers may suggest that presidents deliberately veto legislation during presidential election years to highlight their differences with Congress for an electoral benefit and, given that presidents are deliberately engaging in conflict with Congress, it would be logical for the override success rate to increase during these years.

The third variable identified measured how far into the president's term Congress voted to override the president's veto. In making predictions for the effect this variable may have on the success rate of challenges to the veto, various lawmaking phenomena were identified including the honeymoon period the president enjoys after he initially takes office, as well as how Congress becomes

[6]The fact that the character of the bills being sent by Congress to the president's desk is not revealed here is important because it renders Groseclose and McCarty's (2001) argument regarding the congressional attempt to embarrass the executive by making him veto popular legislation not falsifiable using this data. It is also important to note here that the increased percentage of override success rate during presidential terms may also be related to an increased assertiveness of Congress over the president's four-year term. The potential influence of this variable will be discussed in the next paragraph.

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increasingly more assertive as the president's term drags on. There was also some speculation that in years three and four of a president's term, the frequency of veto override may increase as his party loses seats in the midterm elections or that a second term president may be particularly vulnerable to an override as Congress has little incentive to maintain cordial relations. Table 5 provides the breakdown of override success rate and the year of the president's term in which the override attempt occurs.

Table 5: Override Success Rate By Year of Presidential Term

Pres. Term Year	Total in Category	Successful %	Failed %
1st Year	25	24%	76%
2nd Year	86	23%	77%
3rd Year	73	32%	68%
4th Year	130	42%	58%
Total Attempts	314	104	210

The trends apparent in the data support many of the predictions. Over the four-year term, the number of successful override attempts increases steadily. While the data exhibit an unpredicted drop of one percentage point in between years one and two of the presidential term, this can perhaps be explained by the fact that the total number of attempts during the president's first term in office is appreciably smaller than the other four years. This small number of attempts – in addition to supporting the argument that the president enjoys a honeymoon period during his first year in office – would cause a small number of successful overrides to increase the success rate percentage. The data also exhibit a large increase in success rate in between years two and three from 23% to 32%, supporting the idea that midterm losses for the president's party in the midterm election translate into an increased ability of Congress to override the president's veto. Additionally, the comparatively high success rate of veto challenges attempted in the fourth year of the president's term may be complicated by a president's lame duck status, with congressional leaders possessing little incentive to maintain cordial relations with the White House. Thus, a basic statistical survey of the data does seem to illustrate that Congress does grow more assertive with the president as his tenure in office increases.

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Legislative significance was also included in the list of variables that may influence the success of an override attempt. As was mentioned previously, Clinton and Lapinski's (2006) method of rating legislative significance evaluates only legislation that was enacted (with either presidential signature or successful override of a veto) from 1877 through 1994. Since some of the vetoes Congress seeks to override fall outside the 1877-1994 period, and some of the vetoed bills fail to be enacted, this section of the analysis cannot consider all of the data, nor can it be divided between successful override attempts and unsuccessful override attempts. Data is available for those seventy-seven successful override attempts in this interval. This is not to say, however, that significance will not be included at all in this descriptive section or in the probit model that will be presented. In the probit model, significance will perhaps be partially assessed using the policy realm variables, which include quasi-private legislation (which bears a lesser degree of significance compared to the other six categories).

Significance can also be studied here looking at the significance level of bills that are successfully passed by Congress over the presidential veto. Table 6 provides some surprising information regarding the significance of the legislation that Congress is able to push through over a presidential veto. The significance of the legislation passed by Congress over the veto ranges from the 54th Congress's HR 1139, which granted a pension to Caroline D. Mowatt, to the 80th Congress's HR 2030, the Labor-Management Relations Act of 1947 (also known as Taft-Hartley), which dramatically curbed the rights of organized labor. Despite predictions that only significant legislation would be overridden by Congress, as the veto process includes a great amount of time, energy, and risk, Table 6 reveals that a large number of bills of mere marginal significance are passed by Congress over a president's veto. Perhaps the significance of the legislation in question is not as important a factor in determining the success of override attempts, as many insignificant pieces of legislation are able to obtain two-thirds of the votes in each chamber.

Table 6: Significance Scores of Bills Where Congress Overrides Veto

Significance Score of Bill	Number of Bills Overridden

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Less than -2.0	1
Between -2.0 and -1.0	20
Between -1.0 and 0	22
Between 0 and 1.0	26
Between 1.0 and 2.0	8
Total	77

Another characteristic that relies on Clinton and Lapinski's (2006) data set delineates among various policy realms. I have extended this scheme to incorporate all data points, not just the ones falling in the 45th through 102nd Congresses. Although the data set extends into three tiers of policy coding, I will use only the seven Tier 1 categories of sovereignty, organization and scope, international relations, domestic affairs, District of Columbia, housekeeping, and quasi-private. Table 7 provides some descriptive statistics regarding the types of legislation being challenged by Congress and the success rate by category of these challenges.

The data displayed in Table 7 reveals some interesting patterns, serving to support several of the hypotheses previously mentioned. While the small number of data points in some of the categories necessitates caution in making bold claims, the data does show that the category with the lowest congressional success rate in overriding the veto is international relations. Perhaps the concept that "politics stops at the water's edge" is indeed true when it comes to veto politics and the federal government is more inclined to show unity in terms of foreign policy as opposed to other issues that can be more divisive. Perhaps it is telling that the category with the second highest failure rate includes quasi-private bills. Earlier an argument was advanced that private bills, despite enjoying widespread support at the time of their passage, do not fare well in a veto override vote because of their limited appeal and lack of importance. Table 7 supports the claim that private bills are not often overridden, thus perhaps showing that significance is indeed a factor influencing the success of override attempts.

Table 7: Override Success Rate By Tier One Category of Legislation

Tier 1 Category	Total	Successful %	Failed %
Sovereignty	19	42%	58%
Organization and Scope	31	48%	52%
International Relations	30	10%	90%

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Domestic Affairs	196	35%	65%
District of Columbia	2	50%	50%
Housekeeping	0	--	--
Quasi-Private	36	22%	78%

The final variable considered in this analysis involves the president's prior political experience. Predictions regarding this variable considered that a president who previously served in Congress might correlate with a diminished override success rate, perhaps because of a president's greater deference and respect for the legislature. On the other hand, a chief executive who previously served as a governor might be more familiar with the veto power and use it more effectively on account of his experience with this authority at the state level. Conversely, a former governor may have little respect for Congress and be "trigger happy" with the veto pen, yet such broad hypotheses must be tempered with the recognition that a state governor's veto authority varies somewhat across the fifty states. Table 8 illustrates how vetoes signed by presidents who have previously served as congressmen, governors, or both have fared against a congressional challenge. Presidents whose political background does not include any experience on Capitol Hill or in the Governor's Mansion are the least overridden of all chief executives. Veto overrides attempted against presidents who are former members of Congress or former governors have a 30% and 34% success rate, respectively. Ironically, presidents who have served as both a member of Congress as well as a state governor are the most likely to be overridden, with over half of all congressional challenges resulting in a successful override. Upon breaking down the data based on the political experience of the contemporary president, it appears that there is little conclusive proof to support any of the hypotheses regarding presidential political experience and his success in sustaining vetoes.

Table 8: Override Success Rate By President's Previous Political Experience

President is:	Total in Category	Successful %	Failed %
Former Governor	114	34%	66%
Former MC	122	30%	70%
Both	32	53%	47%

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Neither	46	26%	74%
Total Attempts	314	104	210

Probit Regression Analysis

While these descriptive statistics are valuable is assessing the validity of the various hypotheses regarding the influence each variable may have on the success of an override attempt, the probit model presented below serves to highlight the relative importance of many of these factors and can determine which of these variables are statistically significant. Two models are presented below in Table 9. The middle column of Table 9 presents coefficients from a standard probit model. However, since probit coefficients are difficult to interpret, the final column presents an easier to interpret dprobit model, whereby the coefficients represent the change in probability that a veto challenge will succeed. The models displayed in this table represent the fully specified models. Concerning the dummy variables, it is important to note that one of a set of dummy variables always needs to be omitted. In the variables discussing the Tier 1 issue area of the bill, the category of domestic affairs is the variable that has been omitted. With regard to presidential experience, the category of neither gubernatorial nor congressional experience is omitted. Out of concern for multi-collinearity, the dummy variable representing a presidential election year and the variable measuring the president's time in office were not placed together in the same model. In models where the dummy variable for presidential election year was included, the variable was consistently insignificant. All other variables represented in the model fail to correlate at high levels with each other. Year is included as a control variable to ensure the possibility that any variation in the success of veto overrides is the product of the variables being examined and not just a secular trend.

Table 9: Probit and dProbit Regression Models

Variable	Probit Coefficients	dProbit Probabilities
Year	.0017	.00061
Number of Branches	.039	.014
Midterm Election	-.12	-.041

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Year of Pres. Term	.19*	.069*
Sovereignty	.22	.080
Organization/Scope	.18	.067
International	-.87**	-.24**
District of Columbia	.65	.25
Quasi-private	-.29	-.097
Pres. Former MC	.31	.11
Pres. Former Governor	.44**	.16**
Constant	-4.62	
Pseudo R-squared	.0705	.0705

Statistical significance noted as follows: *p<.10, **p<.05.

The probit regression presents some surprising results, confirming some of the hypotheses presented above while refuting many others. As presented in Table 9, only three of the variables included in the analysis prove to be significant: the year of the president's term, international affairs legislation, and when the president was a former governor. All other variables, including those concerning partisan division of Congress and the presence of an upcoming midterm election, prove to be consistently insignificant. Thus, the three hypotheses that Congress will defer to the president on foreign affairs, that Congress grows more assertive with the president as the time in his term elapses, and that a president who is a former governor is less skillful in wielding the veto all appear to be confirmed, while the other speculations made previously cannot be substantiated.

Assessing just how these variables influenced the success or failure of a veto override attempt can be better assessed using the probability changes provided in a dprobit model. Table 9 presents these coefficients, allowing a comparison amongst all variables in question. The most significant variable obtained in the study, namely that the bill in question pertains to international affairs, presents a very high coefficient. According to the dprobit analysis, any bill that pertains to international affairs has a 24% diminished likelihood of being overridden. The year of the president's term also presents a substantial effect. For each additional year the president serves in office, Congress possesses an approximate seven percent increased probability of overriding a presidential veto. Thus, in comparing Congress's ability to successfully override a veto during a president's first year in office to Congress's chances on a challenge

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initiated during a president's fourth year in office, the model predicts the later Congress to have a 28% increased chance of being successful in its efforts. If a president's past political experience affords him experience as a state governor, the model suggests his vetoes will carry a 16% increased chance of being overridden by Congress. While it must again be recognized that state governor's veto authority does vary, such a statistic does seem to confirm the general hypothesis that former governors may possess a certain arrogance regarding the legislature or may possess a political sense that is too "outside the beltway" to properly safeguard a legislative agenda.

While these three variables are unquestionably significant, there is one additional variable approaching significance, namely the variable that identifies presidents who are former congressmen. The variable identifying presidents who have served as representatives or senators in the past is borderline significant, with a coefficient declaring that vetoes cast by presidents who are former congressmen possess an 11% increased likelihood of being overridden in Congress, as compared to the baseline of the left-out dummy variable of no prior gubernatorial or congressional service. In other words, when all else is held equal, presidents who are former congressmen are 11% more likely to be overridden than a chief executive without any previous gubernatorial or congressional experience. This result – especially its coefficient – is rather surprising, considering that theoretical discussion centered on the idea that presidents who were former congressmen would enjoy greater success at the veto override game on account of their first hand knowledge of the opposing side.

A final category represents those variables of little to no significance. Included in this group are variables identifying the year, the number of congressional chambers the president's party controls, the presence of an upcoming midterm election, as well as the other legislative policy realms. Perhaps it is surprising that the most politically oriented variables included in this study – those delineating the partisan division of Congress as well as the presence of an upcoming election – were illustrated by the model to be insignificant. Instead, it seems policy and personal characteristics were more important, with significant variables focusing on the substance of the bill, the president's relationship with Congress, and the past personal experience of the chief executive. Although the variables proved to be insignificant, it is interesting to note that the signs of the coefficients for the number of branches variable as well

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as for the midterm election variable were contrary to theoretical predictions. The positive sign of the number of branches variable seems to suggest that as the number of congressional branches the president's party holds increases, so too does the probability that a veto will be successfully overridden. Similarly, the variable identifying the presence of an upcoming midterm election possessed a negative sign despite the fact that theoretical predictions buttressed by the arguments of Rohde and Simon (1985) argued that Congress is more united during midterm election years and would thus be more inclined to override a veto during these periods. However, given the far from significant status of each of these variables, such observations are generally irrelevant and do not necessarily lend credibility to alternative hypotheses.

Overall, the probit and dprobit models provide suggestive information in assessing the relative significance of these factors in explaining the success or failure of veto override attempts. Furthermore, this model helps to illustrate more conclusively that the three variables of year of the presidential term, presidential experience as a state governor, and, most especially, the status of the legislation as a foreign affairs bill are significant factors in predicting the success or failure of a congressional challenge to a presidential veto.

Conclusion

A close study of the legislative process reveals the significance of the veto override process in shaping American history. The field of the presidential veto and, in particular, consideration of factors that may influence the success of a congressional challenge to the veto is rather untilled and frequently work that has been done in this field is contradictory with other findings. Accordingly, a closer look at the factors affecting the success or failure of a congressional override attempt is important to the study of lawmaking in American politics.

Curbstone prediction, coupled with a survey of the existing scholarly research on the subject, suggests there are several factors worth investigating. These include the partisan division of Congress, the presence of upcoming elections, the duration of the president's tenure in office, the policy substance of the bill, and the past political experience of the president. Various theoretical hypotheses can be advanced regarding each of these variables and a basic statistical survey of the data can be employed as an initial test of these

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hypotheses' veracity. A more thorough reckoning of the significance of each variable, however, can only be provided by means of a statistical regression analysis. Because the dependent variable in this instance (namely whether the bill is overridden or sustained) is a binary dummy variable, a probit regression is employed.

After completing the probit regression, three factors are significant in predicting the success or failure of an override attempt: the duration of the president's tenure in office, his past political experience as a state governor, and, most convincingly, if the policy substance of the legislation pertains to foreign affairs. Bordering on significance but not quite breaking the threshold sit variables identifying the chief executive as a former member of Congress as well as a variable identifying the policy substance of the legislation as quasi-private. All variables pertaining to the partisan division of Congress as well as the presence of upcoming elections prove to be insignificant predictors of override success. Perhaps this analysis sheds an optimistic light on the American legislative process, as it suggests policy and presidential experience are more relevant in American lawmaking than partisanship and pending elections. Yet, at the same time, the analysis is somewhat pessimistic, as it points to attrition in relations between Congress and the White House during the course of a four-year presidential term.

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The Creation of a Terrorist Race: The Racialization of Arabs in America before 9/11

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The September 11 terrorist attacks have been used to justify the selective targeting of Arabs in America, but the transformation of the Arab community from a proximity to whiteness to an inferior position began years before then. The focus of this article is to explore the conflation of Arab and terrorist in the years leading up to the attacks. Through an exploration of the Los Angeles Eight case, in which Arab immigrants were targeted for deportation because of their political opinions, and the racial reaction to the Oklahoma City bombing, initially thought to be the work of Arab terrorists, I show how Arabs in America have been constructed into a suspect racial category. Through the use of critical race theory, I examine this racial construction through changes in American foreign policy and the discriminatory implementation of seemingly colorblind legislation.

Arabs in America have historically been in a state of racial limbo. During the Civil Rights Movement, Arabs were considered to be white by other minority groups, but not always by those of European descent. As such, Arabs have been excluded from both the privileges that whiteness brings and also those from affirmative action and other race-conscious programs. Accordingly, Helen Samhan (1999, 220) has referred to the historical racialization of Arabs in America as "white, but not quite." Since the 1960s, the exclusion of Arab voices has been continually reinforced in mainstream society through governmental policy. This has become evident with the United States' increased involvement in the Arab world, now a focal point in U.S. foreign policy, and the increasing role that terrorism has played in domestic and foreign policy concerns (Moore 1999). The creation of a morally defensible way to distinguish between insider and outsider, friend and enemy, has become vital to the establishment of Arab-sponsored terrorism as the leading threat to national security. This threat has come to justify collective exclusion and discriminatory targeting based on the political beliefs and cultural affiliations associated with a group of individuals deemed to be terrorist sympathizers. Terrorism is not viewed as the work of a select few extremists. It is seen, rather, as a byproduct of the irreparable cultural and civilizational backwardness and 'otherness' of the Arab world. Today, Arabs are the primary group subject to

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anti-terrorism laws, but even before September 11, Arabs were often considered guilty until proven innocent, which is not the case for white sponsors of terrorism. Judgment has become contingent on the identities of this unpopular group of foreigners rather than by the actions of individual members of the group. The transformation of the Arab community from "white, but not quite" to an inferior position shows the unclear position that Arabs in America have been historically subjected to.

In this article, I will focus on the racial construction of the Arab as a terrorist before the events of September 11 through an exploration of the Los Angeles Eight case and other previous reactions to the terrorist threat. By focusing on the media and government-sponsored depiction of Arabs as terrorists, I seek to show, through the use of critical race theory, that the racialization of Arab Americans as terrorists is linked to institutionalized racism in the law and the selective implementation of seemingly colorblind statutes on the Arab community. I will explore the racialization of Arabs in America, rather than solely the erroneous conflation of Arab, Muslim and terrorist, because many Arabs are not Muslim and the most populous Islamic countries are Indonesia, Pakistan and Bangladesh, all outside of the Arab world.[1] I will also explore the disproportionate targeting of the Arab community in America as the main terrorist threat, despite the dangers that domestic militia groups and the Irish Republican Army (IRA) have played domestically and internationally in order to show the clearly racialized targeting of Arabs. I will examine all of these historical examples in order to show that Arabs have been racialized for U.S. foreign policy initiatives as well as to demonstrate the socially constructed and constantly evolving essence of race.

A Brief Overview of Arab Immigration

In placing the Arab experience in the context of U.S. history, I seek to show that society has repeatedly targeted and stigmatized this

[1] "Arab" has historically referred to countries in which the dominant language spoken is Arabic, but Arab nationalist movements since World War II have created a kind of Arab national identity, strengthened through the creation of the Arab League in 1945. Arab refers to countries currently in this League, including Algeria, Bahrain, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, the United Arab Emirates and Yemen. The Palestinian territories are also a part of this League.

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immigrant group and ethnic minority. The racialization progression of Arabs in America is distinct from that of any other group of immigrants to the United States. Historically, Arab immigrants were granted some of the privileges of whiteness and their subjugation has been much more recent. Arab immigration before the Second World War was limited, but those who did immigrate were often classified as 'white' under most readings of the Naturalization Act of 1790. This Act made citizenship contingent on white status. In 1909, a federal court in Georgia granted a Syrian man the right to naturalize because he was considered to be a member of the Caucasian race (Lopez 1996). This was echoed twice more in 1910 in Massachusetts and Oregon courts. In 1914, however, a South Carolina court found that "Syrians might be free white persons, but not that particular free white person to whom the act of Congress had donated the privilege of citizenship" in 1790 (Samhan 1999, 217). Arabs were consistently found to be not white in every subsequent interpretation of the law (Lopez 1996). The disparity between all of these rulings helps to show that race is a social construction and points to the questionable status that Arabs in America have been historically subjected to.

Arabs came to America in two distinct waves of immigration. The immigrants subjected to an inferior status by the 1790 Naturalization Act were in the first major wave, which began in the 1870s and continued until World War I. It consisted primarily of Christian Syrians and those from present-day Lebanon. The second wave began immediately after World War II and continues today. It consists more heavily of Muslim immigrants from throughout the Arab world, though many Christians are also represented in this wave (Suleiman 1999). The first wave was often poor and uneducated and often came to the United States to seek refuge from religious persecution, while the second wave consisted of primarily wealthy and educated immigrants who emigrated as a result of regional conflicts, civil wars and religious revolutions. The immigrants in the first half of the century were often considered to be white as a result of their Christian status, light skin and proven ability to assimilate into mainstream America, but, as readings of the 1790 statue have shown, even that status was contingent on the sentiments of individual judges (Naber 2008). More recent immigrants have been viewed even more differently—as a dangerous 'other' in 'white' America.

The experience of Arab immigrants has changed dramatically since World War II as a result of the creation of the Jewish state of

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Israel in the midst of the Arab world. This heightened the sense of Arab nationalism in the region and amongst Arabs in America. Regional conflicts in the area soon persuaded many wealthy Arabs to seek refuge in the United States. As a result, most of the second-wave immigrants, many of whom were educated in the Western world, came to the United States for its democratic tradition. Their educational background gave them an advantage in becoming active in American politics and assimilating into mainstream America. Although these immigrants have been able to overcome many of the burdens of poverty in fighting their subordinate status, their level of education and frequent support for democracy has allowed them to become vocal in their opposition to American foreign policy objectives in the Middle East, specifically its pro-Israel stance. Their political opinions have often been counter to U.S. foreign policy goals, which have changed substantially with the establishment of Israel and the increasing political influence of mainstream Jewish organizations with Zionist sympathies in American politics.

After the 1967 Arab-Israeli War, relations between the United States and the Arab world became increasingly conflict-ridden. This marked a turning point in American foreign policy with the Arab world, confirming its Cold War alliance with Israel and intensifying U.S. military, political and economic intervention in the region. Relations between the United States government and Arab-American communities have worsened substantially since then. In response to an act of terrorism at the 1972 Munich Olympics, in which Palestinian terrorists took Israeli athletes hostage and killed several, President Nixon authorized FBI agents to develop profiles based on an Arab ethnicity, heritage or appearance of community activists. This order was named “Operation Boulder” and was an initial effort to prevent terrorism from coming to the United States. Regardless of the fact that at the time of the Munich Olympics there had been no acts of Arab-sponsored terrorism on U.S. soil, President Nixon authorized the program to develop profiles of Arabs exclusively rather than anyone with strong ties to extremist organizations (Akram and Johnson 2002). Whether or not the act of terrorism at the games were used as an excuse to target Arabs in America for both domestic and foreign policy purposes is up for debate (Akram 2002), but the order itself helped set the tone for the disproportionate targeting of Arabs in America, as I will soon show. Ever since this operation commenced, the United States government has made a substantial effort to stifle the participation of Arab groups in

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American civil society. I will explore this in more detail to follow, but first it is important to understand the process of the racialized construction of the terrorist threat.

Critical Race Theory in Racial and Otherness Construction

Critical race theory recognizes the endemic quality of race to American life as a result of America's racist history. Theorists contend that race is a social construction rather than an innate characterization of members of a racial group. Despite this, they insist on the continued application of race because of its entrenchment in American society. Race is not an "objective, inherent or fixed" state corresponding to "biological or genetic reality" (Delgado and Stefancic 2001, 7). Instead, racial categories are invented and shaped by society and are manipulated when convenient for those in a position of power. Theorists are thus skeptical of legal claims of race neutrality and color blindedness. A seemingly colorblind statute can discriminate on racial lines through the purpose behind its enactment and its disproportionate implementation against certain groups.

Through the relationship between racialization and established power structures, critical race theorists seek to explain the role that law and the legal system have historically played, and continue to play, in the racialization of certain groups. Racialization is the conception of race viewed in a socially contrived manner that continually evolves as the political climate finds necessary. This theory is based on the features of a racial reality experienced by disenfranchised groups, highlighting the individual voices of the oppressed in order to target wider racial concerns. The stories of oppression expressed by these individuals are the result of a systematic, structural and cultural project to ingrain racial thinking throughout society. Theorists use them to reflect critically on the law and politics in an effort to alleviate the racial injustices still present in contemporary America (Delgado and Stefancic 2001).

Critical race theorists explore how victimized groups are viewed and treated in academic circles, public policy and society at large. Recognizing the realities an oppressed group faces increases with the rise in study and media coverage of this group along with the acknowledgment of politicians and policy makers of this group-based discrimination. This treatment (or lack thereof) is either visible or invisible, with visibility requiring that a community be seen as a

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potential victim of racism and considered a racial minority. The level of visibility a minority group faces is a power-laden undertaking that results in the stifling of victims' voices in instances of state-sanctioned discrimination (Delgado and Stefancic 2001). Invisible minority groups often face different problems than traditional minority groups. Rather than facing poverty or lack of education, Arab immigrants are members of a relatively small group representing an ambiguous location in America's racial schema. Arabs in America have become much more visible minorities in the past several decades and the increase in study of this group following the September 11 attacks shows that this group has become much more visible. Previously, Arabs in America, when recognized at all, were considered invisible within the dominant discourses on race and ethnicity, though it is clear that the racialization of this group began well before the attacks. The Arab community's recent increase in visibility has led to an increased study and recognition of Arab issues, increasing the evidence of the inferior position Arabs in America have been historically subjected to. This level of visibility also demonstrates the historical and visible limits of racialization and the general flexibility of racism and whiteness. An exploration of the process of racialization also shows that it is a social construction, indicating that the process can also be reversed. Although September 11 did not mark the beginning of Arab subjugation by the United States government and its polity, it certainly has resulted in an increased interest in the necessity of recognizing Arabs as a distinctly persecuted group, increasing their visibility.

Just as race and the creation of a demonized 'other' are social constructs, the alien is a legal construction, juxtaposed against the construct of citizenship. In the United States, citizenship implies an array of privileges and protections that make an individual a full member of society. The individual rights citizens possess are the hallmark of American society, which prides itself on its national ideals of liberty and equality of opportunity. Unfortunately, this often falls short for the alien and certain groups of racial minorities. Citizens are protected from deportation, one of the most severe state-sanctioned punishments. Aliens, however, may be deported for even the smallest infraction, whether or not they have a country and home in which to return. The creation of the alien has played a large role in the identity construction of the citizen (Moore 1999). 'We' citizens are a part of American culture and have access to its privileges, while alien 'others' are foreigners who can be excluded at will because

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they represent who 'we' are not (Johnson 1997a). This distinction between 'us' and 'them' appears morally defensible under the guise of citizenship law. The ease with which the suspect alien's vilification through the law can occur should be understood not merely as a means of easing domestic insecurities through the creation of a demonized 'other,' but also as a way of defining civil society itself.

The vilification of those excluded from American civil society has been a constant throughout U.S. history. The enemy 'other' has shifted over time and has included the Japanese, Eastern European communists and Arab terrorists, among others. This identity construction is contingent on domestic and foreign policy concerns. It can be viewed as both a means of easing domestic insecurities through the creation of an image of who the enemy is and also as a means of defining what it means to be a true American. The creation of a morally defensible way to distinguish between insider and outsider, friend and enemy, has become vital to the establishment of Arab-sponsored terrorism as the leading threat to national security. It is apparent that the current un-American activity is an affiliation with terrorism. Through the contemporary delineation of insider and outsider, the distinction between 'us' and 'them' appears morally defensible under the guise of anti-terrorism law, rather than solely immigration law. A more intensive examination of these laws will follow, but it is clear that seemingly colorblind counterterrorism and immigration statutes have been implemented disproportionately against Arabs in America. Changes in both foreign policy and domestic anti-terrorism policy have played a large role in the racial undertaking of creating the Arab terrorist. Arabs in America have become the 'other,' the product of an irreparable cultural backwardness that 'we' are not affiliated with.

Critical race theory is a useful and important tool for exploring racism within the framework of the American legal system and its indirect impact on societal discrimination. September 11 highlighted the consolidation of Arab and Muslim into a single category of a dangerous alien 'other' and clearly exacerbated the already present discrimination and persecution of the Arab community. It is important to examine why it was acceptable following the attacks to target the entire Arab community because of the actions of a few radical individuals, a backlash rooted in the socially constructed, anti-Arab climate years in the making. Post-September 11 anti-Arab policies must be explored through complex histories of Western

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dominance and intervention in the region as well as decades of state-sponsored harassment of politically active Arabs in America. Exploring this racialization, alienization and discrimination against Arabs in America illustrates that racism can be defined by numerous, changing and coinciding designations of 'otherness,' such as that relating to religion, culture and national origin. In the case of Arabs in America, racialization has developed as a result of perceived international and domestic terrorist threats as well as an imagined necessity to define who 'we' are versus who 'we' are not. In utilizing critical race theory, I seek to place Arab marginalization within a recent history of exclusion and evolution of the alien enemy 'other' over time while rejecting other popular discourse on Arab difference.

Racism in Civilizational Discourse

Samuel Huntington's (1993) view of the "Clash of Civilizations," in which cultures are perpetually at odds with one another, has become an important scholarly discourse in international relations. This positions Arabs (and the Muslim world in general) as an 'other' in a seemingly colorblind light. Louise Cainkar (2008), however, argues quite the opposite. Although cultural and religious, rather than racial, differences are invoked because appeals to race-based differences have lost their legitimacy since the Civil Rights Movement, she observes that all of the components of a racial project are present in Huntington's model. This can be seen by the "the assertion of innate characteristics held by all members of a group." 'Us' versus 'them' is thus attached to the perceived inherent nature of a group and are used to "inform, reward, control and punish" individual members of that group, or 'civilization' (Cainkar 2008, 48). This racialization is provoked by a perceived clash in values, further exacerbated through cultural ethnocentrism based on assumptions and stereotypes (Jamal 2008).

The inferiority associated with the Arab is a creation resulting from the social construction of alleged inherent differences amongst human beings. Arabs have become represented as a group, not of individuals, but as a civilization with intrinsically different values from white Americans. 'They' are seen as having contempt for women's rights, as hating 'our' democratic values and as wanting to destroy everything else that 'we' allegedly stand for. Racism has become contingent on differences in culture, while physical differences merge with misassumptions about these supposed

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inherent differences. Because 'they' are from a backward cultural civilization and often appear physically different from white Americans, stereotypes about their predisposition to unwanted opinions and cultural practices have become conflated with their innate nature. Race has permeated American society and remains a dominant force in American culture, so these perceived cultural differences have taken a markedly racial turn.

The Racialization of Arabs

Racism against those considered to be Arab corresponds with a recurring practice of the construction of the racialized 'other' within American politics. Enduring trends of racial exclusion have historically been intensified in moments of crisis, as occurred with the internment of Japanese immigrants and citizens during World War II. Relying on an assumption that 'they' are threats to national security and American culture, this juxtaposition justified intervention in the region long before the events of September 11 (Jamal 2008). The loss of white status for Arabs in America can be linked to three factors: (1) the United States' emergence as a global superpower; (2) the growing importance of oil to the American economy; and (3) the growing influence of Jewish lobbies and politicians (Cainkar 2008). All of these factors are concurrent with the beginning of anti-Arab governmental policies, growing perceptions of Arabs as nonwhite 'others' within popular American culture and the increased stifling of political opinions in opposition to Israeli interests. After the 1967 Arab-Israeli War, the United States was vying to secure its superpower status over the former quintessential 'other,' the Soviets, particularly in regard to securing its access to oil within the region and alliance with Israel. As a result, the racialization of Arabs must be seen as an ongoing process contingent on U.S. foreign relations with the Arab world and the popular depictions of Arabs in America.

Although the racialization of Arabs is closely tied to U.S. foreign policy, it cannot be reduced solely to international actions. On the domestic front, the public must consent to Arab exclusion in order to justify anti-Arab measures taken abroad, as they are vital to sustaining international policies through material and electoral support. Governmental biases must penetrate society in order to foster consent, a process Susan Akram (2002) deems "deliberate mythmaking." An examination of the representations of Arabs in

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film and media, the selling of foreign policy objectives through the creation of stereotypes, as well as a "public susceptibility to images identifying the unwelcome 'other' in their midst," she argues, have created the myth of the Arab terrorist (Akram 2002, 12). Although it may not be possible to prove the "deliberate" nature of this "mythmaking" without knowing the actual intentions of the media's creators, the evidence of Arabs' vilification in the media is overwhelming. Jack Shaheen's (2001, 2008) film analysis in the periods before and after September 11 is the most convincing evidence of the 'deliberate' vilification of Arabs. Of these films, Arabs and Muslims (oftentimes one in the same) are portrayed in a negative light 95% of the time. Arabs are most often presented as the 'bad guy' in films, children's cartoons and television dramas, perpetuating their stereotypical nature as a threat to the American public. According to Shaheen (2001), since the 1970s, 14% of all movies have been filmed in Israel or by Israeli crews and part of the explanation for these 'deliberate' depictions is the result of a political agenda. As previously mentioned, the intent of these filmmakers, although they may have a bias in the Arab-Israeli conflict, cannot be proven and speculations are extraneous, but the clear anti-Arab bias in film is especially pertinent to the discussion at hand. Films are a valuable means of delivering information to a wide and interested audience. Perpetuating the myth of the evil Arab terrorist while neglecting to show many of the positive aspects of a group of predominantly peaceful people only serves to perpetuate harmful stereotypes. These stereotypes have led to the often unconscious biases of law enforcement officials, policymakers and those who commit hate crimes, among others.

Anti-Arab imagery has also permeated other facets of the media. Arabs are represented unfavorably on newscasts, particularly through the tumultuous depictions of the Arab world and the persistent emphasis on the War on Terrorism. Perceived policy 'experts' are also vital in the stereotyping of the Arab world as being both all Muslim and engaged in a jihad against the United States. Edward Said (1996) explains the motivation of perceived experts like Samuel Huntington as having an interest in making sure that the 'threat' is kept before our eyes. This allows us to condemn Islam and individual Arabs for their perceived tyrannical and violent nature, while assuring the 'experts' "profitable consultancies, frequent TV appearances and book contracts" (Said 1996). The most significant aspect of the depictions of Arabs and Muslims in the media,

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however, is their omission as ordinary people with families not very different from white Americans. Critical race theorists see the best way of overcoming racism in society through the humanization of individual members of a demonized group. An important way of accomplishing this is through the continued positive depiction of individual group members through the film industry and other mediums.

Positive political activism is another way through which critical race theorists seek to overcome racism. Arabs have also often been denied a political voice through the disproportionate governmental targeting of peaceful activists, which stifles objection to these one-sided depictions of Arabs. Certain practices, such as honor killings and suicide bombings, have often been conflated to be part of all Arab and Muslim cultural practices and accepted by all members of these groups. This has been integral in the stereotypical characterization of individuals as essentially subhuman. The conflation of Arabs and terrorists has legitimized the violation of both Arab and Arab American rights by the U.S. government. Arab and Muslim cultural practices have been distorted and perverted as a result of the myth of the magnificent America positioned against the evil, deranged Arab terrorists. All of these points can be tied to the desire to define 'us' as the opposite of the backward, murderous, terrorist 'them' through a disenfranchisement of dissenting Arab voices. This is particularly evident with the prosecution of the Los Angeles Eight.

The Los Angeles Eight

The Los Angeles Eight case exemplifies the process by which the Arab has been socially constructed as a potential terrorist. It also highlights the government's deliberate targeting of the Arab American community. In 1987, the Los Angeles Eight, seven Palestinian men and one of their wives (a Kenyan woman), were arrested for raising money for and distributing literature of the Popular Front for the Liberation of Palestine (PFLP), a Marxist faction of the Palestinian Liberation Organization (PLO). Two of the eight were lawful permanent residents and the other six were legal immigrants here on various types of visas. As a result of their alien and 'othered' status, the eight immigrants were targeted for deportation because of their affiliation with this political and charitable organization. The PLO was known throughout the 1960s

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and 1970s for sponsoring terrorist attacks against Israeli targets throughout the world, including the hijacking of aircrafts and bombing of dozens of military and civilian sites. This activity subsided during the 1980s and became the work of the more militant factions associated with the overall organization (Naber 2008). Many Palestinians view the PLO as the legitimate representatives of the Palestinian people and a group that primarily administers humanitarian aid to millions of displaced Palestinians. Demonization of the PLO by the American news media and by the federal government has helped perpetuate the myth that all members of the PLO are sympathizers of violent actions. At the case's onset, the PFLP was a designated communist organization, but as the Cold War was drawing to a close, it became redefined as a terrorist organization. Throughout these twenty years, the case was reworked in order to reflect changes in both immigration and anti-terrorism laws as the perceived threat shifted from the communist 'other' to the terrorist 'other' with the Soviet Union's demise.

Initial interest was sparked against the eight following a fundraiser celebrating the PFLP's eighteenth anniversary. This fundraiser sought to raise money for medical supplies and schooling in Palestinian refugee camps. Another charge against the eight was the distribution of *al-Hadaf*, the PFLP magazine widely available throughout the United States, including in the Library of Congress (Naber 2008). The case began in January 1987 with the eight's initial arrest. It then stagnated in immigration court, propelling up through the federal district courts all the way to the U.S. Supreme Court and then back down again, finally ending for all involved in 2007. The eight were initially charged with violating the 1952 McCarran-Walter Act, which allowed the deportation of alien individuals who raise money for groups or distribute literature promoting the "doctrines of world communism" (Akram and Johnson 2002). These charges were eventually changed to correspond with the evolving anti-terrorism legislation, which imposed fines, imprisonment or deportation on an individual if they "knowingly provide material support or resources to a foreign terrorist organization" (Whidden 2001, 2845). No matter the charges, however, the government remained unable to prove that the eight meant to support international communism or terrorism in their material support for the demonized PFLP. Although the PFLP has, in fact, utilized violence and terrorist tactics, they and the PLO are also well known in the Arab world for their humanitarian work in assisting the

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Palestinian people. The eight claimed to have donated money for humanitarian purposes and the U.S. government was never able to prove otherwise. They appear to have been peaceful activists whose only crime was advocating a politically disfavored viewpoint—the Palestinian right to a homeland—and being a part of a group of undesirable immigrants. They were targeted because of their affiliation with a demonized group of people, which led law enforcement officials to assume that prayers in Arabic were congruent with an inclination towards terrorism, therefore legitimizing the targeting of these activists (Akram and Johnson 2002). Showing the overt racism behind the targeting of the Los Angeles Eight must be understood through the racialization of Arabs in America and its evolution alongside other acts of terrorism. The racial reactions to the two major acts of terrorism on U.S. soil before September 11, the Oklahoma City Bombing and 1993 attacks on the World Trade Center, are important examples showing the deep seated acceptance of the construction of the Arab terrorist.

The Racial Reaction to the Oklahoma City Bombing

On April 19, 1995, eight years after the eight's initial arrest, the deadliest terrorist attack on U.S. soil before the events of September 11 occurred in Oklahoma City. An act protesting the U.S. government, the attack killed 168 people and injured over 800 more. The attack was immediately linked to international terrorism because the media and police assumed that the attack was the work of Arab terrorists. This assumption was based on the now instinctive prejudices in the testimony of witnesses resulting from popular culture, media and government depictions of Arabs. As a result of this misassumption, sketches of "Middle Eastern looking" suspects were circulated on the nightly news, further entrenching the status of Arabs as terrorists (Moore 1999). Within the three days following the bombing, 222 hate crimes against those appearing to be Arab were recorded in the United States (Whidden 2001). It soon became apparent, however, that white, homegrown American terrorists had perpetrated the attacks. Following this realization, a *Newsweek* opinion piece nicely summarizes a particular take on the reaction:

> Had 'they' been responsible, as so many suspected, the grief and anger could have been channeled against a fixed enemy, uniting the country as only an external threat can

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> do. We might have ended up in a war, but what a cathartic war it would have been! Or so it felt, in brief spasms of outrage, to more Americans than would care to admit it. And if we couldn't identify a country to bomb, at least we could have the comfort of knowing that the depravity of the crime—its subhuman quality—was the product of another culture unfathomably different from our own (Alter 1995, 55).

Knowing that this violence was not a product of our way of life would have reassured 'us' of the inhumane character of this attack, rather than cause 'us' to question our own value as the society that had created such a monster. This analysis shows that if 'we' could ascertain that 'they' were monstrous 'others,' the exact opposite of who 'we' are, exclusion of 'them' would be justified and even celebrated as sweet vengeance. This is certainly linked to anti-Arab racism consistent with the anti-Arab bias that has permeated society.

Timothy McVeigh, the lead conspirator of the bombings, was part of a militia movement of armed extremists who oppose what they view as the tyrannical U.S. federal government. They are part of a broader movement in favor of xenophobia, white supremacy and isolationism and are violently opposed to abortion and homosexuality (Whidden 2001). These frightening views are not too different from those expressed by Arab and Muslim extremists that invoke jihad in order to justify their own merciless acts of terrorism. The main distinction is that the former is a view held by white birthright citizens, while Arab foreigners hold the latter.

After the 1993 attack on the World Trade Center, in which six people were killed and 1,042 more were injured, six Arabs were convicted in organizing the bombing and thirteen others were convicted on broader conspiracy charges for plotting to destroy other New York City sites (Whidden 2001). Although this reaction was certainly justified, the Oklahoma City bombing was found to be solely the work of two individual American extremists, rather than as part of the overall militia movement that has bombed abortion clinics and been responsible for an untold amount of 'hate crimes' that could also be defined as acts of terrorism. The Oklahoma City bombing did not justify the increased surveillance of white members of the militia movement. Instead, the eventual trial of Timothy McVeigh and Terry Nichols, McVeigh's coconspirator, was portrayed to be the work of two bad apples, driven crazy by their

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foolish aversion to the government's liberal policies. Arabs, however, remain inextricably linked to the extremist Timothy McVeighs of their homeland.

Legal Justification for Selective Targeting

The Oklahoma City bombing, coupled with the 1993 attack on the World Trade Center, prompted President Clinton to sign the Antiterrorism and Effective Death Penalty Act (AEDPA) of 1996 in an effort to fight acts of *international* terrorism. Clinton, along with many members of Congress, admitted that it was quickly adopted in an effort to fight international terrorism in response to the Oklahoma City bombing (Moore 1999). AEDPA supporters reacted to Oklahoma City by targeting international terrorism rather than the more dangerous threat of domestic terrorism. This occurred regardless of the reality that between 1984 and 1998 domestic terrorists committed 95% of all terrorist attacks on U.S. soil and plotted 96% of all potential attacks (Whidden 2001). Domestic groups that many would consider terrorist organizations, such as the Ku Klux Klan and organized supporters of Timothy McVeigh, are not classified as terrorist organizations under this act. As opposed to identifying the primary terrorist threat as groups of domestic extremists and burdening them with restrictive legislation, or even targeting all violent extremists regardless of their national origin, politicians opted to target solely the more politically sound group of foreigners.

The AEDPA has further legitimized the federal government's selective targeting of Arabs in the United States without making much of an impact on domestic terrorist organizations. The targeting of solely international organizations has resulted in the disproportionate targeting of Arab groups, which comprised fourteen of the twenty-eight designated terrorist organizations (Whidden 2001). Under this act, the government sought to combat terrorism by deporting aliens suspected of terrorism and fining or arresting citizens who financially support or are affiliated with international terrorist organizations. It also effectively limited due process to include only very limited disclosure of classified information against aliens in deportation proceedings. It created a new court to deal with these cases behind closed doors in order to facilitate the deportation of suspected alien terrorists, while limiting the ability of these individuals to defend themselves or even respond to the claims

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against them.

The AEDPA should not be viewed separately from the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). Together, these acts have changed the way suspected alien terrorists are treated in the United States. The Immigration and Naturalization Service (INS) has used the AEDPA to expand powers under its own less restrictive immigration regulations regarding secret evidence. These acts have created sweeping immigration, law enforcement and criminal provisions that have been heavily criticized for dangerously expanding the powers of law enforcement with minimal judicial scrutiny. After the passage of these two acts, the INS initiated around two dozen deportation proceedings around the country. It charged and detained immigrants on secret evidence that it refused to reveal, claiming national security concerns. Although the INS maintained that it did not selectively use secret evidence against only Arabs, it was unable to name a single secret evidence case involving a non-Arab individual (Akram 2002). These acts also seriously curtailed civil liberties and restored the use of ideological exclusion in immigration law (Johnson 1997b). All of this can be seen as a result of the increased public support for detaining the alleged dangerous 'other' perceived to be in our midst (Akram 2002).

