

beyond politics

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Table of Contents

Letter from the Editors Nicholas Carter & Lucie Kneip.....	4
<i>American Politics</i>	
A Proposed Liberal Trust Framework for Immigration Policy under the Biden Administration Patrick Aimone.....	6
The U.S. Nationalist Project: Loyalty and Sovereignty in the Borderlands Anna Rask.....	20
<i>International Relations</i>	
Democracy and (In)equality in America Kyle Dorshorst.....	35
Domestic Vs. Foreign Firms for Economic Development: China & South Korea Rose Benas.....	42
Iran, Ballistic Missiles, and State-Sponsored Terrorism in the Context of the JCPOA Elizabeth Messman.....	51
<i>Comparative Politics</i>	
The Paradox of Dissimulation for Syria’s Alawite Minority Renee Yaseen.....	60
Explanations for Regime Durability in Saudi Arabia Emma Tamer.....	79
Pinochet as a Fourth Critical Juncture Erin Hiestand.....	90
<i>Political Theory</i>	
Kant’s Categorical Imperative in International Relations: A System of Ethical State Behavior John Edward Mariano.....	98
America’s Founding Principles: Defective or Meritorious John Babbo.....	110

Preservation of Property as the Natural End of Civil Society: A Joyless Quest for Joy or a Human Quest for Self-Preservation?

John Babbo.....116

Letter from the Editors

When the world stopped during the COVID-19 pandemic, many efforts to combat and develop solutions to systemic issues characteristic of the twenty-first century were put on hold. Security and certainty became luxuries of the past. Many questioned if modern politics, burdened by demagoguery and shallow rhetoric, was capable of the perspective and discipline needed to develop effective policy and drive socioeconomic change. Globalization elicits unprecedented opportunities for connection, education, and investment, but also enables the exploitation of vulnerable populations and the disintegration of local knowledge and culture. Multiplicity of linkages is inofitself neither malicious nor beneficial, but the mixed effects of globalization have been cast under glaring light in the wake of the pandemic.

What we can learn from the pandemic is the power of integrated and conscious efforts to reach millions of lives and influence ideology and social norms. Indeed, these efforts can translate into tangible political developments. The pursuit of creative solutions and new ideas to inform such efforts is critical. This journal is evidence that these ideas and undertakings are being shaped by those who will come to shoulder the shortcomings and wage the systemic wars of the current generation. When Notre Dame was established in 1842, its founder, Fr. Edward Sorin, foretold, “This college will be one of the most powerful means for doing good in this country.” This promise has not been lost on the authors who contributed to this journal’s edition: they have boldly presented critical analysis, proposed integrated solutions, and explored critical political phenomena under volatile circumstances. We are proud to present to you the Spring 2021 edition of *Beyond Politics*, the Political Science journal of the University of Notre Dame. The production of this journal, its contents, editing, and design, are all the work of undergraduates at Notre Dame. We believe in the power of our community in producing valuable scholarship that responds to the greatest needs of our society.

The journal proceeds in four sections, which mirror the Department of Political Science’s field designations: American politics, international relations, comparative politics, and political theory. The breadth of contributions - which span these four fields and at times integrate them - stands testament to the preparedness of those who will in time contend with diverse and intersecting political phenomena as policy-makers, analysts, and more.

We would like to thank Dr. Carolina Arroyo, who has served as an indispensable advisor and contact point. We want to recognize the incredible work of our authors, who have applied their passion and drive for the pursuit of truth in politics to produce these pieces. Most of all, to our associate editors: you were the backbone of this project. We had a vision, but we could not have delivered without individuals who bought into that vision and were willing to take up every challenge we presented to you. We appreciate all the work you have contributed to this journal; you each have a unique talent and brought the nuanced perspectives, stylistic preferences, and passion for the content that we were looking for.

In Notre Dame,
Nicholas Carter '23 and Lucie Kneip '23
Editors-in-Chief

American Politics

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A Proposed Liberal Trust Framework for Immigration Policy under the Biden Administration

Patrick Aimone

Abstract: *This policy memo considers the role of trust frameworks in determining, explaining, and justifying policy decisions within the U.S. immigration system. It argues that the Trump administration adopted a clear and cohesive trust framework for immigration policy, beginning from the principle that immigrants are inherently untrustworthy; this trust framework informed policy choices on a variety of issues pertaining to immigration, and allowed the administration to craft a consistent message on immigration to raise its salience and energize passionate supporters. This memo argues that to serve conventional liberal policy preferences on immigration, the Biden administration should adopt and hew to a trust framework that promotes public trust in immigrants and a healthy public skepticism toward immigration enforcement authorities. Such a framework would insulate the Biden administration from charges of inconsistency or hypocrisy and increase the chances of building durable public support for a liberal approach to immigration policy. The memo suggests several policy options for the Biden administration consistent with the proposed trust framework that can be achieved by executive action.*

I. Trust in U.S. Immigration Policy

Trust plays a uniquely operative role in the sphere of U.S. immigration policy. To an extent, this is inescapable from a theoretical standpoint. Although every government service provision or policy decision depends on some evaluation of whether citizens can be “trusted” to act responsibly with regard to the benefit or program created, the lack of a broadly accepted strong normative duty towards non-citizens makes pragmatic determinations about trust, character, and “merit” dispositive rather than simply informative. For example, in the realm of judicial procedure, no one would argue that a certain class of citizens could not be trusted with the presumption of innocence in criminal proceedings; by contrast, immigration policy regularly involves consideration

of immigrants' actual credibility as a class to determine the proper standard of review for factual claims in asylum cases.¹ And although every policy's effectiveness depends in part on whether the government agents can be trusted (by policymaking principals as well as the general public) to carry it out, the natural irreversibility of decisions made by immigration enforcement officers, since a removed immigrant may not have access to the U.S. court system to challenge their removal, makes a heightened level of trust necessary to delegate such significant responsibilities.