Together, the AEDPA and IIRIRA, despite their seemingly colorblind language, have been used to selectively target Arab immigrants. An important provision of IIRIRA bars federal courts from hearing selective prosecution claims in immigration cases, and made this provision retroactive in all pending deportation cases. The Los Angeles Eight were the only ones affected by this provision. Two lower courts ruled that it was unconstitutional to strip the federal courts of jurisdiction over constitutional selective enforcement charges and that the First Amendment protects material support to the PFLP unless intent to further unlawful terrorist activities could be shown. In 1999, however, the Supreme Court reversed these decisions and upheld the constitutionality of selective enforcement of immigration legislation in *Reno v. American-Arab Anti-Discrimination Committee* (*Reno v. AADC*). Justice Scalia, writing for the majority, ruled that the federal government is free to selectively enforce any immigration statute. He ruled that "the Executive should not have to disclose its 'real' reasons for deeming nationals of a particular country a threat—or indeed for simply wishing to antagonize a particular foreign country by focusing on the country's nationals" *(Reno* v. *AADC* 1999, 20). Despite the

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government's actual motivation behind excluding political and racial undesirables, this ruling means that the government can use any minor visa violation to deport an immigrant. This arose from the prosecution of six of the Los Angeles Eight when they were charged with minor visa violations after the government was unable to sustain its other claims that the eight had meant to raise money for terrorist purposes. This ruling was a blow to all immigrants who hold views unpopular to U.S. foreign policy priorities or are members of a group unpopular in its foreign policy endeavors. It effectively determined that aliens do not have First Amendment rights if they have committed any small infraction while residing in the United States (Akram and Johnson 2002). This ruling is a prime example of the judicial system reinforcing discriminatory policies against those unpopular with the United States government despite the obviously unjust targeting of certain individuals based on their racial classification.

Utilizing immigration courts allows the government to avoid actually charging someone with terrorist activity, which requires a higher burden of proof (Whidden 2001). Normally, there is very little judicial oversight over immigration law, resulting in the consolidation of immigration power by the executive branch of the federal government. The Justice Department oversees immigration courts, meaning that one department of the executive branch controls all aspects of a deportation proceeding. This results in the lack of a systematic check against abuses and possible mistakes. James Woolsey, former CIA Director, gained previously classified information while representing a group of detained Iraqis and found "serious errors" in Arabic-English translation, stereotyping on the basis of religion and ethnicity and accusations derived from rumors and inter-group rivalries (Whidden 2001). Regardless of the individual intentions of the prosecutors, giving the executive branch the power to deport a group of immigrants with few legal constraints can, and does, exacerbate the negative impacts of disproportionate, racialized enforcement of immigration law.

In 1987, just as the Los Angeles Eight were in the national spotlight, the *Los Angeles Times* uncovered a government document entitled the "Alien Terrorists and Undesirables: A Contingency Plan." In the event of an Arab-sponsored terrorist attack, according to this plan, Arabs would be detained in an internment camp similar to the camps that detained Japanese and Japanese American citizens during World War II based on their alleged racial predisposition to

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be conspiring against the United States. In an effective blueprint for the mass arrest of thousands of suspected alien terrorists and undesirable Arabs, this plan stipulated that, in the event of a terrorist attack, Arab (and Iranian) immigrants in America would be detained in a camp in Oakdale, Louisiana, until they could be deported (Naber 2008). Arabs and Iranians were to be subjected to indefinite detention until they would eventually be deported for no reason other than their racial and civilizational identity. Deportation would be contingent on an affiliation with terrorism if that could be substantiated, but technical immigration violations would be used if other charges could not be sustained (Whidden 2001). It also suggested the potential implementation of an ideological exclusion in immigration laws in order to detain and remove noncitizens already in the United States prior to an attack, even hinting at the possible inclusion of American citizens with Middle Eastern sympathies (Akram and Johnson 2002). A major aspect of this plan included the registration of all citizens and noncitizens of Arab descent with the federal government as a safeguard against a large-scale terrorist attack on the United States. This registration could have effectively been used to monitor Arabs assumed to be terrorists and provide an easy tool for a massive race-based arrest in the event of a terrorist attack. This plan highlights the possible consequences of consolidating too much power into the hands of a select few members of the government with no checks by the other branches of government.

This INS document was created by the Alien Border Control Committee, a secret inter-agency task force in the Reagan Administration with a mission to "expedite deportation proceedings against Libyan, Iranian, and PLO activists who have violated their visa status" (Committee 4 Justice 2006). With the leaking of this Plan, it had become clear that the targeting of the Los Angeles Eight was not an exceptional case. The government was already spying on politically active Arabs in the United States, but this plan would have allowed the government to conduct monitoring on an even wider-scale. The document also directed the INS to supplement its political charges against detainees with technical immigration violations, such as those used to target the Los Angeles Eight, in order to have charges to fall back on. Overall, the methods outlined in the INS Contingency Plan were exactly those used to prosecute the Los Angeles Eight case, albeit on a much smaller scale (Butterfield 1999).

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Although there was public outcry against this plan, the very fact that members of the United States government speculated on it and researched the possibility to the extent that they had found a feasible location indicates the readiness and willingness with which the government has speculated on extreme racial policies in modern times (Akram and Johnson 2002). The case against the Los Angeles Eight appears to have been a test run for this plan, but the public outcry against it, although nominal, hindered the federal government's ability to continue such measures on a wider scale. The Reagan Administration was quick to come out with a response that this plan was merely speculative and was not a part of their actual policy objectives because of the public's widespread objection to the general use of blatantly racist policies. Had a similar plan been leaked about the government professing to round up and detain white citizens of the militia movement or white, foreign members of the Irish Republican Army (IRA), outcry certainly would have been much more substantialized. While many Americans hold stereotypical views about Arabs in America, the public's objection shows that the implementation of statutes against those who may have sympathies to the 'backward' Arab (and Iranian) governments must be much less explicit. The government must instead use other, less blatant, means for excluding and persecuting Arabs in America by using seemingly colorblind legislation against individual members of disliked groups. The failure to target most groups through aforementioned legislation, however, shows the racism still present in the implementation of these laws. This is clearly evident with the omission of the IRA from the list of designated terrorist organizations under the AEDPA.

Failure to Target Terrorists of a Different Color

One of the most obvious instances of racism in the AEDPA lies in its failure to include the IRA as a designated international terrorist organization. Had the government tried to deport Irish immigrants who had raised money for the IRA, David Cole (2003, 169), legal defender of the Los Angeles Eight has said that "the popular outcry would have almost certainly have been much more substantialized." According to the State Department, the IRA was not included because of the group's recent peace negotiations and cease fire. Factions of the PLO remained on the list of terrorist organizations, however, despite the fact that they had completed three peace

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agreements with Israel at the time and were viewed as the legitimate representatives of the Palestinian people by most members of the United Nations (Whidden 2001). This inconsistency in treatment may be partially attributable to the differences between the Arab-Israeli and Irish-English conflicts and the United States' foreign policy priorities. Neither the IRA nor the PLO, however, had perpetrated any act of terrorism on U.S. soil, yet members of the PLO were barred from raising money in the United States while supporters of the IRA were not.

Michael Whidden (2001) has compared the treatment of three convicted Irish terrorists residing in the United States with that of a Palestinian immigrant in order to highlight the racism behind the persecution of Arabs. Three Irish immigrants, Gabriel Megahey, Noel Gaynor and Malachy McAllister, have all been convicted of acts of terrorism. They were not merely accused of committing acts of terrorism as many detained Arabs are; these three men had actually been convicted of not only supporting a terrorist group financially, but for actively working for its aims through violent actions. Megahey served five years in a U.S. prison for smuggling guns to the IRA in the 1980s, yet he was never deported to Ireland. Gaynor was convicted as an accomplice to the brutal murder of a police officer in Northern Ireland prior to coming to the U.S., but he, too, was never deported or even barred from entering the United States. McAllister was convicted in the U.K. under similar charges and also of conspiracy to commit murder of another police officer. His status is the only of the three that remained undetermined as of 2007, yet even he was never detained for extended periods of time on the basis of secret evidence as Arabs continually have been.

The case against Arabs in America following the passage of AEDPA is much dimmer. From May 1997 through December 2000, Mazen Al-Najjar, a former professor of Arabic at the University of South Florida, was detained after he had been issued a deportation order, which he intended to appeal. This deportation order came as a result of his association with the Palestinian Islamic Jihad, an identified terrorist organization. After declaring his intent to file an appeal, he was detained without charges on the basis of secret evidence. But Najjar was not the only one. From 1996 until 2001 at least nineteen Arab immigrants were detained on the basis of secret evidence, though they were never charged with committing or plotting to commit a terrorist attack (Akram 2002). This may be partially explained by the terror caused by the 1993 attack on the

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World Trade Center, as this was a more direct threat than any IRA sponsored act of terrorism. Alleged al-Qaeda members, however, were not the only Arabs targeted as a result of this attack, nor were they the prime Arab terrorist organization as stipulated by the AEDPA. While al-Qaeda is a powerful international terrorist organization and there are legitimate grounds for targeting its members and fundraisers, it is not the only designated Arab terrorist organization nor are many of the detained Arabs even charged with an affiliation with al-Qaeda (Whidden 2001). This disparity between the targeting of Arabs and the failure to target even convicted white terrorists may also be a result of the political strength of the Irish in America juxtaposed against the political weakness and public suppression of Arab groups as a result of clearly racialized targeting.

The Los Angeles Eight were certainly not viewed as white birthright citizens, as financial contributors of the IRA often are. The eight were, rather, undeniably foreigners, apart from mainstream America. The driving reason for the outcome of this case was the Los Angeles Eight's political affiliations and the history of exclusion that Arab Americans have been subjected to. William Webster, former FBI director, admitted that "if these individuals had been United States citizens, there would not have been a basis for their arrest" (Akram and Johnson 2002, 319). As my previous discussion of the creation of the 'other' through the conjunction of the social construct of the citizen and the social construct of race as justification for exclusion has shown, the targeting of foreigners is frequently a guise for racial policies. United States history and Arabs' current treatment suggest that anti-Arab racism is a primary cause of such contrasting treatment in regards to both their alien and Arab statuses. The selective targeting of Arab communities within the United States, particularly surrounding the Los Angeles Eight case and those like it, are blatant examples of the racism that continues to permeate the legal system and mainstream American society.

Webster also asserted that the eight were targeted as a direct result of their political affiliations in opposition to U.S. interests. The taint of these political affiliations, deemed unwelcome by the U.S. government and mainstream media, represents a shift in the designation of feared 'others' from a blatant, pre-civil rights race-based expression, in which an individual could express their race-based hatred outright, to a contemporary civilization-based expression of inferiority, which Samuel Huntington's work has

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helped make popular. Because Arabs are quick to be viewed as demonized 'others,' they have been treated in a way that most citizens and white immigrants could not be. Prohibiting the raising of money for a charitable organization that has been conflated with a terrorist group because of its affiliation with acts of terrorism in the Palestinian conflict, while failing to deport convicted Irish terrorists is telling of the continued racism in the implementation of U.S. laws. This disparity in treatment has also been explained through the direct targeting of Arab foreigners following an attack committed by white, American terrorists, as was seen with the Oklahoma City bombing.

Conclusion

Americans are purported to hold liberal ideals in which individual rights override group-based rights. A belief in individual responsibility, however, has continually failed to extend to those who do not fit in with a European look. Minorities remain to be portrayed as irrational, uncivilized and backward, even as the language of race has fallen out of favor. In the case of Arabs in America, Arabs are viewed as sympathizers of terrorism, generally unsafe to the public. The violence committed by a small group of Arabs has been used to portray all Arabs in this racialized sense. Arabs and Muslims, even before the September 11 attacks, have been situated in a subordinate status through laws and policies specifically geared toward them, as is evident in the Los Angeles Eight case. These policies reinforce the underlying idea that it is appropriate to discriminate against a group for the actions of a few individuals, so long as the group is backward and anti-American. These policies essentially criminalize Arabs in the United States for nothing but their presumed propensity to irrational, violent behavior. They have been constructed as innately different and somehow flawed, less civilized and more violent than other socially constructed groups. In utilizing critical race theory, I have shown that racial policies have been carried out and reinforced by those in power, whether or not it is counter to American values. The racialization process of creating an 'other' ought to be recognized in order to substantiate American claims of individual liberty and equality for all.

State discourses have shaped what it means to be Arab over time. From a historical proximity to whiteness to a dangerous 'other,' the shaping of Arab identity has been strongly linked to governmental policy. The federal government's persistent efforts to

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remove the Los Angeles Eight demonstrate the extremes to which it will resort in order to both create a demonized 'other' for the public and to deport political dissidents from the United States. This is also particularly telling of the abuse that occurred at Abu Ghraib prison in 2005. Although the torture and humiliation of 'insurgents' in the prison was viewed by mainstream America as despicable, the actions, like the terrorist attacks perpetrated by the IRA and Timothy McVeigh, were explained as the work of a few misled individuals. Their treatment as individuals gone wrong is linked to their white, American and military status. Attributing guilt to these individuals assuages the guilt of those in power and the governmental structure that have condoned and encouraged such practices. The disproportionate targeting of Arabs in America, however, remains linked to their non-white and foreign status, though it would be much more warranted to target any individual who may perpetrate violent acts of terrorism.

While the overtly racist days of the Naturalization Act of 1790 may be over, notions of civilization-based collective responsibility have justified assigning collective guilt to Arabs and Muslims for the September 11 attacks perpetrated by a tiny minority within the constructed group. While these attacks marked a turning point in policy against Arab Americans, I have shown that discrimination against Arabs in America is nothing new. In fact, the stigmatization that all Arabs are guilty until proven otherwise that has escalated since the attacks is telling of the dormant racial sentiments at large in American society. As individuals of an allegedly different civilization, Arabs have become the white Americans' antithesis and a dangerous menace to society. Religious, linguistic and cultural differences play a role in the racialization of Arabs, but the suspicion and unequal treatment of Arabs by the justice system is more significantly tied to the perception that 'they' are foreign enemies of the United States. Following the attacks, public opinion was generally in favor of racial profiling and legislation specifically targeting Arabs, such as identification cards solely for those of Arab descent. The readiness of Americans to consent to the political and social exclusion of Arabs is a compelling illustration of a racial project years in the making. A new enemy has emerged for 'us' to define ourselves against. 'We' are not backward terrorists. Instead, 'we' are just the opposite, be it freedom fighters or the saviors of democracy. Policies that discriminate against a group for the actions of individual group members, despite the unintended affiliation of

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individuals to an identity that they are born into, however, are counter to the ideals that Americans profess to uphold.

The United States' foreign policy ambitions in the Middle East and the resulting persecution of Arabs in America have been effectively covered up by America's continued War on Terrorism. Notions of Arab inferiority have been manufactured and marketed to the American public through the construction of 'otherness' in order to create a public justification for global policies. Political and legal discourse, as well as depictions in the media, has constructed America to be on the side of good and persons perceived to be Arab or Muslim on the side of evil. Since September 11, this has justified the continual racial profiling, deportations, detentions and torture of Arabs and Arab Americans without evidence of illegal activity. Although national security concerns were certainly behind the backlash of the September 11 attacks, Arabs in America have been continually subject to collective responsibility for the actions of a few radical individuals. The collective nature of the *group* that resulted in the selective targeting of those appearing to be Arab or Muslim both in non-government sanctioned hate crimes and by law enforcement officials makes the seemingly race-neutral policies enacted in response clearly racialized. Had Arabs not already been raced as having a predisposition to be the perpetrators of acts of terrorism, these specific terrorists would have been viewed as members of the IRA or Timothy McVeigh have been, as radicals, drastically apart from the mainstream from which they deviated. Instead, the racialization process has rendered the Arab community in America guilty as an entire race, religion and civilization.

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Ethnic Diversity and Overurbanization in the Middle East: (Originally) Benign Differences with (Hidden) Political Consequences

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Ethnic divisions and conflicts are discussed frequently in political discourse. One particularly controversial issue is the debate over whether ethnic diversity has negative effects on political society, and the findings on this issue seem to be somewhat contradictory. While some scholars claim that ethnic fragmentation predisposes states to higher levels of political conflict, less economic cooperation, and authoritarianism, others argue that there is little to no independent effect of ethnic diversity on the politico-economic climate. Much of the extant literature attempts to make sweeping generalizations about the causes of ethnic cooperation or conflict, but the influence of context is central to this article. More specifically, I suggest that the particular interaction of rapid urbanization and ethnic heterogeneity can create a harmful combination that can suppress political freedoms. Using Freedom House scores and part of Fearon's ethnic fractionalization measures, I find that, in the Middle East, ethnically heterogeneous states with high levels of urbanization are associated with dramatically lower levels of political freedom.

Today, globalization and urbanization bring people together from across the world. While increasing contact among people can provide great intercultural experiences and learning opportunities, one must ask, "What are the consequences of this?" Huntington (1993) answered controversially that, in the modern world, intercultural amenability will not be the norm but rather major conflict will be organized around cultural lines—a "clash of civilizations." Other authors agree that culture is increasingly salient in an international context (Harrison and Huntington 2000). "Zooming in" even further to the national context, one sees distinct cultural subgroups that differ from each other by virtue of the fact that they enjoy their own distinct sets of norms, values, and attitudes (Diamond 1993). Societies that house these groups are often predisposed to weak national social solidarity and have the potential for intergroup hostilities. While globalization creates greater opportunities for contact among distinct cultural groups, urbanization is a potential impetus for increased social interaction among subcultures and ethnic groups in heterogeneous societies.

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The Middle East, a region of many ethnically diverse states, is of great significance in this regard. The area continues to experience ongoing urbanization and increasing interethnic contact and—often—conflict. Will these states become flourishing cosmopolitan societies or will conflict (continue to) be organized along ethnic fractures? While the causes of ethnic conflict have been a choice research topic for political scientists, the particular role that urbanization plays, as "forced interethnic social acquaintance" among ethnic groups, has not been examined in detail. This article examines the effect of the interaction of ethnic heterogeneity and high rates of urbanization on political freedoms in the Middle East from 1980 to 2006. More specifically, I ask if urbanization in ethnically divided societies creates political benefits or ills.

In the next section I will provide a review of the extant literature concerning ethnic diversity, contact theory and overurbanization. Thereafter, I will lay out a general theory on particular conditions (i.e., ethnic heterogeneity and rapid urbanization) in which political freedoms are likely to be constrained and hypothesize about what I expect to find in my research. Subsequently, I will describe how I operationalize the concepts that are the focus of this research, and then discuss the results thereof. Finally, I will conclude by discussing the importance of my study and the implications for future studies on the political and economic ramifications of ethnic diversity.

Literature Review

While there are many variations of theories on the consequences of ethnic diversity, I am foremost concerned with the roles of urbanization and ethnic heterogeneity. My theory and hypothesis are rooted in a few specific bodies of literature including contact theory, ethnic fragmentation and overurbanization. Here, I present a brief survey of the extant literature in order to be able to construct a theoretical apparatus about a particular context in which ethnic freedoms are more likely to be restricted.

Ethnic Diversity and Contact/Conflict Theory

The effect of ethnic divisions on political conflict and economic growth has been an increasingly popular issue of debate among social scientists. Since 1990, publications including the phrase "ethnic conflict" have skyrocketed dramatically (Gilley 2004). For

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some scholars this is an obvious trend: interest in ethnic conflict has increased because the academy is realizing that civil wars occur frequently in—and can be extremely deadly in—ethnically divided societies. To these scholars, the world is full of a host of examples that lend credence to this claim (Horowitz 1985). Other scholars argue that the salience of ethnic conflict is due to the decreasing frequencies of international war. Gilley (2004) explains that civil wars organized along ethnic divisions have decreased, but not as fast as international wars. The argument follows that, contrary to popular belief, interethnic coexistence and cooperation is the norm rather than the exception. Nevertheless, many scholars still suggest that with ethnic heterogeneity comes the potential for conflict (Fearon and Laitin 2000; Forbes 2004).

Underlying the arguments claiming that ethnic divisions and identities have a considerable bearing on political and economic phenomena are various understandings of the origins of ethnic identities and the nature of interethnic social interaction. While primordialists claim that ethnic identities are basically static and rigid biological concepts, constructivists define ethnic identities as social constructions which are subject to change over time as a result of shifting political conditions and events (Fearon and Laitin 2000; Horowitz 1977; Stavenhagen 1996; Young 1982). Despite this divide, many scholars from both sides concede that ethnic identities, whether social constructions or not, are important for understanding ethnic conflict (Collier, Honohan, and Moene 2001; Fearon and Laitin 2000; Forbes 2004).

Generally, there have been two explanations for such interaction: contact theory and conflict. Contact theory explains that as interethnic contact increases, stereotypes are dispelled and ethnic discrimination, prejudice, and animosities decrease. As ethnic groups more frequently come into contact with each other and meet people from different cultural backgrounds and various walks of life they learn that their false preconceptions of the "Other" are in need of adjustment (Forbes 2004). Forbes (2004) argues that this claim is particularly weak because of counterexamples which illustrate that some of the most violent conflict has occurred in ethnically divided societies (e.g., Lebanon, Bosnia-Herzegovina, Darfur). Under the contact theory framework, the argument goes, these states should not have experienced such ethnically-colored civil wars and bloodshed.[1]

[1]Of course, contact theory sets general conditions under which prejudices and

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"Conflict theory"[2] attempts to explain these counterexamples (Forbes 2004; Hood and Morris 1998; Horowitz 1985). The theory suggests that as groups come into more contact with each other they will differentiate themselves from other ethnic groups culturally and linguistically. Thus, as Laitin (2007) states, culture acts as both a parameter and a variable in relation to ethnic fragmentation. That is to say, conflict theory suggests two mutually reinforcing processes: social differentiation actively defines cultural solidarity, and in turn, culture sets the social "rules" and norms for the ethnic group (Laitin 2007, 77). According to some scholars, ethnic groups give labels to their members and attach particular roles to them (expectations of typical behavior, attitudes, and attributes of the group) in a process that Omi and Winant (1994) termed "racialization" (Almond 1956; Fearon and Laitin 1996; Horowitz 1985). Furthermore, when a group defines its ethnic identity through cultural differentiation that group's self-image is often characterized by features that are the extreme opposites of the features of the "Other [group]" (López 1996). These claims are quite compatible with conflict theory. When different ethnic groups come into contact with each other, identities are largely shaped through cultural differentiation, which creates conditions for interethnic animosities and conflict. Within certain social orders social differentiation and "racialization" can embed (or sometimes reinforce) hostile attitudes among the various ethnic groups.

Political Implications of Ethnic Diversity

The relationships between ethnic divisions and political phenomena are complex and the findings seem to be conflicting. There are a number of studies which have portrayed ethnic variety as a condition that is conducive to political conflict, a lack of interethnic cooperation, and violence (Horowitz 1971, 1985). Generally, these scholars argue that ethnic identities, under certain situations and in certain social orders, provide convenient vehicles for intergroup hostilities and civil conflict, suggesting that ethnic loyalties can be

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animosities decrease. Nevertheless, conflict theory would suggest that the fact that many of the counterexamples against contact theory are instances where extreme ethnic violence occurred in ethnically divided states is no coincidence, but rather a result of interethnic relations.

[2]This term is not a creation of scholars who accept that more ethnic group interaction results in conflict, but instead Forbes (2004) seems to have created it.

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particularly—even dangerously—emotionally motivating for the members of ethnic groups. Other scholars do not necessarily argue that ethnic diversity has political benefits, but they do point out that diversity in particular is not important for predicting political violence, one way or the other (Fearon and Laitin 2003). In addition, there is yet another group of scholars who argue that ethnic diversity is empirically less likely to result in violent intergroup conflict (Collier and Hoeffler 1998; Fearon and Laitin 1996; Lacina 2006).

The most pertinent area for this paper, within studies on ethnic diversity and its political ramifications, is the relationship between diversity and democracy.[3] Generally, scholars argue that ethnic heterogeneity has a negative relationship to democracy and/or democratization. A good example of a scholar who argues in favor of the negative effect of ethnic diversity on a state's political freedom is Horowitz (1971, 1985) who argues that ethnically fragmented societies are more prone to political conflict and incur more obstacles to democratization when the state power structure is one where an ethnic group can effectively maintain power over other ethnic groups. This is because ethnic groups tend to provide security for individuals within the ethnic group and create political capital for parties and political elites to capitalize on; or, as Rabushka and Shepsle (1972) put it, in states with high levels of ethnic heterogeneity political elites benefit from "outbidding" on ethnic loyalties—that is, taking extreme stances aligned with ethnic identities to gain more votes. Furthermore, there is the fear that democracy is not conducive to interethnic relations; this is the perceived danger of unleashing a "can of worms"—that is to say, unleashing coercion and/or violence—by providing democratic freedoms, which can be taken advantage of by demagogues who "outbid" on ethnic identities (Karatnycky 1999). Supporting these arguments is the tendency for political parties to be organized along ethnic lines in ethnically diverse states (Horowitz 1977; Wilkinson 2000). Political cooperation thus faces the problem of cutting across ethnic and party lines, and political conflict and loyalties are often themselves colored ethnically.

The general consensus within the group of scholars who argue that ethnic diversity enjoys a negative relationship with democracy is that the relationship is not simply linear. Instead, the claim is that the

[3]Since democracies usually guarantee more civil liberties and political rights for individuals within a given society, this relationship is fundamentally connected with my hypothesis in this paper.

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relationship of ethnic heterogeneity to political conflict and authoritarianism is a bell shaped curve where extreme ethnic homogeneity or extreme ethnic fractionalization usually support democracy and are associated with lower levels of political conflict. Meanwhile, in the middle of the heterogeneity scale, where there are large minority or small majority ethnic groups which can wield power more effectively over other groups, there tends to be lower levels of democracy and more frequent political conflict (Collier, Honohan and Moene 2001; Horowitz 1985; Reilly 2000/1). Notwithstanding the back-and-forth dialectic between scholars interested in the political importance of ethnic diversity, ethnic divisions have by and large been considered as impetuses for political conflict, violence, and authoritarianism, and rarely as positive effects on political systems (Reilly 2000/1).

Urbanization and Overurbanization

In the past century the topic of urbanization has been a major focus of sociologists. Predictions for twenty-first century global urban growth are dramatic and show no sign of leveling off soon (Davis 1955; United Nations 1989, 2003).[4] While technological advances and economic growth have been evinced as byproducts of urbanization, the negative effects have also long been examined by social scientists (Bradshaw 1985; Kasarda and Crenshaw 1991; Teune 1988). These scholars have no trouble in listing the negative consequences of urbanization: surpluses in labor, unemployment, misemployment, poverty, overcrowding, crime, sanitation and health concerns. Some have called these symptoms collectively, effects of "overurbanization" (Davis and Golden 1954; Gugler 1982; Hoselitz 1955). Overurbanization, or what Hoselitz (1955) termed "parasitic" urbanization, generally occurs when levels of urbanization and rural-to-urban migration are not accompanied by the expected levels of economic development and material benefits. While some societies incur great economic benefits and societal advancements due to urbanization, others experience severe problems because of it.

Expectedly, urbanization, as many other social processes, has varying effects in different social and economic environments. The developing or underdeveloped world has been argued to be an

[4]"World Population Projected to Reach 7 Billion in 2011." CNN, 12 August 2009. Accessed: September 6, 2009 <http://www.cnn.com/2009/TECH/science/08/12/world.population/index.html>.

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environment that is highly predisposed to experiencing greater negative effects from rapid urbanization (Davis and Golden 1954). Davis and Golden (1954, 16-18) cite Egypt as an example where rapid urbanization was still increasing due to rural impoverishment, despite the increasing pressures placed on urbanization. Huntington (1968) supports this, suggesting that rural stagnation often creates a push to urbanization and leads to political instability in the city. It seems that societies with more drastic economic problems are more prone to the negative effects of urbanization.

Those who migrate to urban areas often do so in order to secure a better quality of life, but as urbanization increases, so does competition over economic—and even political—goods. In developing countries, where the economic growth is relatively low in comparison to the economic and material stresses that can come with urbanization, urban areas can create particularly dire living conditions for citizens. In these conditions survival becomes even more difficult and citizens can unite under the auspices of certain social networks that extend beyond the primitive kin group to ethnic groups (Posner 1980). It appears that the developing world is much more vulnerable to negative consequences of rapid urbanization and, at least potentially, more susceptible to social tensions and conflict.

Up to now I have highlighted two perhaps seemingly independent trends. While the relationship between ethnic diversity and overurbanization (as determinants of political tensions) has not been examined in detail, my research suggests that the two are largely intertwined. I now turn to the theory section, where I lay out the nature of this relationship.

Theory

Since ethnic diversity is frequently associated with political instability, intergroup violence, economic stagnation and a multitude of other ills, ethnically divided urbanizing societies should illustrate these pathologies to an even greater extent.[5] First, urbanization brings people into more contact with people of various cultural backgrounds. Increasing social interaction among ethnic groups (in more ethnically divided states) comes as a byproduct of urban growth. In addition, the "rural push" suggests that migration is

[5]While the terms "urbanization" and "urban (population) growth" usually have different meanings, for the remainder of this paper I shall use them interchangeably to refer to the growth of the urban population.

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largely due to impoverished rural areas and hope for better chances of survival in cities (Huntington 1968). Growing urban populations imply an increase in the number of political and economic actors who, in moving to the city, are focused on their own survival to some extent. The ethnic group can potentially provide individuals with various economic benefits and political mobilization. Secondly, as overurbanization occurs to greater extents in developing countries, economic and socio-political pressures placed on these societies can magnify the disposition to violent competition among groups and weaken social solidarity (Laitin 2007).

To the extent that these two trends, increasing interethnic contact and rapid urbanization,[6] are realities, there should be greater chances for political conflict, and indeed ethnic conflict, in order to secure one's own well-being. Therefore, more ethnically heterogeneous societies will likely be prone to more ethnic group solidarity (and less national social solidarity) and heightened interethnic tensions and hostilities. However, as Collier, Honohan and Moene (2001) claim, highly fractionalized nations with many small ethnic groups will have potential benefits from ethnic fragmentation; high levels of ethnic fragmentation might indeed provide a great source of motivation for interethnic political cooperation. On the other hand, in those states with a large minority, there will be greater potential for political conflict. In these particular conditions, where one ethnic group has the capacity to dominate another one, there will be both more potential for political abuse of other groups and greater incentive to do so.

Where ethnic politics become more competitive and hostile, there is a greater chance for conflict and this might affect the citizens' freedoms in three general ways:[7] first, the incumbent regime and officials might suspend freedoms if they perceive that granting the citizens more freedoms might turn out to be simply unleashing formerly restrained ethnic tensions and extremely dangerous for stability or public peace; second, and related to the first, is the possibility that the government might restrain freedoms as violent conflict ensues in an effort to impede further conflict; third, ethnic-

[6]I assume, in this study, since the Middle East is largely made up of developing states, that more or less rapid rates of urban population growth would be highly correlated with what some scholars might agree constitutes "overurbanization."

[7]I do not presume that this is a comprehensive list of relationships, but only a list of the most salient and pertinent—to this study—ones.

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based political parties might take advantage of any opportunities to suspend freedoms, both political and civil, when they are capable and when doing so benefits the group which they are members of.

Several states in the Middle East are urbanizing, undeveloped or underdeveloped, characterized by frequent political violence, and, to various degrees, ethnically divided. The region serves as a good test for my theory and hypotheses because there is adequate variance in the different levels of urbanization rates and ethnic fragmentation. As stated earlier, the extent to which contact between distinct ethnic groups serves as a cause for ethnic conflict is a hotly debated issue. I attempt to contribute to this debate by focusing specifically on the role of urbanization and increasing interethnic contact in relation to political freedom.

Hypothesis

Despite the lack of variance in terms of "highly fractionalized" states[8] (see Figure A1 in Appendix), it appears that there was enough variance to explain differences between more homogeneous states and more heterogeneous ones (the left half of the parabola in Figure 1).[9] My hypothesis is: ethnically heterogeneous states with high levels of urban growth will have lower levels of freedom.[10]

A linear model should be fairly accurate here since there are no states that fall past the .8 level on the ethnic fractionalization measure. In my study, more ethnically heterogeneous states should be correlated with more conflict and there should not be the drop in conflict that Collier and his colleagues (2001) argue come with "extreme fractionalization" due to a lack of states which meet this criterion.[11] Urbanization leads to increased contact among ethnic

[8]I ran my final regression with ethnic heterogeneity as a negative squared variable, but the linear model ultimately explained more variance. Perhaps if there were a number of countries in my sample that fell past the 0.9 fractionalization score, as Collier, Honohan and Moene (2001) argue is necessary for the positive effect of extreme ethnic fractionalization to be noticeable, I would have been able to test the theoretical model seen in Figure 1.

[9]In Figure 1 and A1 (see Appendix) I use Fearon's ethnic fractionalization measure only and not the cultural diversity measure in order to remain true to Collier and his colleagues' (2001) test of the positive effects of "extreme ethnic fractionalization." My Ethnic Heterogeneity variable, however (and thus my hypothesis also), refers to my Ethnic Heterogeneity index, which is discussed in the data section.

[10]When referring to my own variables I will capitalize them.

[11]Collier and his colleagues (2001) argue that the most effective "cut-off" for

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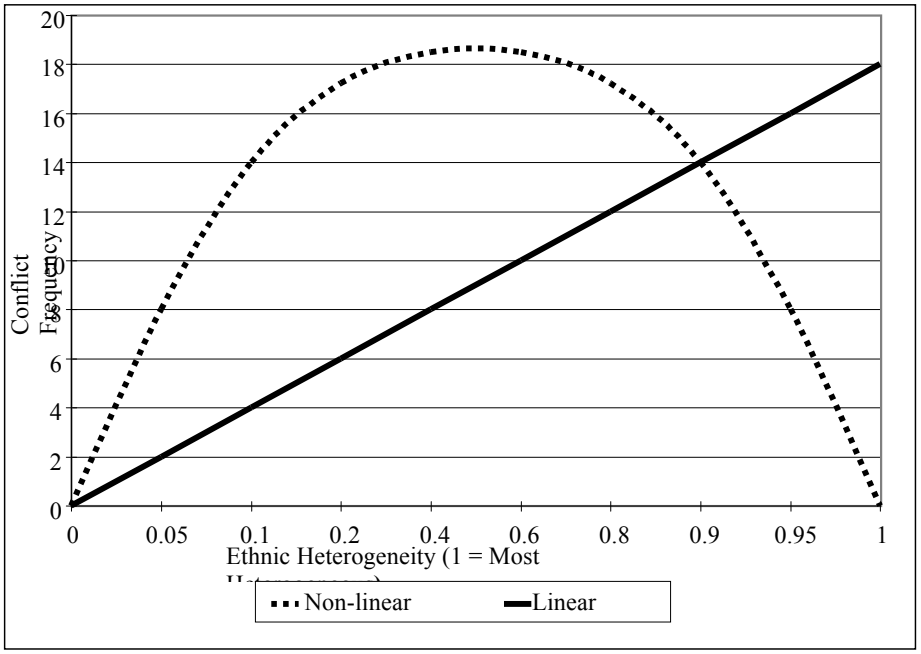
groups and political attitudes and orientations towards different cultural groups should change as a result. I predict that, in rapidly urbanizing societies with greater ethnic heterogeneity, there will be more potential and incentives for political conflict with and coercion over other ethnic groups, in addition to a more hostile political environment. As interethnic tensions are heightened, reinforced group cultural differentiation will occur and there will be greater incentive for ethnic groups to dominate or abuse other ethnic groups for a larger share of goods and more political rights that benefit one's own ethnic group, and freedoms might be constrained or suspended to maintain stability or public peace. Ethnically fragmented societies that have higher levels of urbanization should have lower levels of freedom.

Figure 1: Theoretical Effect of Ethnic Heterogeneity on Frequency of Conflict (in Societies with High Levels of Urban Population Growth)



defining "extremely fractionalized" states is around 0.9. To see the ethnic fractionalization distribution of the states I used in my study refer to Figure A1 in the Appendix.

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Data and Measures

My variables are taken from various datasets. These datasets are *Freedom in the World,* the *Quality of Government Institute*, and the *World Bank's World Development Indicators* (Freedom House 2009; Quality of Government Institute 2008; World Bank Group 2009). I included 14 Middle East (and periphery) countries in my study. These were Algeria, Bahrain, Egypt, Iran, Jordan, Kuwait, Lebanon, Morocco, Oman, Saudi Arabia, Syria, Tunisia, Turkey, and the United Arab Emirates. With these I created a dataset that included *Freedom House* (2009) freedom scores, Fearon's Ethnic Fractionalization scores from the *Quality of Government Institute* (2008) dataset, and GDP, Population Density and Urban Growth Measures from the *World Bank's World Development Indicators* (2009).

My dependent variable, the political climate, is measured with *Freedom House* freedom scores. The degree to which a country guarantees political and civil liberties and is characterized by low levels of violence implies that there is a political environment that provides an arena for meaningful and peaceful political competition in which political actors play by the "rules of the game" and allow others to exercise the right of political participation and expression also. Using Political Freedom rather than some form of violence or war should prove to be a more sensitive variable since shifts in political freedoms are more common than occurrences of civil war and major episodes of political violence.

The *Freedom House* scores are expert analytical reports which assign scores to a country on two levels: political rights and civil liberties. In general, the scores measure the ability of citizens and organizations to participate meaningfully and compete for political power and the level of protection of citizens' civil liberties (e.g., freedom of expression, freedom of religion, etc). Ratings from lowest possible freedom (0) to highest possible freedom (4) are given for each of 25 questions concerning political rights and civil liberties. These raw sum scores are then collapsed into seven categories, ranging from the most freedom (1) to least freedom (7). In the interest of making my regressions and explanations more commonsensical, I switched the direction of the scales and created an index by combining the political rights and civil liberties score; this new Freedom index ranges from Less Freedom (2) to More Freedom (14).

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My main independent variables are Ethnic Heterogeneity, Urban Population Growth, and an interaction between the two. For Ethnic Heterogeneity, I have extracted two of Fearon's (2003) four ethnic diversity variables and combined them to make an index. I created an index by combining Fearon's (2003) ethnic fractionalization and cultural diversity. Ethnic fractionalization is the chance that any two randomly picked people in a state will be from different ethnic groups and cultural diversity is based on the similarity of linguistic structures between any two randomly chosen ethnic groups (Fearon 2003). Since both variables ranged theoretically from zero to one, my index ranges from ethnically homogeneous (0) to ethnically fractionalized (2).[12] The second independent variable of concern is the rate of Urban Growth. Urban Growth is a given year's percentage growth of urban population from the previous year. I have rescaled this variable so that it ranges from 0.59 to 1.282.

My control variables are Colonized Status, GDP Per Capita, Population Density and Urban Population Size. GDP Per Capita is measured in constant U.S. (2000) currency.[13] Colonized Status is a dummy variable, where I am concerned with whether a state was at some point colonized. Population Density is measured as the number of people per kilometer squared.[14] Urban Population is measured in millions of people.

Results

The main focus of my research is the importance of ethnic diversity in relation to political climate. The bivariate relation of Ethnic Heterogeneity to Freedom (Figure 2) is not very strong. There does not appear to be any noticeable pattern or correlation between Ethnic Heterogeneity and Political Freedom. This perhaps dispels any claims about the intrinsically politically unstable nature of ethnic diversity.

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[12]My new index should be a valid combination because ethnic fractionalization and cultural diversity measure two important different, yet interrelated (the correlation coefficient for the two is 0.657), aspects of ethnic heterogeneity: the number of different ethnic groups and the cultural (or linguistic) proximity between different ethnic groups respectively.

[13]Fourteen GDP Per Capita values were missing and filled in with the country average (see Appendix).

[14]There were three Population Density values which were filled in by the country average (see Appendix).

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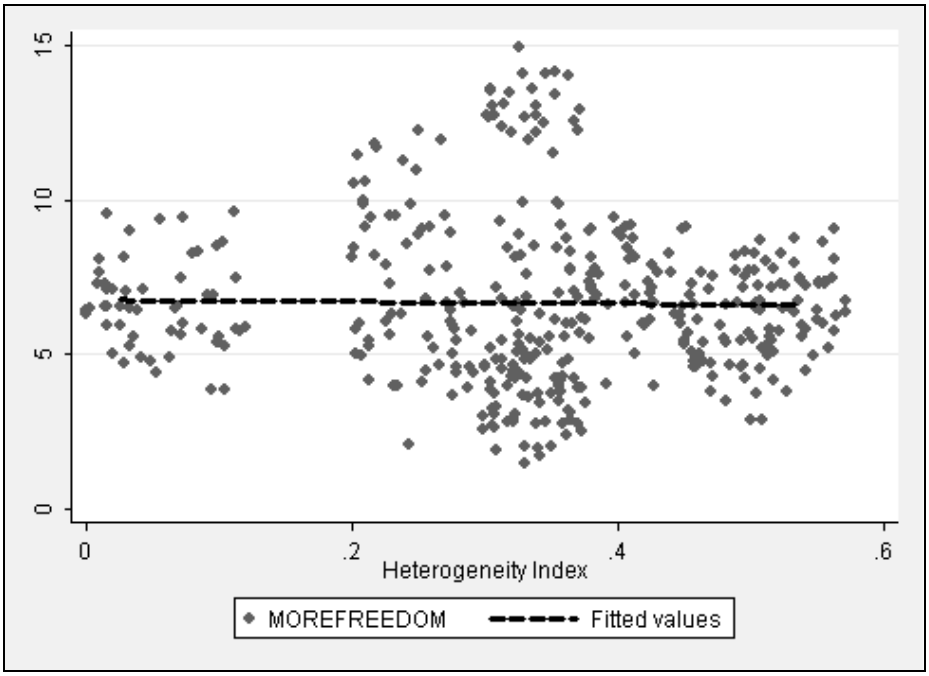
Figure 2: Ethnic Heterogeneity and Political Freedom



The relationship between Urban Growth and Political Freedom was quite noticeable**,** however (Figure 3). Lower levels of Freedom are associated with higher levels of Urban Growth. When I examined the literature on urbanization, undeveloped countries were argued to experience the detrimental effects of urbanization to greater degrees (Davis and Golden 1954; Hoselitz 1955). Figure 3 seems to support this claim, revealing that, of the countries I included in my dataset, states with higher Urban Growth levels experienced less Political Freedom.