Certain characteristics of the United States' political system also attach additional policy implications to government determinations of appropriate levels of trust, in both the subjects of the immigration system— immigrants, immigrant residents, asylum-seekers— and in the agents of the system— Immigration and Customs Enforcement (“ICE”), Customs and Border Protection (“CBP”), Customs and Immigration Services (“USCIS”), and the Executive Office of Immigration Review (“EOIR”). First, the U.S. does not recognize immigrants as holding very many rights claimable against the United States government. Although the Immigration and Nationality Act (“INA”) recognizes a legal right to seek asylum,² the Department of Justice has wide latitude to set the procedures by which asylum applications are evaluated,³ and the Supreme Court has recently held that expedited removal decisions for asylum-seekers are statutorily barred from judicial review, even in the case of a clear constitutional violation.⁴ Second, on a more practical level, the fact that asylum claims are generally adjudicated in an adversarial judicial proceeding, combined with the fact that the majority of evidence available to prove a likelihood of persecution is not available outside the country of origin, means that a heavy burden falls on immigration judges⁵ to determine appropriate levels of credibility and scrutiny to adopt in immigration court. Finally, “potentially lawful” immigrants in active judicial proceedings, whether for adjustment of status, deferral of deportation, or asylum grants, are in legal limbo—they are present in the U.S. practically, for their court claim, even as the legal status of that presence is contested. The extent to which an administration

¹ U.S. Department of Homeland Security and Executive Office of Immigration Review, “Procedures for Asylum and Withholding of Removal; Credible Fear and Reasonable Fear Review” (Proposed Rule), *85 Federal Register* 36264, 15 June 2020.

² 8 U.S.C. § 1158.

³ U.S. Department of Justice, “The Department of Justice and the Department of Homeland Security Propose Rule on Procedures for Asylum and Withholding of Removal” (Press Release), 10 June 2020.

⁴ *Department of Homeland Security v. Thuraissigiam*, 591 U.S. ____ (2020).

⁵ Immigration judges are not actually Article III judges, but employees of the DOJ's Executive Office of Immigration Review.

prefers to incarcerate these immigrants during proceedings is largely dependent on its (sometimes fact-free) evaluation of their trustworthiness. Consequently, in the immigration sphere, the U.S. government—and primarily the executive branch, given the recent intractability of any immigration legislation, let alone “comprehensive reform,” in Congress—is empowered to set large swaths of immigration policy by regulatory fiat, depending only on its determination of appropriate levels of trust.

With regard to immigration agents, the current situation is even more trust-dependent in the 100-mile “border zone,” in which, by Department of Justice (“DoJ”) regulation, immigration enforcement agents are given substantial discretion to make largely unreviewable and sometimes irreversible decisions about the fate of arriving immigrants and U.S. citizens.⁶ The judicial branch has been hesitant to step in to cure even the most obvious and dramatic instances of abuse of this discretion, such as an unprovoked CBP officer firing across the El Paso-Juárez border and killing a fifteen-year-old Mexican citizen on Mexican soil in 2010.⁷ This leaves it exclusively to the executive branch to decide, as a prudential policy measure, whether immigration enforcement agents have betrayed the government’s trust in their lawful and legitimate motives and ought to be reined in.

II. The Trust Framework of the Trump Administration

The executive branch under President Trump adopted a consistent approach to determinations of appropriate trust within the immigration system, likely attributable to the widely⁸ held⁹ anti-immigrant¹⁰ and ethnonationalist¹¹ attitudes in the Trump administration. The Trump administration’s framework was clear:

1. First, immigrants are not trustworthy, and they will ruthlessly exploit any element of the system tilted to their advantage.

⁶ Chris Rickerd, “The Constitution in the 100-Mile Border Zone,” *American Civil Liberties Union*, n.d.

⁷ *Hernández et al v. Mesa*, 589 U. S. ____ (2020). The teenager’s name was Sergio Adrián Hernández Güereca. Sixteen-year-old José Antonio Elena Rodríguez was killed in similar circumstances in Nogales in 2012.

⁸ Michael Edison Hayden, “Stephen Miller’s Affinity for White Nationalism Revealed in Leaked Emails,” *Southern Poverty Law Center*, 12 November 2019.

⁹ Tara Golshan, “Steve Bannon in 2016: legal immigration is the real ‘problem’,” *Vox*, 2 February 2017.

¹⁰ Sasha Ingber and Rachel Martin, “Immigration Chief: ‘Give Me Your Tired, Your Poor Who Can Stand On Their Own 2 Feet’,” *National Public Radio*, 13 August 2019.

¹¹ Rosie Gray, “Emails Link Former Homeland Security Official to White Nationalists,” *The Atlantic*, 28 August 2018.

2. Second (and derivative), immigration enforcement agents defend U.S. interests in a zero-sum conflict with immigrants; the government can trust them wholly and ought to vest in them substantial discretion.
3. Third (and derivative), if a procedure or element of the immigration system produces good outcomes for immigrants, it ought to be distrusted on that basis.

This memo does not review in depth every immigration-related action taken by the Trump administration. However, it is relevant to note a few policy actions, novel to the Trump administration, that emblemize the application of the above framework to issues of trust.

The Migrant Protection Protocol (“MPP”), commonly known as “Remain in Mexico”, was a policy to return immigrants who seek asylum in the United States near the southern border to Mexico while their case is pending. The administration’s stated rationale for this policy was that fraudulent asylum claims are widespread and therefore cannot be trusted¹² and asylum-seekers regularly “vanish” into the U.S., skipping out on their asylum hearings,¹³ despite EOIR’s evidence to the contrary that only 11% of asylum hearings are conducted *in absentia*.¹⁴ The automatic distrust of the claims of these asylum-seekers, too, made the administration highly skeptical that they would actually suffer persecution if returned, which would cause the U.S. to violate its duty of non-refoulement under international law. This skepticism has persisted even despite findings by humanitarian organizations of “at least 816 publicly reported cases of murder, rape, torture, kidnapping, and other violent assaults against asylum seekers and immigrants forced to return to Mexico” under MPP.¹⁵ Moreover, the presumption of untrustworthiness explains the asymmetry in reviewing exemptions granted to MPP to individual immigrants; any decision to let an asylum-seeker stay in the U.S. was automatically reviewed by a supervisor, while decisions to return an asylum-seeker were not reviewed.¹⁶

¹² U.S. Department of Homeland Security, “Migrant Protection Protocols” (Press Release), 24 January 2019.

¹³ U.S. Department of Homeland Security, “Secretary Kirstjen M. Nielsen Announces Historic Action to Confront Illegal Immigration” (Press Release), 20 December 2018.

¹⁴ Planning, Analysis, & Statistics Division, Executive Office for Immigration Review, ed., *Statistics Yearbook, Fiscal Year 2017* (Washington, D.C.: U.S. Department of Justice, September 2017), 33.

¹⁵ “Delivered to Danger”, Human Rights First, 21 January 2020.

¹⁶ Dara Lind, “Exclusive: Civil servants say they’re being used as pawns in a dangerous asylum program,” *Vox*, 2 May 2019.

The Trump administration also aimed to structurally skew the asylum adjudication process against asylum-seekers, in keeping with its framework that because immigrants are naturally untrustworthy, a system that finds in favor of them with any regularity is *prima facie* unreliable. A report by the Southern Policy Law Center found that Attorney General Jeff Sessions encouraged immigration judges to adopt a “an inherent, pervasive distrust of asylum-seeking respondents”¹⁷— an encouragement that carries more force when considering that EOIR judges are DoJ employees subject to DoJ hiring, promotion, and assignment decisions. In fact, under William Barr, DoJ regularly gave promotions to immigration judges with higher rates of denying asylum applications, calling to mind the fugitive slave courts that paid judges double for every black man or woman they consigned to bondage.¹⁸

Finally, the Trump administration’s dramatic expansion of expedited removal clearly indicates how it came down aggressively in favor of enforcement agents and against immigrants when the two made competing claims to trust. In expedited removal proceedings, a CBP or ICE officer can judge whether a person is undocumented and summarily deport them, usually within 48 hours, without recourse to judicial review.¹⁹ Under previous administrations, this power was limited to people apprehended within two weeks of entry and within 100 miles of the border; the Trump administration expanded it to be used anywhere in the U.S., against anyone who could not prove *two years* of continuous presence.²⁰ Although the expansion of expedited removal raises the risk of erroneous deportation,²¹ it also affords an additional discretionary tool to immigration enforcement agents to use. Based on the trust framework analysis, it is unsurprising that the Trump administration resolved this conflict between discretion for agents and access to trial for immigrants in favor of the former.

It would be too facile to say that the incoming Biden administration ought to adopt the exact opposite of the Trump administration’s approach to questions of trust in immigration policy. Such a framework would certainly be consistent— but consistency

¹⁷ Tess Hellgren, et al., *The Attorney General's Judges: How the U.S. Immigration Courts Became a Deportation Tool* (Montgomery, AL: Innovation Law Lab and the Southern Poverty Law Center, June 2019), 20.

¹⁸ James Oliver Horton and Lois E. Horton, "A Federal Assault: African Americans and the Impact of the Fugitive Slave Law of 1850," *Chi.-Kent L. Rev.* 68 (1992): 1181.

¹⁹ "A Primer on Expedited Removal," American Immigration Council, July 2019.

²⁰ See note 19.

²¹ David Isaacson, "Expansion of Expedited Removal: Why Pushing to the Limits of the Statute Unconstitutionally Deprives People of Due Process of Law," *LexisNexis*, July 24, 2019.

may be privately valuable yet still politically imprudent. The political value of the Trump administration's approach to trust in immigration policy did not lie in its internal consistency itself, but rather in the fact that it cohered with Trump's larger populist and ethnonationalist political strategy. It was for this reason that although Trump may have altered his rhetoric or substantive position on issues such as healthcare or criminal justice reform, he never would have jettisoned his approach to immigration. The Trump administration's willingness to reinforce its trust framework by highlighting particular policy decisions and outcomes, such as creating an office to promote the narrative that undocumented immigrants commit crimes within the U.S.,²² also allowed it to construct a restrictionist language and mythology which it could later leverage in high-profile clashes over immigration policy. The Biden administration should consider whether using a theoretical framework on trust to inform immigration policy decisions would serve strategic political and policy objectives. This memo argues that it would.

III. A Recommended Approach for the Biden Administration

The Biden administration's objectives within immigration policy range should range beyond simply enacting liberal policy priorities. In addition to liberalizing U.S. immigration policy generally, the Biden administration should aim to level the playing field in removal proceedings, giving immigrants access to counsel and judicial review of enforcement decisions. The Biden administration should also consider how severely the Trump administration was able to weaken previous progress towards liberal policy outcomes, and seek to reduce the capacity of future administrations to roll back the liberalization of immigration policy. Finally, the Biden administration should consider, and seek to minimize, the political cost of achieving these objectives. Although four years of the Trump administration has increased public support for increased immigration to an unprecedented level,²³ immigration remains a volatile subject of public opinion, and anti-immigrant sentiment was a key driver of Trump's election in 2016.²⁴ The Biden administration should seek to cement the present level of support for liberal immigration policies. Neglecting to lock in gains among public sentiment will leave the door open for a recurrence of Trump's 2016 campaign strategy and electoral

²² See, e.g., Donald Trump, "Enhancing Public Safety in the Interior of the United States" (Executive Order), 82 *Federal Register* 8799, 25 January 2017.