To test my model with my interaction, and due to my inability to conduct a time-series model, I ran a cross-sectional model on my data (see Table 1). The results presented here support my hypothesis that Ethnically Heterogeneous states with high levels of Urban Growth would be characterized by lower levels of Political Freedom. The interaction between Urban Growth and Ethnic Heterogeneity is negatively correlated with Political Freedom. More ethnically fragmented Middle Eastern states experiencing high rates of urbanization are associated with extremely lower levels of Freedom (-6 is half of my entire scale of Freedom!). What might seem odd about the results of my regression is that, in contrast to the negative relationship between Urban Growth and Freedom seen in Figure 3,

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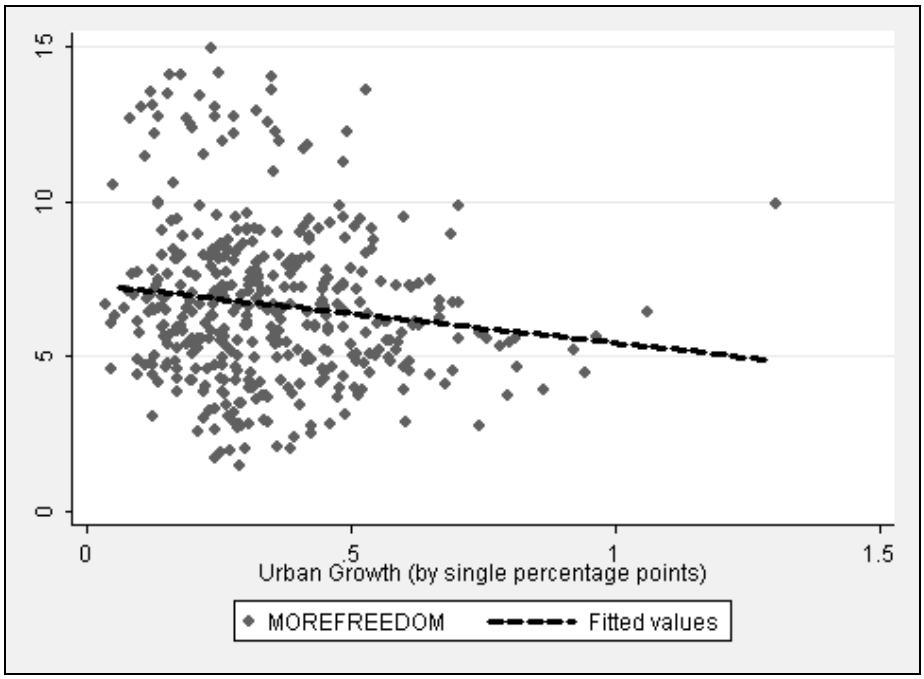
the relationship between Urban Growth and Freedom when my interaction is included is positive. While this might seem counterintuitive, it provides evidence for the other (implicit) side of my hypothesis. It suggests that more homogeneous countries with high levels of urban population growth experience *greater* political freedom. Similarly, Ethnic Heterogeneity is positively correlated with Political Freedoms, although not strongly and the relationship is not significant.

Figure 3: Urban Growth and Levels of Freedom



Three of my four control variables showed a significant relationship to Political Freedoms (Population Density was not significant). One of these controls, Colonized Status, was positively correlated with higher Political Freedoms. To my surprise, past colonies in the Middle East were more likely to experience greater Political Freedoms than those states who were not colonized. Perhaps the colonial powers were effective to a degree in establishing enduring liberal political traditions and institutions that were never totally abandoned.

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Table 1: OLS Model Predicting Freedom in the Middle East (1980 to 2006)

Variable	Coefficient (Std. Err.)	P>|t|	Betas
Ethnic Heterogeneity	.63 (.69)	.364	.126
Urban Growth (unit = 10 %)	6.07 (1.81)	.001	.578
Heterogeneity * Urban Growth	-6.00 (2.12)	.005	-.734
Colonized	1.05 (.26)	.000	.258
GDP per capita (constant USD 2000)	.00 (.00)	.000	.342
Population Density	.00 (.00)	.266	.065
Urban Population (Millions)	.06 (.01)	.000	.368
Constant	3.36 (.76)	.000	--

Estimations performed using Stata 7.0.
N=378, adjusted R^2 = .0949
Missing variables reported in Appendix.

Conclusion

My findings suggest that contact theory is not so simple. The observed relationship between ethnically divided societies with high rates of urbanization and political freedom highlights the notion that, under certain conditions, ethnicity can play a big role in the political sphere. More specifically, ethnic diversity in the Middle East seems to foster a political environment where, when there are high levels of urban population growth, political domination occurs more frequently. It is possible that in the Middle East, as I suggested earlier, both the potential and the incentives for politico-economic conflict and domination and suppression of political freedoms are high, and furthermore that distinct ethnic groups provide the basis for political mobilization.

Perhaps, as I explained in my theory section, when ethnically fragmented societies are exposed to overurbanization and face the

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consequences of employment problems, health issues, and poverty, political actors then seek ways to maximize their utility and guarantee their survival in society in a somewhat Hobbesian fashion. Ethnic groups could provide the basis for political and social mobilization which, as they become more skilled at providing political and economic goods to their ethnic "constituents," might in turn strengthen ethnic boundaries and heighten interethnic animosities. In developing countries these trends would likely be more powerful and create greater chances for ethnic groups to attempt to politically dominate other ethnic groups. Additionally, the more hostile the political environment and interethnic relationships are, the more incentives there are for public officials to suspend or constrain political freedoms if they perceive that there is a potential for political violence. If political violence actually occurs then there is even further incentive for restraining freedoms. This would explain why I found that ethnically homogeneous countries with higher urban growth levels experience greater political freedom; urbanization might contribute to national social solidarity in ethnically homogeneous societies, while it could provide more negative, divisive effects in ethnically divided states.

Of course, this is, at best, just educated conjecture. A more refined understanding of the intersection between ethnic diversity and urbanization would require a look at interethnic attitudes and a study of ethnic group psychology, in addition to extending this empirical analysis to other areas of the world with various economic, cultural, and ethnic backgrounds. What I would like to have included in this study but could not, due to a lack of sufficient available resources, is some measurement of economic inequalities. It could be that income disparities often overlap with ethnic divisions and explain much of the variance in my regressions. The relationships between income disparities, ethnic diversity and political climate would need to be studied further in order to better comment on the true relationship of ethnic heterogeneity and urbanization on the one hand and political freedom on the other.

What my research calls for is a more refined understanding of ethnic diversity and its relation to political conflict, and not simply the development of a new variant of contact theory, but an entirely novel and humble approach to understanding the nature of interethnic relationships and their political implications. The need for this approach is highlighted by my study's assessment, which argues that ethnicity does not seem to have an independent effect on the

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level of political freedoms of a given state, but when ethnically heterogeneous societies are confronted with high levels of urban growth ethnic identities can become more salient and heighten political tensions and conflict. My study suggests that social scientists, and political scientists in particular, need to focus on the role of ethnic diversity and its ramifications under specific conditions. Only when this is realized and put into action will social scientists begin to better understand the complex web of relationships which connects—both directly and indirectly—ethnic diversity to political and economic conflict.

Appendix

The missing values for Table 1 were as follows: Bahrain, GDP per capita, 2006 (1); Kuwait, GDP per capita, 1990-1994 (5); Lebanon, GDP per capita, 1980-1987 (8); Kuwait, urban growth percentage, 1992-1995 (4); Kuwait, population density, 1992-1994 (3). In addition, one value was dropped because it was skewing the data: Kuwait, urban growth percentage, 1991, was -44.39 (1). In total I had 22 missing values which were all filled. I also replaced one extreme outlier with the country average (Kuwait, urban growth percentage, 1991).

I avoided creating an index out of all four of Fearon's (2003) variables. The two variables not included were "largest minority" and "plurality group," which are simply the proportions of the total population for the identified ethnic groups. These were not added because there was not enough variance in the degree or type of ethnic heterogeneity or ethnic fractionalization to make the size of the plurality group or the largest minority group crucial to my model (when using Collier and his colleagues' [2001] measures of ethnic fractionalization there were no ethnically fractionalized states with ethnic divisions of many small ethnic groups). Thus, as I expected, my Ethnic Heterogeneity index explained more variance than including all four of Fearon's (2003) measures. Figure A1 highlights Collier, Honohan and Moene's (2001) delineated area (between the two dotted lines) where the "dominance" coefficient was the highest. The lack of variance is illustrated in the lack of any countries that fall in the category in the third ("extreme ethnic fractionalization") section of the chart (Collier, Honohan and Moene 2001). For this same reason, squaring my heterogeneity index to see if there was a negative exponential relationship between Ethnic Heterogeneity and

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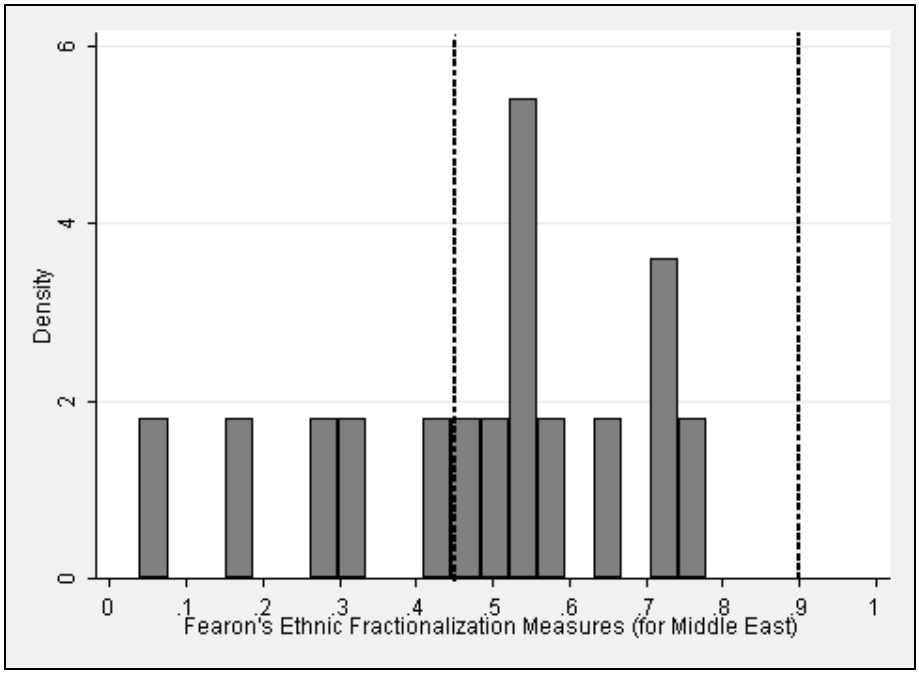
Freedom explained less variance than that of the linear model used in my paper.

Figure A1: Fearon's Ethnic Fractionalization Distribution



Source: Quality of Government Institute Data

Table A1: OLS Model Predicting Freedom in the Middle East (1980 to 2006) (Without Interaction between Heterogeneity and Urban Growth)

Variable	Coefficient (Std. Err.)	P>|t|
Ethnic Heterogeneity	1.07 (.34)	.002
Urban Growth (unit=10%)	1.28 (.63)	.044
Colonized	.88 (.26)	.001
GDP per capita (constant USD 2000)	.00 (.00)	.008
Population Density	.00 (.00)	.061
Urban Population (Millions)	.06 (.01)	.000
Constant	5.03 (.49)	.000

Estimations performed using Stata 7.0.
N=378, adjusted R^2 = .0778

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Targeted Killing in International Law: How *Hostis Humani Generis* Affects the Debate

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With the rise of transnational terrorism, the Bush and Obama Administrations have increasingly relied upon the counterterrorism tactic of 'targeted killing.' Scholars have placed targeted killing under two international legal paradigms: armed conflict (governed by International Humanitarian Law) and law enforcement (governed by International Human Rights law). Yet, without a universal definition of terrorism, the rights that a 'target' retains in international law are highly debatable, making the determination of targeted killing's legality difficult. In an effort to define terrorism, some scholars have invoked the legal doctrine of hostis humani generis, Latin for "enemies of mankind." I show that this definition would place terrorists as criminals in the law enforcement paradigm, and thus international human rights law would govern targeted killings. International law as a whole would recognize the transnational character of terrorism and uniformly govern States' actions, requiring States to apprehend terrorists and relegating targeted killing to the status of an undesired last resort of criminal pursuit. Because of the tension between these restraints and the nature of America's targeted killing campaigns, I conclude that labeling terrorists as hostis humani generis would push the United States to defend its targeted killing campaigns as legal under the laws of armed conflict.

On November 3, 2002, a CIA Unmanned Aerial Vehicle (hereafter referred to as a UAV) fired a missile at a car cruising across a desert in Yemen. The car was struck and the six unsuspecting al Qaeda operatives inside were killed. The main target in the attack was Ali Qaed Senyan al-Harithi, an al Qaeda leader who had been on US intelligence radar ever since his involvement in the USS *Cole* attacks of 2000 had been confirmed. American and international legal academia, international courts, and human rights organizations have continued to scrutinize the events that took place that day. The attack is believed to be the first use of lethal force by the United States against terrorists outside Afghanistan—outside of a theater of war and inside the territory of a country not at war with the US (Downes 2004, 2). The legality of this and other instances of targeted killings are still intensely debated.

The United States has continued UAV targeted killings, which are regarded as a vital counterterrorism tool. Since the terrorist

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attacks of September 11, 2001 and the subsequent proclamation of a 'war on terror' by President Bush, targeted killings have become much more commonplace. When Barack Obama became president, some believed his campaign rhetoric of open governance and adherence to international laws and norms would translate into a reduction -- if not elimination -- of targeted killings (Krishnan 2009, 83). However, the opposite has been the case. The Obama administration has not only authorized targeted killings of foreign 'enemy combatants' but also against American citizens who are linked to terrorist cells (Shane 2010, 3). Leon Panetta, the former director of the CIA, has referred to UAV targeted killings as "the only game in town in terms of confronting or trying to disrupt the al Qaeda leadership" (CNN 2009). Section one of this paper offers a foundational understanding of targeted killing. The history of non-traditional methods of killing in war and peacetime are discussed, and the US domestic legal framework that has guided American policy is outlined. The section ends with a description of targeted killing as a current counterterrorism tactic and the conclusion that it is a counterterrorism tool upon which future Administrations will increasingly rely.

American legal scholars have noted that the practice targeted killing has prompted a wave of international 'soft law'—recommendations, declarations, and reports issued by international legal bodies whose opinions coalesce into generally accepted norms—against targeted killing this practice. In the wake of the 2002 Yemen strike, Swedish Ambassador Anna Lindh referred to the attacks as "a summary execution that violates human rights," while a UN special reporter concluded that the attack represented an extrajudicial killing (Machon 2; Melzer 1998, 208). Implicit in the condemnation of the attacks is the belief that pursuing terrorists should be governed by international human rights law, commonly referred to as the law enforcement paradigm. This framework emphasizes a human's right to life and would impose extensive restraints on the tactic of targeted killing. The United States argues its right to defend itself in what, during the Bush Administration, was called the "War on Terror," and contends its actions should be governed by international humanitarian law, which is —commonly referred to as the law of armed conflict. This paradigm is more tolerant of lethal force since because it uses the context justification of a war. Section two of this paper discusses the two paradigms. I argue in this section that while targeted killing can be lawful in either

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model, its legality hinges on whether the terrorist is regarded as a criminal in the law enforcement paradigm or as a combatant in the law of armed conflict. Furthermore, because terrorism has no definition in international law, widespread disagreement ensues as to which paradigm should govern targeted killing. This ambiguity erodes the valence of international law and weakens it.

Recognizing this current legal shortcoming, some scholars recommend categorizing terrorism as the same crime as piracy and labeling the terrorist as an enemy of mankind by applying the Latin term *hostis humani generis,* which translates to "enemies of the human race." The phrase has been dusted off by scholars who recognized the resemblance between pirates of earlier times and terrorists of the twenty-first century, and who claimed that the motives, location, and mental state during the commission of both crimes are similar enough to merit the same definition. One scholar's argument for such is reviewed in section three. However, if this current 'soft law' advocacy becomes actual hard international law, and if the international legal community (most notably the United Nations) defines terrorism as the same crime as piracy, in which legal paradigm—law enforcement or armed conflict—would targeted killing be placed? What would be the consequences for international law, and how might this affect US policy?

In section four, I argue that the rationale for adopting the crime of piracy as the crime of terrorism is sound, considering both international and United States courts' slow but certain move from conceptualizing piracy as a sea-based crime committed for private ends, to an expanded view that allows for air and land-based attacks for political motives. If the international legal community and the UN were to define terrorists as pirates, terrorists would be recognized in the law enforcement paradigm as international criminals. Unlike some voices in the debate, I argue that court precedence as well as recent events demonstrate that, while terrorists would now be liable for capture anywhere in the world by any State, this new status in international law would not dissolve terrorists' due process rights specifically enumerated in international humanitarian law.

In section five, I analyze how defining terrorists as enemies of mankind may affect United States policy and legal rationale regarding targeted killing. I argue that the United States has little incentive to adopt a definition of terrorists as criminals, much less change the legal defense strategy it has thus far maintained. Because

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hostis humani generis makes targeted killing more acceptable in the law enforcement paradigm but still places an imperative on arrest before use of lethal force, it remains a highly restrictive body of law. At the same time, professionals in American statecraft and national security circles are loath to relinquish the claim that the War on Terror is a legitimate armed conflict and not a worldwide criminal manhunt. Because classifying terrorists as criminals in the law enforcement paradigm places more restraints on the use of lethal force, officials in the Obama Administration, in order to maintain a legal grounding for targeted killing campaigns, will continue to defend the belief that they are governed under the law of armed conflict.

Targeted Killing: A Background

Throughout the modern history of war, the targeted, premeditated killing of an individual for political purposes has been suspect and at odds with international law and norms. Targeted killing usually takes place outside of traditional, battlefield soldier-to-soldier combat. Since the seventeenth century, what we might view as targeted killing has been referred to as assassination. The history of assassination offers a perspective on the legal evolution of non-traditional methods of killing in wartime.

If assassination was not expressly forbidden by a nation's domestic law or international law in the eighteenth and nineteenth centuries, it was certainly perceived as unethical. During wartime, most military and legal commentators judged the legality of assassinations by the method of the killing, such as whether it was treacherous, perfidious, or a surprise attack. The "earliest modern-day attempt to codify the law on assassination" came in 1863 with the *General Order No. 100: Instructions for the Government of Armies of the United Sates in the Field*, which is also referred to as the Lieber Code (Wachtel 2005, 685). The Code proclaimed that "offers or rewards" for the assassination of enemies signified "relapses into barbarism" (Wachtel 2005, 685). Further dictating conduct in war, The Hague convention in 1907 forbade killing or wounding an enemy "treacherously"; for example, it allowed surprise attacks but not while wearing a civilian uniform (Wachtel 2005, 686). The inclusion of the "treacherous" characterization of assassination in the Lieber Code is believed to have influenced the contemporary United States wartime definition of assassination: the

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"treacherous killing of a selected individual belonging to the adversary" (Melzer 1998, 47). During wartime, what today might be viewed as targeted killing would have been legal so long as the target was killed with "honor and morality" (Wachtel 2005, 684).

Significant discussion of assassination during peacetime or outside of the theater of an active conflict did not take place until the twentieth century. Much of the debate was a reaction to covert operations of the Central Intelligence Agency in the latter half of the twentieth century. In the arena of the Cold War—a "war" never declared by Congress—the United States, through CIA clandestine operations, engaged in assassination attempts against Fidel Castro and other Latin American political leaders who were regarded by the intelligence and foreign policy apparatus as enemies of the state. With the passing of the National Security Act of 1947 and the "Fifth Function" of the CIA, Congress tacitly allowed this behavior (Anderson 2009, 21).

While assassination may have been permissible according to American law, the exposure of such attempts in the context of previously covert CIA operations made the subject of assassinations a topic of international discussion. In reaction to popular condemnation of the attacks, Gerald Ford banned political assassinations with an Executive Order in 1976. Jimmy Carter went further and banned indirect U.S. involvement in assassinations, and in 1981 President Reagan issued Executive Order 12333 (1981) which included the passage: "No person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination." However, the Orders never gave a definition of assassination. As Nils Melzer (1998), author of "Targeted Killing in International Law" notes, the ambiguity of the assassination ban has left "US administration officials and military personnel without guidance as to the interpretation of the Presidential order and the resulting boundaries for their conduct of affairs" (46). Consequently, the discussion in American legal circles is "dominated by the question as to what conduct would fall under or, even more importantly, escape the scope of the ban" (Melzer 1998, 46).

The 2002 Yemen Strike is widely noted as the first instance of the United States employing targeted killing in the War on Terror, but the tactic has been used many times since then. America has engaged in methodical killings of high-level al Qaeda operatives, in Afghanistan, an official theatre of conflict, or Pakistan, Yemen, or Somalia, which are not. Most of the victims are killed by missiles

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fired from UAV, while some are shot by long-range snipers. Based on publicly available information, the CIA maintains a list of individuals whom the US targets for killing, which is overseen by the National Security Council. Notifying the President before acting is not necessary since the President has authorized the list and the authority of the CIA to engage in these activities.

The United States employs the tactic with confidence that it is legally justified both domestically and internationally. Congress gave authority to the President to combat terrorism in its Authorization for Use of Military Force, signed on September 18, 2001. The President was given the go-ahead to:

> …use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons (Authorization for the Use of Military Force).

In the international arena, the United States considers itself in an armed conflict with al Qaeda. Thus, its counterterrorism tactics are justified by its self-defense rights under Article 51 of the UN Charter.

Targeted Killing in International Law

Though the United States is self-assured in the legality of its actions within American law, international law is indecisive regarding targeted killing. Two paradigms place targeted killings in separate legal frameworks: the law enforcement and the armed conflict paradigms, respectively. The law enforcement paradigm is traditionally viewed as separate from armed conflict; its premise is the supreme and inherent right to life, which is defended (among other rights) by the International Convention on Civil and Political Rights, the United Nations Declaration of Human Rights, and the American Convention on Human Rights. This framework also assumes a principle of due process afforded to the individual. As a result, preventing a terrorist attack would be "achieved by *apprehending* those planning and preparing the violence and

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subjecting them to the criminal process" (Kretzmer 2005, 178). Melzer argues that in order to be lawful under the law enforcement paradigm, a particular targeted killing must cumulatively:

> … have a sufficient legal basis in domestic law, which regulates the use of lethal force in accordance with the international normative paradigm of law enforcement; not be of punitive but of exclusively preventive nature; aim exclusively at protecting human life from unlawful attack; be absolutely necessary in qualitative, quantitative and temporal terms for the achievement of this purpose; be the undesired *ultima ratio*, and not the actual aim, of an operation which is planned, prepared, and conducted so as to minimize, to the greatest extent possible, the recourse to lethal force. (1998, 239)

Because the stipulations are deduced from a law enforcement mentality, human rights law generally requires the state to apprehend the target rather than immediately seek his or her extermination as it would in an armed conflict or theater of war.

The other model that governs targeted killing is international humanitarian law (IHL), commonly referred to as the armed conflict paradigm. Generally, IHL governs the conduct of the actors in an armed conflict and requires four basic principles to be followed: military necessity, distinction, proportionality, and precaution. Military necessity provides that "the kind and degree of force resorted to must be actually necessary for the achievement of a legitimate military purpose (Melzer 1998, 239). Distinction in an armed conflict is meant to protect against attacks that kill civilians; every targeted person is either a military objective or a protected person. Proportionality requires "a value judgment as to whether the harm likely to be caused by the force used in an operation is 'proportionate' (i.e. justified) in view of the expected military advantage" (Melzer 1998, 357). Collateral damage must be minimized in any attack. Finally, the principle of precaution aims to avoid or minimize incidental loss of civilian life. Nations must display caution and calculation in planning and executing an attack in order to demonstrate respect for the principles of distinction and proportionality (Melzer 1998, 364). In summary, international humanitarians law's emphasis is not on a right to life like international human rights law; rather, lethal force is an accepted

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norm in war. Thus, critics suggest IHL implement certain principles to make war more humane.

In both of these paradigms, targeted killing can be legal. In the law enforcement paradigm, a state has the right and the obligation to protect its citizens and can use lethal force as an "undesired *ultima ratio*" when the State cannot feasibly apprehend a terrorist. In the law of armed conflict, states are free to target their enemies, provided they do so following military principles. But which of these paradigms should govern a state's actions against the international terrorist? To date, international law has failed to provide an answer, and states that employ targeted killing—most notably the United States and Israel—maintain that the terrorists they kill are combatants in the armed conflict paradigm. These states only need to follow the four aforementioned principles when executing the attacks. In contrast, others believe that targeted killings are actually extrajudicial killings, and that the terrorist afforded certain rights under international law (most notably the right to life) is a criminal. To one state, the terrorist is a soldier; to another, he or she is a criminal.

Both the ambiguity of what category terrorists fit into—combatant, unlawful combatant, civilian, criminal—and the ambiguous definition of self-defense lessens the authority of the law. If the terrorist is a criminal, he is given the right of due process and trial. Yet many question the applicability of the 'criminal' label to a terrorist. One reason is that state sovereignty and jurisdiction pose a problem. Harvard Law professors Blum and Heymann (2010) note that "As a general principle of international law, a country is strictly prohibited from engaging in law enforcement operations in the territory of another country, and much more so when the law enforcement operation includes killing a person" (161). Furthermore, recourse to the legal process and the courts in a given country are dependent upon law and order being available; many would question if the remote, lawless areas of Somalia and Pakistan are the "settled, ordered society" with which international human rights law is best apt to govern (Anderson 2009, 5). Finally, if targeted killings are an increasingly commonly employed counterterrorism tactic, they can hardly be an undesired *ultima ratio*, or last resort. According to international human rights law bodies such as The Human Rights Committee and the Inter-American Commission on Human Rights, a state has the "right and the obligation" to protect its citizens from threats of violence, and Blum and Heymann give credence to the

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notion that targeted killing can be lawful in the law enforcement paradigm as an "exceptional use of force in self defense alongside peacetime law enforcement" (2010, 161). Characterizing the United States's increasing use of targeted killing as an exceptional use of force would seem to betray a common understanding of 'exceptional.'

The armed conflict paradigm of international humanitarian law is normally applied to state vs. state traditional warfare, and thus fits awkwardly with the international, state vs. non-state 'War on Terror' that the United States argues justifies its targeted killings. David Kretzmer argues that targeting killing should be placed in the armed conflict paradigm when "an armed conflict has been created between the victim state and the terrorist group," and that "within the context of this conflict the terrorists are legitimate targets" (2005, 188). But under International Humanitarian Law, persons are divided into simply two categories: civilians and combatants. If the Obama Administration were to argue that the Al-Qaeda terrorists are combatants in an armed conflict, then because they are not a part of the armed forces of a state that is party to the conflict they must be:

> …part of another armed group belonging to such state which fulfills the four conditions laid out in Article 4(A)(2) of Geneva Convention III: a. being under responsible command; b. wearing a fixed distinctive sign; c. carrying arms openly; d. conducting their operations in accordance with the laws and customs of war. (Kretzmer 2005, 191)

Kretzmer argues that since terrorists, by the very nature of terrorism, target civilians, they can never fulfill 2(A) d, the charge of conducting their operations in accordance with the laws and customs of war. As a result, they must by definition be regarded as civilians. According to the UN, the legal analysis then turns to whether or not the target has taken a direct part in hostilities to determine whether the civilian may then be targeted (Kretzmer 2005, 194). Numerous questions arise, such as what are "hostilities," and which activities are regarded as playing a 'direct' role in hostilities. Gary Solis, a professor at Georgetown University Law Center and a retired marine, argues that two considerations become apparent in determining whether a targeted killing is legal: the directness of the targets participation and the duration of his or her participation. Solis rejects the idea that if noncombatants engage in direct participation

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of hostilities and then lay down their arms, they "reacquire" noncombatant immunity and can no longer be targeted. He points out that, especially in the new age of war, civilians "who lead terrorist groups seldom literally pick up arms and so, metaphorically, never lay them down" (Solis 2007, 3). To Solis, the notion that terrorists cannot be targeted except during the act of immediate violence is too restrictive and affords the terrorists legal immunity at the expense of a nation's safety. As is common in international law, this ambiguity can serve to benefit either side of the debate.

Second, the definition of self-defense, as it appears in Article 51 of the UN Charter, is highly debatable and risks losing its credence and significance. Article 2 (4) of the UN Charter (1945) proclaims that "all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state." There are two exceptions to this prohibition: one if force is authorized by the UN Security Council to maintain or restore international peace and security; the other if an armed attack occurs against a member, which is justified by individual or collective self-defense.

The United States has invoked a broader definition of self-defense that includes anticipatory, preemptive and even accumulative self-defense to rationalize targeted killings. These are widely regarded as the furthest derivations from the strict definition of self-defense that is legally permissible, if at all. Although it has always asserted a right to self-defense, the United States must interpret this right ever more broadly to accommodate the changing nature of threats to security. As a result, the United States "construes Article 51 to permit three types of self-defense: self-defense "against an actual use of force or hostile act," "preemptive self-defense against an imminent use of force," and "self defense against a continuing threat" (Wachtel 2005, 137). Under this third stipulation a State would view past instances of a terrorist group's aggression as evidence of a recurring threat. Thus, according to the United States, al Qaeda terrorists are enemy combatants in an armed conflict—the war on terror—which was initiated when they committed the terrorist attacks of September 11, 2001 (Risen & Johnston 2002).

However, many scholars view this position as exceeding the boundaries of the traditional notion of self-defense that has been largely governed by the Caroline Doctrine. The language in this 19th century doctrine permits action as self-defense only if the "necessity of that self-defense is instant, overwhelming, and leaving no choice

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of means, and no moment for deliberation" (Patel 2004). According to this definition, the United States would only be able to kill those who were in the actual process of launching the attack as a last resort. Chris Downes (2004) regards the United States' invocation of Article 51's defense clause in justification of targeted killings as implausible given that the strike in Yemen took place over a year after the attacks on September 11, 2001. Instead, the attacks should be viewed as punitive rather than defensive, which is forbidden by international law. Downes argues, "through a linguistic feint, the 'necessity' of preventing a specific and imminent attack is supplanted with the 'need'…to counter the global phenomenon of terrorism" (2004).

The legal debate makes apparent that targeted killing does not fit neatly into either legal framework. This is because the transnational terrorist does not have a proper, singular definition in international law; the terrorist is thus whatever a particular state deems him. While this flexibility may benefit the state in question, it harms international law because states are not bound by it and widespread disagreements ensue. The legal impasse will continue until international law definitively regards terrorists as criminals or soldiers. This paper will now turn to a recent argument aimed toward recognizing terrorists as the progeny of their evolutionary ancestors: pirates.

The Latin phrase *hostis humani generis,* or "enemies of the human race," has been offered to provide a definition of terrorism. The term was first used during the Roman Republic by Marcus Tullius Cicero in an argument to apply universal jurisdiction to pirates. The full wording was: "Piracy is not a crime directed against a definite number of persons, but rather aggression against the community as a whole" (Burgess 2003, 21). Cicero had recognized that piracy commonly took place outside of a nation's own traditional legal jurisdiction on the "high seas," and that the pirate acted out of their own private concerns and were non-state actors. Finally, and perhaps most importantly, pirates disrupted the trade, commerce, and relationships of nations without acting in the name of a particular state. It was argued that they were enemies of all states and of the human race and, thus, universal jurisdiction applied. Pirates could no longer use the high seas as a legal black hole.

It remains to be seen, however, whether the international community will conceptualize piracy as legally analogous to terrorism. The main hurdles lie in the motives of the actors as well as

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the common physical settings of piracy. International law has held that pirates' motives are always private, monetary gains, while terrorists have been traditionally viewed as acting to achieve political goals. Also, the common conception of piracy as a crime committed on the 'high seas' would at first seem to rule out land-based terrorism. This thesis will now examine the relatively recent effort to forge a link between piracy and terrorism in international law.

Hostis Humani Generis

Douglass Burgess (2003), a piracy scholar, argues that piracy is terrorism's legal antecedent and "evolutionary descendant" (9). Through court rulings, he asserts international law has evolved to the point that maritime terrorism is regarded as piracy, and the final link between piracy and terrorism is the logical next step. Burgess (2005) writes:

> A crime, under the domestic law of most nations, has three elements familiar to veterans of introductory classes in criminal law: *mens rea*, the mental state during the commission of a crime; *actus reus*, the actions that constitute a crime; and locus, the place where a crime occurs. If two crimes share the same *mens rea*, *actus reus*, and locus, they are, if not identical, comparable. While piracy and terrorism may not be the same crime, they share enough elements to merit joint definition under international law.

Regarding *mens rea*, Burgess cites historical accounts to show that pirates certainly used terror tactics—perhaps most notoriously, the dreaded black pirate flag—to terrorize their victims in order to induce a "bloodless capitulation" (Burgess 2003, 102). Considering locus, while we may instinctively assume that piracy must occur on the "high seas," international law in the 20th century recognized the increasing prevalence of aerial hijacking. The United Nations Montreal Convention in 1970 extended the definition of piratical acts to include those committed "by the crew and passengers of a private ship or a private aircraft . . . against another ship or aircraft or against persons or property on board" (Burgess 2003, 102). Furthermore, as Burgess notes, the Harvard Draft Convention on Piracy recognized in 1932 that piracy was an evolving crime that could take place in the

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air as well as at sea. The "descent from the sea" component of piracy, combined with the notion of aerial piracy, argues Burgess, can be broadly interpreted to describe any person who lands on foreign soil with the intention to commit terrorist acts as committing piratical acts, and thus as a terrorist.

Finally, the last element, the *actus reus*, or action that constitutes the crime, is perhaps the most difficult link to make. The main hurdle is the different motives between the pirate and the terrorist. Historically, the pirate has been defined as motivated by the prospect of monetary gains. This is seen in the early definitions of piracy as, simply, "sea-robbery." Piracy as a crime committed for personal gain has a wealth of legal precedent as well. In 1820 the U.S. Supreme Court ruled in *United States v, Smith* (1820) that piracy required a "private intent" and was for the purpose to enrich oneself materially. In addition, international law has noted the pecuniary motives of piracy most notably in the 1958 UN Convention on the High Seas and the subsequent 1982 UN Convention on the Law of the Seas (UNCLOS). The UNCLOS defined piracy as:

> (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft... (1982, 60)

The UNCLOS was the last published statement of privacy law, and thus remains in force today. As with the 1958 Convention, the current definition includes the concept of universal jurisdiction, but also retains that "private ends" are the motivation in any act in order to be construed as piracy. This is important because any legal connection between pirates and terrorists must persuasively argue that their motivations are the same. Currently, they are regarded as separate: the pirate acts for monetary motives, the terrorist acts for political motives.

However, some argue that a link exists in the emergence of maritime terrorism in international law. The private versus political distinction in motives of the crime remains in international law, but earlier court precedence had already recognized that piratical acts can be committed for political motivations. For example, the 1844 U.S. Supreme Court ruling in *Harmony v. United States* allowed for a more political definition of piracy when it ruled that any act

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motivated by "hatred, abuse of power, or a spirit of mischief" on the high seas could be construed as piracy (Burgess 2003, 42). More recently, the 1985 hijacking of the cruise ship Achille Lauro is widely regarded as an instance of terrorism committed on the high seas. Four Palestinian Liberation Front members hijacked the ship and held its members hostage, demanding the release of fifty Palestinians from Israeli prisons. The standoff ended with an Israeli-American being killed and the arrest of the Palestinians at a NATO base in Italy. In the wake of the hijacking, the international community realized that terrorism was not limited to land-based incidents (Simon 1986, 3). Subsequently, the language of the 1988 Rome Convention and the International Maritime Bureau's definition of piracy, both developed after the 1982 UNCLOS and the 1985 hijacking, extended the definition of piracy to acts with political motives and acts that take place closer to land. Additionally, the 1988 UN Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1998) introduced the terminology of "maritime terrorism." This seemingly closed the gap between piracy and terrorism, as certain aggressive conduct aboard a ship is regarded as an act of terrorism in the language of the convention.

How *Hostis Humani Generis* Affects the Debate

Interesting questions arise if this gap is closed and the soft law advocacy of Burgess and others on the adoption of the piracy definition for terrorism becomes hard international law. How would this affect the debate regarding which paradigm should govern a state's targeted killing campaigns? How would targeted killing's legality be altered? Some scholars argue that labeling terrorists as enemies of mankind would mean the terrorist is somehow now afforded fewer rights. Some go further, claiming that terrorists and pirates cannot count on *any* legal safeguards against their being targeted for killing. Frank Biggio (2002) suggests, "These terrorists should operate with the understanding that their activities may be countered with force as devastating as that which they are wrongfully inflicting on others." It's difficult to tell whether he is in fact claiming that, as enemies of mankind, terrorists are outside the protection of any laws at all. Others are more forthright.

Louise Rene Beres, an Israeli scholar, invokes *hostis humani generis*. She differs from Biggio's posture of advocacy when she

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argues that terrorists are already "known" as *hostis humani generis* (a contestable claim) and, thus, are already perceived as enemies of mankind. She argues that terrorists are susceptible to universal jurisdiction and, quoting the eighteenth century legal scholar Emmerich de Vattel, that terrorists, like pirates, are "to be hanged by the first persons into whose hands they fall" (Beres 1997, 2). The quote appeals to historical legal precedence to affirm her stance that pirates were and are viewed as universally liable, but it also seems to implicitly further the notion that pirates can—even should be—killed before captured. Indeed, the quote offers no semblance of due process.

Beres gives scant acknowledgment or consideration to a person's right to life under any international legal paradigm. She invokes Vattell, stating, "Men who are by profession poisoners or incendiaries may be exterminated wherever they are caught; for they direct their disastrous attacks against all nations, by destroying the foundations of their common safety, " and then stops short of summarizing that terrorists should (or legally could be) "exterminated" as a first priority above arrest. She seems to imply that assassination, or targeted killing, can be legally acceptable when she cites a court ruling during the Nuremberg Tribunals where it was suggested "in certain exceptional circumstances, literal adherence to due process of law…could represent the greater injustice" (Beres 1997, 2). Beres does proceed to mention, "where known [terrorists] cannot be punished by normal judicial remedy, i.e., by extradition and prosecution, the effective choice is to leave the criminals unpunished or to punish them extrajudicially" (Beres 1997, 4). But this point is offered briefly, only once, and seems to be more a grudging concession rather than a well-articulated acknowledgment that the point seems to deserve, especially in the context of the introduction of *hostis humani generis* to an audience that is presumably unaccustomed to the term and its implications.

While Biggio and Beres employ vague wording in their discussions of terrorists as *hostis humani generis*, the tone of their language, the quotes they choose to cite, and the curious refrain from acknowledging and explicating the rights afforded to those labeled *hostis humani generis* seem to imply that enemies of mankind are somehow afforded fewer, if any, protective rights, including the due process of law. However, many court cases—including those decided in United States and international courts—have afforded pirates, even as enemies of mankind, their rights to trial before being

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killed. If we broaden the law and extend the treatment of pirates to the treatment of terrorists, a simultaneous evaporation of rights does not follow. Labeling terrorists as *hostis humani generis* would simply mean terrorists' liability would follow them everywhere. Like the pirate, the terrorist would not be able to seek legal immunity in certain jurisdictions, but the emphasis on capture above killing would remain if we look at past and recent court precedence.

The United States Supreme Court has ruled, along with British courts, that pirates could be apprehended anywhere, but their very trial before the courts signaled that they still claimed their due process rights. For example, the Vice-Admiralty Court of South Carolina in 1718 ruled that if a pirate could not be apprehended "with safety to themselves" to "bring them under some government to be tried" that they may then be executed (Burgess 2003, 43). The right of execution is granted only upon circumstances when capturing or apprehending the pirate brings danger upon the capturing forces. In the same vein, the U.S. Congress passed an act in 1819 that allowed the U.S. Navy to pursue piracy anywhere on the high seas, but it stressed that the priority was first to capture any vessel that committed "piratical aggression" (Burgess 2003, 54). Furthermore, international law -- as detailed in the Declaration of Paris in 1858 as well as the UN Declarations in 1958 and 1982 -- reaffirms the principle that all nations are to apprehend pirates, allowing for lethal force only in self-defense. As has been noted in the precedent of the 1858 Declaration of Paris, pirates (here we could include all those incurring the title of hostis humani generis) were neither people nor states because "people were subject to the laws of their own governments; states were subject to the laws made amongst themselves" (Burgess 2005). Instead, those regarded as *hostis humani generis* were a third category—international criminal.

Recent events have confirmed pirate's unique status as *hostis humani generis* and the accompanying international human rights law, which governs actions taken against international criminals. The United State's reaction to the 2009 hijacking of the *Maersk Alabama* illustrates how the American government reacts to and prosecutes piracy. In the rescue attempt of an American citizen, three of the four Somali perpetrators were killed by US Navy and Marine snipers. The fourth and final pirate, Abduhl Wal-i-Musi, was captured and taken to a New York federal court. He was tried for the crime of piracy "as defined by the laws of all nations," amongst others (Weiser 2009). Wal-i-Musi was sentenced in February 2011 to thirty-three years in

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prison. In this sense, the court officials who dictate U.S. military policy acknowledged not only international human rights law (by seeking to arrest the pirates before using lethal force), but also legitimized the legal concept of *hostis humani generis* and universal jurisdiction (by pursuing pirates in international waters and their ruling in such a way that invoked the crime of piracy as defined by all nations).

In addition, soft law opinion positions targeted killing as a tactic to be governed by the law enforcement paradigm. Most notably, US Army Colonel W. Hays Park stated in his influential memo:

> Historically, the United States has resorted to the use of military force in peacetime where another nation has failed to discharge its international responsibilities in protecting U.S. citizens from acts of violence originating in or launched from its sovereign territory, or has been culpable in aiding and abetting international criminal activities. (Blum & Heymann 2010, 162)

The memo evokes the law enforcement paradigm by citing US lethal force responses to "international criminal activities" and the obligation of host States to apprehend the suspected terrorist themselves. The historical court precedence regarding piracy strongly correlates to the rules of the law enforcement paradigm discussed earlier, and thus settles the debate as to which paradigm should govern targeted killing.

Hostis Humani Generis and United States Policy

Burgess persuasively outlines the similarities between the terrorist and the pirate in international law. Defining terrorists as *hostis humani generis* would place a state's actions against them firmly in the law enforcement paradigm, and would thus remove the uncertainty regarding which legal framework should govern targeted killing. As a result, international courts and the UN could now hand down clear and authoritative judgments as to the lawfulness of particular instances of targeted killing.

Burgess does not address the United States' disincentive to endorse application of *hostis humani generis* to terrorism: the prospect of a more unified and certain international chorus against America's targeted killing campaigns. Although labeling terrorists as

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hostis humani generis re-aligns the law enforcement paradigm to suit international apprehension and prosecution of terrorists, it does not alter the paradigm so much that the United States would abandon its legal rationale of defending itself in an armed conflict with al Qaeda combatants. Because international humanitarian law allows for the proactive, planned and repeated use of lethal force, it will remain completely tolerant of targeted killing so long as certain principles are followed and terrorists are recognized as enemy combatants. Conversely, human rights law will continue to demand that a state put its enemies on trial and resort to lethal force only in rare and unfortunate circumstances.

Labeling terrorists as *hostis humani generis* alters the law enforcement paradigm by removing two current barriers to targeted killing: jurisdiction and sovereignty. Many scholars have noted, "the problem with the law-enforcement model in the context of transnational terror is that one of its fundamental premises is invalid: that the suspected perpetrator is within the jurisdiction of the law enforcement authorities in the victim state, so that an arrest can be affected" (Solis 2007, 4). However, as an enemy of mankind, terrorists would now be liable for capture anywhere in the world. This has obvious appeal for countries such as the United States and Israel who seek to kill enemies of state outside of their own jurisdiction. Second, because of this universal jurisdiction, a state that is a victim of a terrorist attack could now demand that a host state apprehend or prosecute the terrorist in their courts, extradite for prosecution, or acquiesce as the victim state intervenes to capture or kill the terrorist. For example, the United States would now have the legal authority to enter sovereign territory of Pakistan if it could be proven that the Pakistani government was hosting known terrorists and was either unwilling or incapable of apprehending them and trying them in court. Without the application of *hostis humani generis,* this justification would exist in human rights law only if the terrorists were in the actual process of launching an attack and if a state was acting in self-defense. These changes are significant and alter international human rights law to the point that terrorists fit within the paradigm as a recognized actor.