²³ Mohamed Younis, "Americans Want More, Not Less, Immigration for First Time," *Gallup News*, 1 July 2020.

²⁴ Raul Hinojosa and Edward Telles, "Trump Paradox: How Immigration and Trade Affected Voting in 2016 and 2018," *CPIP Working Paper Series*, No. 20210 (November 2020).

success. Consequently, the Biden administration's trust-based framework should aim at the following objectives:

1. Liberalizing U.S. immigration policy, including:
 - a. Providing all immigrants access to fair removal proceedings and judicial review
2. Reducing the ability of future administrations to roll back progress towards [1]
3. Minimizing the political cost of implementing [1]

First, the Biden administration should adopt a framework to resolve questions of trust that considers immigrants equally trustworthy as U.S. citizens, and consequently affords them similar procedural rights and standards of review. Such a framework appeals to our basic intuition that immigrants are not negatively selected on trustworthiness, and therefore are not as a group less trustworthy than Americans. It therefore may prove more rhetorically persuasive than attempting an abstract liberalization of immigration policy with no animating principle. Adopting this framework also exploits the significant public trust in the American judicial system, which is more widely trusted than the political branches.²⁵ The administration could easily justify extending the best and most reliable rules of judicial procedure in the world to those who want to enter the U.S. as well as those who are already here. And such a framework clearly aims at the principal goal of liberalizing immigration policy. So many of the Trump administration's adverse policies were predicated on closing off access to judicial review that opening the courthouse doors would in itself achieve significant progress towards a more just immigration system.

Concurrently, the Biden administration ought to pursue a strategy of reducing trust in and increasing skepticism toward immigration enforcement authorities among the general public by investigating and publicizing their blatant rights violations, routine corruption, and distasteful professional culture.²⁶ While this approach may initially seem unpalatable, it is a straightforward path to achieving the above objectives and especially safeguarding progress on immigration policy against future rollbacks. And although broader theoretical or philosophical objections may be raised to a

²⁵ GBAO Strategies, "State of the State Courts: Survey Analysis," Memorandum to the National Center for State Courts, 3 January 2020.

²⁶ A.C. Thompson, "Inside the Secret Border Patrol Facebook Group Where Agents Joke About Migrant Deaths and Post Sexist Memes," *ProPublica*, 1 July 2019.

government's attempt to decrease public trust in part of itself, this memo limits itself to analyzing the trust framework vis-à-vis only the objectives detailed above.

First, the Trump administration's strategy clearly indicates that distrust of one group, when manufactured strategically, can generate trust in another. For Trump, targeting immigrants as sneaky and untrustworthy produced among his supporters a feeling of patriotic, trust-adjacent sentiment towards CBP and ICE agents "protecting" the border. For a Biden administration, justifying distrust in the past actions of immigration enforcement may substantiate the claim that immigrants and asylum-seekers have been mistreated and can be trusted more generally. This is no substitute for the hard work of building more substantial and organic public trust in immigrants—work that occurs most effectively on the community level. But real trust cannot be built in an instant, and situational trust is better than none at all. To convince a voter who may be susceptible to restrictionist messaging to begin to trust immigrants, it may be most effective to convince him that immigration enforcement has acted maliciously, and allow that realization to sow seeds of skepticism towards his previous attitude.

Two other arguments strike in favor of this approach. First, the fact that the present discourse on police brutality has demonstrably moved public opinion on racial justice issues²⁷ demonstrates that the general public, or a relevant subset, is open to entertaining accounts of systematic corruption or cruelty in law enforcement agencies. Such a pattern can certainly be substantiated by a thorough investigation of CBP or ICE practices. Furthermore, the emergence of Trumpism after President Obama's evenhanded record on immigration enforcement, greatly expanding deferred action²⁸ while also making extensive use of expedited removal,²⁹ indicates that even an apparently balanced approach will not insulate this administration from reactionary and nativist attacks. Drawing attention to the very real failures and rights violations of the immigration enforcement authorities offers the additional political benefit of correctly discrediting a regular source of criticism on immigration from the right.³⁰

²⁷ Kim Parker, Juliana Menasce Horowitz, and Monica Anderson, "Amid Protests, Majorities Across Racial and Ethnic Groups Express Support for the Black Lives Matter Movement," *Pew Research Center*, 12 June 2020.

²⁸ Shiu-Ming Cheer, and Kamal Essaheb, "Frequently Asked Questions: The Obama Administration's DAPA and Expanded DACA Programs," *National Immigration Law Center*, 2015.

²⁹ Dara Lind, "Obama is deporting more immigrants than any president in history: explained," *Vox*, 9 April 2014.

³⁰ Dara Lind, "Obama just picked a fight with border agents," *Vox*, 29 January 2015.

IV. Policy Alternatives Consistent with This Trust Framework

The following are an incomplete list of immigration policy options consistent with the previously described trust framework that the Biden administration can pursue via executive action and rulemaking authority. The list does not include simple rollbacks of immigration actions taken by the Trump administration, although ending MPP, restricting expedited removal, and reinstating DACA are all, of course, steps that the incoming administration should take.

1. Substantially liberalize conditions to qualify for asylum. Though the five qualifying categories are set by the INA, agency discretion to define each category is relatively wide. The Biden administration should seek to define migrant status as “membership in a particular social group” for INA purposes, giving immigrants targeted by gangs or Mexican immigration authorities while in Mexico under MPP open-and-shut qualification for asylum. The Biden administration should also instruct EOIR to take a deferential view of what qualifies as “membership in a particular social group” as a general principle.

The primary advantage of this policy option is that it substantially increases the number of migrants who qualify for asylum, without requiring legislative changes to the INA. The above recommendation would also rectify the harms inflicted on asylum-seekers by MPP, which subjected them to serious danger and in some cases forced immigrants to abandon their claims for asylum. Including a preferential option for immigrants harmed by MPP would also allow the Biden administration to raise their profile in the media, turning public sentiment in their favor by elevating sympathetic cases and highlighting abuses by the Trump administration.

This policy option would, however, likely serve as a clear lightning rod for restrictionist opposition. This can be beneficial or harmful, depending on how willing the administration is to elevate sympathetic cases in response. The policy would also be open to legal challenges that new regulatory definitions of “membership in a particular social group” stray too far from the legislative intent of the INA. However, if these initial challenges are survived, the expanded set of qualifications for asylum may create new

reliance interests which could insulate the policy against rollbacks by future administrations.³¹

2. Create clearly-established, binding criteria for promotion of immigration judges within EOIR that exclude statistical likelihood of a particular decision in a particular line of cases. The Biden administration should also include as a disqualifying factor previous advocacy work in favor of immigration restrictions, freezing within EOIR the restrictionist ideologues that President Trump has previously commissioned as immigration judges.³² The Biden administration should also expand the EOIR bench and commission several new judges, both to sideline the restrictionist voices elevated by the previous administration and reduce the backlog in immigration cases.

This policy option is particularly advantageous because well-crafted criteria may be perceived on face as neutral with regard to immigration policy outcomes. Adopting this policy would reduce systemic bias against immigrants and asylum-seekers at the highest levels of review and reduce the backlog of cases, which itself poses a barrier to achieving speedy justice in the immigration system. However, such a policy could straightforwardly be reversed by future administrations, although at a potential political cost. Because of the slow pace of promotion, the full effects of this policy may not be realized for a considerable time. In the meantime, this proposal may also be perceived as “court-packing” if it captures public attention. To mitigate these political costs, the Biden administration should emphasize the neutrality of the newly adopted criteria and contrast it with the biased backgrounds of some of the previous administration’s appointees.

3. Appoint a Department of Homeland Security Inspector General who has criticized Trump administration immigration policy and has called for investigation of civil and human rights abuses by immigration enforcement authorities. The Executive Office of the Presidency should regularly highlight reports issued by the DHS Office of the Inspector General (OIG) that reveal rights abuses or corruption in the department. The Biden administration should also coordinate with chambers of

³¹ Once the expectation of asylum on expanded grounds is created, a rollback would implicate the reliance interests of asylum-seekers currently in judicial proceedings claiming asylum on this ground. This makes a legal challenge to the rollback under the Administrative Procedures Act more likely to succeed.

³² Colin Kalmbacher, “Barr Appoints Former Research Director of SPLC-Alleged ‘Hate Group’ as Immigration Judge,” *Law and Crime*, 18 July 2020.

Congress controlled by the Democratic party³³ to hold regular oversight hearings on past practices of DHS to build on and draw public attention to DHS OIG reports.

This policy option would make full use of access to DHS records and investigative tools, and continuously builds evidence in favor of skepticism towards immigration enforcement authorities. Unlike some more significant policy options, this option carries no risk of legal challenge, as nomination is unquestionably a presidential power. Moreover, revelations made by DHS appointees may discredit the actions or reputations of previous DHS political appointees, or provide the basis for suits overturning previous decisions.

However, unlike some of the other policy options proposed, the up-front costs of this option are significant—the DHS Inspector General is subject to Senate confirmation, and appointing a clearly hostile Inspector General may attract sufficient opposition to sink their nomination or discredit their future work.³⁴ Inspector General reports may not attract public salience, or conversely, excessive public attention may draw undesirable comparisons to the Trump administration’s political pressure on Inspectors General. To avoid this comparison, nominating a candidate with a strong personal commitment to exposing DHS rights abuses is superior to repeatedly exerting pressure on the Inspector General post-confirmation.

V. Conclusion

The immigration policy sphere requires the executive branch to make determinations about who deserves trust, and to what extent. The Trump administration adopted a framework for resolving issues of trust in immigration policy that squared with its larger message of populist ethnonationalism. The Biden administration faces a critical choice. If it tries to split the middle, approaching and evaluating issues of trust on a neutral, case-by-case basis rather than according to an ideological framework, it risks making the same mistakes as the Obama administration: failing to materially improve conditions and chances at entering the United States for the vast majority of immigrants while still attracting bad-faith attacks on immigration from restrictionists, nativists, and political opponents. Hindsight should caution the Biden administration against expecting a good-faith response to moderate immigration policy on the part of factions

³³ This paper was submitted for publication before the results of the Georgia runoff elections were known.

³⁴ “About Us,” Office of the Inspector General, U.S. Department of Homeland Security, n.d.

who were all too eager to show the Trump administration that no level of cruelty or restrictiveness in the immigration system could satisfy their appetite. Instead, the Biden administration should adopt a consistent framework that promotes general public trust in immigrants and skepticism toward immigration authorities, increasing its chances at durable policy success on immigration.