An examination of American targeted killing campaigns reveals two reasons why the official U.S. legal defense of the campaigns is unlikely to change. First, because actions against terrorism would be firmly placed in the law enforcement paradigm, a state must still capture before killing. Court precedence affirms that those labeled as

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enemies of mankind do not lose their due process rights, contrary to what some scholars suggest. It is true that the remote mountainous areas near the border of Afghanistan and Pakistan could be argued as confounding a law enforcement approach, since it is a largely lawless country and the Pakistani government has little capability to apprehend terrorists in that region (Byman 2009). Still, considering that the current American targeted killing campaign in Pakistan seems to be just that planned, purposive military-style operations rather than 'Plan B' alternatives after failed (or even considered) attempts at arrest, this capture-before-kill imperative would put the legality of U.S. targeted killing practices in question.

Secondly, international human rights law's requirement that targeted killing be an exceptional use of force used as a last resort is perhaps even more incongruent with current U.S. targeted killing practices. Because of the America's frequent and increasing use of UAV attacks and targeted killing's valued role as a counterterrorism tactic in the War on Terror, the Obama administration would be hard pressed to defend its targeted killing practices as an exceptional use of force and an undesired last resort. These requirements run counter to unabashed American reliance on targeted killing, and would restrain the United States in its targeted killing practices to the point where its increasing usage in Somalia, Yemen, and Pakistan could be deemed illegal by international courts and the UN. Indeed, the United States would likely face tougher international scrutiny regarding its targeted killing campaigns once the debate is settled on which paradigm should govern targeted killing. Some American scholars see this as the reason why the United States should "reassert, reaffirm, and reinvigorate" the legal permissibility of targeted killing solely through domestic statutes and Congressional approval of covert CIA operations (Anderson 2009, 4).

Thus far, official United States rhetoric and action tell a mixed story. Some lower-level officials have insisted that law enforcement style precautions are taken when acting against terrorists. For instance, capture by American forces, or capture and extradition by a foreign nation, is the purported modus operandi of the United States in the War on Terror. The CIA, FBI, and military will seek to capture terrorists when possible, and the position of the U.S. remains that targeted killing is a last resort when capture is too dangerous or "logistically impossible."

Official U.S. policy as dictated by high-ranking members of the State and Justice Departments, however, is that American targeted

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killing campaigns should be judged under the laws of armed conflict. This was the legal rationale under President Bush and is being continued during under President Obama. In a speech to the American Society of International Law in March 2010, Harold Koh, a prominent State Department lawyer, said:

> …some have argued that the use of lethal force against specific individuals fails to provide adequate process and thus constitutes unlawful extrajudicial killing. But a state that is engaged in an armed conflict or in legitimate self-defense is not required to provide targets with legal process before the state may use lethal force…In my experience, the principles of distinction and proportionality…are implemented rigorously throughout the planning and execution of lethal operations to ensure that such operations are conducted in accordance with all applicable law. (Koh 2010)

Official U,S. policy maintains that its involvement in an amorphous War on Terror legitimizes targeted killing so long as the military principles of distinction, proportionality, necessity, and precaution are obeyed. The right to life and the requirement that lethal force be employed only as a last resort are inherent characteristics of international human rights law. Even after considering the removal of jurisdictional and sovereignty barriers and labeling terrorists as *hostis humani generis*, the law of armed conflict remains more tolerable of targeted killings. The law of armed conflict will continue to be the paradigm with which the United States argues governs its actions.

Conclusion

Terrorism certainly needs a definition issued by the UN and other prominent international legal bodies—even the UN itself realizes this (Deen 2005).[1] Because targeted killing will increase in prevalence, international law can maintain its authority by responding clearly to transnational terrorism and targeted killing. A uniform, authoritative definition of terrorists would ultimately make targeted killing more governable by bodies of international law. As legal and policy

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thinking evolve, and as international events unfold, new approaches to dealing with transnational terrorism will emerge. The label of *hostis humani generis*, while an old concept, does retain its relevance in international law and could serve as a definitive label for terrorists. If it does, there would cease to be a strong legal debate as to which paradigm should govern targeted killing because a wealth of history and court precedence affirms that the terrorist would be, like the pirate, an international criminal liable for prosecution anywhere in the world.

Within international law, defining terrorists as international criminals does allow for their universal jurisdiction and a legal justification for infringing on other states' sovereignty in their pursuit -- two issues that currently confound targeted killing as a legal tactic in the law enforcement framework. Yet, to claim that this status also means terrorists can be targeted for lethal force *before* apprehension and their due process is to ignore historical court precedence as well as real-world responses to international criminal activity—including the law-enforcement approach taken by the United States in the 2009 *Maersk Alabama* hijacking. Therefore, in order to avoid the scrutiny of international courts and popular condemnation of its targeted killing campaigns in a law enforcement paradigm of international human rights law, the United States will most likely consider it in its best interests to defend its targeted killing campaigns as legal according to the right of self-defense under the law of armed conflict.

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Success with Separatism? Brittany, Corsica, and the Indivisible French Republic

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Separatist movements are one of the most common sources of conflict in today's international system. Separatist movements have arisen in developing nations in Africa and Asia, as well as in older, established states of Western Europe—take for example the movements in Wales, Flanders, or Catalonia. This paper seeks to understand why some movements are successful and others are unsuccessful in their goal of ultimate independence and sovereignty, specifically in states with established democracies. While in the past the level of violence has been held as the determinant of the success of a separatist movement, this study argues that the reaction of the central government is ultimately the most important factor in determining a movement's success or failure. The study examines the separatist movements in the French regions of Brittany and Corsica between World War II and the late 1980s, looking specifically at the central government's response to increased separatist action and momentum. It concludes that small concessions on the part of the central government reduce the effectiveness of the separatist movement, and ultimately result in the movement's failure.

Introduction

A small boy chattered nervously in his native Breton tongue on his way to school for the first time. His uncle walked beside him completely silent. As they approached the school building, the older man warned his nephew that once inside, he must never utter a word in Breton—French was the only acceptable language. When the astonished child asked why, his uncle's only response was: "Because if you do, you will get the rod" (Reece 1977, 33). Once inside, the boy's amazement continued. His teachers warned him that God was offended when he spoke Breton. On the playground, he even saw a sign that read, "It is forbidden to spit and to speak Breton" (Reece 1977, 32).

Sixteen years later, the young boy—now known as Abbé Jean-Marie Perrot—became the founder of the *Bleun-Brug*, a group aiming to separate the region of Brittany from the rest of France. Perrot never forgot the incident of his first day of school, and as a result he devoted his life to the creation of an independent Breton state. Years later, frustrated Breton students with experiences similar to Perrot's would exclaim together, "First a Breton, then a Celt; never a Frenchman" (Foster 1980, 151).

It is precisely these sentiments that have fueled the separatist movements that have taken place throughout France—and throughout the world. According to the Center for International Development and Conflict Management (from Cunningham 2011), 148 separatist movements have occurred since the late 1940s, and in today's international system, they are the most common source of conflict. Some separatist conflicts, like those in the former Yugoslavia, result in the creation of new

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nation-states. Other movements develop in states decades after it was established. This is most often the case in Western Europe, and France is no exception. The stark contrast in the results of the various movements begs the question: Why are some separatist movements successful and others unsuccessful? France in particular poses unique questions for this study. The French Republic has survived a number of separatist movements. Alsace, Lorraine, Catalonia, Corsica, Brittany, and the Basque Country have all tried to gain independence, yet none have successfully obtained it. This study then seeks to answer the question why has France maintained its sovereignty despite numerous separatist movements.

The literature concerning the success of separatist movements offers many different answers to this question, and the lack of consensus provokes more questions than are answered. The wide array of potential explanations for the success of a movement clouds the issue concerning the success of separatist movements. Explanations generally fall into three main categories: the movement's level of violence, the amount of external support, and the state's response. This paper will focus on the state's response to separatist movements.

In order to answer the questions regarding the success or failure of separatist movements, this study examines two regions of France: Brittany and Corsica. Though separatist movements began in the two regions as early as the beginning of the eighteenth century, this study will focus on the period between 1939 and 1980. The case study assesses periods of government concession and repression of separatist movements first within Brittany and then Corsica in order to determine the effect of both reactions on the separatist movements. It finds that concessions by the central government combined with a plan of decentralization reduce the effectiveness and reach of the separatist movements, and ultimately contribute to their failure.

Section One examines the existing literature regarding separatist movements. Section Two presents the specific research questions this study aims to answer. Section Three analyzes periods of government repression and concession toward separatist groups, and examines the effects of both policies on the strength of the separatist movements. Finally Section Four presents the conclusions about the effects of government responses on separatist movements, and offers some broader implications for governments facing separatist conflicts.

Research Context

There is often considerable overlap between the terms *self-determination*, *autonomist movement*, and *separatist movement*. Occasionally the terms are used interchangeably, but often they denote different types of movements. For the purpose of this study, let us rely primarily on the term *separatist movement*, which Raphael Zariski (1989, 255) defines as "a movement that has a clearly articulated goal of ultimate independence and sovereignty."

In general, scholars agree on the characteristics and catalysts that ignite separatist movements. A group united by a common language, ethnicity, or religion experiences a negative stimulus, which inspires a push for independence from the central government (Zariski 1989). Anthony D. Smith (1979) also found regional underdevelopment, internal colonialism, and lack of political representation have also been found as catalysts for various separatist movements. After the inception of a movement, however, there is far less scholastic consensus regarding the reasons for its success or failure. The literature focuses on three

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possible theories that affect the outcome of secessionist movements: the level of violence involved, the amount of external support, and the state's response to the conflict.

Level of Violence

One possible explanation for the success or failure of separatist movements is the level of violence involved. In his study on nationalism, Barry Posen (1993) researches the relationship between nationalist sentiments and violence. He found a positive correlation between the two, asserting that "nationalism increases the intensity of warfare, and specifically the ability of states to mobilize the creative energy and spirit of self-sacrifice to millions of soldiers" (Posen 1993,81). Therefore, it is logical that most nationalist, separatist movements resort to violence in some form, ranging from assassinations to bombings. Raphael Zariski (1989, 253) takes Posen's assertion a step farther, claiming that "the readiness of an actor to resort to the use of violence to achieve proclaimed objectives, even when there are legal avenues available for pursuing these goals" is a common determinant in the success of an extremist movement. The more violent a movement is, or the more willing the actors are to resort to violence, the more successful a given movement will be. Zariski (1989, 263) further notes: "What discriminatory or violent behavior…seems to achieve is the planting of seeds of discontent and hostility that may come to fruition at some future date…. This [violence] opens the door for regime change (as in Spain) or for a thoroughgoing reconsideration of the constitution with a view to possible revision (as in Britain)." Therefore, violence serves not only as the means of achieving dominance in a given region, but also of asserting importance within the central government.

Though applicable in many cases such as the Ulster movement in Ireland, the level of violence theory lacks explanatory power in several notable exceptions. Donald L. Horowitz (1985, 265) asserts, "despite all of these successes attributable to force, or the threat of it, it remains remarkable that only one country—Bangladesh—owes its independence to a war of secession fought since the Second World War." The violence theory, then, cannot explain movements like the one in Czechoslovakia. In this case, the Czech nationalists and the Slovak nationalists mutually—and peacefully—agreed to split into separate nations, creating the modern Czech Republic and Slovakia. Furthermore, the violence theory cannot explain the failure of the secessionist movement in the United States. If the theory held true, then the violence of the American Civil War should have lead to a separate confederation of southern states. The theory that the level of violence is related to the success of a separatist movement is therefore not completely consistent.

External Support

Further scholarship connects the amount of external support for a movement with its ultimate success. Proponents of this connection argue that the extra arms, money, and diplomatic support that stem from international involvement create opportunities for a movement's success. As Horowitz (1985, 230) notes, "whether and when a secessionist movement will emerge is determined mainly by domestic politics, by the relations of groups and regions within the state. Whether a secessionist movement will achieve its aims, however, is determined largely by international politics, by the balance of interests and forces that extend beyond the state." Stephen Saideman builds on Horowitz's argument that external aid influences separatist movements. Saideman (2002) found a

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positive correlation between the strength of a state and the amount of international assistance given to minority movements, as outside states tend to support minority groups inside powerful countries in order to weaken potential adversaries.

The theory of external support, however, lacks complete explanatory power. Horowitz fails to consider that international involvement can work against separatist movements. External states can provide support for the central government against the movement in question, leading to a defeat of the separatist group. Saideman (2002, 46) briefly addresses this possibility, asserting, "ethnic ties work both ways—ties to the group or ties to the host state." Saideman's study, however, solely considers the effects of external aid in favor of the minority movements, limiting the study's usefulness.

State Response

A third possible explanation involves the state structure and response of the central government in question. In his study of ethnic separation in Western Europe, Anthony Smith (1979, 35) found that "government policies…provide the main determinant of the specific direction of political action on the part of ethnic communities." Much of the literature focuses on two types of government response—either concession or continual repression. Zariski (1989) argues that small concessions on the part of the central government in the interest of peace lead to increased intensity—and a greater likelihood of ultimate success—on the part of the separatist group. The study asserts (Zariski 1989, 264): "if the government is forthcoming and yields ground to the minority group, the temptations offered by the unusual historical juncture and by the self-doubts expressed by the ruling elites may actually lead to a stepping up of violent behavior on the part of the activist members of the minority group." Government concession then, has been shown to fuel the separatist movement process.

Consider now the literature regarding the lack of government concession. Barbara Walter (2006) found that governments in countries with many ethnic minorities tend to oppose separatist groups in order to establish a tough reputation. The governments that did not accommodate one challenger were much less likely to face subsequent separatist movements in the future. In other words, according to Walter's study (2006), separatist groups facing governments unwilling to compromise at all are much less likely to succeed, even through violent measures, than groups facing governments willing to compromise. Smith (2002) came to the opposite conclusion. He found that states employing neglectful or repressive policies toward ethnic separatist movements faced greater separatist actions. States employing more democratic or participatory policies toward separatist movements tended to decrease the influence of the movement. There exists therefore a striking lack of consensus regarding the effect of a government's response on separatist movements.

Overall, theories regarding the level of violence and external support have partial, but not extensive explanatory power. The literature regarding the relationship between the response of a government and the success of a separatist movement is not nearly as extensive or cohesive. While scholars generally agree that states themselves do affect a movement's success, they disagree as to how. Thus further study is necessary to determine the effect the governments have on the separatist movements.

While previous studies focus on separatist groups across national borders, comparing movements in various countries, this study will focus specifically

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on France. Unlike other studies, it will concentrate on the striking lack of successful separatist movements in France, and test the theory of state response to see what has affected the movements. This study will focus on the government's response in regards to the separatist movement, with the aim of understanding how the response affects the momentum of a given moment, and why separatist movements began to disappear in France in the late 1980s.

Research Questions

Though scholars generally agree as to what causes the rise of separatist movements, there is considerable discussion as to the factors that affect the success of a movement. Thus this study seeks to contribute to this debate by answering the question: "Why are some separatist movements successful and others unsuccessful?" More specifically, the study examines the results of separatist movements in France. Since World War II, the Bretons, the Corsicans, the Basques, the Catalans, the Alsatians and a myriad of other nationalist groups have initiated movements to gain independence. However, France has not lost territory to any of these movements. Why has France, then, in contrast to other nations, not experienced a successful separatist movement? How have the level of violence, external support, and government responses affected the movements? Do concessions on the part of the central government satiate movements and cause them to stall, or do concessions inspire greater demands? Why did the movements in France disappear by the early 1980s, when movements in other countries were emerging?

Methodology

In order to answer these questions, this study will rely on a case study comparing the separatist movements in Brittany and Corsica. It is impossible to truly understand a separatist movement outside of its context, and it is especially difficult to ascertain differences in the process of the movements using statistics. According to John S. Odell (2001, 167), "a case study… always conveys a much fuller understanding of the instance studied, with richer evidence and reasoning about the process and context than is possible with statistical methods." Thus, the incorporation of the context and the ability to investigate into the specific details of separatist movements make a case study the best method of study.

More specifically, the study implements a controlled comparative case study of Brittany and Corsica. This study, what Stephen Van Evera and John Odell (2001) call a "method of difference" case study, applies to cases with different general characteristics and a similar outcome or study variable. In Brittany and Corsica, separatist movements have emerged, each of these with different characteristics. Nonetheless, both movements have failed. Examining the two movements with different characteristics, yet the same outcome will help explain the consistent failure of separatist movements in France.

Geographically, the regions are diverse. Brittany is part of continental France located in the northwestern corner, while Corsica is an island in the Mediterranean Sea. The foundations of the movement in Brittany began before the first World War, however the movement in Corsica did not start to gain traction until 1976 (Sanchez 2008, 657). Additionally, the type and level of violence in the two areas differs: in Brittany, the violence was sporadic at best, and limited to public displays of force (Zariski 1989, 255).

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In Corsica, however, the liberation front was more consistently willing to resort to violent measures, and loss of life as a result of this violence was considerably more common (Sanchez 2008, 656). In regards to ethnic exclusion, the two regions also differ. Zariski (1989, 261) found that ethnic exclusiveness, or the "outright rejection of other ethnic groups…even as allies" is prevalent in the Corsican movement, as Corsican separatists have attempted to expel "continentals" from the island. The movement leaders in Brittany, in contrast, have been much more open to immigration and other ethnicities. Despite this myriad of differences, the state's response has been the same: in both Brittany and Corsica, the central government made concessions to the separatists' demands. Neither of the two movements has been successful in obtaining home rule outside of the French Government. Using a method of difference case study, therefore, will allow for the isolation of the state response variable to examine its affect on the success of separatist movements.

Case Study

Brittany

The origins of the separatist movement in Brittany stem from its isolation. Geographically the peninsula of Brittany lies in the northwest corner of France, with difficult access to other regions. Culturally, the Bretons descend from the Celts—a tribe that migrated from the British Isles originally populated the peninsula, and traces of the Celtic origin remain prominent in Breton society (Reece 1977, 6). After being annexed by France in 1532, the Breton people maintained their local culture, language, and traditions, culturally isolating themselves from the rest of the country. Against this backdrop of physical and cultural isolation, the separatist movement emerged in Brittany. Various individuals and organizations began calling for Breton independence beginning as early as 1927, however it was not until World War II and the founding of the separatist party, the *Parti National Breton*, that the movement truly began to take root.

Just before the dawn of World War II, the two main leaders of the Breton separatist movement, Olier Mordrel and Fanche Debauvais fled to Germany. The idea that "the enemy of my enemy is my friend" prompted them to seek safety and support from the German leaders. In Berlin they drafted a manifesto called *Diskleriadur (Déclaration)* in which they called for Brittany's complete separation from France in order to end the persecution of Breton patriots (Reece 1977, 150). While there, Mordrel and Debauvais discovered a cautious, but nonetheless willing ally. On May 10, 1940, the Germans, now in control of most of France, issued a decree that allowed Breton "autonomists" preferential treatment in all German camps (Reece 1977, 152).

With mild German support, Mordrel and Debauvais founded the *Conseil National Breton* (CNB). On November 20, 1940, Fanche Debauvais sent a letter from the Conseil National Breton to Monsieur le Maire, the head of the German occupation government. In it Debauvais (1940) says, "The third of July, a group of Breton patriots gathered at Pontivy and decided to resume action taken before the war, with the goal of returning to Brittany her rightful liberty. To give strength to this movement, we created the Breton National Counsel." Such an organization was intended to eventually create the nucleus of an independent Breton state, and the German leader agreed to acknowledge its formation. The government-sanctioned creation of the CNB represents the first of a few moderate concessions by the central authority.

The remainder of the November 20th, 1940 letter reveals what Debauvais perceived to be favor from the

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German government. He asserts: "The welcome that we have received from those among you that we have had the privilege of meeting has greatly strengthened the support that we find from you". Therefore it becomes clear that the Breton separatist leaders had already solicited support and aid from the German leaders, and they were hopeful of receiving even more. In the conclusion of the letter Debauvais (1940) boldly states, "We are certain that you will be good workers for the Breton renaissance, and that, in the Brittany of the future, you will continue to be one of the elements of her majesty and prosperity." Thus, as of November of 1940, the Germans not only conceded the creation of a Breton National Counsel, but the leaders of the Counsel felt assured of German support for their separatist goals.

In addition to the creation of the CNB the Germans made several cultural concessions. As Jack Reece (1977, 160) points out, "Most [government officials] agreed that the most effective way of dealing with the Breton nationalist movement was to cut the ground from under it by eliminating the resentment-generated grievances that lay at the center". Towards the end of 1940, the government formally authorized the Radio-Rennes-Bretagne to broadcast an hour of its political programming every week in the Breton language (Reece 1977, 158). By 1944, this allotment had increased to one hour every day devoted solely to Breton broadcasts (Reece 1977, 242). On March 19, 1941, the Education Ministry approved the teaching of Breton in primary and secondary schools, and it simultaneously lifted the existing ban on the use of Breton in public arenas. The following May, the German occupation government named Jean Quenette, a Breton separatist, as prefect for the Breton peninsula (Reece 1977, 161). Yann Fouéré (1942), a prominent Breton journalist and member of the separatist cause, hopefully proclaimed the nomination in an article: "Let us hope that he will apply a better policy, a different policy, than that of his predecessor. We know that it is this task the government expects of him." The separatists were thus hopeful of gaining a political voice through the prefect.

These few concessions in the political and cultural realm did much to pacify the tide of Breton separatist demands. A study (Frelaut 1988) found that during the German occupation, the separatist party, called the *Parti National Breton* (PNB), only had about 1,850 adherents at its strongest. Of these 1,850, approximately 300 were from outside of the Breton region. During the wartime occupation, militant separatist activists numbered only 300. Thus the numbers of strictly devoted Breton separatists decreased during the war. Furthermore, Yann Fouéré (1942) underscored the impotence of the Breton national movement in an Article from May 1944: "We are witnessing, then, four years after the armistice, an extremist Breton that seems however to have lost its life, that seems especially to have abandoned the doctrine of separatism." Fouéré, writing for one of the most important Breton separatist journals, judged the movement to be all but dead. Thus, support for Breton separation from France diminished markedly from prewar periods in response to concessions made by the German government.

In 1944, as Allied Forces began to liberate France, the new French government began to systematically revoke the German concessions. As of June 6, 1944, the major Breton journals, including *La Bretagne* by Yann Fouéré (1944) lost print due to Allied invasion and hostility in France. On August 18, the French government formally dissolved the PNB, while suspending all Breton radio programming (Foster 1980, 146). Liberation officials began systematically arresting and trying Breton separatist leaders (Reece 1977, 168). By the end of 1945, the French government

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had withdrawn almost all of the concessions made by the German government. General Charles de Gaulle cemented the anti-Breton sentiments in a conversation with a journalist in July of 1945. Frelaut (1988, 57) cites the journalist asking: "Do you think it possible to assimilate the Breton separatists, or do you judge them to be war criminals?" To which de Gaulle responded, "I do not know how [assimilation] is possible." Thus, by the end of the Second World War, government favor had almost completely turned away from the Breton movement, and all progress made during the war was reversed.

Rather than discourage the Breton separatists, the repressive action taken by the French government served to strengthen the Breton movement. In the period following World War II a number of new Breton political parties emerged, new Breton cultural organizations developed, and popular support emerged for the Bretons from around the globe. For example, Yann Fouéré (1957) continued to publish articles from the safety of Ireland calling for a "necessary revolution", and urging Bretons to remember that "nothing has been resolved". From 1950 through 1959, most of the articles published by Fouéré focus on the "problem of Brittany"; during the period of concession and collaboration with the Germans, he published about numerous other topics, only occasionally commenting on the Breton separatist movement. As late as 1958, an organization called the *Mouvement Pour L'Organisation de la Bretagne* (MOB) developed, which was designed to safeguard the economic, cultural and political liberty of the region. (Fouéré 1957). The *Union Démocratic Bretonne* (UDB) came into existence in 1963 as a more conservative balance to the MOB, and the *Front pour la Libération de Bretagne* (the FLB) represented the extremists (Foster 1980, 148). Each of these groups called for Breton separation from the French state, and took action accordingly. Now, instead of having to combat only one Breton separatist group (the PNB), the French government faced four. Therefore, while the Breton movement began to die out during the period of government concessions, in the following period of repression it quickly sprang to life again in the form of intense political groups.

Between 1960 and 1961, most of the French colonies in Africa gained their independence, and ethnic groups within France aligned themselves with the colonial cause. The FLB joined the push toward decolonization, and began calling for the decolonization of Brittany (Reece 1977, 204). Linking the Breton movement to the anti-colonialism movement attracted global attention to the separatist movement. In doing so, the FLB effectively increased the ranks of Breton separatist organizations and increased momentum for those striving to create an independent state (Boomgaard 2008, 287). A 1968 FLB terrorist attack—and the subsequent trials—further cemented separatist popularity in the region. Soon, according to Boomgaard (2008) and Reece (1977) the movement included men and women, rich and poor, farmers, businessmen, and intellectuals alike. Thus, by the dawn of the 1970s, the Front de Libération Breton had successfully expanded the Breton separatist movement to include the region's larger populace.

In the face of the growing popularity of Breton separatism, the French government began to once again grant concessions. One of the most important concessions had almost nothing to do with political aims: *La Charte Culturelle Bretonne de 1977*. Drafted in 1977 by French President Valéry Giscard d'Etaing, the Charter responded to the desire expressed by the Breton people for regional recognition and legitimacy. One of the main provisions addressed the usage and teaching of the Breton language in schools. The

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Charter (1977) legalized the use of Breton in primary schools, and established Breton as potential language of study in secondary school, as an alternative to English. Furthermore, the Charter provided for increased radio and television programming in the Breton language. Before the legislation only one ten minute radio broadcast existed in Breton; the Cultural Charter of 1977 increased the Breton-language airtime to two separate, daily broadcasts of three quarters of an hour each. On television, the Charter increased programming from one emission every fifteen days lasting only twenty minutes up to a weekly program lasting thirty minutes. Various other cultural concessions –including Breton research centers and chapels—find a home in the charter.

In contrast to the cultural concessions granted in the Charter, the political concessions were few. The Charter created the Cultural Council of Brittany to oversee the administration of the document's policies. Through the Charter (1977, Titre 1.1-1.2) the French government also granted to the Council the ability "on occasion to present suggestions to the Regional Assemblies suggestions for the political climate of Brittany". In addition, the Charter allowed for the creation of an Interdepartmental Committee composed of representatives of the central government, regional prefects, and general representatives. This committee would in theory provide a greater political voice to the people.

Though the concessions to the Bretons were small, they effectively inhibited the separatist movement. After 1977, Foster (1988) found that political participation began to decrease, and membership in political parties began to plummet. Today the movement has completely floundered, and talk of complete separation from France no longer spreads through the region. Scholars documenting the movement almost unanimously write about the separatist movement as a thing of the past. Though there exists a distinct Breton consciousness, even a pride in being Breton, this pride does not necessitate separation from France for most of the peninsula's inhabitants. M. C. Boomgaard (2008, 293) underscores the death of the movement, claiming that "though [the minority radicals] may advocate regionalism, Breton militants can no longer afford to secede".

Corsica

Annexed by France in 1769, the island of Corsica has always had difficulty defining itself as French. Located in the Mediterranean Sea, 175 miles away from the southernmost tip of France but a mere seventy miles from the coast of Italy, the island has strong Italian roots and connections. Natives speak a regional language, Corsican, instead of French, and Italian traditions and food permeate the island. It is because of these differences that the separatist movement began on the island.

Direct opposition to the state of France was sporadic until the 1960s. The first separatist party, the *Parti Corse Autonomiste*, was founded in 1927, but the Italian occupation of the island during World War II stopped any kind of separatist movement. With the Allied liberation of France in 1944, Corsica was the first region to be completely freed from Axis control. As a result, many Corsicans remained extremely loyal to the French state in the years immediately following the war. By the 1950s, however, the memories of the World War II liberation had faded, and French policies stressed the unimportance of the island to the mainland. For example, the Law Deioxenne of 1951 allowed various regional languages and dialects to be spoken in schools. Corsican, however, was noticeably

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omitted from the list of acceptable regional languages (Foster 1980, 125). Repeated instances of neglect provided fodder for the growth of Corsican separatist groups.

In 1960, Corsican students founded the *Union Corse* to express their dismay at the neglect of Corsica by the French government. By 1967 a new, more powerful separatist group took over the island: the *Action Régionaliste Corse* (ARC). Founded by brothers Max and Edmond Simeoni, the ARC advocated for Corsican home rule. Sanchez (2002, 657) cites the founders complaining: "All decisions are taken in Paris, none of our claims are taken into account. We have the most backward status in the Mediterranean." As time passed the ARC changed their name into Corsican—*Azzione per Rinascita Corsa*. The change in name signaled a more intense desire for a non-French Corsica. By the 1970s, the movement had extended to include not just students and radicals, but the larger Corsican population.

The growth in the number of separatist organizations and the surge in separatist momentum prompted concessions on the part of the central government. The most important of these concessions is the *Schéma Général d'Amenagement de la France*. Instituted on October 19, 1972, by Valéry Giscard d'Etaing, the Schéma was the Republic of France's direct response to the Corsican uprising. The goal of the Schéma (1972, 17) was to "reach a level of progress and to attain a controlled development that would not destroy the originality of the island. . . . with the end of safeguarding its identity, its way of life, even its very soul through a management strategy founded on the active cooperation of everyone." The language alone pacified some separatists, as it acknowledged that there was a Corsican identity that was separate from the French identity. Furthermore, the existence of the Schéma seemed to show the separatists that the Corsican identity was special and worth preserving.

The content of the Schéma d'Amenagement further placated the separatists. The document (1972) acknowledged various challenges the Corsicans faced, specifically economic problems, transportation issues, and immigration crises. The central government pledged to help Corsica develop its own industries and committed to improving Corsican farming. Advancements in transportation to and from the mainland as well as on the island itself became a government priority. The Schéma also divided up Corsica into administrative areas to make local autonomy a more manageable goal. Overall, the government bestowed special notice and consideration to Corsica in the Schéma (1972, 58), pledging to make her "the land of the future."

The promises set forth in the Schéma d'Amenagement initially pacified the Corsican separatist movement. In the elections following the Schéma, the separatist candidate only won 1,160 votes, of the 31, 527 that were cast. Foster (2008) emphasizes that the weak polling turnout constituted less than four percent of the island vote, putting the candidate at the bottom of the list of the six potential office holders. Furthermore, as Patrick Hossay (2004, 410) points out, the movement was very much a movement on the periphery: the interior of the island remained largely divided in terms of separatist support. Therefore, in response to the concessions of the French central government, the Corsican separatist movement began dwindling in influence.

As time passed it became clear that French government was not going to follow up with all of the plans put forth in the Schéma d'Amenagement. Corsican separatism once again began to flare its head—this time with increased physical violence.

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In 1975, separatist leader Edmond Simeoni and the Action Régionaliste Corse occupied wine cellars in Aléria in protest of Parisian economic repression. Six helicopters, four armored cars, and 500 riot police arrived on the scene to suppress the occupation. During the operation two police officers died, and the police imprisoned many of the Corsican demonstrators. The following year, a series of "blue nights" disrupted the island. Extreme separatists targeted various cities around Corsica with explosives, and in the course of the year 600 to 700 explosions disturbed the island (*Le Monde* 1976). The terrorists generally targeted government offices or French owned businesses, choosing their targets to highlight the separation between France and Corsica. The neglect of the Corsicans by the French government was therefore beginning to affect the violence of the separatist movement.

Two more political parties emerged in 1976: the *Union de la Peuple Corse* (UPC), and the *Front de la Liberation National de la Corse* (FLNC). Both expressed an ultimate goal of "recognition of the national rights of Corsica, destruction of all the instruments of French colonialism, and the foundation of a popular democratic power"(*Le Monde* 1997). The UPC in particular hosted summer conferences to extend separatist sentiments to the masses. Foster (1980) found that in the summer of 1976, the conference boasted as many as 5,000 in attendance. The surge in separatist momentum came to a head with the Bastelica-Fesch affair of 1980. In January, a clash between UPC members and anti-separatists escalated into five-day standoff. Demonstrations in favor of separatism broke out around the island, killing police officers and two protesters (*Le Monde* 2000). Forty-four organizations went on strike, and the separatists seemed to control the island.

In the face of rising separatist momentum, the central government began to once again make concessions. Francois Mitterand won the 1980 presidential election, and subsequently acknowledged (*Le Monde* 1978) "the Corsican people [as a] small homeland in a great nation." The most significant concession however, was the *Statut Particulier de Corse*, enacted in March of 1982. The Statut (1982) provided for the establishment of the *Assemblée de la Corse* (the Corsican Assembly) whose responsibilities included the "deliberation and instruction of the affairs of the region and the execution of small powers in the Corsican region." The Statut assigned the Assembly power over various economic councils, government agencies, and special institutions, giving the Corsicans regional control over their island. Despite considerable regional autonomy, the Assembly remained definitively under the authority of the government in Paris (Statut Particulier de la Corse 1982). Tax-raising powers and final veto authority remained with the French Republic, and all actions taken by the Assembly were approved in Paris.

Perhaps one of the most significant portions of the Statut recognized a distinct Corsican people—a status not previously enjoyed by the islanders. Within the legislation (1982, art. 1), the government recognized "a specificity in this region resulting, notably, from its geography and history". Elsewhere in the Statut (1982, Préamble), Francois Mitterand and his Council of Ministers acknowledged the separatists as "the Corsican people, a component of the French people". Therefore, with the enacting of the Statut Particulier of 1982, Corsican separatists received recognition by the French government, as well as political control of their island.

Immediately after the enactment of the Statut Particulier de Corse, the separatist movement began

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to wane in influence. Hossay (2004) found that the legislation made it difficult for various separatist groups, each with their own following and ideas, to mobilize joint opinion against the French government. His research (2004) on the election immediately following the creation of the Corsican Assembly revealed that the separatist candidate received less than thirteen percent of the vote. In general, Corsicans appreciated the special notice given to them by the French government, and as a result fewer supported the separatist cause. Two years later, in December of 1984, 25,000 Corsicans marched through the streets in favor of French unity. Their banners read: "No to Separatism, No to Terrorism" (*Le Monde* 1984). Other marches took place throughout the following year as more Corsicans voiced their solidarity and attachment to mainland France.

The anti-separatist sentiments seem to have persisted in Corsica. A referendum issued in Corsica in 2003 (Sanchez 2008) asked locals for their opinion about the future of the island. More specifically, the referendum asked Corsicans whether they would accept greater amounts of territorial independence in the form of a new executive body. The plurality of the island voters voted "No" on the referendum, rejecting the offer for further separation from the mainland of France. Former Interior Minister Jean-Pierre Chevenement (Guadichet 2003) reiterated the voting results, claiming that "most Corsicans want Corsica to remain French…. Even though the government, the autonomists, and the separatists preached for a 'yes' vote, the Corsican population said 'no' to excessive concessions". Therefore, though the separatist movement remains alive in a small number of radicals and elites, the general population of Corsica does not share the separatist sentiments. As a result of the government's concessions, the separatist movement has lost its influence with the Corsican people.

Thus in both Brittany and in Corsica, separatist movements began to wane in the early 1980s. Why did both movements lose steam at roughly the same point in time, especially at a time when separatist movements in other countries were emerging? On March 2, 1982, the French government established the first law in a plan of *décentralisation* reforms. Nick Vlahos (2013, 6) cites one of the goals of the plan was to "revitalize the periphery politically, administratively, and economically, and make government more effective." By 1986, there were 40 laws and 300 decrees addressing decentralization in France. The decentralization plan distributed the powers traditionally held by the prefects to the regions and communes. This transfer allowed local governments to hold more decision making power (Vlahos 2013, 6). The resulting structure endowed local politicians with greater responsibility, and it created more productive, well paying jobs on the periphery. In essence, the plan of decentralization placed a greater importance and emphasis on the periphery, eliminating the strength of or need for separatist movements.

The second phase of the plan was enacted years later, in establishing the départments. The individual départements possessed more control over economic planning in the region, education, health services, infrastructure, etc. (Vlahos 2013, 7). As a result, post-decentralization France has around 54, 000 sub-national public authorities. According to Jean-Claude Thoenig (2005, 687-88), "not many other states possess such dense, creative, and diverse institutional landscape". After these large-scale, consistent concessions of power toward the periphery, separatist movements in France began to disappear, as seen in Brittany and Corsica.

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Conclusion

Government concessions proved themselves to be an effective way of suppressing separatist movements within France. While in the 1960s the movements in Brittany and Corsica gained strength and influence, concessions by the central government diminished the success of the movements. Today, both regional movements have lost their appeal.

The study reveals a significant pattern in both Brittany and Corsica. The separatist movements began to rise in influence during periods of government repression. If the government imposed linguistic repression, revoked previous concessions, or failed to follow through with promises, the separatist movements gained more supporters, more organizational strength, and separatist violence increased. Years of separatist support were followed by periods of government concessions. Whether culturally or politically, the central government responded favorably to the demands of the separatist movements. Despite the differences in the concessions, any compromise by the central government resulted in a waning of separatist support. A decrease in the level of violence, the number of separatist organizations, and the electoral support for separatist candidates indicates that concessions are an effective way of minimizing the influence of separatist organization. Therefore, based on the evidence in Brittany and Corsica, this study concludes that government concessions are an effective way of repressing separatist movements. Movements in states willing to make concessions are less likely to succeed than movements that face consistent repression. France in particular has effectively conceded in ways to prevent separatist groups from seceding from the Republic.

These findings both compliment and contradict the existing literature. The findings support Walter (2006) and Smith's (1979) theories about government repression. In both Brittany and Corsica, during the periods of government repression, separatist movements engaged in more violent behavior, and the influence of the movements spread. On the other hand, the findings in this study disprove Zariski's (1989) theory about concessions: instead of leading to increased demands by the separatists, the concessions pacified the separatists and ultimately prevented the movements from succeeding.

Furthermore, the study sheds light on a larger question surrounding the French separatist movements: Why did they suddenly cease in the mid 1980s? The concessions, combined with the plan of decentralization begun in 1982 contributed to the disappearance. The United Kingdom did not begin making significant steps toward decentralization until the late 1990s, while Spain began such a process in the early 1990s. Perhaps the relatively early move toward decentralization helped France quell its separatist movements.

Despite the significant conclusions and implications found in this case study, there are areas left for exploration. First, this study only considers two of the separatist movements within France. Further research considering the other significant separatists movements could solidify the findings of this study. If the movements in Alsace, Catalonia, and Lorraine fit the pattern found in this study, the conclusions made about the French government's response to separatist movements would be stronger. Additional studies directly comparing the movements in France, Belgium, Britain and/or Spain would more accurately pinpoint the specific features that have allowed France to effectively quell its separatist movements. Perhaps the movements in France had less popular support than

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the movements in other states, or perhaps the French government presented more effective concessions. A more inclusive study would provide the answers to these queries.

Overall, this study finds that government concessions are an effective response to separatist movements. Rather than fueling further demands, concessions by the central government tend to pacify separatists, bringing greater peace and cooperation to areas of turmoil. The French government has consistently implemented effective concessions to the separatist movements, rightfully earning its name, "The Indivisible French Republic."

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A False Sense of Security: Is Guantanamo Exceptional?

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Guantanamo Bay has been described as an exceptional space, because of its geopolitical location, abusive tactics, and the status of prisoners detained within it. There has been a backlash causing a reevaluation of the prison because many have argued that it violates America's domestic and international laws. I argue against the prevailing belief that Guantanamo is exceptional, offering instead that it parallels administrative punitive powers in the domestic prison sphere, that are also legitimized by courts through a preventive rationale. Although courts have attempted to curtail the abuses occurring within Guantanamo amidst criticism, individuals also need to be concerned about the practices occurring in American maximum-security prisons. The location of the prisoners should not matter because, in the end, they are still human beings and should not be dehumanized by administrators.

Introduction

America has been operating a prison camp outside of its borders, and arguably against its legal tradition, in order to detain prisoners post-9/11. Guantanamo Bay is an American naval base and prison located on the coast of Cuba. It has been described as a space of lawlessness and exception, where sovereign power has become unhinged (Gregory 2006, 405). The base was acquired in 1903 through the Platt Amendment, which was inserted into the Cuban Constitution when Cuba was occupied by American troops, and America would only remove its troops if the amendment was inserted (Gregory 2006, 411). This amendment, and later lease agreement, would create the unusual geopolitical territory that constitutes Guantanamo. Its unique geographical location has enabled it to remain an anomaly because it allows the U.S. to operate a prison physically outside of its borders, in which coercive tactics, indefinite detention, and many fundamental American rights have been dissolved. According to the George W. Bush administration, international law also does not apply to the space because the statuses of the prisoners contained within it are considered exceptional, a circumstance that will be discussed later (Gregory 2006, 408).

Exceptional spaces and laws arise during times of emergency, and they are often explained as temporary and extralegal measures that aim to fix a particular problem. However, contemporary analysis suggests that emergencies are not temporary, and that this type of explanation overlooks the types of governmentality that emergencies use as a way of managing a population (Feldman 2010, 137). The naval base of Guantanamo has been conceptualized as a temporary space that has grown out of the exceptional war on terror. This has caused the space to be geopolitically exceptional since it is ruled through administrative sovereignty, and legitimized by legal grey and black holes. The lack of a legal sovereignty present within Guantanamo originates from the U.S. claiming that Cuba is the sovereign state over the territory in the Platt Amendment, but Cuba

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cannot exercise any real sovereignty over the area. The history and means of acquiring the territory has impacted certain practices within Guantanamo, such as preventing American rights from being granted to prisoners, due to the fact that Guantanamo fell outside of the American legal jurisdiction. The U.S. can then claim a legal inability to extend its rights to prisoners while concurrently using coercive tactics on them. Since Guantanamo lacks an accountable sovereign to domestic or international law, it has been deemed a space of lawlessness (Gregory 2006, 405).

I am arguing against the prevailing belief that Guantanamo and its practices are exceptional. Its geopolitical location has brought to light many of the abuses occurring within it, but its practices are similar to those implemented within United States' maximum-security prisons. These domestic prisons have internal mechanisms of ordering the populations contained within them through the use of solitary confinement and administrative detention. These practices are justified through a rationale of preventing disorder rather than disciplining inmates. Administrators are the sole sovereigns making these decisions, and there is no judicial check over their categorization. Prisoners cannot challenge their placement in solitary confinement, which many have described as a form of psychological torture, and the courts have legitimized the use of these practices. They have done this by legitimizing the use of administrators as the ultimate decision makers and allowing legal grey holes to prevail through court decisions, thereby making these areas of confinements legitimate yet exceptional spaces within American prisons. Guantanamo's administrative practices parallel those enacted within maximum-security prisons, and they are also justified through a preventive logic and legitimized through legal grey holes. Therefore, Guantanamo is not best described as a "space of exception" but is instead linked to the administrative punitive powers that have grown out of the domestic prison sphere.

The Exceptionality of Guantanamo

Many theorists have considered Guantanamo to be an unquestionably exceptional space, because its practices defy the American legal norm (Gregory 2006, 405). Guantanamo's geopolitical location has allowed it to operate outside of American protection and still be legitimized through domestic legal grey holes. Nevertheless, the administrative practices deployed within the space parallel domestic practices, specifically those employed within maximum-security prison.