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The U.S. Nationalist Project: Loyalty and Sovereignty in the Borderlands

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Abstract: *This paper explores the two primary and interrelated goals of nationalism in the border space: propping up sovereignty and affirming the loyalty of border residents. Framing the border as a nationalist project exposes critical justifications for militarization, surveillance technology, education, and other policy decisions. This work examines three areas through which nationalism is articulated in the U.S.-Mexico border context: the military, education, and vigilante groups. After relating these methods to the ideals of sovereignty and loyalty, I consider the negative ramifications of border nationalism in a global era, and whether and to what extent these objectives of loyalty and sovereignty have been – or can be – met.*

Matthew Longo presents the concept of nationalism at the border with an iconographic focus: “the border is a site of central presence and national iconography—replete with flags, uniforms, songs and other traditional representations, a performance of national identity which in the U.S. has become ever more dramatic after 9/11.”³⁵ Longo describes this presence as a function of colonization, where iconography operates to both maintain sovereignty in the face of “border porosity” as well as “affirm the loyalty of the border community, the state’s most distant self.”³⁶ Wendy Brown argues that this symbolic power is characteristic of “political walls” throughout history, such as the Maginot Line in France, where “the rhetoric of the wall vastly outran the bits and pieces of its construction.”³⁷ It appears that often the power derived from fortifications and other border technology is emblematic rather than strictly physical. This is painfully obvious in the ultimate failure of the U.S.-Mexico border to achieve any of its explicit aims, such as the reduction of unauthorized immigration. The focus of this paper is to

³⁵ Matthew Longo, *The Politics of Borders : Sovereignty, Security, and the Citizen after 9/11*. (Cambridge: Cambridge University Press, 2017), 66.

³⁶ Longo, *Politics of Borders*, 66.

³⁷ Wendy Brown, *Walled States, Waning Sovereignty*. (Cambridge, MA: The MIT Press, 2010), 52.

extract the emblematic purposes found in the reproductions of American nationalism at the U.S.-Mexico border.

According to Sheldon Wolin, boundaries work to allocate rights based on the “likeness” of a group, most commonly on the basis of nationality. Nationalism thus functions as “collective identity” and “an avid proliferator of boundaries.”³⁸ Taking for granted this theoretical framing of nationalism as a boundary-making tool, the border distinguishes not only who is foreign, but also who belongs to the national body politic. My research indicates that the two primary and interrelated goals of nationalism in the border space are propping up sovereignty and affirming the loyalty of border residents. Framing the border as a nationalist project exposes critical justifications for militarization, surveillance technology, education, and other policy decisions. To address these justifications, I will first contextualize sovereignty and loyalty in the border space. Next, I will examine three methods by which nationalism as a tool is articulated, namely, through the military, education, and vigilante groups. In doing so I will connect these methods to the two goals established above. Finally, I will conclude with the limitations of my research and the implications of the border as a nationalist tool of loyalty and sovereignty; particularly, I consider the negative ramifications of border nationalism in a global era, and whether and to what extent these goals of loyalty and sovereignty have been, or can be, met.

The concept of loyalty gains its credence from Longo’s articulation of the border as “a *local* [emphasis in original] colonial project.”³⁹ In the context of colonialism, the state replicates itself at the border in order to “dominate their peripheries,” a domination that has accelerated in conjunction with nationalism.⁴⁰ The display of national symbols and emblems described by Longo might be the most overt nationalist tendency, since they do more than condition deference; they quite literally “create in [the state’s] own image the very place farthest from its likeness.”⁴¹ I do not mean to insinuate that loyalty is bred strictly for the purpose of security and pacification. Rather, loyalty is the result of an interactive process such that border residents internalize the state’s presence, in light of a competing hybridity of cultural, social, and political norms. The interactive aspect of this process suggests that some residents challenge these nationalist methods, while

³⁸ Sheldon Wolin, “Fugitive Democracy.” *Constellations* 1, no. 1 (1994): 12.

³⁹ Longo, *Politics of Borders*, 51.

⁴⁰ Longo, *Politics of Borders*, 67.

⁴¹ Longo, *Politics of Borders*, 68.

others may internalize and spread these norms without a conscious identification with patriotism or nationalism. One of the most regrettable consequences of this internalization is the emergence of border vigilante groups, many of which have terrorized migrants and others.⁴²

Sovereignty, on the other hand, presents a challenge to modern nation-states. Given the heterogeneity of political, social, and cultural allegiances, in addition to the conflation between local crime and immigration enforcement, sovereignty takes on a unique role in the borderlands. Longo terms this tension “sovereign anxiety,” as the confines and protections of law are unclear in the border space.⁴³ The state then over-compensates in its display of national sovereignty to combat the space’s ambiguous legal authority. Laying claim to a certain territorial space is one function of this display, but I argue that it attempts to do more: it defines the *cultural* and *political* boundaries of the nation-state. Wolin’s “metaphor of containment”⁴⁴ illuminates this broader goal, where the state’s intention is to close in on the body politic and push out undesirables on the basis of a national identity. Nationalism thus propagates rigid and exclusive national lines (e.g. “us” v.s. “them” rhetoric) to reinforce state sovereignty. This conception of sovereignty is echoed by Carl Schmitt’s theory of sovereignty, which argues that sovereignty relies on the existence of an enemy who presents an “imminent, existential danger.”⁴⁵ Both the state and everyday actors make friend-enemy distinctions to protect the sovereign, such as the villification of undocumented immigrants. Importantly, this conception problematizes a state-centric understanding of sovereignty, since civilians can also partake in these protective measures in the form of vigilante groups. The absolute nature of these rhetorical us/them and friend/foe dichotomies reflects the myth of sovereignty: that there exists “an absolute and enforceable distinction between inside and outside.”⁴⁶

This myth of sovereignty has become increasingly clear in our globalized world, prompting a nationalist reaction from nation-states. Brown argues that globalization

⁴² Patricia Macías-Rojas. *From Deportation to Prison :the Politics of Immigration Enforcement in Post-civil Rights America*. (New York: New York University), 2016: 132-159; Wendy Brown, *Walled States, Waning Sovereignty*. (Cambridge, MA: The MIT Press, 2010), 52.

⁴³ Longo, *Politics of Borders*, 50.

⁴⁴ Wolin, *Fugitive Democracy*, 13.

⁴⁵ Lynn Roxanne Doty. "States of Exception on the Mexico–US Border: Security, ‘Decisions,’ and Civilian Border Patrols." *International Political Sociology* 1, no. 2 (2007): 115.