Still, it seems intuitive that Guantanamo would be governed by international law, while domestic prisons are not. Guantanamo would then violate international law, specifically Article Three of the Geneva Conventions, which requires humane treatment of prisoners even during unconventional wartime (Gregory 2006, 420). The Bush administration tried to legitimize the space and its practices by offering legal explanations for why Guantanamo does not violate these international laws, and has argued that the practices within Guantanamo cannot be defined as torture. This is shown through the legal justification offered by John Yoo, who was the Defense Assistant U.S. Attorney General in the Office of Legal Counsel and infamously wrote the "torture memos," a series of justifications that granted the U.S. C.I.A jurisdiction to detain and interrogate prisoners with torturous methods (Hazuka 2014). Jay S. Bybee, head of the Office Legal Counsel of the U.S. Department of Justice, issued further "enhanced" methods of interrogation. He banned the use of mental and physical torture, defining torture as any "serious physical injury, such as organ failure, impairment

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of bodily function or even death" (Office of Legal Counsel 2002, 1). This type of justification actually allows for a broad range of torture to be used within the space, as long as they do not kill or cause organ failure to an individual (Office of Legal Counsel 2002, 1). These "lesser" forms of torture were justified under the exceptional circumstances of the war on terror, so that interrogators could gain intelligence.

These types of exceptional practices do not stop at torture, as the Bush administration has also created the ill-defined category of "unlawful combatants" and "enemy combatants" to allow for the indefinite detention of individuals categorized as such, thus circumventing intentional law (Huq 2006, 128). I claim that these two instances are examples of loophole lawyering by the U.S., where the Bush administration was able to override international law, by classifying individuals within a specific category or narrowly defined concept that was not offered protections under the Geneva Conventions. These actions were viewed as legal, but dubious in the international community. I believe that this is an example of how the Bush administration legally circumvented granting international protections to the prisoners detained within Guantanamo, but how has the space been theoretically justified as exceptional?

Space Appropriation

Location and sovereignty play a prominent role in Guantanamo's atypical structure. Guantanamo's location is exceptional because it prevents any sovereign from claiming that they have direct authority over it. The lease agreement gave Cuba ultimate sovereignty but allowed the U.S. to have complete jurisdiction and control over the area (Johns 2005, 616). Yet, the U.S. has been supplying prisoners to the territory and has been using it for its own purposes, while making the legal argument that Cuba retains ultimate sovereignty and that American domestic laws do not apply there (Kaplan 2005, 834). This allows the space to become exceptional because there is no sole nation that can be blamed for the lack of laws in the space, as the space is legally at the intersection of two nations' laws. It would be logically to believe that international law would be the appropriate authority over how to remedy this lack of ultimate sovereignty or accountability but as mentioned earlier the Bush administration had already used loophole lawyering tactics to prevent international regulations.

Schmitt (1950) analyzes the relationship between law, geopolitical location, and sovereignty. He believes that land appropriation is the basis for all law created since the imperial age (Schmitt 1950, 48). He defines the meaning of the word *nomos* as the relationship between order and orientation and the distribution of land. He equates *nomos* with the age of colonization because this time period was defined as the era of land redistribution. However, the European territories were not divvied up because there had already been recognition of equal sovereignty among the Europeans, as created in the Peace of Westphalia. Europeans believed that all newly discovered territories were open and free space, and colonized them, ignoring the history and people of the land (Schmitt 1950, 87). Indirect colonialism was also utilized though spheres of influence allowing a state to be sovereign over a "new" territory without physically ruling them. Schmitt (1950) further describes *nomos* as when a historical policy is made and the law is legitimized, giving meaning to its legality. This occurs by provoking law to become enforced in a situation, and therefore, becoming actualized. Colonial powers using the land and its people for their own ends would be considered an actualization of this new land appropriation. Guantanamo is another example of

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this actualization because it was obtained during the colonial period, and the usage of the space as a prison makes America's sovereignty meaningful.

During the colonial time period, the concept of a "just war" was also beginning to appear, and international law started recognizing it as any legitimate war between states with equal sovereigns (Schmitt 1950, 121). Schmitt (1950) believes that the reason these wars were considered "just" was because they preserved the "form" or the paradigm of statehood. A state must have a legally recognized enemy to go to war with it, thereby abiding to the rules of war. International law, however, has been unclear about what is to happen when a sovereign state goes to war with a non-state actor. This is applicable to the situation in Guantanamo because the U.S. went to war with terrorists, who are not part of any state and are therefore exceptional actors. Instead of partaking in a traditional war, a state is allowed to take on a police function to correct belligerent actions, which is what I claim that the U.S. is doing. Schmitt (1950, 207) believes that there is an inherent state bias within international law and that it does not adequately address these exceptional circumstances but instead leaves states ill-equipped to handle exceptions or allows them too much power. Guantanamo can be seen as an example of international law failing to protect the rights of stateless individual who have been captured by a police state.

Aradua (2007, 489) builds on Schmitt's (1950) ideas, and agrees that law no longer depends on the sovereign's decision but instead upon the appropriation of space. Aradua (2007) argues that law is no longer universal, but is adapted to situations. This is not an intuitive conclusion because international law is supposed to be universal. Aradua (2007) extends this claim by asserting that Guantanamo is actually a symptom of this larger transformation of the law. For Aradua (2007, 492), *nomos* is when the political and social order becomes spatially visible and where the political becomes subordinate to the spatial. Therefore, politics do not have to adhere to international law or traditional warfare due to the spatial division overtaking the political. An example would be that laws have to be created because of the exceptional spatial nature of Guantanamo, and therefore, the spatial is dictating the political. Aradua (2007, 496) views are also reinforced by the current war's nomenclature, titled the "war on terror," because it is consequently no longer consider a typical state war. Law and politics then conform to this exceptional situation, and the exceptional geopolitical location of Guantanamo allows for laws to be created that cannot be easily contested.

The exceptional geopolitical nature of the war can be extended to the type of enemy the U.S. is fighting. Huskey (2011) discusses the nature of the war against Al-Qaeda, and the type of non-state actors, or suspected terrorists that America is detaining. Similar to the war on terror, the individuals that Guantanamo is detaining lack temporal or geopolitical boundaries due their statelessness (Huskey 2011, 201). Yet, Guantanamo's detainees suffer the brunt of war without ever seeing the battlefield, and consequently become detained indefinitely. The war on terror is not about fighting a specific nation, culture, or ideology, but is about fighting against the method of terrorism. This allows for greater sovereign flexibility in attempting to combat the unknown enemy, because they can come from any state. The rationale for the lack of regulation of this war stems from the enemy not wearing a uniform, and camouflaging themselves as civilians. Therefore, the state needs greater leniency so that they can be properly equipped to fight against their exceptional enemy.

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I argue that the lack of a true state sovereign in Guantanamo has allowed for a space where there is an abyss of legitimate domestic and international law. This stems from a state bias, contained in international law, where individuals are only offered protection in spaces with a legally recognized sovereign. This bias within international law can be further exploited because there is an asymmetric relationship between the U.S. and other sovereign and non-sovereign powers. Suspected terrorists become extremely vulnerable targets for state-sanctioned violence because foreign countries have difficulties challenging the power of the U.S. to detain them. Other countries will also oppose aiding individuals suspected of terrorism because it will reflect badly on their international image. This leads to a lack of protections offered to these individuals by any state laws, American or international, and further enhances the asymmetrical power that the U.S. exerts over prisoners.

I do believe that the U.S. has become the unofficial sovereign of Guantanamo through their implementation of policies and creation of a prison. Due to its geopolitical location, the U.S. has been able to circumvent international law governing Guantanamo because the U.S. is not the legally recognized sovereign who can be held accountable over the territory, and the statelessness of terrorists allows America to act as a policing force. Domestically, American courts have tried to curtail the abusive practices occurring within Guantanamo, which has retracted from Guantanamo's geopolitical exceptionality. Nevertheless, it has been argued that the sovereign power within the prison is exceptional, but I disagree (Aradua 2007, 409). I believe that its structure is similar to the structure present within maximum-security prisons, as shown with its usage of internal administrative boards.

Administrative Power

Guantanamo's geopolitical location showcases its exceptionality because it is a novelty among international law and circumstances. The unconventionality of its location does not extend to the practices that are employed within it. Administrative powers govern the space, and the growth of an administration structure has been used to describe the origin of the sovereign authority within Guantanamo. It can also explain the shifted focus regarding the internal mechanisms within the rule of law to focus on questions of jurisdictional authority rather than substantial questions of morality and justice (Huq 2007, 742). Law does not have to be moral to operate, and many times it can operate as a repressive state force. Once bureaucrats discover areas where they are free from judicial oversight, they are given the ability to create internal rules that may deviate from morality. This type of bureaucratic apparatus does not question rules and regulations about their moral qualities, but instead enforces the rules and regulates the prison population. This administrative state then benefits from a form of hyperlegality, where there are many statuary provisions, categorizations, administrative reviews and regulations that govern it. Therefore, Guantanamo is not a traditional example of what a "state of exception" is, because it is not a space devoid of law. Instead, it is a space of excess regulation.

Guantanamo can be described as a preventive detention camp, and this status allows it to retain a major bureaucratic element, while avoiding heavy regulation. This type of conclusion can be drawn from the legal discourses regarding disciplinary and preventative detention. Disciplinary institutions are described as punishing individuals for their transgressions, as is the case with American prisons. Preventive institutions do not require evidence

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of wrongdoing for detention to occur, because these individuals may present a future danger and consequently need to be contained. Preventive detention allows an individual to be indefinitely detained without being charged with a crime or being prosecuted (Huskey 2011, 190). Courts regulate disciplinary institutions more heavily, while they usually defer regulating preventive institutions by granting authority to administrative agencies, which directly deal with the prison population. This containment and detention of individuals, in which they are stripped of their legal rights, is justified through a preventive rhetoric rather than a punitive one. Lobel (2003, 406) draws parallels between super maximum-security prisons and Guantanamo, for prisoners are placed into solitary confinement by using administrative detention rhetoric rather than disciplinary punishment in these prisons. This will be discussed later in further detail, but it is critical to remember that administrative detention justified through a preventive rhetoric is not exceptional.

In an administrative state, there is no singular or united sovereign. Instead, it is a bureaucratic mechanism that disposes and orders populations by producing and reproducing subjects (Butler 2006, 52). Administrative agencies do have the capacity to makes laws, or regulations, but they are not controlled by judicial oversight. Butler (2006) makes the claim that the state is no longer under the rule of law, but rather it is only tactically and partially extending it. Then, the state relies on administrative powers to make any extensive decisions. This is shown within Guantanamo because neither international nor domestic laws hold as much legitimacy as administrative regulations. The space is not ruled by law but rather by discretionary decisions, and the administrative bureaucracies have the final say over if someone will be tried and detained as well as the length of their detainment. There are varying administrative offices that were created for and are still operating within Guantanamo, such as the Office of Detainee Affairs, Military Commissions, Administrative Review Board, and the Combatant Status Review Board (Johns 2005, 618). These types of administrative institutions are trying to codify and order the prisoners within Guantanamo, by extending pre-determined policies into the space. These administrative procedures call into question Guantanamo's exceptionalism, for even though its spatial location is distinctive, the structure that regulates and creates the policies for the prison can be found throughout history and currently within maximum-security prisons.

The prison system within Guantanamo is justified by a preventive logic, meaning that prisoners are detained there to prevent future disorder and threats against America's national security (Lobel 2003, 406). Individuals do not have to commit a crime, or be near a battlefield to be identified as a future threat and therefore, indefinitely detained. This allows administrators to detain and categorize individuals once they are admitted into Guantanamo, and they do not have to adhere to a domestic court structure to do so. These types of quasi-legal procedures and boards are created and legitimized through American courts legal rulings. A similar preventive logic is used within maximum-security prisons, where prisoners are removed from the general prison population because they are a possible threat, but there does not need to be evidence of any wrong doing.

Legal Grey or Black Holes

Legal grey and black holes have been described by individuals like Schmitt (1950) as being present within liberal law to make it more flexible and responsive to emergency circumstances. The law has to be flexible and secondary to sovereign decisions because the

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circumstances of an emergency cannot be foreseen. These holes allow for administrative procedures to operate without judicial involvement because administrators have been seen as the experts and authority makers within public institutions (Criddle 2010, 1). These types of zones are also caused by an adherence to "rule by law," rather than a "rule of law." Rule by law is a "thin" view of law, in which law lacks any substantial moral content, and thereby allowing for these types of holes. Rule of law is a "thicker" view that requires an adherence to a broader sense or underlying principles of legality (Posner and Vermeule 2011, 89). Rule by law is similar to a contract because individuals just follow the written rules and consequently are law-abiding. This allows for loopholes to emerge because there will be ways to circumvent the written law, defying the spirit of the law. In contrast, rule of law is when individuals follow the spirit of the law, and they are lawful because they believe in its underlying principles.

Posner and Vermeule (2011) argue that these loopholes are inevitable because there needs to be a prospective aspect of law, which can have its parameters changed according to circumstances. In this way, legal holes are essential to maintaining a government or policy during unusual or exceptional circumstances. Posner and Vermeule (2011) disagree with Dyzenhaus (2010) who believes that black holes are better than grey holes, because black holes are a blunt breaking of the rules whereas grey holes operate under a facade of maintaining the law and legality (Dyzenhaus 2010, 2018). Posner and Vermeule (2011, 90) prefer grey holes because both grey and black holes are inevitable and necessary in order for law to be flexible but at least these grey holes allow for certain principals to be upheld. If these grey holes become a problem that requires fixing, judicial authorities can correct them without defying the underlying principles. Law then becomes subservient to the people, rather than people being subservient to the law. For example, in *Hamdi* v. *Rumsfeld* (2004), in which independent tribunals were set up instead of courts to hear Guantanamo detainee's cases, the justices ruled it was better to have some sort of regulation rather than none. When these independent tribunals were abusing their power, the Supreme Court justices in the *Boumediene* v. *Bush* (2008) case, sought to curtail the powers and illegitimate practices of the independent tribunals.

There are certain limitations placed on executive power through law and regulation to make sure abuses do not occur, but Posner and Vermeule (2011) believe these need to be flexible as well. The Administrative Procedure Act (APA) is a statute that governs federal administrative agencies and how they propose and establish regulations that is filled with loopholes (Criddle 2010, 1273). Posner and Vermeule (2011) believe that the APA is incorrectly viewed as successfully limiting administrative practices, because it actually has flexible parameters that allows for government discretion. Military agencies and tribunals can be expressly excluded from these regulations, or can fall outside of the definition of an administrative agency, and consequently are not governed by these rules. Even when a military function falls under the guidelines for rule making and adjudication, there can be no application of procedural requirements under the APA (Posner and Vermeule 2011, 95). In this way, the agencies within Guantanamo may not be held accountable to the guidelines and procedures set by the APA. Their agencies may be black holes within administrative law, and individuals may mistakenly believe they are regulated. These agencies also lack a direct channel of accountability to the President and are insulated from politics, even though they can

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be criticized as unelected bureaucrats. Posner and Vermeule (2011, 106) then make the unconventional claim that it is not emergency powers spilling over into the legal norm, but rather ordinary law that is extended into extraordinary times because of an encroaching administrative state. This means that during times of emergencies ordinary procedures, such as administrative practices, will be used. Therefore, new policies will not necessarily be created, but conventional ones will be applied and enforced. In this way, legal grey and black holes that originate in domestic laws are spilling into spaces like Guantanamo. The physical features and design of Guantanamo's camps and administrative procedures were modeled after maximum-security prisons; showing how domestic policies can seep into exceptional spaces (Human Rights Watch 2008).

Other theorists, particularly Johns (2005, 621), have argued that Guantanamo is a black hole because there is no way out except through the good grace of the military. Johns (2005, 614) believes that it is a space where liberal proceduralism and law operates in excess, which then allows for this unaccountability and unregulated administrative space by other branches. This hyperlegality then creates a black hole of unaccountability due to the amount of excessive regulations that may contradict with one another. Courts and administrators are creating an excessive number of agencies, such as independent tribunals, which are administrative structures that fall outside of contemporary military court structures and regulations. Yet, independent tribunals are justified and legitimized as being part of the military court structure even if they may go against the regulations that govern military courts. In the past, there have also been examples of these tribunals in Guantanamo failing to execute certain federal judicial orders, such was the case when a prisoner was refused the right to confer with a lawyer after a court ordered that he must receive one (see Fletcher 2004, 124). This would not be acceptable in a military court, but since these are administrative tribunals they are not so extensively monitored. Even when minor protections are offered to prisoners, courts will defer enforcement because they consider the administrators to be the experts within Guantanamo.

Paye (2005) argues that the prisoners and practices within Guantanamo are a legal anomaly, but courts are legitimizing the practices exercised against them. These courts have allowed the creation of neutral review boards, which led to the creation of varying military tribunals. Courts then legalize many of the constraints placed on the prisoners; for example, these trials can be conducted in secret, normally without consul and contrary to military law, without civil appeal (Paye 2005). The federal courts have expressed that the prisoner's confinement is not illegal, but that their lack of a trial is illegal. This is why ad hoc administrative courts were created. This type of ruling creates rather than destroys grey holes because independent tribunals are not held up to the same standard as other courts or military tribunals in the U.S.

America has also used grey holes within international law to support their practices within Guantanamo, such as the state bias that allows them to circumvent a variety of statutes. America has not abided by human rights conventions that it has signed, such as the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment (Paye 2005). The Bush administration also used loophole lawyering to get around international laws like the Geneva Conventions (Paye 2005). These types of tactics expose the regularity of grey holes, and

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how they can be utilized to the advantage of the U.S. The geographic location and administrative practices can also create legal and black holes that then influence internal policy or administration.

Practices Deployed in Guantanamo

The colonial history of Guantanamo has placed it outside the judicial order, but it is not simply external to it (Aradua 2007, 5). The Bush administration and the U.S. Supreme Court have tried to place the base within the context of domestic law through various court cases. Below, I discuss the way in which courts can create or tighten legal grey holes.

Prisoners were originally allowed to be indefinitely detained without any right to habeas corpus. In *Hamdi* v. *Rumsfeld* (2004) the Supreme Court considers the question of whether holding an American citizen indefinitely without due process, because of his or her designation as an enemy combatant, is constitutional. The Bush administration argued that because detainees were categorized as enemy combatants they were not offered prisoner-of-war status under the Geneva Conventions. In addition, detainees could not be given a right to due process, because Guantanamo is not under American jurisdiction. The Supreme Court ruled that the executive did have the power to detain enemy combatants, but that the detainees must have the right for their case to be heard by an independent tribunal (Dyzenhaus 2010, 33). This created the legal grey hole where domestic courts did not have to be the entity to hear the case, but instead independent tribunals were created and operated by administrators and military personnel.

In *Rasul* v. *Bush* (2004), the Supreme Court examined the issue of foreign prisoners and their rights. The Court ruled that foreign prisoners who are not citizens of the U.S. do have access to federal courts and therefore, are allowed to bring a petition of habeas corpus to challenge their detention within Guantanamo. The majority opinion stated that they had this right because America exercised complete jurisdiction and control over the area. Hence, the matter regarding who is the "ultimate sovereign" and the issue of Cuba becomes irrelevant. Yet, the Court did not say that this right was given by the U.S. Constitution, but instead by a federal statute (Kaplan 2005, 842). Therefore, it is not an intrinsic right of an individual, but rather a lesser statue that has granted this privilege. This Court ruling extended the scope of which individuals would be allowed to challenge their detention, but it did not go far enough to justify why they were granted this right.

The Supreme Court then sought to restrict the power given to independent tribunals within *Hamdan* v. *Rumsfeld* (2006). The Court ruled that the usage of military tribunals was unconstitutional because they did not comply with the rules of U. S. military law or codes, domestic law, or international laws, such as Article Three of the Geneva Conventions. The Military Commissions Act of 2006, however, allowed for the continued use of military tribunals, with restrictions placed on their interrogation and prosecution methods. This Act was a response to the possibility that the Court would rule in their favor and extend rights to unlawful or enemy combatants. These new military tribunals were set up, but they were only slightly different from the ones that were struck down in *Hamdan* v. *Rumsfeld* (2006). These new tribunals still allowed defendants to be convicted by evidence that they could not see, or rebut. Hearsay and forced confessions through the use of torture would also be allowed as long as the information was deemed reliable by administrators (*Associated Press* 2007).

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The Supreme Court later deepened its critique of the Military Commissions Act of 2006, deeming it unconstitutional in *Boumediene* v. *Bush* (2008). In the latter case, it was ruled that constitutional habeas corpus protections did extend to noncitizens detained at Guantanamo and that the procedures for contesting their detentions were an inadequate substitution for habeas corpus (Dyzenhaus 2010, 32-33). Therefore, defendants do have the right to federal courts, and that this right could not be restricted. This granted detainees the right to a trial, but it did not mean that they would have to be released if they were considered no threat to the U.S.

The neutral review boards created within Guantanamo then became independent tribunals, such as the Combatant Status Review Tribunals and Administrative Review Boards (Johns 2005, 618). Combatant Status Review Tribunals allow prisoners to contest their designated categorization as an enemy combatant to administrators only once. If a detainee is designated as an enemy combatant, they will have a hearing with the Administrative Review Boards, who hold annual reviews of enemy combatants. The Combatant Status Review Boards are comprised of three "neutral" officials, and at least one has to be a military judge, and the prisoner is denied access to a lawyer (Paye 2005).

The Administrative Review Board only gives recommendations to the Secretary of the Navy, who makes the final decision. The Secretary of the Navy is a position appointed by the President, and confirmed by a majority vote in the Senate. To be eligible for the Secretary of the Navy, one must be a civilian who has not served in the military within the last five years (Legal Information Institute 2015). This military history and appointment by the President may be seen as problematic because the appointee may have biases towards the executive branch and the military. However, the President still has the final say over who will be released from Guantanamo and relies on internal administrators for any recommendations.

Secretary of the Navy, Gordon England, headed the Administrative Review Board from 2001 to 2006. During a press conference, Gordon England discussed how he makes decisions regarding the release, transfer, or continued detention for each detainee, while also overseeing and organizing the process (Johns 2005, 630). Many prisoners do not have their enemy combatants status overturned in the Combatant Status Review Tribunals, so their last chance of being released from Guantanamo is through the Secretary of the Navy. In general, the final authority lies with an administrator who does not hear the prisoner's case, but only the recommendations of his board. These types of courts, with appointed and non-elected presiding officers, undermine liberal law that in principal seeks to prevent such a localization of power in administrative hands. The legal grey holes created through court rulings have allowed for these administrators to order the population within the prison, and continue to imprison possible threats, without any oversight.

Both of these boards include administrators from Guantanamo and at least one military judge. Prisoners were being denied liberal rights, such as access to a lawyer, because administrators believed that civil lawyers were privileges that these prisoners did not have a right to (Paye 1950). These review boards also reverse the typical burden of proof because prisoners have to prove their innocence, rather than the prosecutor proving their guilt. The information that the prosecutor presents as evidence against the prisoner is also deemed as true without any fact checking or cross examination, and confessions

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obtained through coercive interrogations are allowed (Paye 1950). Although the Supreme Court has ruled that prisoners have a right to contest their detentions, they have also legitimized these types of unjust practices and indefinite detention as long as there is a quasi-court that "reviews" the prisoners' cases.

Prisoners within Guantanamo can also offer additional information to administrators during their annual reviews and, depending on the value of the information, can be moved to different divisions within the camps. The different parts of the camp are labeled as one through seven, and the level of comfort and amenities differ within each division. Most detainees are kept in Camp Three, Five, Six and Seven, in restrictive and isolated quarters (Human Rights Watch 2008). Camp Five, which is used for non-compliant detainees, is modeled after Indiana's maximum-security prisons (Human Rights Watch 2008). While Camp Five through Camp Seven are the most controversial because the living conditions do not meet the minimum protections offered, and the subjective authority of the administrators places the prisoners who are viewed as the highest threats, or least compliant, here (Human Rights Watch 2008). The prison design and these administrative practices deployed in Guantanamo are not exceptional. Administrators become sovereign entities in both Guantanamo and maximum-security prisons when the courts justify their role as such. Courts also create legal grey holes using preventive rather than disciplinary rhetoric in both cases.

Comparisons to Prison

Guantanamo's practices seem quite exceptional, and American courts have been trying to fit these practices within a legal framework as if they were unique. Yet, the practices deployed in Guantanamo are not as anomalous or atypical as most individuals believe. Maximum-security prisons, similarly to Guantanamo, allow administrators to order the population within them based on a preventive logic. Although maximum-security prisons are still disciplinary institutions, as prisoners have a right to habeas corpus and were convicted of a crime, there is a different preventive mechanism operating within the prisons. Preventive logic is used in prisons when individuals can be categorized as a possible threat by administrators and then placed into administrative detention, even if they did nothing wrong. Prisoners have therefore become "risks to be managed, resistances to be eliminated, and organisms to be fed, maintained and even prevented from taking their own lives" (Guenther 2013, xvi). These prisoners are given the bare essentials of life, and administrators are allowed to micromanage them as they see fit. Prisoners within Guantanamo experience a similar situation because they are imprisoned due to their status as a possible threat to America's national security, and are kept minimally alive, while being abused by administrators who want to gain information (Paye 2005). The treatment of prisoners is not the only similarity between Guantanamo and maximum security prisons but the practices deployed by the administrators as well parallel each other: they order the population, have sole administrative oversight, and have had practices that could be viewed as torture – such as solitary confinement within prisons – that have been legitimized by American courts (Zehr 2014).

Gang members are the typical example of the types of individuals routinely placed into administrative detention or solitary confinement within maximum-security prisons (Lobel 2003, 399). There is no due process involved in their confinement, and a prisoner does not have any judicial means of

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contesting their categorization. The arbitrariness of these placements can be seen within places, such as in the state of Texas during the 1990s, where having a Hispanic surname or originating from San Antonio would automatically place an individual into administrative isolation (Lobel 2003, 399). This type of racialization occurs within Guantanamo as well, because the detainees are primarily individuals of the Muslim culture, which is the stereotypical description of a terrorist (Paye 2005). Guantanamo's detainees also have no right to due process regarding their internal placement within the prison, which can drastically impact their quality of life.

The conditions of these camps are similar because the maximum security prisons use small cells, in which prisoners are locked in for twenty-three hours a day without fresh air, and are stripped searched, shackled, have extremely limited privileges and are unable to communicate with anyone else (Lobel 2003, 398). They have no physical contact with others, and many have argued that this is a form of psychological torture and leads to mental illness (Human Rights Watch 2008). Certain maximum-security prisons even have inmates communicate via intercom with prison officials, so prisoner's interactions are as limited as they can be with other individuals (Guenther 2013, 163). Guantanamo's prisoners within higher camps have the same type of policies used against them. They often are placed in solitary confinement, are moved hourly so they are constantly disoriented, kept in cages and are force-fed when they choose not to eat (Kirchner 2002, 7).

The underlying justification for Guantanamo and administrative detention within maximum-security prisons are similar because both are preventive rather than disciplinary measures. Secretary of the Navy, Gordon England, once said during a press release "the basis of detaining captured enemy combatants is not to punish, but rather to prevent them from continuing to fight against the United States and its coalition partners in the ongoing global war on terrorism" (U.S. Department of State 2005). I argue that the latter statement contains the justification for Guantanamo. The preventive aspect relaxes judicial oversight, and allows for administrators to create bureaucratic guidelines about how to operate the camp. Maximum-security camps also place individuals into isolation because they want to prevent disorder within the prison's population; individuals are categorized and placed within confinement based on if they are perceived to be a threat within the prison to administrators or fellow inmates (Lobel 2003, 406). The prisoners do not actually have to commit a crime, but their level of danger is determined through an administrator's subjective experience (Lobel 2003, 406). Administrators become experts in the prisons, and there have been examples of individuals being placed in confinement because a fellow prisoner attacked them (Lobel 2003, 400). If a fellow inmate is willing to attack another prisoner, this action suggests to administrators that the prisoner being attacked must be a threat in some way (Lobel 2003, 400). This prisoner has done nothing wrong, but I believe will have a much more drastic experience within solitary confinement than if they were part of the regular prison population. I assert that that any individual placed within confinement has become exceptional due to the unregulated administrative power exerted over them.

Maximum-security prisons also have administrative review boards that are in charge of determining a prisoner's status and whether they will be moved back into a regular prison. These committees are made up of prison officials, and they

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review the status of these prisoners annually. I believe that these review boards are similar to the Combatant Status Review Tribunals and Administrative Review Boards, which hold annual reviews of the status of enemy combatants. Both of these review boards are primarily composed of administrators, who may have preexisting motivations for keeping a prisoner confined, such as preventing future disorder (Lobel 2003, 406). There is also a similar hierarchy of power in maximum-security prisons when compared to Guantanamo's review boards, since the panel or board can determine that a prisoner should be released, but a higher-ranking administrator generally over turns their recommendation (Lobel 2003, 400). Therefore, prisoners are granted a right to see a quasi-review board that, in reality, gives recommendations that are usually ignored by a higher authority. This creates a system where prisoners cannot be released from their confinement within maximum-security prisons, like those imprisoned within Guantanamo.

Prisoners detained in this manner within maximum-security are held in solitary confinement indefinitely, and neither good behavior nor a lawyer can have them released from confinement (Lobel 2003, 399). For example, at the Arizona Department of Corrections super-maximum prison, there is a catch-22 in being released back into the general prison population (Lobel 2003, 402). The only way to be released from solitary confinement is to submit to a debriefing process where prisoners must list names of other gang members. Yet, if they submit the names or "rat out" fellow gang members, they cannot be placed back within the general prison population (Lobel 2003, 399). This lack of release is also justified through a preventive logic because gangs notoriously execute gang members who disclose this type of information. Therefore, prisoners have to remain within a high-security prison to be protected, and prevent risk to themselves and others. In this way, there is no plausible way to overturn an administrative decision after they are placed into one of these confinements.

The purpose of drawing this parallel between Guantanamo and the maximum-security prisons is to firstly show that Guantanamo's practices may not be exceptional. Instead, the geopolitical location makes it exceptional and showcases the already existing practices within the U.S. Secondly, to show that temporary mechanisms, such as those deployed in prisons, can become permanent fixtures in the legal norm. Maximum-security prisons had practices that were almost identical to the physical torture used within Guantanamo, such as: prisoners having their hands and feet "hog-tied" or bound together, being shackled to filthy toilets for twenty-four hours a day, being confined in outdoor cages the size of telephone booths, and being naked or partially dressed while being exposed to outside weather elements (Guenther 2013, 134). In *Madrid* v. *Gomez* (1995) these types of conditions were brought to the Court as violating a prisoner's Eighth Amendment rights (Zehr 2014). The courts ruled that these types of practices indeed do treat prisoners as less than human. Still, the courts stopped short at criticizing the practices like solitary confinement, by saying that only mentally ill patients could be spared from enduring solitary confinement, and allowing for grey legal holes to exist regarding what constitutes as torture (Casella and Ridgeway 2014). The courts did curtail the abuses present within the prison, as courts have also done regarding the torture used in Guantanamo, but they have still left other practices intact.

Preventive rationale was also explicitly used in *Sandin* v. *Conner* (1995), when the courts found that solitary confinement did not violate the rights

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of prisoners (Zehr 2014). The Court reasoned that confinement is not based on a retributive principle, but instead allows the prison population to be more effectively managed. In *Hope* v. *Pelzer* (2002), administrative immunity was also granted when torture occurred in prisons (Zehr 2014). In this case, the Court ruled that government actors, such as these administrators, could not be sued for their actions. This suit was brought because prisoners were attached to a "hitching post," which immobilized them for large periods of them. Hope, who was a prisoner and is the petitioner in this case, stated that he would be attached to the post, left to be burn in the sun, not given adequate water nor bathroom breaks, and was taunted by guards and prison dogs (Zehr 2014). Hope sought to sue the prison guards involved in the incident, but the Court ruled that even though the "hitching post" was a form of cruel and unusual punishment, it had not been previously and clearly established as such. Therefore, the Court showed that they would be willing to overlook administrator's role in utilizing cruel and unusual punishment, if there was no clear precedence that these actions were tortuous. I believe that this sets a dangerous precedent because the Courts legitimized the actions of administrators by adhering to a strict reading of the law rather than ruling that administrators should be held accountable for all actions that are essentially cruel and inhumane. These court cases create legal grey holes where the practices of torture and solitary confinement are legitimized in maximum-security prisons.

Conclusion

The courts have created legal grey holes that allow maximum-security prisons and Guantanamo to operate similarly. Maximum-security prisons can use administrative detention and solitary confinement to order the population within it. This measure is not justified through a punitive or disciplinary rhetoric but is justified as preventive and thus treated with leniency by the courts. The prison system within Guantanamo justifies its actions by the same preventive rhetoric (Lobel 2003, 406). Individuals do not have to commit a crime in order to be detained, but simply must pose a possible future threat to U.S. national security. Although prisoners within maximum-security prisons have retained the right to habeas corpus and have been convicted, there is no judicial means of being released from solitary confinement or administrative detention once they are placed within the prison system. Instead, both prisoners in Guantanamo and maximum-security prisons must rely on administrators to be the ultimate sovereign authority and decide their fate.

Administrative review boards assess cases regarding the detainment status of prisoners within both prisons. Guantanamo created the Combatant Status Review Tribunals and Administrative Review Boards to comply with the Supreme Courts' decision in *Hamdi* v. *Rumsfeld* (2004). These tribunals are composed of internal administrators, and the Administrators Review Boards can only offer recommendations to the Secretary of the Navy, who can overturn any of their decisions (Golden 2006, 1). Maximum-security prisons also have boards or panels that hear the cases of prisoners, and generally higher-administrators overturn recommendations for release. Consequently, it seems that prisoners within Guantanamo and maximum-security prisons have no genuine means of contesting their preventive confinement.

Prisoners have to be classified as a threat by administrators in order to be confined, and many times this classification is determined by arbitrary factors such as an individual's race. Muslims are

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typically targeted by the American government and are suspected of terrorism. Maximum-security prisons exhibit the same bias. In Texas prisons, simply being Hispanic or gang-related serves as sufficient reasons to automatically place an individual in solitary confinement (Lobel 2003, 399). Individuals can then experience inhumane treatment and punishment within either prison. Guantanamo's administrators are allowed to harm individuals to the point of death or organ failure before they are legally conducting torture, and solitary confinement has been described as a form of psychological torture in domestic prisons (Office of Legal Counsel 2002, 1). There have also been a plethora of abuses that have occurred within maximum security prisons, such as: hog-tying, being attached to a hitching post, prolonged confinement in outdoor cages, and remaining shackled to toilets for 24 hours a day (Casella and Ridgeway 2014). In these cases, administrators have been shielded by the courts from being held accountable for their actions, and have been able to retain their authority over prisoners.

Although the geopolitical location of Guantanamo has highlighted many of the inhumane practices that have been utilized within it, Guantanamo is not exceptional. Maximum-security prisons utilize similar practices that are justified by the courts through a preventive logic. The courts have tried to curtail the abuses occurring within Guantanamo amidst the backlash from both American citizens and the international community, but individuals need to be just as concerned about the practices occurring in American maximum-security prisons. The location of the prisoners should not matter because, in the end, they are still human beings and should not be dehumanized by administrators. I argue that the courts should not be legitimizing these types of practices and supporting the objectification of prisoners. Guantanamo revealed and highlighted the consequences of unchecked power, but the discussion cannot stop there. The legal arguments, practices, and structures of maximum-security prisons need to be scrutinized as well, so that prisoners can be treated as people and not endure the undue brutality of administrators who have lost touch with their respect for human dignity.

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Between Pragmatism and Political Ideology: Changing South Korean Progressive Views on North Korea

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The South Korean political realm has often been characterized as one clearly divided into two ideological camps. Conservative and progressive parties have represented the right and left of the political spectrum respectively, with certain defining traits consistently characterizing their foreign policy platforms in particular, and their North Korea policy even more so. Mixed among these competing ideological values are, inter alia, anti-Communism, ethno-nationalism, and anti-Americanism. As these ideologies pertain to North Korea policy, adherence to certain value sets has shaped and colored the competing policies advocated by conservatives and progressives in issue areas ranging from Korean denuclearization to reunification, and from economic engagement to human rights discourse. By analyzing South Korean political discourse from 2009 to 2013, the years during which pragmatism was first practiced by the Blue House, this paper seeks to determine the degree to which first, an ideological "middle ground" existed and second, pragmatism was adopted by South Koreans as their guide for North Korea policy. In general, while South Korean conservatives did not exhibit much change over time, progressives were found to have increasingly adopted pragmatic and moderate perspectives from 2009 to 2013.

Introduction

The South Korean polity has long wrestled with the question of how to manage its relations with North Korea. As two states separated unwillingly at the end of World War II, North and South both have danced cautiously in a relationship pulled on one side by an ethno-nationalist desire to reunify, and on the other by their competing claims to sovereignty over the peninsula in its entirety. Within South Korean political discourse, the question of how best to interact with North Korea has historically been highly divisive and the proffered answers have cut cleanly along party lines. Conservatives have emphasized the security threat posed by North Korea, preferring policy solutions that take a tougher military stance against the communist state. On the other hand, progressive parties have called for increased engagement with North Korea, who they identify primarily as ethnic brethren. These broad approaches to North Korea have colored conservative and progressive policy proposals on issues ranging from humanitarian aid to security policy, and from economic policy to human rights.

In recent years, however, this dichotomy seems to have blurred. Calls for a pragmatic approach to North Korea policy under the Lee Myung-bak presidency and an increasing number of moderates among South Korean voters pointed towards a possible middle ground between two previously distinct policy approaches towards North Korea. This research seeks to determine the degree to which such a middle ground between South Korean conservative and progressive views towards North Korea and North Korea policy existed under the Lee administration's years. Comparing the views of South Koreans as reflected in the language and topical focuses of opinion pieces and columns in the conservative Chosun Ilbo and the progressive Hankyoreh newspapers from 2009 to 2013, and through a review of polling data, this research seeks to determine to what degree political

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ideology was replaced by pragmatism as a guide for North Korea policy among South Korean progressives and conservatives. In addressing this question, it is important to distinguish between pragmatism as an idealized approach and the "pragmatic" policy that was executed as Lee Myung-bak's foreign policy – the pragmatic approach desired by many South Korean constituents may not have been reflected in Lee s foreign policy.

This research finds that progressive South Korean voters became more pragmatic and moderate both over time, and in relation to their conservative counterparts. South Korean progressives both explicitly accepted pragmatism as their policy of choice and expressed pragmatism as their ideology of choice through their policy preferences. In this way, progressives departed further from progressive political ideology than did their conservative counterparts and expressed approval for a wider range of policy views on North Korea than did conservatives. They also displayed greater flexibility in their policy stances and perspectives on North Korea, and thusly tended to respond more extremely to changing circumstances in inter-Korean relations. Thusly, South Koreans progressives were less ideologically polarized from conservatives than they had been previously when it comes to North Korea policy.

"Pragmatic policy" as it was expressed under Lee Myung-bak, however, was more conservative-leaning than progressive. While this could be attributed in part to the pressures of far-right forces in Lee's party, it is also likely that conservatism in pragmatic policy was the natural response to the state of inter-Korean relations in the late 2000's and early 2010's. If pragmatic policy is conceptualized as a realistic approach to foreign policy that prioritizes rationalism and national interest, then the South Korean national interest in those years was focused on securing the nation from an increasingly aggressive and unstable northern neighbor. For conservatives, then, espousing a "pragmatic" policy perspective meant that realistically, little departure from conservative ideology was necessary.

Perspectives on South Korean Political Polarization

Political ideology, ideological and political polarization, and the state of South Korea's political parties have been the subject of much scholarship on South Korea. Conclusions range along the spectrum, with some claiming that South Koreans are more polarized than ever before (Hahm 2007; Lee 2007; Shin and Burke 2008), while others point to a bell curve of moderates at the center of the political spectrum (Chae and Kim 2006; Lee 2015). Many of these perspectives, however, must be contextualized within the time period of their analysis, though the trends they note remain relevant to this discussion.

From 1992 to 2007, the literature indicated that the South Korean political realm was clearly politically divided. Shin and Burke (2008), for example, analyzed pieces in *The Chosun Ilbo* and *The Hankyoreh* in the period from 1992 to 2003. In an analysis that covers the length of two progressive South Korean presidents, Shin and Burke (2008) discuss the rise and redefinition of Korean ethno-nationalism as a defining political ideology under progressive presidential leadership, at once leading to strengthened ties with the North and eventually provoking a conservative backlash. Shin and Burke's (2008) study attests to the ideologically divisive nature of the North Korea question in a period when progressives were finally given a chance to pursue engagement-focused policy with North Korea. Hyun-chool Lee (2007) reaches a similar conclusion in a 2007 study that analyzes South Korean national survey data from 2002 and 2004. His piece points broadly to a number of cleavages in South Korean politics, and notably to the South Korean trend of

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centralizing conservative views, a political move that uses anti-Communist sentiment to push left-leaning ideologies to the extreme end of the political spectrum. Based on data from 2004, Lee (2007) found that South Korean policy was moving in a more conservative direction even as the center was polarizing back into two distinct, ideologically opposed groups.

In contrast to Lee's (2007) analysis, Hahm's (2007) research on the U.S.-ROK alliance reports the rise of progressives throughout the 2000's, found mostly among the younger generation of voters, and states that what was once the "leftist fringes" of South Korean political ideology had come to constitute the mainstream. The leftward movement of the South Korean political spectrum began with the election of Kim Dae-jung, and in Hahm's (2007) view, became the majority opinion under the Roh Moo-hyun administration. While Hahm's (2007) conclusion differs from Lee s (2007), together their analyses point to clearly divided political identities between left and right in South Korean politics from the early 2000's to 2007.

However, more recent scholarship has noted that in the late 2000's and early 2010's, these political divisions became less distinct. Using survey data collected by Gallup Korea in 2007, Chae and Kim (2008) conducted a cluster analysis to measure the degree to which the South Korean public's foreign policy views were ideologically polarized. Among their findings, the study notes that South Korean progressives held a more pragmatic and centrist view than was often assumed, and that the South Korean public as a whole was much more moderate than other studies had previously claimed. The survey data revealed that progressives and conservatives were united in their concerns over North Korea as a security threat and North Korean human rights abuses, and that progressives only differed in their heightened support for inter-Korean reconciliation efforts and in their support for engagement policies. Notably, the authors state that while progressive views were found to be less ideologically polarized than expected, surveyed conservative views were consistent with the expected characterization (Chae and Kim 2008).

Jae Mook Lee (2015) reached a similar conclusion in a piece published in 2015 that analyzes why political polarization in South Korea is perceived as more acute than it actually is. In his own analysis of survey data collected by the Korea Social Science Data Center in 2012, Lee (2015) found that moderates continued to comprise the largest segment of the South Korean public. Lee (2015) also found that the views of voters who identified with the conservative Saenuri Party tended to fall in a range between moderate and very conservative, while voters who identified with the progressive Democratic Party were mostly moderate, with more trending towards conservative views than extreme progressive views. Conservative South Koreans were found once more to hold more strictly to the conservative line, while progressive South Korean views fell along a broader spectrum, and were more likely to be moderate.

The above studies reveal two important trends in the South Korean political realm. First, that since the early 2000's, South Korean voters have become more moderate. Second, that while South Korean conservatives have consistently retained rather conservative views on foreign policy, progressives have increasingly adopted a wider range of policy perspectives. South Korean progressives are comprising a larger portion of moderates and are adopting more conservative perspectives than they have before, at least when it comes to North Korea policy.

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Political Identities in South Korea Today

Recent polling data and analyses seem to support the notion that these trends persist in South Korea presently, in the years after Lee Myung-bak's administration. The Asan Institute for Policy Studies has produced several reports that summarize recent public opinion polling data on South Korean views on foreign policy, collected through their Asan Daily Polls. Of particular relevance are the reports entitled "South Korean Attitudes towards North Korea and Reunification" (Kim, Friedhoff Chungku, and Euicheol 2014) and "South Koreans and Their Neighbors 2015" (The Asan Institute for Policy Studies 2015). These polls provide insight into South Korean views on particular policy proposals relating to North Korea, as well as into South Korean attitudes towards the North and its leadership. While the reports do not indicate party allegiances among its participants, they do differentiate by age group on certain questions and still provide important information on where large subsections of the South Korean population stand on these issues.

Firstly, both polls seem to support the notion that South Koreans as a whole are becoming more moderate in their North Korea policy preferences. Rather than seeing a consistent split among South Koreans in their support for more conservative or progressive policy approaches - such a split perhaps indicating where an ideologically-driven or party-drawn line might exist - the data shows that a significant majority of South Koreans support a range of policies that would be included in both security-focused conservative agendas, and engagement-focused progressive agendas.

For example, in both the 2014 and 2015 studies, polling data found that a significant majority of South Koreans recognized the necessity of an inter-Korean summit, a call for increased dialogue and engagement with the North. In 2014, over 80% of South Koreans supported such a summit (Kim, Friedhoff, Chungku, and Euicheol 2014), and the percentage remained over 80% in 2015. Across demographic groups surveyed in 2015, the lowest support for a summit came from those in their 30's and 60's (78.4% support and 75.1% respectively) – still indicating very high levels of support. At the same time, the majority of South Koreans also objected to the policy of resuming economic aid to North Korea, with 67.8% of South Koreans in opposition. Within that group, the Asan Institute indicated that "there is very little variation among age cohorts" and that "[while] there is some variation among political ideologies, even a majority (55.1%) of those who identify as progressive oppose the resumption of economic aid. Among self-identified conservatives, that number is 77.0 percent" (Kim, Friedhoff, Chungku, and Euicheol 2014, 26)

The latter observation also points towards the second trend noted previously, which is that conservative policies are becoming more popular among erstwhile progressives in South Korea and that progressives are adopting increasingly moderate and even conservative views. Of particular interest is the rise of new policy preference trends among the "post-386" generation,[1] the youngest group of politically engaged South Koreans. Many recent studies on this demographic have pointed to both a general apathy towards politics in the post-386 generation, and to increasingly conservative security policy views among those that do engage with politics. Studies from the Asan Institute have noted that young South Korean are identifying as "security conservatives" while otherwise left-leaning, feel less ethnically bound to North Korea, and are generally less interested in reunification (Kim 2014). While the majority still supports reunification, those South Koreans in their 20's are the least willing to pay taxes to offset the

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costs of reunification, with only 34.5% in favor of a unification tax as opposed to the 54.3% and 63.8% of the 40's and 50's aged cohorts respectively (Kim, Friedhoff, Chungku, and Euicheol 2014)

The desire for a pragmatic North Korea policy - policy that is not driven by ideology or nationalism, but purely by national self-interest - can be seen as the reasonable result of these two trends. For the growing cohort of South Korean moderates, pragmatism replaces the two ideological poles, right and left, while also selectively adopting policies from both ends. As a result, pragmatism would be favored among moderates because it is seen as a "middle ground" between the ideological divide of the early 2000's. Pragmatism also offers a new approach to North Korea that it is not limited by the ideologies of either left or right, of either ethno-nationalism or anti-Communism, and instead has no guiding political ideology. At most, its guiding philosophy could be seen as a realist and rational strategy that seeks to keep South Korea secure while coaxing the North towards peaceful reunification.

For the purpose of this analysis, we will define "pragmatic" foreign policy as that which includes a wide range of policy proposals in the pursuit of a nation's interests, including those that have previously been associated with the extremes of conservative and progressive thinking. The expression of pragmatic policy would thusly cover a wide range of policy and be flexible in its responses to changing circumstances on the Korean peninsula.

The Emergence of "Pragmatic" North Korea Policy

The concept of a "pragmatic" North Korea policy dates back to the 2008 election of President Lee Myung-bak. The election came at the heels of a series of progressive administrations, with Kim Dae-jung's election in 1998 being the first time a progressive candidate had won and peacefully maintained offic since the republic's establishment (Oh and Arrington 2007). Kim and his successor, Roh Moo-hyun, were particularly noted for implementing the Sunshine Policy – a most significant North Korea engagement focused policy initiative implemented by South Korea. This power transition allowed South Korea to fully implement progressive foreign policy approaches for the first time, which worked to improve relations with the North.

Engagement policies seemed initially successful, yielding landmark meetings between North and South Korean leadership in 2000 and 2007, as well as the opening of the Six Party Talks. Nationalist pride was resurgent as the South Korean public grew weary of its dependent relationship with the United States and as South Korea's international and economic standing grew. This period also saw new heights for anti-American sentiment in South Korea, particularly after George W. Bush denounced North Korea as part of the "axis of evil" in 2001 and after the Yangju highway tank incident killed two South Korean school girls in 2002 (Oh and Arrington 2007). This national confidence emboldened the Roh administration in particular, allowing Roh – who had run for the presidency on an anti-American platform - to pursue ambitious policies such as his administration's 2007 request to transfer wartime operational control of the Korean military from the American-led Combined Forces Command to the ROK Armed Forces (Su 2012).

Under Roh, approval for progressive policies hit its peak and declined. Roh himself faced constant criticism from conservative political factions and was impeached for illegal electioneering, a scandal that precipitated the collapse of his political faction and marked the resurgence of conservative forces. In the 2008 presidential election, Lee Myung-bak recaptured

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the Blue House for the Saenuri Party, running against the more conservative, hawkish Lee Hoi-chang and the mainstream progressive Chung Dong-young.
In his foreign policy platform, Lee Myung-bak placed himself in between these two candidates and advertised a "pragmatic" foreign policy. This stance involved reengagement with the United States and conditional engagement with North Korea – a middle ground in between Lee Hoi-chang's promise of hardline North Korea policy and Chung's insistence on maintaining the Sunshine Policy (Chae and Kim 2008; Snyder 2009).

With 49 percent of the vote, Lee Myung-bak won a surprisingly overwhelming victory, particularly as a conservative candidate in a time when only 36 percent of Koreans identified as conservatives and 64 percent as progressives (Chae and Kim 2008). Though his victory can in large part be attributed to the strength of his economic policy platform, Chae and Kim (2008) argue that Lee's victory can also be attributed to the appeal of his foreign policy platform. They propose that Lee was "the only major candidate who advocated a foreign policy in line with the majority of all South Koreans" and that his stance towards conditional engagement "strategically repositioned his party towards a more centrist and moderate stance" (Chae and Kim 2008, 92). While debate surrounding North Korea policy remained divided, Lee had clearly tapped into a new approach with broad appeal.

In practice, however, Lee's "pragmatic" foreign policy tended to lean towards a more conservative security policy. Events on the Korean peninsula from the late 2000's to 2013 forced South Korea to deal primarily with high military tensions with and instability in North Korea, and ultimately led to a "cold period" in inter-Korean relations that left little room for the type of dialogue and engagement that typifies progressive polic . The breakdown of the Six Party Talks, the revelation of North Korean "cheating" on inter-Korean agreements, increasingly aggressive military posturing from North Korea in the years around Kim Jong-il's death, and the North Korean leadership transition meant that South Korean foreign policy required a "pragmatic" means of addressing North Korea as a military threat first and foremost –in other words, pragmatic policy was formed within a framework of inter-Korean relations that favored conservative policies over progressive ones.

In these years, conservative voters could have accepted a supposedly pragmatic foreign policy without having to change their fundamental views on North Korea, while progressives that adopted pragmatism would have needed to develop a more nuanced position towards North Korea. Chae and Kim (2008, 84) sum up this observation succinctly, stating: "The more nuanced picture reveals that progressives distinguish inter-Korean reconciliation (Sunshine Policy) from national security (North Korea threat). Progressives support national reconciliation between the two Koreas but take conservative positions on issues related to national security…progressives are able to parse the complexities of inter-Korean relations…"

By reviewing opinion and column pieces in conservative and progressive newspapers from 2009 – at the start of Lee's administration – to its end and the early months of Park Geun-hye's presidency in 2013, this paper now seeks to determine the degree to which these trends and attitudes were reflected in th public debate surrounding North Korea policy during Lee's presidency. At the start of Lee's administration, despite his victory the debate remained contentious and relatively divided along party lines. The following analysis seeks to determine whether or not views on various aspects of North Korea policy remained ideologically divided between left and right, and to what degree conservatives and progressives embraced pragmatism as a new guiding political philosophy.

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Methodology and Newspaper Perspectives Analysis

In order to best analyze the shape of South Korean political discourse under Lee while using English-language resources, this research emulates Shin and Burke's (2008) study. Their study analyzes op-eds and columns published in the *Chosun Ilbo* and the *Hankyoreh Sinmun* from 1992 to 2003, focusing on those articles related to North Korea. Shin and Burke (2008, 290) argued that "the news media often set the agenda for public discussion of key policy issues and that exposure to news can significantly influence public opinion o foreign policy issues". The authors used the two papers as proxies for South Korean conservative and progressive views. Their study measures the importance that each paper assigned to various foreign policy issues and the articles' tones towards those issues (Shin and Burke 2008).

This research performs a similar analysis on the opinion and column pieces published in the English editions of *The Chosun Ilbo* and *The Hankyoreh* from January 2009 to December 2013. Focusing on those articles related to North Korea and inter-Korean issues, this analysis reviewed 734 articles (459 from *The Chosun Ilbo* and 275 from *The Hankyoreh*), noting the "topics of focus" and the "author's tone" in each article. The topics of focus were organized into six broad categories: 1) reunification and inte -Korean relations; 2) East Asian security issues; 3) humanitarian issues and projects; 4) North Korean human rights issues; 5) inter-Korean trade and economic issues; and 6) domestic North Korean news. A single article may have addressed more than one topic of focus. Identifying the topics of focus in each article indicates which issue areas were important to South Korean conservatives and progressives, and how

Table 1: Tone Coding Scheme

Tone Code	-2	-1	0	+1	+2
Tone towards Topic Discussed	Author is very negative about the situation discussed in the article.	Discussed situation is negative or the author is negative about the situation.	Neutral reporting of the facts.	Discussed situation is positive or author is positive about the situation.	Author is very positive about the situation discussed in the article.
Tone towards the DPRK Regime	DPRK is explicitly criticized, regime change is mentioned, or regime is blamed.	DPRK regime is responsible for a negative act, or needs to be held responsible for an act.	DPRK regime is neutral in the situation discussed.	DPRK is responsible for positive event; DPRK is treated as a legitimate state.	DPRK is complimented, explicitly responsible for very positive event.
Tone towards Inter-Korean Relations	Author is explicitly negative about the relationship, or belligerent.	Relationship is described as adversarial, or author is generally negative about reconciliation.	Relations are discussed in a neutral context.	Relationship is described as cooperative, or author is generally positive about reconciliation.	Author is explicitly positive about cooperation or future reunification.

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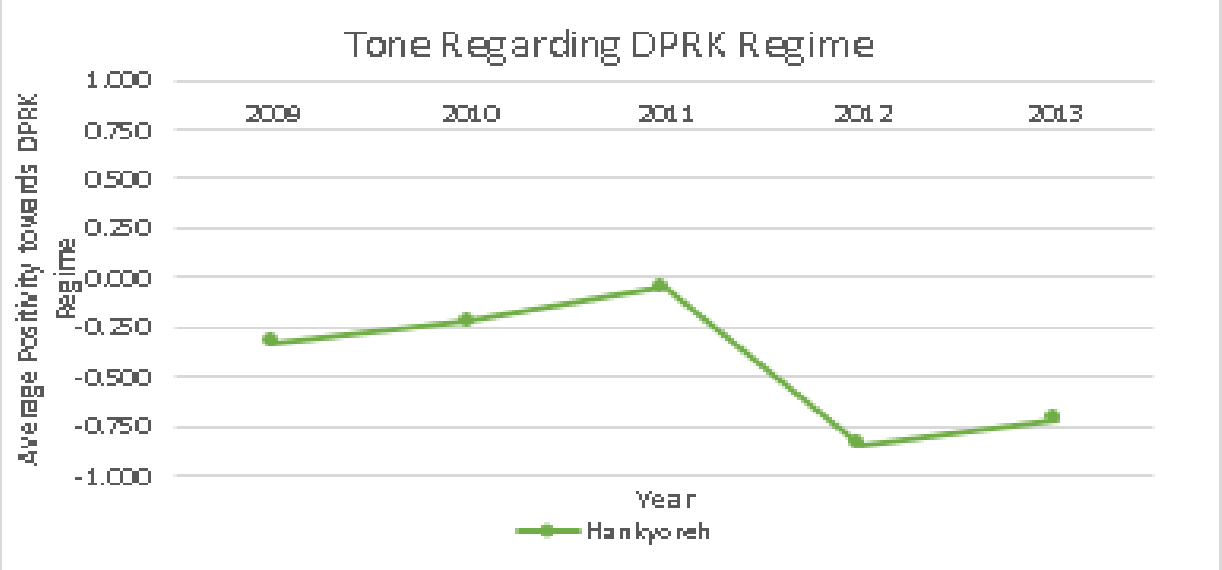
issue importance changed over time and in response to particular events. Regarding the "author's tone", Table 1 outlines the numeric spectrum. Articles that did not discuss one of the coded tone categories were coded "NA" and excluded from analysis of that tone category. The coding scheme for "author's tone" serves to create a quantifiable comparison of broad tone changes in the two papers over the five year time period under analysis. Therefore, changes in the mathematic difference between the tone values and changes in the topic focuses of each paper would indicate either a convergence or divergence of the way these two papers presented issues relating to North Korea, and would measure which paper's perspective changed most over time.

Results

Following the article review, several trends came to light. See the Appendix for charts containing all of the data used. Firstly, there were notable changes in the way pieces in *The Hankyoreh* addressed and framed their arguments regarding North Korea during the reviewed time period. This manifested in several ways – in the overall tone used to address North Korea, in the language used to assign agency to either North or South Korea, and in the changing emphasis on various topics over the years. When discussing the tone used to address North Korea, I refer broadly to the type of language that reflects attitudes towards or opinions of the North Korean regime, categorized in the second tone code in Table 1 as "Tone towards the DPRK Regime." This category takes into account, inter alia, insults to the North Korean regime, language that compliments or legitimizes the regime, language that criticizes or holds the regime accountable for an act, language that infantilizes the regime, and language that calls for regime change. From 2009 to 2013, there was a general souring of progressive perceptions of North Korea, with particularly negative language emerging after the Yeonpyeongdo shelling in late 2010[2] and North Korea's closure of the Kaesong Industrial Complex in 2013.[3] This trend is reflected in Figure 1, in the average positivity expressed towards North Korea in *The Hankyoreh* articles each year.

Notably, the increasingly negative language used to describe North Korea after the Yeonpyeongdo shelling in late 2010. Language before 2010 is largely

Figure 1: Tone Regarding DPRK Regime in *Hankyoreh* Articles



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neutral towards North Korea, while highly critical of the South Korean government for its failure to improve inter-Korean relations. The North Korean regime is generally framed as a legitimate state actor, which is at times criticized or chided for its policy decisions but is never delegitimized. Even when criticism is levied at the regime, it is never as aggressive as language one might see concurrently in an article about the same topic in *The Chosun Ilbo*. A telling quote comes from one of the pre-Yeonpyeongdo articles most critical of North Korea, published in September 2009 after the Imjin River tragedy,[4] which reads, "Even though six South Korean citizens ultimately lost their lives, North Korea has not yet expressed an apology or regret. Looking beyond whether North Korea violated international agreements or existing practice, its failure to make reference to the human losses is worth criticizing from a humanitarian perspective" (*The Hankyoreh* 2009). While relatively negative, this statement simply states that an act of the regime is "worth criticizing," while making no such direct criticism itself. Further, the article later states:

> Also deeply problematic is how the [South Korean] government appears to be trying to avoid its own responsibility by taking advantage of North Korea's 'water attack.' South Korean authorities' emergency system failure compounded North Korea's failure to give sufficien notification about the water release which resulted in this man-made disaster…The South Korean government must not exaggerate and stress the other side's responsibility in order to avoid its own responsibility (*The Hankyoreh* 2009).

This tendency to include a caveat is present in nearly all, if not all, opinion pieces in *The Hankyoreh* regarding North Korea. These caveats always follow some criticism of North Korea or North Korean actions, and remind the reader to blame the South Korean government for contributing to the situation at hand as well. Before 2010, these caveats were always highly critical of the South Korean government and assigned the government significant responsibility for the poor state of inter-Korean relations. After 2010, however, this began to change.

After the Yeonpyeongdo shelling, articles in *The Hankyoreh* began articulating direct criticisms of the North Korean regime, and assigning much more responsibility and agency to the North Korean regime for harming inter-Korean relations. Quotes from an article about Yeonpyeongdo stand in stark contrast to the comparatively neutral language used in the Imjin article: "North Korea's attack is unacceptable…This is a truly inhumane and barbaric outrage that cannot be justified on any grounds" *The Hankyoreh* 2010a). Regarding North Korea's claim that the Yeonpyeongdo shelling was provoked by South Korean actions, the article also states, "This is a typical false accusation and refusal to take responsibility [from North Korea]. This brazen attitude from North Korea is nearly as infuriating to South Korea's citizens as the unexpected military provocation itself. If Pyongyang really wishes to pass responsibility on to Seoul, it should provide irrefutable evidence of the so-called military provocation" (*The Hankyoreh* 2010a). The article does not include a caveat about the South Korean government's responsibility in the matter.

There are two important changes to note between these two articles – the first is the increased willingness to assign blame to North Korea for poor inter-Korean relations, and the second is the moderation of responsibility assigned to South Korea. Before 2010, there was an almost unreasonable willingness to avoid placing blame on North Korea and a pronounced enthusiasm for holding the South Korean government accountable for all tensions

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on the peninsula. Following a succession of events that started at the Yeonpyeongdo shelling and that were undeniably the responsibility of North Korea, however, progressives finally began shifting accountability from South to North. Such events included increasingly bellicose North Korean language after Kim Jong-il's death in 2011, a rocket launch in late 2012, and a nuclear test in early 2013.

By shifting agency in this direction, progressive writers in *The Hankyoreh* began actively criticizing the North Korean regime. Criticism allowed for the increased expression of negative sentiment towards the regime. While progressives continued to favor dialogue and reconciliation as the proper policy for resolving issues with North Korea, they also became less forgiving towards the North Korean regime – both in their descriptions of the regime, and in their demands from it. North Korea was also described increasingly in an adversarial context as opposed to a cooperative one; for example, discussions on the North Korean nuclear program in later years called for ways of containing and coaxing North Korea, as opposed to working with the North as an equal and reliable partner. In this way, progressive expectations of the North Korean regime began to align more closely with those of conservatives. Demands for apologies and a less-forgiving stance on North Korea's nuclear program echoed similar calls from conservatives.

Another way in which this conservative shift manifested was in the slow expansion of a discussion of North Korean human rights issues in *The Hankyoreh*. While North Korean human rights were a consistent staple of *The Chosun Ilbo* from 2009 to 2013, and likely in years before, the issue area is barely mentioned in *The Hankyoreh*. One article discusses the topic in 2010, but is primarily aimed at criticizing the North Korean Human Rights Law for hurting reunification efforts (*The Hankyoreh* 2010b). Another article discusses the issue in 2011, though only tangentially in a short comment about the North Korean abduction of Japanese citizens in a longer article about North Korea-Japan relations (see Jong-won 2011). Four articles in 2012 address the issue; three articles address the struggles of North Korean defectors, mostly highlighting abuses they face in transit from North Korea and not in the country itself. These articles also largely call for "quiet diplomacy," a means of helping these defectors without calling too much attention to the issue for fear of upsetting North Korea. The fourth article, published in May 2012 and addressing the detention of Shin Sook-ja and her two daughters in North Korea,[5] contains the strongest language against North Korea from that year, citing the United Nations' determination that the detention was "arbitrary, and violates the Universal Declaration of Human Rights…" However, the article expresses resistance to allowing the human rights issue affect inter-Korean relations, stating that the issue must be resolving with "the most basic humanitarian principles" and that there is "no need to add political motives to the mix" (*The Hankyoreh* 2012a). In 2013, an article entitled "Competitive Suffering" offer the strongest language against North Korean human rights in this five year time period, with the author making mention of North Korea's prison camps and characterizing them as crimes against humanity; however, the core of the article's argument is a case for a more cooperative effort between human rights work and humanitarian economic engagement with North Korea (*The Hankyoreh* 2013).

All this indicates a significant change in the way progressives discussed and perceived North Korea. Some of the more critical articles from 2011 onward would not have been out of place in *The Chosun Ilbo*. However, this is not to say that all

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articles in *The Hankyoreh* suddenly espoused much more conservative viewpoints. Rather, the range of acceptable perspectives expressed in *The Hankyoreh* articles expanded, and it expanded rightward. Further, it is important to note that there was a high degree of fluctuation in the positivity expressed towards North Korea, depending on the topic discussed and on the perceived opportunity that existed for inter-Korean reconciliation. *The Hankyoreh* articles were exceptionally positive whenever North Korea extended a proverbial olive branch, often becoming much more critical of the South Korean government when it failed to take advantage of an opportunity for dialogue with the North. One such example was published in June 2013, after North Korea had offered an opportunity to discuss the Kaesong complex and family reunifications. The article refers to the offer as the start of a "new stage in inte -Korean relations," and "an excellent opportunity to make a breakthrough," expressing a high degree of optimism for the last-minute call to talks (*The Hankyoreh* 2013).

In significant contrast to the trend seen in *The Hankyoreh* pieces, the second trend to come to light from the article analysis was a notable consistency in the way articles in *The Chosun Ilbo* addressed issues relating to North Korea. If The Hankyoreh articles showed an increasing willingness to hold North Korea accountable for poor inter-Korean relations, *The Chosun Ilbo* articles rarely expressed any uncertainty that it was North Korea to blame for most of the woes on the Korean peninsula. Articles in *The Chosun Ilbo* expressed a consistently low positivity towards the North Korean regime, and included frequent insults directed at the nation's leadership and calls for regime change. Figure 2 illustrates *The Chosun Ilbo's* average positivity towards the DPRK regime over time, in contrast to the *Hankyoreh's*. While generally trending downwards, *The Chosun Ilbo's* positivity rating was always much lower than *The Hankyoreh's*. In regards to North Korean human rights, The *Chosun Ilbo* articles consistently used the North Korean human rights record as a means of levying

Figure 2: Tone Regarding DPRK Regime in *The Hankyoreh* and *Chosun Ilbo* Articles

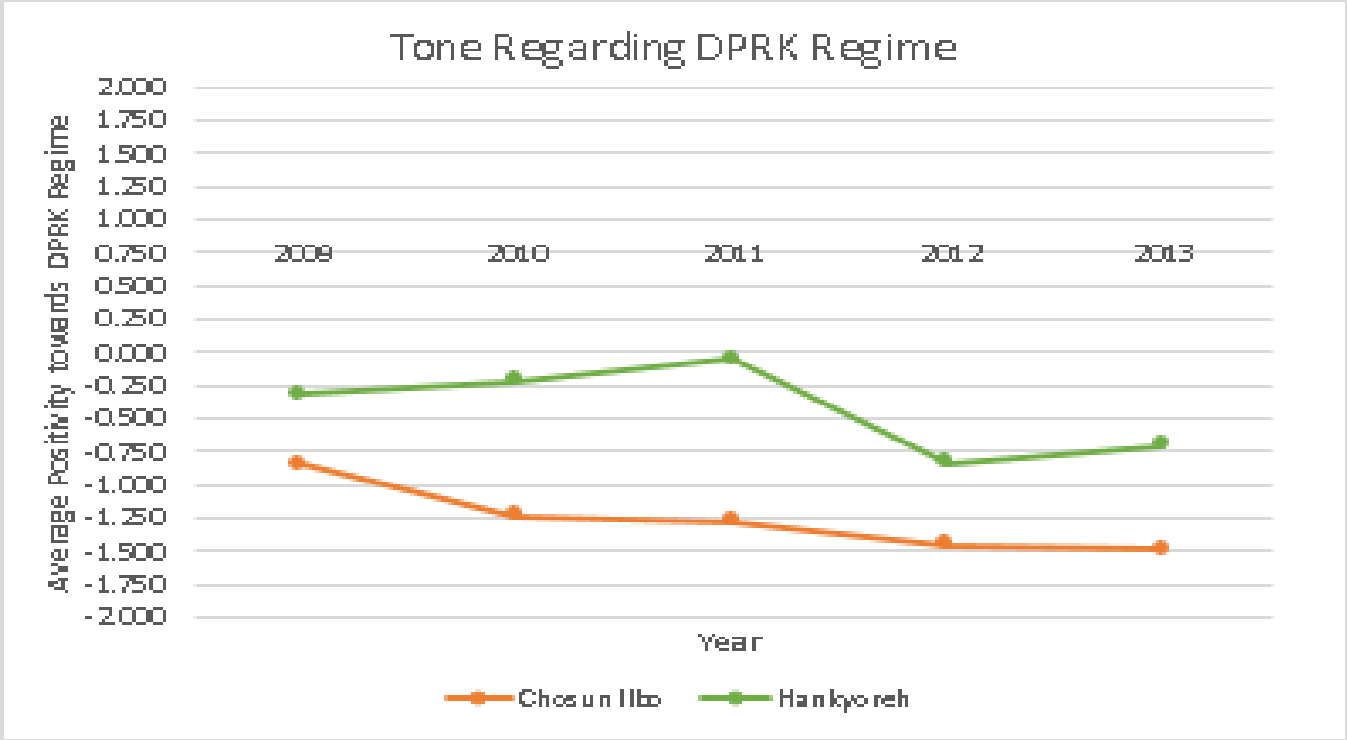

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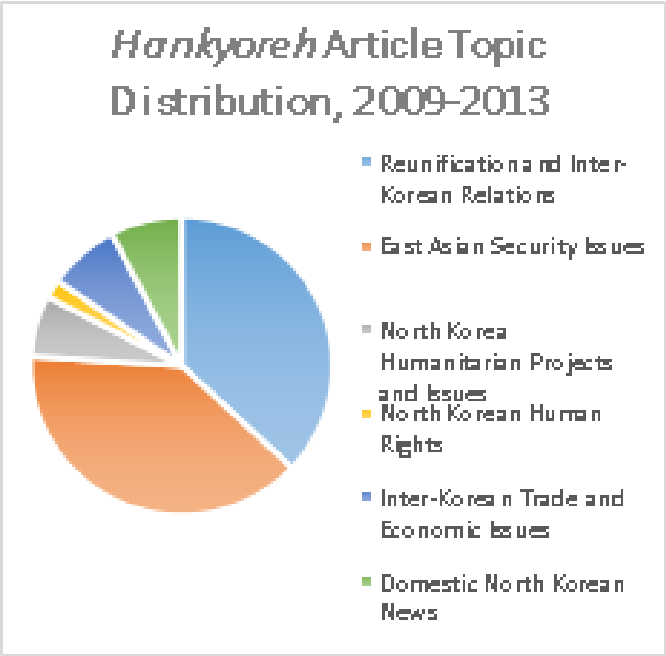
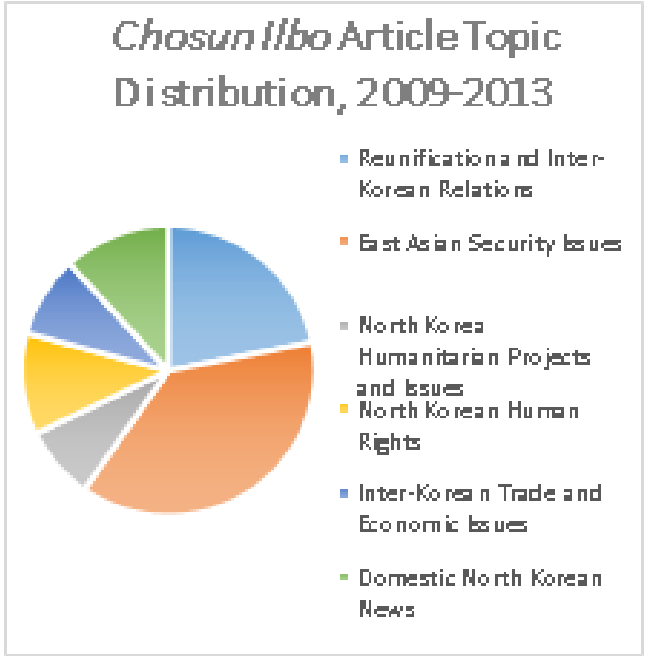
Figure 3: Topic Distributions in *The Hankyoreh* and *The Chosun Ilbo*





criticism against the regime. Figure 3 shows a marked difference between how frequently the two papers discussed human rights – while North Korean human rights issues were discussed in 11% of *The Chosun Ilbo* articles, they were included in only 2% of the *Hankyoreh* articles. Regarding opportunities for inter-Korean dialogue, unlike articles in *The Hankyoreh*, *The Chosun Ilbo* articles generally expressed wariness towards North Korean requests for inter-Korean talks.

The trends found in *The Hankyoreh* and *Chosun Ilbo* pieces reflect the findings of previous studies an the reviewed polling data. While conservatives have generally remained within the bounds of traditionally conservative views and ideology when it comes to North Korea policy, South Korean progressives have expanded their range of acceptable policy perspectives. In embracing more conservative views while retaining their traditional focus on inter-Korean dialogue and engagement, progressives have adopted a wider spectrum of policy approaches towards North Korea. Assuming that this acceptance of a wider spectrum is reflected in the attitudes held by progressive voters, this indicates that during the Lee Myung-bak years there existed South Korean progressives that held very pragmatic views. The recommendations in *The Hankyoreh* pieces certainly offered a wide range of policy that was often very responsive to recent gestures made by North Korea – pragmatism was thus expressed through these flexible responses, which may have expressed anger a North Korean offenses, but also fo gave North Korea quickly and wished to seize opportunities for dialogue whenever they arose.

The article analysis also offers some insight into how these progressives viewed President Lee's "pragmatic" foreign policy, and into their views on pragmatism as a concept. *The Hankyoreh* articles certainly expressed strong support for pragmatism. However, many of these articles only mentioned pragmatism when it could be levied against the Lee administration as criticism for its failure to live up to promises of pragmatic policy. Articles in *The Hankyoreh* often accused Lee of bowing to hardline conservative forces and the more ideologically-bent right-wing, instead of standing by a truly pragmatic policy. In this way, the progressives seemed to

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define their support for pragmatism by juxtaposing it and themselves against the Lee administration's submission to conservative hardliners. Progressives thusly supported pragmatism explicitly and implicitly in their discourse on North Korea policy.

In contrast, *The Chosun Ilbo* articles did not discuss Lee's foreign policy within a framework of pragmatism. In fact, the doctrine was not mentioned in any of the reviewed *Chosun Ilbo* articles. While some may have lauded Lee's foreign policy, or warned him against wavering from a foreign policy that conservatives generally seemed to favor, "pragmatism" was never mentioned explicitly as part of that foreign policy nor was it supported separately as a concept. Conservatives, it seems, were disinterested in pragmatism or at least did not associate it as strongly with Lee. Instead, conservatives focused on the tangible products of Lee's foreign policy, which was certainly much more conservative than his predecessor's outcomes.

Conclusion and Policy Implications

Having concluded this analysis, two observations become apparent. The first is that South Korean progressives have become more pragmatic in their North Korea policy, both over time and in contrast to their conservative counterparts. Evidence for this is found in the widening range of policy perspectives adopted by progressives - which includes increasingly conservative views - and in their expressed approval for pragmatism as a guide for North Korea policy, both explicitly and through their votes. The second observation is that pragmatism in practice under Lee Myung-bak failed to meet the ideal policy desired by progressives. Whether as a result of conservative pressure or international circumstance, pragmatism the ideal has yet to fully be expressed in so-called pragmatic policy.

Thus far, however, those presidents that have had the opportunity to put pragmatism into practice have been two conservatives, with current President Park Geun-hye viewed as even more conservative than her predecessor. While her North Korea policy has been advertised and associated with pragmatism and realism, in practice Park hasn't yet strayed far from the traditional conservative line. All this begs the question of how moderate a "pragmatic policy" can really be when thus far it has largely been shaped by conservative forces, and how wise it might be for progressives to loosen the bounds of their political ideology in order to embrace pragmatism.

The weakness and factionalism in South Korea's progressive parties have been no secret since the end of the Roh Moo-hyun era. The Democratic Party and the New Politics Alliance for Democracy (NPAD) party have been met with consistent electoral failure in recent years, despite low approval ratings for the opposing Saenuri Party. Some observers have pointed to a "liberal identity crisis" as one factor in the weakness of the NPAD, highlighting the party's lack of a clear and united platform to address major policy issues and unify its strong voter base. If this is the case, then an unconsolidated and nebulous North Korea policy would certainly do the NPAD no favors.

In June 2012, the Unified Progressive Part , a minority progressive party that was banned in 2014, issued a list of reformed policy positions including stances on North Korea policy. Included in this proposal was a staunch opposition to North Korean human rights abuses, the North Korean nuclear program, and the regime's system of dynastic succession of power. One noteworthy line in the proposal stated, "There is no need to fear that a basic expression of position will lead to a breakdown in inter-Korean relations, and North Korea should recognize this as a diplomatic reality" (*The Hankyoreh* 2012b). The NPAD might have something to learn

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from the UPP, in that it may be time for the party to take a bolder and clearer policy stance on North Korea.

While the ideal of pragmatism is an attractive policy option, thus far it has borne little fruit for progressive adherents. Progressive leaders must face the reality of pragmatism as policy, which they have allowed conservatives to dictate thus far, and develop a new approach to North Korea policy. Otherwise, they risk the loss of moderate constituents, and of their voice in the national debate over North Korea.

Notes

[1] The "386" generation was a cohort of South Koreans characterized by left-leaning political activism, who as young adults were instrumental in the democracy movement of the 1980's and the formal democratization of South Korea in 1987. Named for Intel's 386 computer model, the moniker developed in the 1990s to refer to people in their 30's, who had attended university in the 1980's, and had been born in the 1960's. In contrast, the "post-386" generation refers to a younger cohort that grew up in a democratic and prosperous South Korea, and is largely apolitical and much less politically engaged than the 386 generation.

[2] In November 2010, unprovoked North Korean forces fired about 170 artillery shells and rockets at South Korea's Yeonpyeong Island (known also as Yeonpyeongdo). The attack caused severe damage to both military and civilian infrastructure, and led to several civilian casualties. The United Nations categorized the attack as one of the worst incidents on the peninsula since the Korean War.

[3] The Kaesong Industrial Complex was a collaborative economic development project jointly operated by North and South Korea, and located just north of the Korean demilitarized zone (DMZ). The complex was viewed as a positive symbol of inter-Korean cooperation. Following rising inter-Korean tensions, North Korea barred entrance to the complex and withdrew its employees in April 2013, and so unilaterally shut the complex down. Hundreds of South Korean employees remained at the complex for up to a month after its closure. A South Korean delegation bringing food and supplies to those employees remaining in the complex on April 17 was denied access by North Korea. The complex was finally reopened after intense negotiations in September 2013.

[4] In the early hours of one morning in September 2009, North Korea suddenly released a large amount of water from its Hwanggang Dam on the Imjin River without warning South Korea, with whom it shares the river. The release sent huge flash floods int South Korea, doubling water levels in the Imjin River and leading to six civilian casualties, including one eight-year old child. While North Korea claimed that it was a necessary and urgent move in response to dangerously high water levels in the dam, South Korea rejected North Korea's explanation as unsatisfactory.

[5] Shin Sook-ja (also Shin Suk-ja) was a South Korean citizen imprisoned with her daughters in a North Korean concentration camp after her husband defected from North Korea to Denmark. Amnesty International began a campaign for her freedom in 1993, naming her a prisoner of conscience. In 2011, South Korean human rights activists from Shin's hometown started a campaign on Shin's behalf that garnered international attention. The United Nations launched an inquiry into her detention, to which North Korea responded that she had died of hepatitis. Shin's husband, Oh Kil-nam, has stated that he believes that North Korea is lying about her death.

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Appendix: Charts and Data

Table 1: Tone Coding for *Chosun Ilbo* and *Hankyoreh* by Year

	CHOSUN ILBO			*HANKYOREH*		
	Average Positivity Towards Topic	Average Positivity Towards DPRK Regime	Average Positivity Towards Inter-Korean Relations	Average Positivity Towards Topic	Average Positivity Towards DPRK Regime	Average Positivity Towards Inter-Korean Relations
2009	-0.76	-0.84	-0.77	-0.74	-0.32	-0.93
2010	-0.83	-1.23	-1.14	-0.80	-0.22	-1.17
2011	-0.39	-1.28	-0.71	-0.50	-0.05	-0.59
2012	-0.93	-1.46	-1.12	-0.52	-0.84	-1.19
2013	-0.89	-1.49	-1.25	-0.60	-0.71	-1.09
OVERALL AVERAGE	**-0.761**	**-1.261**	**-0.997**	**-0.633**	**-0.429**	**-0.995**

Table 2: Articles by Topic in *Chosun Ilbo*, by Year

	CHOSUN ILBO **(Number of Articles Addressing Topic)**						
	Reunification and Inter-Korean Relations	East Asian Security Issues	North Korea Humanitarian Projects and Issues	North Korean Human Rights	Inter-Korean Trade and Economic Issues	Domestic North Korean News	**TOTAL NUMBER OF ARTICLES**
2009	53	106	25	22	22	17	**174**
2010	35	61	11	16	15	24	**109**
2011	27	21	7	16	8	18	**62**
2012	7	22	5	12	1	9	**43**
2013	23	41	6	9	14	10	**71**
TOTAL	**145**	**251**	**54**	**75**	**60**	**78**	**459**

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Table 3: Articles by Topic in *Hankyoreh*, by Year

	HANKYOREH (Number of Articles Addressing Topic)						
	Reunification and Inter-Korean Relations	East Asian Security Issues	North Korea Humanitarian Projects and Issues	North Korean Human Rights	Inter-Korean Trade and Economic Issues	Domestic North Korean News	**TOTAL NUMBER OF ARTICLES**
2009	44	64	8	0	9	8	**101**
2010	39	43	9	1	7	5	**65**
2011	12	7	3	1	4	3	**22**
2012	10	10	6	4	1	5	**25**
2013	40	29	0	2	9	9	**62**
TOTAL	**145**	**153**	**26**	**8**	**30**	**30**	**275**

Table 4: Average Positivity towards Topics in *Chosun Ilbo*, by Year

	CHOSUN ILBO (Average Positivity Towards Topic)						
	Reunification and Inter-Korean Relations	East Asian Security Issues	North Korea Humanitarian Projects and Issues	North Korean Human Rights	Inter-Korean Trade and Economic Issues	Domestic North Korean News	**OVERALL AVERAGE TONE TOWARD ARTICLES**
2009	-0.75	-0.79	-0.6	-1.14	-1.05	-0.29	**-0.770**
2010	-0.69	-0.93	-0.64	-0.88	-1.13	-0.46	**-0.788**
2011	-0.19	-0.38	-0.71	-1.06	-0.50	0.00	**-0.967**
2012	-1.29	-1.15	-0.67	-1.44	-0.43	-1.30	**-0.967**
2013	-0.26	-1.15	-0.67	-1.44	-0.43	-1.30	**-0.875**
OVERALL	**-0.636**	**-0.868**	**-0.764**	**-1.104**	**-0.822**	**-0.454**	**-0.7747**

Table 5: Average Positivity towards Topics in *Hankyoreh*, by Year

	HANKYOREH (Average Positivity Towards Topic)						
	Reunification and Inter-Korean Relations	East Asian Security Issues	North Korea Humanitarian Projects and Issues	North Korean Human Rights	Inter-Korean Trade and Economic Relations	Domestic North Korean News	**OVERALL AVERAGE TONE TOWARD ARTICLES**
2009	-0.95	-0.88	-1.25	NA	-1.22	-0.63	**-0.986**
2010	-0.79	-0.98	-0.67	-2.00	-1.14	0.40	**-0.863**
2011	-0.58	-0.57	-0.67	0.00	-0.75	-0.33	**-0.483**
2012	-0.30	-0.70	-0.33	-1.00	-1.00	0.40	**-0.488**
2013	-0.65	-0.66	NA	-2.00	-0.33	-0.22	**-0.772**
OVERALL	**-0.654**	**-0.758**	**-0.730**	**-1.250**	**-0.888**	**-0.076**	**-0.7186**

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Egypt's Failed Revolution: Democracy, Liberty, and the Power of Ideas

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Considering the different political outcomes of the Arab Spring in the Middle East, this article tries to explain the failure of the Egyptian revolution to bring liberal democracy. Using surveys and following a constructivist approach, the article emphasizes the role of social norms and normative political ideas in affecting Egypt's politics between 2011 and 2014. First, examining the social perceptions of gender roles and the moral rules "constraining" the globalized youths, the findings suggest that social norms contributed to the defeat of the revolutionary liberal ideas in the 2011-2012 elections. Conceptually, these norms seem to contrast with the liberal principles of "equal rights" and "individual freedom". Then, analyzing people's trust in the "politicized" Egyptian military and judiciary, the research finds that normative ideas also played an important role in the events leading to the military coup. People's reliance on these two institutions seems at odds with the principles of "separation of powers" and the "rule of law".

The Arab Spring failed in Egypt. Almost seven years after the January 2011 protests, the country has fallen back into authoritarianism. Although the Egyptian revolutionaries had called for democracy and liberty, they eventually obtained a regime very much like the one they had just toppled. Yet, the Arab Spring did not fail to bring change everywhere in the Middle East. Democratization in Tunisia, for instance, raises questions as to why the Spring succeeded there and failed in other places. In order to answer why the revolution did not lead to liberal democracy in Egypt, this paper focuses on the country's transition from a "liberal" revolution, to illiberal democracy, and then to authoritarianism in the years 2011-2014. Following a constructivist approach to politics, the analysis focuses, first, on norms concerning women's role in society and the freedom of the youths, and, second, on people's ideas about justice and governance, and the ideal role the military and the judiciary should have in politics. The main argument is that both social norms and normative ideas help to explain the rise to power of the Muslim Brotherhood and al-Sisi, and the failure of the Egyptian spring.

The main argument rests on three assumptions. The first is that liberal democracy can be a realistic political objective in the Middle East. Indeed, promoting liberal democratization does not mean promoting Western colonization. Although freedom as a political concept might have developed in the "West" first, that does not mean it belongs exclusively to it. The second assumption is that Islam is not incompatible with liberal democracy, as explained briefly in the second section. The role of social norms, indeed, focuses less on the nature of norms (whether secular or religious), and more on how society enforces them. The broader debate over Islam and democracy, therefore, is not addressed further here. Finally, the paper acknowledges that weak institutions and the leaders who came to power after the uprising are responsible for the revolution's failure. However, although one must recognize that much of politics can be explained through power itself, ideas often determine who obtains that power in the first place.