⁴⁶ Brown, *Walled States*, 119.

and its exposure of “the hierarchies and violence in the global webs of dependency sustaining them” present the most formidable modern threat to national identity and sovereignty.⁴⁷ I employ the verbiage “prop up” to illuminate this nationalist reaction to waning sovereignty, as the state attempts to buttress its receding authority in the globalized era. In such an era, “it is unsurprising that contemporary nationalisms issue demands for rearticulated state sovereignty through visible signs of its containing powers.”⁴⁸ Visual reproductions of nationalism at the border through military technology mimic the revival of hegemonic masculinity through “phallic militarism.”⁴⁹ What’s more, the state, coded as feminine, is laid vulnerable and penetrable without the protection of masculinized sovereignty.⁵⁰ This gender analysis is beyond the scope of this paper, but it is nevertheless integral to an intersectional examination of this nationalist project. I will take up the militarization of the border in the subsequent paragraphs.

Militarization and nationalism share a psycho-social dimension beyond their denotative association. Flaggings of nationhood, as defined by Billig, are rhetorical references that remind the people within the nation-state who they are, differentiate the out-group, and, most importantly, establish the idea of a “homeland” that is more than just a place – it is something worth sacrificing one’s life for.⁵¹ These flaggings include rhetoric such as “we,” “the people,” “the nation,” and “the society” propagated by the media, politicians, and even intellectuals, implying dichotomous identities of “us” and “others” that become forms of social life. This framework reinforces social structures that reproduce “hegemonic relations of inequity,”⁵² inequalities that are perhaps most blatant at the border. Repeated and internalized flaggings result in nationalist sentiments that are weaponized through military defense of these inequities. Billig points to the military as the product of nationalistic sentiment and myth: an external weapon of internalized nationalism.⁵³

The militarization of the border thus functions as an attempt to defend the inequalities that cause migration, producing devastating human costs in the process. One example of

⁴⁷ Brown, *Walled States*, 121.

⁴⁸ Brown, *Walled States*, 118.

⁴⁹ Brown, *Walled States*, 119.

⁵⁰ Brown, *Walled States*, 131.

⁵¹ Billig, Michael. *Banal Nationalism*. Sage, 2018: 177.

⁵² Billig, *Banal Nationalism*, 175.

⁵³ Billig, *Banal Nationalism*, 177.

this loss of life is the murder of Esequiel Hernández at the hands of ground troops in Redford, Texas, in May of 1997. During a drug-trafficking mission, soldiers shot and killed the seventeen-year-old, who had mistaken them for predators hunting his wild goats and sent a shot into their vicinity. Instead of attempting to diffuse the situation or identify themselves, the troop followed him as he returned to his village in the name of their own “protection,” and subsequently shot Hernández. An alleged miscommunication between Border Patrol and Marines led to delayed medical assistance, resulting in the death of Hernández, alone in the spot where he was shot. The shooter, Clemente Banuelos, exhibited pride at killing who he believed was a “bad guy.” The multiple subsequent trials failed to indict any Marine for their actions.⁵⁴ Following the murder, the Pentagon temporarily banned the deployment of armed troops along the border, but simultaneously started to buttress the protections of the military from prosecution in civilian courts.⁵⁵ An internal investigation into the mission revealed “grossly inadequate Marine preparation, support, and oversight,”⁵⁶ flaws reminiscent of a previous investigation into a soldier’s death during a border mission. This bureaucratic inaction reflects the systematic prioritization of military power over civilian lives, and the demonization of the “enemy” to justify protection of the state. This psycho-social aspect cannot be overstated: *pride* in the murder of the Texas native exposes the nationalistic ideal of the worth of the country over individual life. The cost of life in service to the United States’ interests is a source of honor, *because of*, not in spite of, this human loss.

Longo’s discussion of iconography prompts further analysis of the physical representation of the military at the border. The involvement of the military in policing along the borderlands is most evident during the War on Drugs, during which Border Patrol’s authority expanded to include drug trafficking concerns. This is evidenced by the border region’s receipt of the majority of funding for anti-drug efforts in the late 1990s. This funding resulted in the deployment of active field units/troops, the use of reconnaissance, the building of steel border walls, military training and intelligence assistance, and the operation of helicopters and night-vision equipment. The use of nearly all of these military strategies and materials have continued after the murder of

⁵⁴ Dunn, Timothy J. “Border Militarization Via Drug and Immigration Enforcement: Human Rights Implications.” *Social Justice* 28, no. 2 (2001): 15-17.

⁵⁵ Dunn, *Border Militarization*, 18.

⁵⁶ Dunn, *Border Militarization* 18.

Hernández except the frequent deployment of military troops.⁵⁷ However, despite the public attention around Hernández’s death, the deployment of these troops along the border was up to “bureaucratic discretion, not public discussion or debate.”⁵⁸ Border Patrol receives most of this military support for immigration enforcement through the JTF-6 joint task force. This agency functions as “an administrative and coordinating body...that arranges for military units to provide various forms of support requested by police bodies,”⁵⁹ and by 2000 it maintained ties with over 300 police bodies across the U.S.⁶⁰ As a result of this militarization, militaristic euphemisms such as “target selection” and “intelligence preparation for the battlefield” became part of Border Patrol jargon.⁶¹ In the lives of everyday border residents, these militaristic changes manifest as helicopters flying above their homes, chases across their front lawn, and access to Border Patrol through the 9-1-1 dispatch.⁶²

The question remains how this militarization functions to garner loyalty and prop up sovereignty. For one, Macías-Rojas presents evidence of loyalty, as many border residents do not consider racial profiling by immigration enforcement to be a problem, nor do they attribute the increased criminalization of migration to the former; rather, they attribute it to smugglers. Others credit their sense of security and safety to the increased involvement of Border Patrol in local policing. Despite frequent and flagrant rights transgressions, “residents did not necessarily perceive their negative experiences with border security as rights violations or constraints on their citizenship.”⁶³ This public perception may be a result of the marketing of these militarization efforts by Border Patrol, which “invited the participation of residents in anti-smuggling operations, and recruited community leaders for its citizens advisory council.”⁶⁴ Using marketing campaigns such as these, militarized border enforcement has successfully carved “zones of exception”⁶⁵ with public support. Here, law enforcers become law creators on a daily basis, while conditioning border residents to internalize these

⁵⁷ Dunn, *Border Militarization*, 19.