CONCEPTUALIZATION OF DEMOCRACY AND LIBERTY

To answer why the Egyptian revolution did not lead to liberal democratization, it is necessary to first reflect on the meaning of democracy and liberty (along with other key terms used in the essay), and what the relevant literature suggests might lead to liberal democracy. The term "democracy" is often associated with ideals such as "fairness", "justice", "equality", and "freedom". No matter which of these values one attaches to democracy, it usually has a positive meaning. For the original term *dēmokratia*, however, the Greeks had a very specific definition: "the power of the people" (where *demos* stands for "people" and *kratos* for "power", or "rule"). Democratic vote in South and Central America, in Africa, and Asia is producing regimes that suppress civil rights and individual liberties (Zakaria 2007, 17-18). Democracy, as shown by the events discussed below, does not entail freedom. Among the great authors who have adopted definitions "loyal" to the Greek meaning of democracy are Joseph Schumpeter (1942), Karl Popper (1945), and Adam Przeworski (1991). These definitions, known as "minimalist", "procedural" definitions, are perhaps the most commonly used in the studies of democracy. As the name suggests, they focus on the procedures and rules, such as competitive elections, without considering

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the outcome of democracy, such as the protection of civil liberties.

The requirements that Robert A. Dahl (1971) discussed in *Polyarchy: Participation and Opposition* have been widely accepted as necessary, though for some not sufficient, conditions for democracy. Arguably, Dahl's definition is more robust than other minimalist definitions, in that it involves more than the mere process of government formation through elections (Munck 2009, 123). As the main prerequisite for democracy, Dahl argues that a government must allow its citizens to express their political preferences. For this to happen, several conditions must be met: (a) the right to vote, (b) free and fair elections, (c) eligibility for public office, (d) the right of political leaders to compete for votes, (e) alternative sources of information, and (f) institutions that make policies depend on votes (Dahl 1971, 3). These six conditions remain somewhat loyal to the Greek concept of democracy. To them, however, Dahl also adds: (g) freedom of assembly and (h) freedom of speech (Dahl 1971, 3).

By adding two important freedoms, Dahl's (1971) definition deviates slightly from the Greek meaning of democracy as popular political power. Of course, to ensure free and competitive elections, a certain degree of freedom of speech and assembly must exist, especially during elections; however, not necessarily to the extent that opposition groups can criticize elected governments through protests (assembly) or media (speech). Most scholars agree that Athens is the first example of democracy in history. Yet, by democratic vote, it put one of its greatest philosophers (Socrates) to death because of his ideas (Zakaria 2007, 32). In the 4th century B.C., liberty—especially freedom of speech—was clearly not a celebrated virtue in the Greek democratic city-state. Athens was not free, but that is where democracy first developed. Fundamental liberties of the sort emphasized by Dahl rose independently of, and historically before, democracy in Western Europe.

In *The Future of Freedom*, Fareed Zakaria (2007) refers to democratically elected oppressive regimes as "illiberal democracies". Illiberal democracies are lacking, usually defective, in "constitutional liberalism". *Liberal* democracies, Zakaria argues, are not only marked by democratic elections, but also by a constitutional liberal regime that ensures the protection of civil liberties (Zakaria 2007, 17). In his book, Zakaria defines constitutional liberalism as a "bundle of freedoms"; a system characterized by the "rule of law, separation of powers, and the protection of basic liberties" (Zakaria 2007, 17). It is liberal, he states, because it emphasizes individual freedom, and constitutional, because it places the "rule of law at the center of politics" (Zakaria 2007, 19). Defining liberalism, however, is at least as difficult as defining democracy. To make the discussion clearer, the four key components of a liberal regime that are mentioned in this research—namely individual freedom, equal rights, separation of powers, and the rule of law—are explained next.

The earliest liberal political ideology, classical liberalism, had as its main tenet the liberty of individual citizens ("individual freedom", in this essay). A "just" and "limited" government was deemed necessary to protect individual liberties, such as freedom of speech, of the press, of assembly and of religion (Hudelson 1999, 37). In his famous work *On Liberty*, John Stuart Mill (1989, 13) introduces what is now known as the "harm principle", which asserts that the only purpose for which a government can rightfully interfere with a person's freedom is "to prevent harm to others". Mill also criticizes the excessive authority exerted by *society* over "strong" individuals. There had been "a time when the element of spontaneity and individuality was in excess", he writes (Mill 1860, 109). In the society of his time, instead, the conduct of every individual was made conformant to the "customary", annihilating "inclinations" and "particularity of taste" (Mill 1860, 110). "Spontaneity" and "individuality", two facets of liberty for Mill, are mentioned again in this paper when discussing the Egyptian youth's freedom. Indeed, the analysis of the role of social norms regarding the youth below not only considers *political* constraints on individual freedom, but also (and especially) *social* constraints.

A second liberal principle mentioned in the analysis of social norms below is "equal rights". All currents of liberalism maintain that men are equal. For classical liberals, men have the same natural rights, which entitle them to equal freedom and security. In other words, all men are *equally* free (Young 2002, 40). This presupposes that all men are equal before the law, but not necessarily equal politically and socioeconomically. Political and socioeconomic equality, achievable through universal suffrage and welfare, belongs more to the later current of *social* liberalism (Young 2002, 40). Mill himself was one of the first thinkers to advocate gender equality, arguing that the subordination of women to men is one of the "chief hindrances" to human progress (Mill 1869, 1). When analyzing women's rights in Egypt later, both political and socioeconomic equality is taken into consideration.

The third and fourth liberal principles crucial for the discussion are the separation of powers and the rule of law. To ensure equality and individual freedom, the various governmental bodies must be kept "separate", although an absolute separation in practice is impossible to achieve (Carolan 2009, 19). Despite the lack of a universal definition, the theory of separation of powers envisions a threefold division of governmental power among a legislative, executive, and judicial body, which are autonomous but dependent on each other (Carolan 2009, 21). To prevent one body from accumulating too much power, the separation creates a mechanism of checks and balances among the institutions and the division among them of civilian control over the military (Samuels 2005, 127). As shown later, an important idea for Egypt here is that the military should not interfere with the political process.

The concept of the rule of law is also fraught with definitions. The main idea behind it is that the government

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should always operate within an established legal framework, and be accountable through law for the actions committed by those in power. This not only requires the accountability of government officials, but also the independence of the judiciary and integrity of legal procedures (Stanford Encyclopedia of Philosophy 2016). Formalist notions of liberalism, however, place little value on the substance and consequences of law. As long as the law is the means by which the state conducts its affairs, there is the rule of law. The rule of law can, therefore, legalize oppression. In this case, it is referred to as "thin" rule of law, as opposed to "thick" rule of law (Aziz 2017, chap. 4). This research favors the latter over the former, thus emphasizing the need for the government to abide by the law and for the law to protect the rights and liberties of the people.

In sum, four liberal notions are mentioned in this paper when analyzing the role of social norms and normative ideas. These are, in order: (1) equal rights, (2) individual freedom, (3) separation of powers, and (4) "thick" rule of law. It follows that a liberal government is one that safeguards equal rights and individual freedom, and is marked by a separation of powers and thick rule of law (though, *per se*, not necessarily by universal suffrage). A democratic government is, instead, simply the result of fair democratic elections, while liberal democracy presents *both* characteristics. On the contrary, "authoritarianism" is a regime that lacks both elections and liberalism. Having defined these concepts, it is easier to understand what an illiberal democratic experiment means in the analysis below, and that both democratization and liberalization are necessary to achieve liberal democracy in Egypt.

LITERATURE REVIEW

Existing Theories of Liberal Democratization

There is no lack of literature on the causes of liberal democratization. To answer why the Egyptian revolution failed to bring liberal democracy, Zakaria (2007) would respond with an economic argument. Evidence suggests that wealth makes the transition to liberal democracy more sustainable. Przeworski and Limongi (as cited in Zakaria 2007, 69) calculated that, when per capita income is above $6,000, the chance that the process will eventually fail is one in 500. For Zakaria (2007), however, wealth alone does not explain it. Indeed, countries that rely heavily on natural resources are an exception to the rule. This is because the consequence of "easy money" is that the government does not have to tax its citizens. Yet, taxes force governments to provide services and representation in return. The rentier economy of the oil states, for instance, fails to create this bargaining over taxation and representation (Zakaria 2007, 73-75). According to Zakaria (2007), only a capitalist economy can lead to liberal democracy. In this view, Egypt, with its per capita income of US$3,614, would not be a qualified candidate.

Although the correlation between "earned wealth" and successful democratization is solid, Zakaria (2007) does not provide evidence showing that capitalism also causes liberalization. More specifically, he does not explain how taxes will lead to both representation *and* constitutional liberalism. Singapore and Turkey—two of the countries Zakaria (2007) seems most confident about—have developed a capitalist economy, with incomes well above $6,000. Yet their civil rights score in Freedom House is still "four" (where "seven" is the worst) (Freedom House 2015a; 2015b). Przeworski and Limongi's (as cited in Geddes 2009) statistical study itself only shows that capitalism might make liberal democracy more sustainable, but not that it triggers the transition and/or increases its likelihood of success (Geddes 2009, 320). In his praise of capitalism and wealth, Zakaria (2007) seems to overlook the institutional mechanisms that make constitutional liberalism possible. Arguably, a capitalist economy alone cannot ensure that judges, the parliament, and the executive will follow liberal rules. What other factors, then, might lead to successful liberal democratization?

Focusing more on the institutional aspects of liberal democracy, Brumberg (2004) argues that more political liberalization requires more democratization. In his opinion, two requirements are critical for liberal democratization in the Middle East. The first is constitutional reforms, which should make sure that constitutions do not give ultimate power to the executive, subordinating the legislature to the president (Brumberg 2004, 49). The second requirement is an independent judiciary. When both the judiciary and the legislatures are subordinated to the executive, Brumberg says, the rule *by* law (rather than *of* law) is the norm (Brumberg 2004, 50). Judiciary overhaul, however, cannot be separated from the reforms needed to give the legislatures more representative authority. Indeed, the creation of a competitive political party system constitutes the foundation of an "effective *political society*" (Brumberg 2004, 50-51) (italics in original). Therefore, Brumberg advocates "supply-side, state-focused" democratic reforms, such as the creation of independent electoral commissions to promote effective political pluralism (Brumberg 2004, 52). However, he admits that democratization efforts can only succeed where a degree of liberalization already exists, and where institutions are "sufficiently independent and competitive" (Brumberg 2004, 54). Indeed, Brumberg's (2004) contribution does not answer what might trigger liberal democratization in countries where institutions are much weaker.

Just like Brumberg's (2004) state-led, "gradualism" approach, some of the literature on the subject focuses on another pathway to liberal democratization: revolutions. In analyzing all cases of "liberalization" (here meaning "liberal democratization") in dictatorships since 1972, Ulfelder (2009) suggests that rebellion occurred far more often than elite splits as the trigger of political reforms, albeit still less often than a concession by incumbent rulers. Of the 43 cases examined by

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Ulfelder, indeed, 27 involved both concessions by the rulers *and* popular rebellion, while in five cases rebellion led directly to liberalization (Ulfelder 2009, 13). This means that 32 out of 43 cases of liberalization involved at least some form of popular rebellion. The importance of revolutions for liberal democracy is stressed even further by Thompson (2003, 11), who argues that without revolutionary protest, no compromise, round-table talks or intervention by the military or the ruling party would occur. This, of course, does not find empirical support in Ulfelder's (2009) 11 cases of liberalization that were not marked by popular rebellion, but it reinforces the idea that revolutions are often crucial. While these findings shed important light on the different pathways that lead to liberal democracy, they do not yet identify its inherent cause(s). Moreover, if revolutions often play a key role in liberal democratization, why did the Egyptian uprising fail to do so?

Entering this debate on elite versus mass influence, Diamond (1999, 220) argues that in circumstances of "entrenched corruption and repression", only a politically active mass public can generate the pressure necessary for political change. Rather than focusing on revolutions, however, Diamond (1999) concentrates on a more structural condition for liberal democracy: civil society. He identifies 13 ways in which civil society promotes the development and consolidation of liberal democracy (which he, instead, simply calls "democracy"). One of these is providing the basis "for the limitation of state power" and "for the control of the state by society", which involves holding states accountable to the law and public expectations (Diamond 1999, 239). In illiberal states, this function amounts to pushing for institutional reforms (Diamond 1999, 240). A second democracy-building function of civil society is stimulating political participation, increasing the "democratic" skills of citizens and the values of a democratic political culture, including tolerance, moderation, and respect for opposing views (Diamond 1999, 242). Diamond (1999) goes on to explain 11 more democratic functions of civil society, which make it crucial for liberal democratization, but he later concedes that the most important factor is not civil society, but political institutionalization. Indeed, liberal democracy also requires democratic governance and more complex, capable and responsive political institutions, which civil society alone cannot provide (Diamond 1999, 259).

The disagreements among scholars about the inherent causes of liberal democracy lead Geddes (2009) to conclude there is no common factor that applies to all cases and all countries. Analysts have a deeper knowledge of certain regional cases, and their intuitions tend to "fit the cases they know best better than those they know less well" (Geddes 2009, 329). The two differences that influence "democratization" (also meant as *liberal* democratization here) are the historical period in which it takes place and the type of regime it tries to replace (Geddes 2009, 330). In a regime in which the elite depend economically on state (rather than private) resources, rulers will tend to negotiate incremental democratization, fearing they will lose most of their assets if they are deposed (Geddes 2009, 330). In historical terms, the end of the Cold War cut off aid to authoritarian regimes from both superpowers. Such aid increased these regimes' ability to repress opposition and retain control of the state. Therefore, the reduction of foreign support for dictatorships contributed to the wave of democratization in the late 20th century (Geddes 2009, 331). Processes of democratization, Geddes concludes, are different in different contexts (Geddes 2009, 329).

An Alternative Approach

As shown, scholars have examined different variables that might explain liberal democratization, without proving that these variables either apply to all cases or represent the only explanation. While wealth fails to explain the causes of liberal democracy—albeit showing that it might make transitions more sustainable—Brumberg's (2004) democratization approach only applies to regimes with somewhat solid institutions. Both the revolutionary pathway to liberal democracy and civil society also lack empirical evidence showing they are a universal, sufficient condition for liberal democratization. As emerges from the literature, top-down liberalization might be a safer political process, but revolutions (or the establishment of effective civil society) can sometimes be a successful alternative. As Geddes (2009) points out, there may not even be one general cause that applies to all cases, since the political structure and history of each country are unique. That said, seeking a common factor that might make liberal democratization attempts successful remains a valid research objective.

Whether at the top or bottom of the social hierarchy, political change must start from the citizens. What, then, causes society to "push" for liberalization or remain under or within the existing political order? This research hypothesizes that liberal norms need to be widely accepted by society, including by those within society who are responsible for implementing them. In his analysis of the role of civil society, Diamond himself suggests that a politically active, organized public must be "organized *for* democracy, socialized to *its norms and values*" (Diamond 1999, 221) (emphasis added). Ideas—emphasized by the constructivist approach below—may offer an alternative, less materialistic explanation of why liberal democratization may fail or succeed. Because this approach looks at ideas shared by society as a whole, it may apply to both cases of "top-down" and cases of "bottom-up" liberalization (the latter brought about through revolution, the creation of civil society, or even capital accumulation).

Constructivism is an interpretivist approach that has had an increasingly important influence on political inquiry. "Social constructivists" maintain that reality does not exist independently of us, but it is socially *constructed*. The shape and form of social (including political) phenomena are imbued with social values and norms (Halperin and Heath 2012, 45). Actors make choices by interacting with others, thus bringing

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politically distinct realities into being. Therefore, the world of politics itself can only be understood as a social construction. Indeed, society is a realm that forms and influences the interests of actors, which are socially contingent, constituted by the institutionalized norms, values, and ideas of society (Halperin and Heath 2012, 46). Unlike social constructivism, "agent-oriented constructivism" allows for greater influence on the part of individual actors, emphasizing how an individual or group can come up with ideas based on internal reflection and change the external social discourse (Nau 2012, 48). As discussed later, the Egyptian "globalizing" youths are both trying to express their "youthfulness" to undertake change and operating within the existing social and moral order (somewhere in between agent-oriented and social constructivism).

Following a constructivist approach, this research seeks to explain the failure of the 2011 revolution to bring political liberalization—in addition to democratic elections—, through (1) social norms and values and (2) normative ideas of justice. When analyzing social norms and values, particular attention is given, first, to social norms on gender roles, and, second, to norms of morality and how they affect the liberal youths' individual freedom. The goal is to verify the contribution of both to the failure of the liberal values and parties of the revolution, and identify a potential ideological conflict between social norms and the principles of liberalism—in this case: (1) equal rights and (2) individual freedom. In the analysis of normative ideas of justice, instead, the article focuses on people's ideas of how a government should be run. In particular, the analysis concentrates on people's trust in the military as a viable political solution to a poor-performing government, and in a non-independent judiciary that interferes with politics. In this case, normative ideas might "clash" with the liberal principles of (3) separation of powers and (4) the rule of law. The data used in the analysis of ideas consist mainly of surveys and secondary sources.

LIBERAL REVOLUTION, ILLIBERAL DEMOCRACY, AND AUTHORITARIANISM

The Arab Spring in Egypt did start as a "liberal" revolution. Several liberal groups and non-governmental organizations formed the backbone of mass protests during the first days of the 2011 uprising (Dinham 2017). One of these was the "April 6 Youth Movement". This group owed much of its effectiveness to the Kefaya movement, the first ever to call for Mubarak's resignation. Kefaya was a loose movement that ensured inclusiveness, used social media to organize protests, and asserted popular control over public spaces through "flash mobs" (Gelvin 2015, 58). One of the founders of the "April 6 Youth Movement" had been a member of Kefaya, which explains why the demands and tactics of "April 6" in the 2011 uprising matched those used by Kefaya in 2004 and 2008 (Gelvin 2015, 58). The many activists of the "April 6 Youth Movement", including Waleed Rashed, Asmaa Mahfouz, Ahmed Maher, and Mohammed Adel, played a leading role in mobilizing and organizing the January 25 demonstrations (Castells 2014, 45). They did this through their clever use of social media, blogs, and online video sharing (Hussein 2013, 228).

The efficacy of the "April 6 Youth Movement" was also a result of the cooperation with other liberal groups, one of them being "We Are All Khaled Said" (named after a young activist beaten to death by police in 2010). The group was set up by Wael Ghonim, a young Google executive, and Abdul Rahman Mansour, who managed to attract tens of thousands of supporters in Egypt and around the world (Castells 2014, 45). Said to have more than 500,000 members, "We Are All Khaled Said" was perhaps even more effective than the 6 April movement and other liberal opposition forces at reaching a broad audience and politicizing it (Tkacheva 2013, 61). Although it is impossible to determine how many demonstrators in January 2011 belonged to these or other explicitly liberal movements, they certainly played a crucial role in mobilizing and organizing the revolution that toppled Mubarak. Their efficacy was not only a result of their social media skills, but also of their political demands: the downfall of the corrupt and authoritarian regime and its replacement with an accountable civil state that respected individual liberties (Dinham 2017).

More specifically, the Egyptian liberals advocated a view that contained many features of liberalism, including a state in which the military plays no role in politics. In this state, the government is restrained by law and is accountable to the citizens; state power is divided into three branches, with a system of checks and balances; the judiciary is independent; citizens are equal regardless of religion and gender; and basic civil and political rights are protected (Rutherford 2013, xiv). Surely, some elements of this view might seem at odds with classical liberalism, such as the acceptance of Article 2 of the 1971 Constitution, which states that the principles of *Shari'a* are the primary source of law (Rutherford 2013, xiv). However, scholars such as Alfred Stepan (2012) have argued that this *per se* does not undermine any of the principles of liberalism. As long as their actions do not violate the liberties of other citizens or go against the laws of democracy, religious groups (and religion, more broadly) should be able to enter politics (Stepan 2012, 57).

There was a clear contrast between the liberal groups and the Muslim Brotherhood on their goals and their role in the revolution. While the liberal youth stood against Mubarak and initiated the revolution, both the Muslim Brotherhood and the military took advantage of the turmoil to gain political power, with little intention to uphold the values of liberalism. Indeed, from the beginning, the Muslim Brotherhood was very ambiguous towards the revolution and the liberal ideas that characterized it. Among the voices that shouted "freedom" in the January protests, few belonged to the Muslim Brothers (Dunne and Radwan 2014, 254). Although the Muslim Brotherhood advertised the January 25 "Day of Anger" (the first day of protests in Egypt) on their website, very few

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Brothers took part in the nation-wide demonstrations (Dunne and Radwan 2014, 254). In fact, the Islamic group continued to shift tactics for months, cooperating with the authorities at one moment and with the revolutionaries at the next (Dunne and Radwan 2014, 254-255).

The Brothers and the military did not declare war on each other right away. Soon after Mubarak resigned, the Supreme Council of the Armed Forces (SCAF) took control of the country to oversee the transition and the drafting of a new constitution (Mandaville 2014, 150-153). When the SCAF suspended the 1971 Constitution, the Brotherhood, along with the conservative Salafists, tried to persuade the public to vote for a package of constitutional amendments that would pave the way for early parliamentary elections. This came to the surprise of the liberal revolutionary activists, who had instead been calling for the drafting of a completely new constitution (Dunne and Radwan 2014, 255). It is also worth stressing the absence of Brotherhood members in the antimilitary demonstrations that led to human rights abuses, torture, and military trials of liberal activists (Dunne and Radwan 2014, 255). Only when the SCAF formally "attacked" the Muslim Brotherhood by dissolving the lower house did the Islamists begin to protest in November 2011, though not for very long. In December, the liberal, secular, and leftist youth was again left alone to face tear gas and rubber bullets in Cairo (Dunne and Radwan 2014, 255).

By the 2011 parliamentary elections, it was clear that the liberal youth was only a political minority, albeit a very active one. The largest liberal party—the Wafd—won only 7.5% of the seats in the lower house, and 8% in the upper house (Rutherford 2013, xiv). By then, the Muslim Brotherhood's promises that (1) it would compete for only one-half of the seats in Parliament, that (2) it would not run a candidate for President, and that (3) it would include all political groups in the decision-making process, had all been broken. For instance, the constituent assembly the Brotherhood formed contained roughly 70% Islamists, with very few liberals, Copts, and women. This raised concerns that the Brotherhood lacked commitment to the moderate language expressed until then (Rutherford 2013, xvii-xviii).

After winning the majority of votes (38%) in the first round, the Brothers demanded the dismissal of the SCAF-appointed cabinet. At this point, the Egyptian judiciary challenged the parliament's constitutional prerogative and questioned the constitutionality of the People's Assembly in February 2012. In the second round, in June, the SCAF took advantage of the Supreme Constitutional Court's (SCC) ruling that the parliamentary election had been unconstitutional to dissolve the lower house and take the legislative power back into its hands (Achcar 2016, 69-70). In the meantime, the first phase of the presidential elections was also giving Mohammed Morsi of the Freedom and Justice Party (FJP), of the Muslim Brotherhood, high chances of victory (Mandaville 2014, 150-153). Many of the liberal parties at this point had withdrawn from the race, but Abd al-Mon'am Abu al-Fatuh remained as a major liberal (Islamic) candidate who challenged Morsi with a more progressive view of Islam. Nevertheless, Morsi won the presidential elections (Rutherford 2013, xvii-xviii).

After having granted themselves the legal means to block the new president's action if necessary, the military let the electoral commission proclaim Morsi's victory. The Muslim Brothers were eventually in charge of the executive, but without holding real "hard" power. In politics, another source of power is the ability to achieve consent (Achcar 2016, 71). However, Morsi's government failed to seek the largest possible consensus to reflect the composite majority that elected him in the second round. In July, after successfully sending the SCAF back to barracks, Morsi formed a cabinet headed by a Brotherhood sympathizer and appointed all cabinet members belonging to the Brother's FJP—except the defense, interior, and foreign affairs ministers (Achcar 2016, 72). In November, Morsi issued a decree exempting himself from judicial review and, in December, managed to pass the draft constitution by referendum vote. In June 2013, efforts to intimidate media figures and circumscribe civil society led a movement called *Tamarod* ("Rebellion") to mobilize 13 million demonstrators (Bassiouni 2016, 66).

On July 3, army chief Abdel Fattah al-Sisi announced that Morsi had been removed from power, and that an interim civilian president, SCC Justice Adly Mansour, had been sworn in. In the following weeks, General al-Sisi led a war on "terrorists"—which translated into Muslim Brotherhood supporters (Gasiorowski 2016, 417-418). Over 1,000 were killed in the six weeks after the coup. Eight hundred of these died in *Raba'a al-Adawiyya* Square on August 14 alone, making it the harshest state massacre of civilians since Tiananmen Square (China) in 1989 (Gasiorowski 2016, 417-418). Thousands of others were jailed or sent into exile. Al-Sisi has controlled the country since the coup. His regime is a brutal place to organize protests and dissent. Supporters of al-Sisi have called his government a return to "normalcy", which in effect means a new version of Mubarak and the uncontested political power of the military (Gasiorowski 2016, 418). Freedom House rated Egypt "partly free" in 2013, and "not free" since al-Sisi toppled Morsi (Freedom House 2013; 2014). The Egyptian people later confirmed al-Sisi as president by 97% of the votes in the 2014 elections (whose fairness is nonetheless questionable), after deposing an elected president who was arguably less ferocious in his repressive measures against the opposition.

THE ROLE OF SOCIAL NORMS AND NORMATIVE IDEAS

Both people's choice to elect the Muslim Brotherhood and their reliance on the military to topple them played a crucial role in the events between 2012 and 2013. This section discusses how social norms and political ideas help to explain these two political outcomes. In this first part of the section

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below, the analysis focuses on how social norms, particularly norms concerning gender and individual freedom, might explain the failure of the liberal parties to win popular support in the 2011-2012 elections. As mentioned, the defeat of the liberals was a major factor that led to the failure of the "liberal" revolution to bring liberal democratization. Therefore, understanding how norms on gender and social constraints on youth's freedom contributed to this outcome amounts to answering why the Egyptian revolution did not lead to liberal democratization. In addition, the prevalent social values and norms might also "clash" with two fundamental elements of liberalism: equal rights and individual freedom.

Social Norms and Values

Gender and Equal Rights

"Gender" is a key word in the events following the Egyptian revolution, not only because young women played a fundamental role in the uprising. Proceeding Morsi's victory, gender rights were also a major element of difference between the liberals and the Muslim Brotherhood. Despite the differences in the goals of the two groups in practice, formally the ideas championed by the liberals and the Muslim Brotherhood overlapped. During the campaigns, the Brotherhood appropriated liberal values to gain the support of the revolutionaries, leaving the liberals with a smaller portfolio of issues, such as minority rights and women's equality (Dunne and Radwan 2014, 249). While women's equality was at the center of the liberals' campaign, the issue was addressed in a controversial way by the Muslim Brotherhood, both in theory and in practice. The 2007 draft of the Brotherhood's party platform opposed allowing women to hold the presidency (Rutherford 2013, xv). Although this illiberal element was erased after the uprising for political reasons, the issue remained controversial after the revolution (Rutherford 2013, xv-xvi). Morsi stated his opposition to the idea of a woman's candidacy for the presidency, while the FJP called for repealing previous laws that broadened women's rights (especially their right to divorce). The FJP placed only seven women on its 2011-2012 parliamentary delegation of 213, and only six on the constituent assembly of March 2012 (Rutherford 2013, xvii). If the liberal and the Muslim Brotherhood platforms differed greatly in their approach to gender, the social norms and values concerning gender might explain the failure of the former to attract support. If, in theory, women enjoy equal political rights in Egypt, women's inequality in practice must, therefore, stem from social values and norms.

Despite positive changes and a growing active role of women, gender inequality remains an important issue in Egypt. Of the 134 countries surveyed by the World Economic Forum, Egypt ranks 125th (UNICEF 2011, 1). Gender gaps are particularly evident in the private sphere. Regarding guardianship and custody rights, the father is the guardian of the children and responsible for their maintenance. In case of divorce, the mother may raise the children until the age of 15. On inheritance rights, women's inheritance is half of men's if they have the same relationship to the deceased. Child marriage is still common, with 17% of young women married before the age of 18 (20% among the poorest). Honor killings also still occur in Egypt. Indeed, the penal code still allows lenient sentences to convicted men, and no law prohibits domestic violence. Rape is a crime, but marital rape is not (UNICEF 2011, 2). Female Genital Mutilation/Cutting (FGM/C) is illegal but extremely common. A full ban was approved in 2008, but no one has been convicted of violating it since then. The prevalence of FGM/C among women aged 15-49 is 91% (UNICEF 2011, 3).

The discrimination of women also occurs at the public level. Although women gained the right to vote and stand for elections in 1956, in practice women's participation in politics is limited, due to social factors. In the short democratic phase, parties ran very few female candidates in parliament and none for the presidency. Women are extremely underrepresented in the Egyptian judiciary. Indeed, female judges are only appointed in family courts, while penal courts are male dominated (UNICEF 2011, 3). The labor force participation rate for women in Egypt is only 22% (among women aged 15 and above), while the corresponding percentage for men is 75% (UNICEF 2011, 4). Since access to education is almost equal for both sexes, this emphasizes the "social" character of women's inequality. The perception of women's role in the society still ties them to domestic work.

Public opinion data show that society seems to be reluctant to change, and that women tend to be more progressive than men with respect to women emancipation. The Pew Research Center finds that the gender gap regarding opinion is one of the highest worldwide (Pew Research Center 2010). More than 70% of Egyptian women declare that women should have equal rights with men, while only 45% of men agree, showing a gender gap of +31 (Pew Research Center 2010). While only 36% of Egyptian women completely agree that women should be able to work outside the home, the same opinion is shared by an astonishingly low 11% among men (Pew Research Center 2010). Here, it is important to stress that, although 76% of women agree that they should have equal rights with men, only 36% support women's economic emancipation, signaling a disagreement over the practical meaning of "equality". When jobs are scarce, 75% of the surveyed think men have more right to a job (Pew Research Center 2010). Moreover, 63% of women are supportive of female judges, compared to 35% of men. Similarly, 35% of women think a woman can become president, while only 20% of men agree. (Soltan, Qamha, and 'Asilah 2011, 18-19). The latter shows that, despite the gender gap, gender discrimination also exists among women. For instance, 39% of women agree with at least one reason for a husband to beat his wife, with 50% of adolescent girls agreeing (UNICEF 2011, 6).

Diffidence towards women emancipation is high among the youth. Even among the educated youth of Cairo, only

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4% of men would marry a woman who had premarital sex, while a similarly low percentage of men would marry a woman they ever touched or went out with before (Bayat 2010, 121). A panel survey by Roushdy and Sieverding (2014) of the Population Council found continuing conservativism among youth with respect to gender rights. One-third of young men agree that educating boys is more important than educating girls, while 47%, still less than half, completely disagree. Almost 70% of young men and 60% of young women believe that priority must go to men when jobs are scarce (Roushdy and Sieverding 2014, 129-130). An impressive 76% of young men and women think a woman must obtain permission from her spouse before doing anything, while 63% do not perceive divorced women respectfully (Roushdy and Sieverding 2014, 135). Surprisingly, 65% of Egyptian youth believe a man is justified to beat his wife if she talks to another man (Roushdy and Sieverding 2014, 139).

The above findings seem to provide a valid reason why the Muslim Brotherhood won despite its position on women, and why liberals failed to win support on the one issue that clearly distinguished them from the Brotherhood. Gender equality and women's emancipation still seem to be constrained by social values, norms, and tradition. This, of course, not only contrasts to one of the main political goals of the liberal parties, but also with one basic principle of political liberalism, namely equal rights regardless of gender. Although it can be argued that the defeat of the liberals in the 2011-2012 elections lies in their failure to meet the needs and ideas of the Egyptian people, it seems that social norms themselves do not yet "match" the ideas that liberalism entails. For their part, many of the Egyptian liberals also advocated the promotion of *Shari'a* in politics, reflecting an important value in a society that does not arguably collide with constitutional liberalism (Rutherford 2013, xiv). This does not mean that there is no room for optimism. Regarding civil society, Egypt has an active (and growing) women's rights movement, with organizations addressing issues such as violence, harassment, and the status of women (UNICEF 2011, 4). The NGO "Alliance for Arab Women", but also the National Council for Women, are key actors. As social liberalization in this sense is taken further, it will be more realistic for Egyptians to support liberalism in politics, whenever they have a chance to vote again.

The Youths and Individual Freedom

In addition to gender, social and moral norms constraining youth's freedom also explain why the liberals (most of them young Egyptians) failed to attract political support and translate the revolution into liberal political change. "Moral order", "moral authority", and "social constraints" are key terms in the analysis of youth's freedom in Egypt's society. In *How Ordinary People Change the Middle East*, Sociologist Asef Bayat (2010, chap. 5) writes about how the Egyptian "globalizing" youths try to assert their habitus under the prevailing social norms and moral constraints.[1] In the years preceding the revolution, new generations of youths emerged that had been increasingly exposed to global cultural flows. These youths wanted to experience romance, music, dance, parties, alcohol, and fun. Most of these young people considered themselves devout Muslims, but also enjoyed rock music, drinking, and romance. They combined prayer with partying, and faith with fun, in an attempt to accommodate their youthful desires within the existing moral order (Bayat 2010, 124-126).

In doing so, however, Egyptian youths felt the burden of strong social controls from their elders, teachers, and neighbors, socialized in a tradition that restrained individuality and novelty (Bayat 2010, 126). The so-called *Urfi* (informal) marriage became a way of getting around the moral constraints on dating (Bayat 2010, 125). This, of course, triggered anxiety over the "youth problem", or the "satanic youth" (as it was named), which had to be protected from moral ills (Bayat 2010, 123-125). Officials blamed "declining social authority", but also the absence of fathers and even the employment of mothers (Bayat 2010, 125). As Bayat says, the young tried to assert their youthfulness within, not outside or against, the moral order. By combining "change and adaptation", and "individuality and social norms", they tried to undertake change and yet remain committed to "collective norms" and "social equalization" (Bayat 2010, 125-126). Because of the negative social perceptions of these emerging youths, young Egyptians remained politically demobilized, especially since the elders did not trust them in the political arena (Bayat 2010, 121). These youths were the same that would later lead the January 25 protests.

Crushing expressions of fun means crushing individual freedom, and individual freedom is a foundational principle of liberalism. The existence of a "moral police" and the prosecution of "moral crimes" in Egypt signal how strongly society still forces its moral rules on young men and women who try to express their youthfulness, have fun, and be free. As the Pew Research Center (2010) surveys on gender indicated, these rules imposed by the political authorities cannot be understood separately from the strong system of moral norms, codes of conduct, and values that characterize Egyptian society. As constructivists argue, the world of politics is a social construction, and social institutions take specific political forms that are a product of human interaction in the social world (Halperin and Heath 2012, 46). Not only do anti-fun social tendencies contrast to liberalism, but society's distrust in the globalized liberal youth that led the revolution can also explain their failure (and the failure of liberal parties) to involve other sectors of society in the struggle for liberal democratization. Again, "social liberalization" and trust in the globalizing youth might empower young people to gain more political power in the future.

Normative Political Ideas

If social norms do not seem to foster the liberal principles of equal rights and individual freedom, which contributed

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to Morsi's illiberal democratic experiment, people's trust in the Egyptian military and the judiciary to restore "justice" hampered separation of powers and the rule of law. Even at the revolution's start, trust in the judiciary and the military was strong among 95% and 99% of Egyptians respectively (Soltan, Qamha, and 'Asilah 2011, 19). Of course, it was not the people's fault that the judiciary had become an illiberal residual of Mubarak's regime (as shown below) and that the military did not provide free and fair elections, but people's reliance on both institutions played an important role in the transition from illiberal democracy to authoritarianism. The popular view (Brownlee 2012; Shehata 2013; Youngs 2015, 38) that the political conflict between Morsi and the opposition (led by the military) was one of "democracy against liberalism" is indeed misleading. Although Morsi's illiberal tendencies were evident, his ouster in itself was also an expression of illiberal politics, in stark contrast with the principle of separation of powers and government autonomy.

Trust in the Military

By 2013, most Egyptians had grown to dislike Morsi's government, fearing the establishment of a theocratic state. The military saw that as an opportunity to retake power, but it needed popular support (Bassiouni 2016, 66). In June, 13 million people took to the streets demanding the end of Morsi's regime, with the *Tamarod* urging the army, the police, and the judiciary to side with the will of the people (Bassiouni 2016, 66). A collection and comparison of surveys before and after the coup by Brezinski, Rae, and Solomon (2014), of the American Association of Public Opinion Research, shows the extent to which people favor the political role of the military. In general, 64% of the surveyed do not consider Morsi's ouster at the hands of the army a military coup, while only 34% do (Brezinski, Rae, and Solomon 2014, 6). This arguably increases the legitimacy of al-Sisi in overthrowing the contested government. Only 37% thought "conditions" in Egypt were headed towards the right direction before the coup, while 67% think so after the coup. More than 70% support the removal of President Morsi from power by the armed forces, while 26% oppose it. Perceptions of security (which is particularly dear to the Egyptian people) also changed. Indeed, 46% thought the security situation was "good" before the coup, while 65% think so after the coup. More than 70% favor al-Sisi as a political leader, but 63% also did so *before* his rise to power, showing that the data may reflect what people truly believe (Brezinski, Rae, and Solomon 2014, 7-15).

Reliance on the military shows that society overall still accepts the interference of the armed forces with politics, somehow implicitly rejecting the liberal principle of separation of powers. However, several prominent liberal figures also supported the coup. Many of these figures had paid their dues in the post-revolutionary period, after having faced persecutions in the Mubarak era to promote liberal democracy (Fahmy and Faruqi 2017). Among them were, to name but a few, journalist Ibrahim Eissa, activist Eddin Ibrahim, novelist Alaa al-Aswany, and founder of the March 9th Movement for University Independence Dr. Mohammad Abol Ghar. Before Morsi, some of these figures did not sympathize with the Brotherhood, but did not reject them as illegitimate political groups, while others even defended them openly (Fahmy and Faruqi 2017). Shortly before the coup, Eissa's work degenerated to anti-Muslim Brotherhood, pro-military propaganda, firmly backing Morsi's overthrow (Fahmy and Faruqi 2017). Al-Aswany, for his part, portrayed al-Sisi as a "national hero", calling the Brotherhood an example of fascism. Eddin Ibrahim also supported both the overthrow of Morsi and al-Sisi's presidential ambitions, declaring that his perspective had simply "evolved" (Fahmy and Faruqi 2017). Finally, Abol Ghar compared Morsi to U.S. President Nixon, saying that the Americans would not have waited four years for Nixon to finish his term (except Nixon's impeachment and resignation followed liberal democratic procedures) (Fahmy and Faruqi 2017). Certainly, the support of al-Sisi by wide sections of society and by several self-declared liberal activists contradict the same goals and reasons why the Egyptian Spring began.

Trust in the Judiciary

Even the rule of law, praised by Zakaria as the "keystone" of constitutional liberalism, may turn out to harm the people, where the law itself is illiberal. The strong liberal roots of Egypt's judiciary were destroyed by Mubarak's cooptation strategy, which offered benefits to loyalists and penalized reformists (Aziz 2017, chap. 4). Through the Judiciary Authority Law, Mubarak reduced the autonomy of the judiciary and manipulated benefits and bonuses to influence judges. When reformist judges criticized the law and the government's illiberal policies, the executive retaliated, cutting funds to the Judges Club and threatening any judges who spoke to the press about election fraud (Aziz 2017, chap. 4). The Supreme Constitutional Court (SCC) struck down any laws that restricted citizens' rights until Mubarak appointed a loyal judge as chair, who then increased the number of judges from nine to fifteen. Within a short period, the SCC's liberal majority was eliminated, and Mubarak took control of the highest court (Aziz 2017, chap. 4). Therefore, a substantive de-liberalization of the judiciary occurred in the Mubarak era, resulting in the legalization of authoritarianism (Aziz 2017, chap. 4).

It is in this context that one has to examine Egypt's post-2011 judiciary. Only in this context can one understand the courts' cooperation with the Supreme Council of the Armed Forces (SCAF) after the revolution to protect the interests of both from the revolutionary reforms. As mentioned in the discussion and definition of liberalism at the outset, when the law provides the legal measures for a government to violate individual rights, the system is marked by "thin" rule of law (Aziz 2017, chap. 4). In addition to the courts' indifference to the SCAF maneuver to grant itself extraordinary powers, there were five evident examples of thin rule of law after the January

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protests. The first is the prosecution of Mubarak and former Mubarak officials, resulted only in acquittals and nominal sentences. The second involves the SCC's dissolution of Egypt's first elected parliament without election fraud. The third is the prosecution of Morsi regime officials with minimal due process. The fourth is the purge of reformist judges, including those who declared the military-led ouster of Morsi illegal (which, of course, does not justify Morsi's illiberal government). Finally, the fifth involves the prosecution of youth activists for violating an anti-protest law passed to legalize detaining and silencing activists (Aziz 2017, chap. 4). As mentioned in the previous section, another signal of the courts' cooperation with the military was the appointment of an SCC justice, Adly Mansour, as the interim president before al-Sisi eventually took over.

The judiciary's illiberal character is especially important given Egyptians' historical trust in this institution. As mentioned above, nearly all Egyptians (95%) trust the judiciary, making it the second most trusted public institution in the country (Soltan, Qamha, and 'Asilah 2011, 19-21). Almost 60% of these trust the judiciary "to a great extent", and 31% do "to a moderate extent" (Soltan, Qamha, and 'Asilah 2011, 19). In contrast, only 5% do not trust the judiciary at all (Soltan, Qamha, and 'Asilah 2011, 19). As shown, however, this strong reliance on the judiciary seems to be misplaced. In particular, the judiciary's politicization and its cooperation with an equally illiberal institution (the military) from the beginning are evident hints of a non-independent legal system—an antagonist of constitutional liberalism, and of "thick" rule of law.

REFLECTIONS AND POSSIBILITY FOR FURTHER RESEARCH

The first observation is that people's preferences—as expressed in the 2011-2012 parliamentary and presidential elections—did not follow the liberal ideas of the revolution, which contributed to the illiberal democratic phase. First, social norms and values did not seem to coincide with the liberal parties' promotion of gender equality, which was the only theme in their propaganda that formally differed from that of the Muslim Brotherhood. The findings show that, despite important changes and an increasingly active civil role of women in Egypt, gender inequality is still somehow embedded in social practices, values, and norms. This both "contrasts" with the liberal principle of equal rights and helps to explain the failure of liberal ideas to translate the revolution into a political victory in the 2011-2012 elections, by attracting few votes. Second, individuality seems to be heavily constrained by social norms on "morality" and "conduct". Duty, which includes piety, rigor, and control, seems to be the prevailing norm. As explained, opposing fun means opposing spontaneity, individuality, and individual freedom (a keystone of liberalism). This affects especially the globalized liberal youths that played a key role in the January 25 protests. It is crucial that these youths become freer to undertake change and express their "youthfulness". It is also crucial for young Egyptians to gain trust from the rest of society, especially the elders and the conservative youth, to translate their strengths into political power.

A second observation on the findings is that people's normative ideas in the realm of politics also help to explain the authoritarian setback. Although Morsi betrayed the revolution, people's support for the coup was in itself illiberal. This means that the assumption that the clash between the Brotherhood and the military was a clash between democracy and liberalism is misleading. The mere interference of the armed forces in politics represents a violation of the liberal principle of separation of powers, making the coup an expression of *il*liberal politics. Here, people's belief that the overthrow at the hands of the military was politically "just" gave legitimacy to the illiberal (and undemocratic) coup. People's discontent with Morsi justified his removal by unconstitutional means. The power of ideas, therefore, trumped democratic procedures. The same applies to people's trust in the corrupt, illiberal, and politicized judiciary, which did not give the government sufficient autonomy at the beginning, and served the interests of the SCAF and the military.

Finally, exporting liberal democracy (as Zakaria suggests) or promoting it from within a state will require an increased "social acceptance" of its principles. The institutional mechanisms and procedures of liberal democracy are only the skeleton of a political system that has to be sustained by the shared values and norms of society. Whether it starts from the political elite or a revolutionary movement, successful liberal democratization requires the elites, the revolutionaries, the judges and army generals to accept the basic principles and institutional rules that ensure its function and survival. As shown, globalization and technology seem to have played a crucial role in "liberalizing" and mobilizing the youths in 2011. An interesting question for further research would be how and to what extent globalization contributed to the Arab Spring in the Middle East, and what role it can play in promoting ideas of democracy and liberty in countries where these are not yet recognized political principles. Moreover, a case study of Tunisian, a more successful uprising, would strengthen the constructivist argument.

CONCLUSION

In conclusion, the paper has attempted to show that social norms and ideas about governance explain why Egypt's "liberal" revolution failed to bring real political change. The historical background highlighted the two major events that hampered liberal democratization. As shown, this was the defeat of the liberal parties (and the election of the Muslim Brotherhood) as well as Morsi's overthrow by General al-Sisi. By using surveys and secondary data, the paper showed how social norms and normative ideas contributed to these two outcomes. First, society's conservative view of the role of women was not in

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line with the liberal parties' views on the same issue. Surveys highlight that strong social values and traditions hamper women's emancipation. This means that, overall, society is still reluctant to accept the idea of "equal rights", which is a fundamental tenet of political liberalism. It also means that the liberal revolutionaries are still a political minority. Secondly, the liberal, globalized youths face strong social constraints, which prevent them from undertaking serious (political) change, as shown by the defeat of the liberal ideals in the 2011-2012 elections. Ideologically, society's anti-fun sentiments also seem to contrast with the liberal principle of "individual freedom".

Thirdly, people's ideas about the ideal role of the military in politics help to explain the coup. In the face of a perceived security threat, posed by Morsi's "Islamist" government, people still favor the possibility of a "coup" (though most do not use this word to describe Morsi's overthrow). Indeed, surveys show that people supported this view both before and after the coup. This, as explained, contributed to legitimizing al-Sisi's rise to power, and showed that these ideas contrast with the liberal principle of "separation of powers". Similarly, people's trust in the illiberal judiciary goes against the principle of "thick rule of law". People's reliance on the judiciary remains solid, despite its interference with politics. As shown, the courts served the interests of the SCAF and the military from the beginning, while repressing the activists that had started the revolution. Finally, the last section of the paper reflected on the findings and discussed the possibility of researching into the mechanisms by which (and the extent to which) globalization contributed to the Arab Spring, as well as the role ideas played in the more successful Tunisian Spring. ■

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NOTES

1. Asef Bayat makes a vital contribution to the subject, on which both primary and secondary data are rather sparse.

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Grievance Theory and the Causation of the Arab Spring: A Comparative Case Study of Tunisia, Egypt, and Saudi Arabia

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Political participation, ranging from peaceful protest to terrorism, has risen greatly in the Middle East over the past several decades, most notably over the last generation. The rise of democratization movements and radical terrorist movements are very different in many ways, but both seem to signify a belief that change is possible and a willingness to embrace radical change. This belief is significantly different from the beliefs of the previous generation. This research explores political violence in the Middle East during the 21st century, especially the Arab uprisings that began in 2011, through the lens of the grievance theory of civil war causation. Therefore, this analyses considers the possible impact of the following factors: economics, religiosity, foreign actors, and modernization and globalization. The relationship between these variables is examined with a comparative analysis of the economic, social, and political conditions in Egypt and Tunisia, two states which did have sustained uprisings, and Saudi Arabia, which did not. These comparative case studies may provide evidence for the complex role of historical and ongoing injustices in people's collective decision to rebel against the state.

Political violence causation has been a major subject of debate among academics for more than fifty years. The vast diversity of conflicts in both nature and severity means that arriving at a theory which can be applied universally is a unique challenge. Political violence is a broad concept which has been defined in a variety of ways. Thus it is imperative to define the concept at the outset. Ted Robert Gurr's (1970) definition will be used, as it most accurately encompasses the range of political conflict under study here, and does not impose judgment on the validity of the conflict. Gurr states that political violence is "collective action within a political community against the political regime, its actors, or its policies" (1970, 3).

Two of the most prominent conflicting theories of civil conflict causation are the greed and grievance theories of motivation for rebellion. Collier and Hoeffler (2004) state that the grievance model asserts that when injustices are perceived as severe enough, the populace will reach a breaking point for violent protest, while the greed model states that rebellion will occur when potential rebels perceive an opportunity for profit in violent conflict. Their quantitative study of the two theories found robust evidence for the greed model and little for the grievance model. However, the latter may be attributed to the difficulties in quantifying variables for the latter (Collier and Hoeffler 2004). It is important to note that while Collier and Hoeffler (2004) did include variables for democracy and income inequality, they failed to account for the people's perception of the justness of their government and overall quality of life. While this omission may be due to the difficulty in quantifying those variables, these are important gaps in the study nonetheless.

Buhaug, Cederman, and Gleditsch (2014) argue similarly in their article on grievances and civil conflict that many quantitative studies by scholars have been too hasty to dismiss grievances as a primary cause of civil conflict, and present evidence showing that the proxy variables including the ethnolinguistic fractionalization (ELF) index and the Gini coefficient, frequently used by scholars, are poor choices for measuring grievances. Within the grievance model, numerous fields of study have emerged. This article examines the economic power of individuals and the state, globalization, religiosity, and the interference of foreign actors as potential causes, all of which have been studied on a theoretical basis.

In the 1990s, globalization was often thought to be a powerful force for peace (Schneider 2014). As it has evolved, however, the picture which has emerged is far more complicated. Evidence now seems to suggest that while mature, fully globalized economies have a lower tendency towards severe civil conflict, rapid liberalization of developing economies may make them more at risk (Schneider 2014). However, these categories also correlate with some economic and social factors which may influence the risk of political violence, making it difficult to paint an accurate picture of globalization's effect.

Foreign actors may choose to intervene in civil conflict for several reasons, from national security and economic

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interests of that nation to humanitarian concerns. However, external intervention often has unforeseen consequences. Elbadawi and Sambanis (2000) found that foreign intervention increases the duration of a civil conflict. This may have interesting implications for countries in the Middle East, which have had a series of stop-and-start conflicts over the years – nearly all of which featured intervention by outside actors.

Religion plays an important role in the lives of many people around the world, and it thus is likely of commensurate importance in the causation of political violence. What, exactly, makes a conflict religious has been a matter of debate, with some scholars labeling a conflict as religious only if religion is a central factor in the conflict, while others count any peripheral religious concerns (Fox 2014). It can be difficult to classify some conflicts in the Middle East, as many of the Arab Uprising protests cited democracy as a central cause, but were greatly influenced by Islam because of the central role religion plays in citizens' everyday lives.

The role of economics in a civil war is complex. Much scholarship in the grievance perspective has focused on economic inequality as a cause of civil war, and linkages between the two have often been found (Buhaug, Cederman and Gledsitch 2014). However, the quality of life over time and perceived inequalities between nations present interesting variables which have been explored relatively infrequently.

This article explores the political violence in the Middle East during the 21st century, especially the Arab uprisings that began in 2011, through the lens of the grievance theory of civil war causation. The data examined include government censuses and quantitative and qualitative studies by Middle East scholars, including surveys conducted by The World Bank, interviews with active dissidents, and studies on the influence of these variables around the world. These comparative case studies provide evidence for the complex role of historical and ongoing injustices in a people's collective decision to rebel against the state.

EGYPT, TUNISIA, AND SAUDI ARABIA: 1950-2011

In 2011, when the uprisings in Tunisia began to spread across the Arab world, people waited to see which nation would be next as regimes, which had been thought stable, collapsed. A telling pattern quickly emerged: all of those affected by the revolutions were Arab Republics; no monarchy experienced significant protests. While some uprisings did occur, including in Saudi Arabia, these were put down quickly with the limited use of military force. The reasons for this are many and varied and will be explored in the following section. First, however, it is necessary to understand the post-colonial history of the countries in question and analyze the differences between Egypt and Tunisia, marked by Arab socialism, and Saudi Arabia, which took a very different path as an oil-rich monarchy. All three of these nations have employed similar methods of suppressing political resistance in the past, primarily through buying off the people. However, the Arab Republics seem to have been increasingly either unable or unwilling to do so over recent decades, while Saudi Arabia continues to rely heavily on the tactic. The comparison between the three cases shows how the results of a breach in what the people perceive as the social contract, in these cases through lack of government social spending, can result in violent uprisings.

Egypt

For Egypt and much of the Middle East, the end of World War II also marked the end of British and French colonialism and the beginning of a new phase of closer relationships with the United States and the Soviet Union. The post-colonialist confusion which permeated Egypt's political scene at the end of the 1940s and the beginning of the 1950s gave rise to one of the most influential leaders in the modern history of Egypt and the Arab world: President Gamal Abd al-Nasser. Nasser's eighteen-year presidency introduced changes which would have lasting impacts on Egyptian society.

One of the most important of Nasser's changes was the sweeping land reform implemented at the beginning of his regime. Before the 1950s, land ownership in Egypt was incredibly concentrated in the hands of an elite few and worked by many poor laborers in a semi-feudal system (Al-Sayyid Marsot 1985). Nasser implemented reforms which significantly limited the amount of land a single person or family could own, and redistributed the remainder (Vatikiotis 1991). Land reform, along with the controversial dam of the Nile, were Nasser's only successful economic policies over his long career (Tignor 2010).

Nasser's regime is also well known for its development of Egyptian nationalism and Arab nationalism, along with his support of the Pan-Arab movement. While Pan-Arabism never seemed to truly catch on, the nationalistic fervor it encouraged, combined with the intense dislike and distrust of the West sparked by a history of colonialism, have had impacts lasting to this day (Tignor 2010). Further, Nasser set a precedent for the future in his treatment of political opposition. While he worked with other political parties in the first few years of his regime, he quickly rejected them and jailed his opponents, and began the Egyptian government's longstanding feud with the Muslim Brotherhood (Tignor 2010). His early strength in foreign policy eventually seemed to falter, and his failure to subdue Israel in the Six Days War was considered a stain on his legacy by many Egyptians up to and after his 1970 death (Al-Sayyid Marsot 1985).

Nasser was succeeded by his Vice President, Anwar al-Sadat. Sadat moved Egypt farther away from Nasser's socialist ideals, although Nasser himself had never stuck too closely to them. Sadat's opening of Egyptian markets and the breaking of ties with the U.S.S.R. were his first steps towards a closer relationship with the West (Vatikiotis 1991). After another conflict with Israel in 1973, he solidified this alliance with the

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West by becoming the first Arab country to reach an accord with Israel (Vatikiotis 1991). Peace with Israel was a major departure from the position of the powerful Arab oil kingdoms, primarily Saudi Arabia, who supported peace only in exchange for land. While Egypt moved closer to the West, it alienated the rest of the Arab world, and contributed to Sadat's 1980 assassination by the Muslim Brotherhood (Tignor 2010).

Hosni Mubarak, Sadat's Vice President, began his presidency in 1981, immediately after Sadat's death. He continued many of Sadat's policies, including strengthening the relationship between the US and Egypt, leading to Egypt's benefitting immensely from American military and other foreign aid (Tignor 2010; Vatikiotis 1991). However, he also regained Egypt's position in the Arab League which was lost after Sadat's rapprochement with Israel, though this could be attributed as much to other Arab nations ceasing hostilities with Israel as Mubarak's diplomacy (Vatikiotis 1991). The relationships with the oil kingdoms remained strained, as they continued to refuse to accept the state of Israel (Tignor 2010).

Mubarak also continued Sadat's loosening of the state's grip on opposition parties, although he cracked down on the Muslim Brotherhood in a series of jailings and executions of major members. Despite this, the Muslim Brotherhood's popularity continued, and in 2005, 84 of 444 parliamentary seats were won by members of the Muslim Brotherhood running as independents (Tignor 2010). He also allowed more freedom of the press but flooded the media market with official government news sources to drown out independent journalists, and freedom of expression and assembly remained limited (Tignor 2010).

Egypt's economic performance under Mubarak's thirty-year reign could best be described as mediocre. While he fully liberalized the markets and the economy did experience growth, poverty remained over 20%, and unemployment was widespread (Tignor 2010). This economic growth did have one major effect: the emergence of a new educated Egyptian middle class. It was this middle class which would lead the protests in 2011 (Tignor 2010).

Tunisia

Modern Tunisia was established in 1956 after ending French occupation. Their decolonization was fairly peaceful, as the French were disillusioned after the bloody Algerian war for independence (Abadi 2013). Habib ibn Ali Bourguiba was elected the first president and remained in power for thirty years. Bourguiba was an incredibly charismatic leader and used this to lend legitimacy to his regime and the many sweeping reforms he implemented (Naylor 2009). Only a year into his presidency, he officially stripped the royal family of all power, establishing Tunisia as a republic (Abadi 2013).

Bourguiba's primary objectives through his thirty-year rule were the improvement of the economy and secularization of the state. The former he attempted to accomplish through a decade-long experiment with a communist system, which failed utterly and caused a great amount of resentment among the lower class (Naylor 2009). The latter was much more successful, although not much more popular. Though his attempts to encourage people to work full-time through Ramadan were rejected, he did remove religion from the government and daily life in many ways (most significantly in eliminating Islamic personal status laws, which strongly affected the status of women), and the middle and upper classes became significantly less religious over time (Naylor 2009).

Bourguiba regarded his nation's relationships with Western allies to be of great importance, and to this end, he encouraged diplomatic relations with the United States and Great Britain for many years. He envisioned a close relationship with France, Tunisia's former colonizer; this can be seen even today in Tunisia's mix of Arab and French cultures (Naylor 2009). Bourguiba approached the military in a unique way, which has had significant effects on modern Tunisia. Because of his concerns about a challenge to his regime from within the army, Bourguiba significantly limited the size and funding of the military, instead establishing a powerful and far-reaching personal security force known as the National Guard (Abadi 2013).

As the ruling party and the country's fervor for socialist change began to decline, following its failure to produce the sought-after results, so too did Bourguiba's regime. By 1986, Bourguiba's health was failing, and he was widely perceived to be slipping into senility (Naylor 2009). It was at this time Zine al-Abidine Ben Ali seized power. Ben Ali's presidency began at a time when the country was on the brink of slipping into a civil war between Islamists and the secularists who supported Bourguiba's reforms, as Bourguiba's secularist policies had deepened the divide between the two groups (Danahar 2013).

Incredibly sensitive to the importance of international perceptions, Ben Ali went through all the motions of moving Tunisia towards a more democratic and politically free society, while actually building up the already hefty internal security forces and quietly jailing his opponents, especially the moderate Muslim party, Ennahda (meaning Renaissance) (Naylor 2009). He created another guard, on top of the 150,000 strong internal security forces: a 5,000 man presidential guard (Danahar 2013). Ben Ali had the utmost confidence in his position as dictator-president, and thus stopped even pretending to serve the will of the people. He employed the internal security as a secret police, stopping any dissidence in its tracks, and brutally tortured or killed prisoners.

This confidence manifested itself in the form of blatant corruption which benefited only Ben Ali, his wife, and the members of their extended family. Even members of the ruling party gained very little monetarily (Danahar 2013). By the end of the first decade of the 21st century, unemployment and corruption were rampant in every level of society, and even Ben Ali's party was unwilling to support the regime (Danahar 2013).

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Saudi Arabia

In the 1950s, the Saudi state was likely the most unstable it has been in recent memory, struggling with issues of succession after the death of the first al Saud monarch (House 2012). The kingdom's second modern ruler, King Sa'ud, proved extremely incompetent and squandered much of the new oil wealth the kingdom was beginning to receive on his and his family's lavish lifestyle (House 2012). Meanwhile, the Arab world was in turmoil, and socialism and pan-Arabism were knocking, unwelcome, at Saudi Arabia's door. A large measure of stability would return to Saudi Arabia with the rule of Sa'ud's brother, Faisal, from 1964. Under King Faisal, Saudi Arabia's GDP would skyrocket, from 10.4 billion riyals in 1965 to 164.53 billion riyals in 1975 (Al-Rasheed 2002).

From the beginning, Faisal placed a great deal of emphasis on the development of national infrastructure. Over the first ten years of his reign, Faisal used ever-expanding oil revenues to finance the construction of roads and airports, electric plants, communications infrastructure, and education, especially the education of girls and universal elementary school. Additionally, many vocational schools and several universities were built (House 2012). He also modernized the bureaucracy, creating new governmental departments under advice solicited from Western Political Scientists (Al-Rasheed 2002). Faisal also consolidated executive power as much as possible, naming himself as both King and Prime Minister, and exerting supreme control over the state (Al-Rasheed 2002).

Faisal was succeeded upon his death in 1975 by his half-brother Khalid, who immediately faced numerous security issues, particularly regarding the state of Israel. Israel was and is considered to be an illegitimate state by much of the Arab world and had engaged in several military conflicts with Arab states by the 1980s (Al-Rasheed 2002). These conflicts put Saudi Arabia in conflict with the US, which supported Israel and was an ally and trade partner which Saudi Arabia desperately needed (Gause 2012). While a partnership with the United States was reached fairly quickly, Khalid also faced a major Islamist uprising which was quickly put down, but not without significant effort (Al-Rasheed 2002).

Khalid's reign was short-lived due to his ill health, and he was succeeded in 1982 by his brother Fahd (House 2012). The 1980s were a time of particular turmoil for Saudi Arabia, and rapidly falling oil prices cut state revenue nearly in half from 1980 to 1986, when it reached its lowest point (Al-Rasheed 2002). Although this economic downturn led to severe budget deficits and abandoned infrastructure projects, the government refused to tax the population or cut spending on public services, for fear of a rebellion among the populace (Al-Rasheed 2002).

Under Fahd's rule, Saudi Arabia saw a slight lessening of the supreme power of the monarch, as protests following the Gulf War forced the king to establish a consultative council in 1992, although the council had no true decision making power. Local government reform was also introduced, giving more independent governing power to regions and attempting to lessen corruption, although the king still has final authority (Al-Rasheed 2002). At the same time, the government began to crack down even more on dissidents, or indeed anyone who voiced objection to the royal family; it is impossible to tell whether this was in response to the increased power of the opposition groups or vice versa (House 2012).

King Fahd was succeeded upon his death in 2005 by his brother Abdullah, who reigned until 2015. His reign was most marked by continued heavy crackdowns on political opponents, especially Islamist terrorists, through imprisonment and public beheadings, although he also introduced some bureaucratic reforms (Knickmeyer 2015).

THE ARAB UPRISINGS IN TUNISIA, EGYPT, AND SAUDI ARABIA

The Arab Uprisings began in the last month of 2010. The countries affected had been considered relatively stable, but in a few short months, these protests would lead to the fall of decades-long regimes in multiple nations (Danahar 2013).

The uprisings are typically traced to a single event in Tunisia, which was the first country to rebel. On December 17, 2010, a street vendor from southern Tunisia named Mohammed Bouazizi set himself on fire in protest of the corruption and authoritarianism which prevented him from making an honest living (Perkins 2014). This event resonated with the people of Tunisia and sparked a wave of protests which, by January 12, 2011, had spread to the capital city of Tunis (Perkins 2014). Over the next several days, the government the police and military tried unsuccessfully to suppress protesters while President Ben Ali and his family fled the country on January 14th. By February 27th, his interim government had resigned as well, and Tunisia seemed to be on its way to elections (Perkins 2014).

Bouazizi's actions resonated further than Tunisia; *al Jazeera's* coverage of his self-immolation and the subsequent wave of protests ensured they were heard throughout the region. On January 25, less than two weeks after Ben Ali's unceremonious departure from his country and power, protests erupted in Egypt (Lynch 2016). While Egypt had seen protests many times over the previous decade, those which exploded that night in Tahrir Square were unprecedented in scale and resilience (Lynch 2016). The protests lasted eighteen days before Mubarak's removal from office, and while police and military response was harsh, it was tempered by pressures from the West, especially the United States (Lynch 2016).

The uprisings did not touch Saudi Arabia the way they did many other nations in the region, but the pressure was certainly felt. Protests had been occurring for years in the parts of Saudi Arabia more isolated from the capital in Riyadh, and the Saudi government was keen to stop any chance of those protests spreading (Lynch 2016). The Saudi primary response, one which was not available to Tunisia

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and Egypt, was to pacify their citizens through a massive uptick in government spending on all levels, increasing salaries, education, and infrastructure spending, and more (Lynch 2016). The state's massive oil wealth allowed them to essentially buy the populace out of rebellion.

METHOD

To examine explanations of political participation in Egypt, Tunisia, and Saudi Arabia, this research compares the economic, social, and political conditions in these three states. Specifically, this article examines the following factors: economics, religiosity, foreign actors in the Middle East, and modernization and globalization. Political participation is defined here as a society-wide increase political activity, specifically the existence of sustained and large-scale protests, both physical and online. The economic variables examined are income inequality, unemployment, and education. Religiosity refers to engagement in religious activities and level of religious belief. The foreign actor variable refers to intervention, military or otherwise, of primarily western governments in the political and government affairs of said countries, and the modernization and globalization variable refers to the increased interconnectedness of the world and the average person's greater knowledge of the world outside their country. These data will include a mix of qualitative data from case studies of the three countries and quantitative data, such as The World Bank and the Central Intelligence Agency (Central Intelligence Agency 2016; The World Bank 2016).

The reasons behind this wave of political protest are undoubtedly complex, and as instability in the region rises, understanding of the people is the most important and difficult thing to attain. In using data from three nations with highly varied responses and evolutions of similar events, this article compares the variables mentioned in order to gain a more thorough understanding of their causes. However, limitations in the available data from unstable or autocratic countries will likely prove a challenge, and the qualitative nature of the study may cause difficulties in applying any conclusions to other nations.

ANALYSIS

GDP and Economic Inequality

It has long been agreed upon by many political scientists that economic and income inequalities between groups lead to an increased likelihood of civil conflict in a nation (Buhaug, Cederman and Gleditsch 2014). This widely accepted conclusion makes the data in Table 1 an interesting break in the pattern. Income inequality is frequently measured using the Gini index, which calculates a nation's income inequality on a scale of zero to one hundred, where zero represents perfect equality, and one hundred represents perfect inequality. As shown in Table 1, Saudi Arabia's Gini index of 45.9 is significantly higher than Tunisia's 40.0 and Egypt's 30.8 (Central Intelligence Agency 2016). The higher inequality is associated with the case with no conflict is counterintuitive to what is known about income inequality and civil conflict.

However, Saudi Arabia's higher inequality does not necessarily mean that horizontal inequalities played no role in the Arab uprisings. Table 1 shows three measures of per capita income in each nation; the level of difference between Egypt and Tunisia and Saudi Arabia is striking. Most telling is the third measure, of purchasing power parity. This measure is best for seeing the actual buying power a citizen of each nation would have for non-imported goods, especially essentials such as housing, food, and clothing. At a little over $10,000 (constant 2011 international $), Egypt and Tunisia have almost identical levels of GDP per capita (PPP), and Saudi Arabia has more than four times that, at $44,246 (constant 2011 international $). The difference in these income measures indicates a marked difference in the standards of living in the aforementioned countries.

These data point to several potential contributing factors to why Egypt and Tunisia rebelled, while Saudi Arabia did not. One of these is simple cost-benefit analysis; potential rebels in Saudi Arabia have significantly more to lose than their Tunisian and Egyptian counterparts, and this may discourage rebellion (Barbieri and Reuveny 2005).

A second potential factor is global inequality. While Egypt and Tunisia's income distribution within the country is more equal than Saudi Arabia's, the income being distributed is significantly less. The rise of globalization and the subsequent greater awareness of the world for the majority of the population may contribute to a sense of injustice. People can now see when their overall standard of living is drastically worse than in nearby nations, and this may contribute to a feeling that the government is incompetent and ineffective in its policies.

Table 1. Income and Inequality in Egypt, Tunisia, and Saudi Arabia

	EGYPT	TUNISIA	SAUDI ARABIA
Adjusted net national income per capita (constant 2010 US$)	$2,230 2010	$3,117 2010	$13,580 2010
GDP per capita in 2010 (constant 2010 US$)	$2,668 2010	$4,176 2010	$18,753 2010
GDP per capita, PPP (constant 2011 international $)	$10,102 2010	$10,578 2010	$44,246 2010
Gini index (0 to 100, 0 being perfect equality and 100 being perfect inequality)	30.8 2008	40.0 2005 estimate	45.9 2013 estimate

Note: Raw data obtained from World Bank (2016). World Development Indicators.

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Unemployment

A key economic grievance which has been linked to civil conflict is employment (Berman, Callen, Felter and Shapiro 2011). Table 2 shows typical expectations of high male unemployment leading to conflict are not fulfilled, with both Egypt and Saudi Arabia having low male unemployment rates, all three countries having similar male labor force participation rates and Saudi Arabia having a significantly higher rate of youth male unemployment than either of the others, though all three are high. This suggests that these variables did not play a large role in fomenting conflict.

Table 2. Unemployment in Egypt, Tunisia, and Saudi Arabia in 2009 and 2010

		TUNISIA	SAUDI ARABIA
Labor force participation rate, male (% of male population age 15-64) (modeled ILO estimate) in 2010	78% 2010	74% 2010	77% 2010
Unemployment, male (% of male labor force) (modeled ILO estimate)	4.8% 2010	12.1% 2010	3.5% 2010
Unemployment, youth male (% of male labor force ages 15-24) (modeled ILO estimate)	14.8% 2010	23.8% 2010	30.2% 2010
Wage and salaried workers, male (% of males employed)	62.2% 2010	68.5% 2010	93.1% 2009
Long-term unemployment, male (% of male unemployment)	83.8% 2009	Data Unavailable	15.6% 2009

Two other variables are shown in Table 2, however, suggest that employment may still be an important piece. For those males who were unemployed in each country, 83.8% in Egypt were considered to be unemployed for the long-term, while only 15.6% of unemployed Saudi men were unemployed for the long term. This suggests that unemployment for Saudi Arabian men is primarily frictional, based on small shifts in the labor market as people change jobs, and cyclical, based on changes in the business cycle (Wagner 2014). Additionally, in Saudi Arabia, 93.1% of males who were employed in 2009 worked for a wage or salary that was guaranteed and not dependent on the employer's revenue (i.e. commission), in comparison to 62.2% of employed Egyptian males and 68.5% of employed Tunisian males. Thus, Saudi Arabian workers could have greater financial stability and greater ability to plan for the future with any certainty.

All unemployment statistics are for males, as religious and cultural attitudes towards women in the workforce vary wildly between the three countries, which will distort understanding of these effects when comparing data between nations.

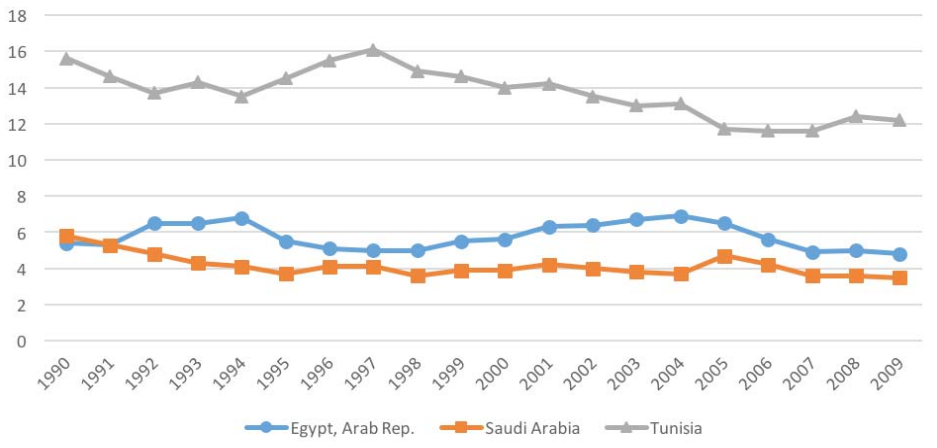
Education and Unemployment

A first glance, Figure 1 might suggest that changes in unemployment over time cannot have played a significant role in causation, as there are no recent major shifts, and there even seems to be a general trend toward lower unemployment, especially in Tunisia. However, this analysis fails to take into account all relevant pieces. When considering the unemployment rate as a determinant of political instability, the variable of education is often overlooked; however, it may be an important missing piece needed to understand the role of unemployment over time in Arab nations.

On its own, as the education variable seems to explain little, as all three countries experience similar increases in educational attainment (see Table 3) and all three maintained relatively the same level of unemployment. However, the experiences of people at different levels of educational attainment vary significantly.

As seen in Table 4, a significantly larger chunk of Saudi Arabia's male labor force has only a primary level education; those with only a primary education comprise 36.7% of Saudi Arabia's male labor force, compared to 11.3% of Egypt's. While this group does make up a roughly commensurate share of male unemployment, at 28.9%, a man with only a primary

Figure 1. Unemployment, male (% of male labor force) (modeled ILO estimate) from 1990 to 2009



Note: Raw data obtained from World Bank (2016). World Development Indicators.

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Table 3. Educational Attainment in Egypt, Saudi Arabia, and Tunisia

	EGYPT	TUNISIA	SAUDI ARABIA
Years of Schooling, 1980	2.65 (years)	3.25	4.38
Years of Schooling, 2010	7.80	7.32	8.48
Increase in Years of Schooling	+4.43	+4.07	+4.10

Note: Data obtained from Campante and Chor (2012, 169)

Table 4. Education of the Male Labor Force and Unemployed Men in Egypt and Saudi Arabia, 2009

	EGYPT	SAUDI ARABIA
Labor force with primary education, male (% of male labor force)	11.3	36.7
Unemployment with primary education, male (% of male unemployment)	3.9	28.9
Labor force with secondary education, male (% of male labor force)	36.7	30.2
Unemployment with secondary education, male (% of male unemployment)	54.5	52.4
Labor force with tertiary education, male (% of male labor force)	15.8	17.3
Unemployment with tertiary education, male (% of male unemployment)	37.5	16.6

Note: Raw data obtained from World Bank (2016). World Development Indicators.
Data not available for Tunisia.

school degree is relatively more likely to be unemployed in Saudi Arabia than in Egypt, where the group makes up only 3.9% of male unemployment. 36.6% of Egypt's male labor force has at least a secondary education, and 54.5% percent of their unemployed males do. In contrast, those with secondary education make up 30.2% of Saudi Arabia's male labor force and 52.4% of male unemployment. The difference between the countries is most dramatic among those with tertiary education, who make up 15.8% of the male labor force and 37.5% of male unemployment in Egypt, versus 17.3% of the Saudi male labor force and 16.6% of male unemployment.

While educational attainment has increased in both countries, Saudi Arabian men with a tertiary education are much less likely to be unemployed than their Egyptian counterparts; their share of male unemployment is roughly equal to their share of the labor force. In contrast, the same group in Egypt has a share of male unemployment more than two times the size of their share of the labor force. In both countries, men with secondary education have a share of the male unemployment roughly 1.5 times the size of their share of the labor force; in Saudi Arabia, men with primary education have a share of unemployment approximately 0.8 times the size of their share of the labor force, and in Egypt, this group's share of unemployment is only about 0.35 times the size of its share of the labor force.

As these data only measure a binary of employment or unemployment, it does not provide information on the types of jobs available to those of different educational levels. What it does make clear is that in Egypt, significantly more so than in Saudi Arabia, there is an inverse relationship between employment and higher education attainment.

While a significant correlation has been found between increasing levels of education and rising democratic sentiment in developing nations, this alone does not have significant explanatory power for the Arab uprisings, as all three of the countries studied here experienced similar increases in educational attainment (Campante and Chor 2012). Linking education to employment produces a new picture, which shows that while both Egypt and Saudi Arabia are producing more college graduates, those graduates are significantly more successful in finding employment in Saudi Arabia. This may also be linked to large, middle-class participation in Egypt's uprisings, despite the fact that historically, the middle class rarely takes a major part in revolutions (Danahar 2013).

Government Spending

The success of a nation's economy has a large impact on their ability to maintain an autocratic regime. For decades, Middle Eastern autocracies have essentially bought off the people through strategic and generous government spending on healthcare, infrastructure, education, and other programs which are considered high priorities by the people, in exchange for the populace accepting the corruption and lack of freedoms these regimes entailed. This creates an opportunity cost for the people, who may see rebellion as having too high a risk of losing what they have now. Many examples of the latter were previously discussed in the histories of the three nations. In the 1960s, Saudi Arabia's King Faisal used government

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spending both to gain the nation's goodwill after his older brother Sa'ud's short, but disastrously unpopular, reign, as well as to pacify those who objected to his extreme consolidation of executive power under the monarch (Al-Rasheed 2002). Faisal's successors have continued to use the practice to great effectiveness amid heavily authoritarian crackdowns against dissenters (Al-Rasheed 2002).

In Egypt, Nasser relied heavily on this method of controlling the populace, although some may argue that he had genuine ideological motivations as well. Considered one of the founders of Arab Socialism, Nasser implemented a wealth redistribution policy which bought him goodwill for a short time (Khashan 2012). Tunisia's Bourguiba also attempted a similar reform, suggesting that redistribution may have been part of the social contract in both countries (Abadi 2013).

Over time, the social subsidies provided by these nations to their people began to dwindle (Danahar 2013; Khashan 2012). At this point, the flaw in essentially buying of the populace began to become very clear: it only worked as long as the government was both willing and financially able to continue pouring extra money into social and infrastructure programs during times of political unrest. Here is where Saudi Arabia has succeeded, while Egypt and Tunisia have failed. As one of the largest oil producers and suppliers in the world, Saudi Arabia was able to sharply increase public spending in 2011, as it saw many neighboring nations falling into chaos (Ross 2011). This meant that the general public had little will to support the few small rebellions which did spring up in Saudi Arabia, and they were easily put down (Yom and Gause 2012). Saudi Arabia was also able to subsidize other Gulf Cooperation Council monarchies with fewer resources to allow them to do the same (Yom and Gause 2012).

Egypt, however, had only 41.5% of Saudi Arabia's GDP in 2010, and 292% of its population (World Bank 2016). Because Egypt lacks oil resources and had only mediocre economic performance under Mubarak, the government was unable to pacify its citizens with greater spending (Tignor 2010). Tunisia was, in many ways, even worse off. Although Saudi Arabia had 2.66 times its population in 2010, it had 12 times Tunisia's GDP that year (World Bank 2016). Additionally, Ben Ali had long been neglecting the public spending needed to support his regime, instead appropriating massive amounts of public funds to his extended family (Danahar 2013).

Islamism and Democracy

A common tactic used by the authoritarian leaders of the Arab Republics to justify maintaining their power was to insist that their citizens were just not ready for democracy and that if given a choice they would elect ultimately undemocratic Islamist extremists (Danahar 2013). The threat of Islamism proved an efficient tool for dictators to keep the West and their middle classes complacent, in fear of losing the few positive things which had come about under these regimes, such as women's rights (Wittes 2004).

Such tactics lean heavily on the assumption, still popular in Western scholarship, that democracy and Islam are incompatible on some fundamental level. However, this assumption has been shown to be a vast oversimplification at best on numerous occasions, most obviously in the examples of Muslim-majority nations such as Turkey and Indonesia which have successfully democratized. Additionally, scholarship has found in a survey of Egypt and Jordan that residents of both nations often supported both Islamist policies and democracy (Jamal 2006).

It is important to note that religiosity among the middle class has increased over the last generation in Egypt and Tunisia (Haugbolle and Cavatorta 2014). This increase in religiosity could be a key factor in the largely middle-class uprisings, which went against a long-standing assumption that middle-class people do not revolt, as they have too much invested in the system (Danahar 2013). However, this assumption relies on the middle-class to believe the regime that they would be worse off without it, and the populace seems to have stopped believing that free and fair elections would lead to an Islamist state. When this belief is combined with rising support for organizations long repressed by a secular government such as the moderate Islamist party *Ennahada* in Tunisia and the Muslim Brotherhood in Egypt, it seems that the people may have been less concerned with maintaining a secular state at the cost of other freedoms (Knudsen 2014).

Foreign Intervention

Because of the importance of trade and military support, especially for small developing nations, the life span of an autocratic regime becomes more limited without outside support. This is where western actors, most importantly the United States, play a key role. Throughout the Cold War, the United States invested significant resources in propping up autocratic capitalist regimes throughout the world in an attempt to stem the spread of communism, and this is especially true in the Middle East, where the USSR and the U.S. fought a number of proxy wars (Khalidi 2012). As noted previously, successive leaders in Egypt and Tunisia attempted to cultivate a good relationship with the U.S., partly as insurance against an uprising from their people (Abadi 2013; Tignor 2010).

After the end of the Cold War, the United States' priorities in the Middle East shifted significantly. While the US was already heavily invested in Saudi Arabia and other Gulf states due to the U.S.'s large oil consumption, their interests in the other Arab states began to change from preventing the spread of communism to growing concern over Islamist extremism (Abadi 2013).

The Middle East came to the forefront of U.S. foreign policy concerns in the wake of the September 11th attacks on the Twin Towers. However, U.S. sentiment had also shifted, and then-President George W. Bush framed his wars in Afghanistan and Iraq as bringing democracy to the Arab world,

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which his administration argued would help stop the spread of Islamist extremism (Haddad 2012). All of these changes in public opinion contributed to a cooling of relations between the U.S. and non-oil producing Arab states, and although they continued to provide military support and foreign aid, the U.S. also issued stronger condemnations of the countries' failures in human rights. The U.S. relationship with Saudi Arabia, on the other hand, has only become closer. This is mainly due to U.S. dependence on foreign oil, although the US also views Saudi Arabia as an ally against Islamist terrorism, despite Saudi Arabia's conservative brand of Islam and Saudi support for radical Islamism in the region (Gause 2012). Public opinion in the U.S. has shifted to support democratization. Though the United States made no apparent moves regarding the small amounts of Saudi protestors, and Egypt did receive limited military support for the United States, the U.S. and Tunisia's allies in Europe did little to attempt to sway international public opinions in favor of the regimes. This likely contributed to the surprisingly quick demise of these previously long-lasting regimes (Kitchen 2012).

DISCUSSION AND CONCLUSION

While the greed and grievance models of civil conflict causation are often presented as if they are total opposites, there are many elements of conflict which could be used as evidence to support either theory, particularly in regards to the economic situation of a country and its citizens. This thesis presented numerous economic factors which contributed to the Arab uprisings, however, the majority likely did not rebel because they saw the opportunity for profit, but rather because they saw the government as having a pattern of making decisions which disadvantaged their constituents both economically and socially. This is especially apparent in the manner the revolutions were conducted: not through lengthy civil war, which provides opportunities for rebel leaders to amass wealth, but through public protest designed not to destroy the system but to force it to live up to its promises of fair representation.

Economics

The first variables examined were GDP and economic inequality. While a higher Gini index was not found to correlate with rebellion in the three countries, there was a correlation between that and the level of GDP per capita, which was much lower in Egypt and Tunisia than in Saudi Arabia. One potential cause of this relationship is that increased globalization and greater ease of communication in the 21st century means that citizens of poorer nations are now more aware when they are significantly worse off than their neighbors. This may have contributed to the participation of the "middle class" of Egypt and Tunisia in the rebellions, despite the fact that the group does not normally rebel; while they are aware of their "middle class" situation in their country, they may feel frustration with their poor economic situation in comparison to the middle class of a country like Saudi Arabia, which is significantly better off.

The second economic variable under study was male unemployment. While levels of male unemployment were similarly high in all three countries, unemployment was much more likely to be long-term for men in Egypt than in Saudi Arabia, and men who were employed in Saudi Arabia were more likely to have a stable, guaranteed wage or salary than men in Egypt or Tunisia, implying greater levels of financial stability for Saudi men. Education played an unexpectedly important role in understanding data on unemployment in the nations. While both Egypt and Saudi Arabia's average educational attainment went up over the last 30 years, it seems that jobs for the well-educated only went up in Saudi Arabia. In Saudi Arabia, a man with a tertiary education was more likely to be employed than a man with a secondary education, but the opposite held true in Egypt.

It is important to note that these data only measures employment and unemployment, and does not account for underemployment through too few hours or jobs which do not make use of the employee's skill and education; filling this gap in the data would provide a more thorough understanding of this relationship. Additionally, these data was unavailable for Tunisia, which would have provided a better comparative picture. Research could also be done into the relationship between education and levels of political efficacy, and how this may differ between countries, and on whether the level of education has an impact on the manner in which a person rebels, such as through protest or terrorism.

Government spending also may play a role. Over the last fifty years, the autocratic nations of the Middle East have engaged in a pattern of high spending on social programs that benefit the populace in order to convince the public that they stand to potentially lose too much by rebelling. However, this system fell apart in Egypt and Tunisia due to a combination of corruption and economic underperformance; meanwhile, it has continued to flourish in Saudi Arabia and other Gulf States, thanks in large part to oil money. Further data about government social spending in all three countries would allow greater insight into the role of government spending in the uprisings.

Islamism and Democracy

Arab authoritarians have long supported their regimes with the idea that the people of the Middle East were not ready for democracy, convincing both outsiders and their middle class that democracy would lead to the election of Islamist regimes and the loss of the secular freedoms the current government had allowed. Possibly due to rising religiosity among the young middle class in combination with the other discussed factors, the middle class seemed to reject this idea in 2011, breaking the typical pattern which holds that the middle class does not riot. Very little data exists on religiosity by demographic groups in the three countries, and improved data on both this and

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the opinions of the people on the potential of democratically elected Islamist governments is needed.

Foreign Intervention

Western nations, especially the United States, have wielded a great amount of influence over the Middle East for most of the 20th and 21st centuries. Throughout the Cold War, the United States supported autocratic regimes in the Middle East in an attempt to stop the spread of communism. In the wake of the Cold War, however, the United States' interests shifted, and in 2011, the United States did little to influence international public opinion against the uprisings to their allies in Egypt and Tunisia. This shift in priorities did not have the same negative impact on Saudi Arabia, which has remained key to U.S. foreign policy thanks to its oil exports. The lack of outside diplomatic support likely played a role in the quick demise of the Egyptian and Tunisian regimes.

The Arab Uprisings of 2011 contradicted a long-held assumption that the middle class has too much invested in the system to rebel, and showed that they would do so under the right circumstances. This is significant not only because of the still evolving repercussions of these rebellions, but because of what it could potentially mean about the assumptions made in gauging the likelihood of political violence. Further research should be conducted into how the middle class may become violent political actors in other nations and what factors may drive this shift. ■

ABOUT THE AUTHOR

Elizabeth Bailey graduated cum laude from Mary Baldwin University in May 2017, with distinction in her major of Political Science and with minors in Economics and Religious Studies. In her senior year, she was co-President of the Alpha Lambda Delta chapter of Pi Sigma Alpha and Secretary of the Student Government Association. She plans to take a gap year to gain work experience before pursing a PhD in Political Science.

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