⁵⁸ Dunn, *Border Militarization*, 20.

⁵⁹ Dunn, *Border Militarization*, 10.

⁶⁰ Dunn, *Border Militarization*, 20.

⁶¹ Dunn, *Border Militarization*, 12.

⁶² Patrisia Macías-Rojas. *From Deportation to Prison: the Politics of Immigration Enforcement in Post-civil Rights America*. (New York: New York University), 2016.

⁶³ Macías-Rojas, *Deportation to Prison*, 150-151.

⁶⁴ Macías-Rojas, *Deportation to Prison*, 140.

⁶⁵ Longo, *Politics of Borders*, 61.

unconstitutional and militaristic methods of local policing as necessary measures of safety and security.⁶⁶

This sanitized rhetoric and the socio-economic context surrounding the militarization efforts on the border hint at the underlying cause of these methods as a buttress for sovereignty. This militarization occurred in a time of economic crisis and high crime, which facilitated migration within Mexico and in the U.S. border region. Whites left the area because of mine closings, and seasonal Mexican workers settled permanently in the U.S. Furthermore, U.S. operations in the global South pushed migrants North,⁶⁷ meaning that the Western hemisphere began to undergo the socio-political and economic growing pains of globalization. As discussed earlier, these fears of globalization can manifest into protections of sovereignty. On the Arizona-Mexico border, this reaction took the form of color-blind rhetoric around “safety,” “security,” and “crime control.”⁶⁸ Civilians, fearful of these demographic and economic changes, bought into this rhetoric and condoned these militaristic changes. However, the misdirected efforts of militarization to combat drug smuggling is indicative of other underlying political motivations: although 85% of drug trafficking occurs through ports of entry, most military support is improperly utilized in areas between these ports.⁶⁹ The militaristic framing of the border as a war zone implies there is something to be protected: if it is not civilians, and it is not a reduction of drug-smuggling, what remains? It appears that the state is reacting to globalizing trends that compel the United States to come face-to-face with the human beings behind the social and economic inequities it has created. This is poignantly demonstrated in the kinds of people murdered by Border Patrol: largely poor, working class undocumented migrants and drug couriers.⁷⁰

Another key reproduction of nationalism on the border and elsewhere is the American education system. Even in transnational spaces like the U.S.-Mexico border, nationalist border practices continue to inhibit transnational understandings of language⁷¹ and

⁶⁶ Longo, *Politics of Borders*, 50.

⁶⁷ Macías-Rojas, *Deportation to Prison*, 141.

⁶⁸ Macías-Rojas, *Deportation to Prison*, 141.

⁶⁹ Dunn, *Border Militarization*, 13.

⁷⁰ Dunn, *Border Militarization*, 22.

⁷¹ Meadows, Bryan. "Nationalist Border Practices: a Critical Account of How and Why an English Language Classroom on the US/Mexico Border Reproduces Nationalism". *International Journal of the Sociology of Language* 2014, no. 227 (2014): 140.

stand in juxtaposition to the diversity of “national and cultural symbols”⁷² that decorate neighborhoods on both sides. Some of the rituals, holidays, and monuments that are shared across the border of El Paso and Ciudad Juárez include: *Día de Los Muertos*, Halloween, *Las Posadas*, *Los Reyes Magos*, the statue of Abraham Lincoln in Juárez, and a street named after Porfirio Díaz in El Paso.⁷³ Research on El Paso and Ciudad Juárez schools illuminates how the respective nationalist agendas of both states are replicated in the school setting,⁷⁴ where “classroom management strategies that require obedience and passivity versus critical engagement are at the heart of civic education.”⁷⁵ Furthermore, “in [the U.S. and Mexico,] civic education goes further, constructing and supporting national myths of unity, sovereignty, and abstract principles of patriotism and loyalty.”⁷⁶ National holidays perpetuate nationalistic myths as well: an El Paso school celebrated Thanksgiving by recounting romanticized stories about the relations between indigenous peoples and white settlers. This school also practiced similar romanticization of the presidents and their childhoods for President’s Day.⁷⁷ Nationalism is also reflected in daily rituals; the El Paso school Schuster requires students to stand to salute the flag, recite the Pledge of Allegiance, and sing the national anthem.⁷⁸

Distinct cultural norms are also subtly reinforced through classroom expectations. The classrooms on the U.S. side emphasized orderliness, efficiency, and the strict spatial organization of students around the school’s campus. The architecture of the Juárez schools encouraged the mingling of students and staff in courtyards, and the classrooms were organically organized and interactive. The strict rules regarding personal space, time keeping, and efficiency in the American schools reinforce the “capitalist model” that trains students to work in isolated cubicles for the purposes of productivity.⁷⁹ Despite their cultural hybridity, the schools reinforced culturally distinct norms and nationalistic tendencies. Interestingly, however, Mexican schools nonetheless incorporated displays of American nationalism in their curriculum and practices. By contrast, the El Paso schools did not reflect a transnational curriculum, despite 80% of

⁷²Susan J. Rippberger and Kathleen A. Staudt. *Pledging Allegiance: Learning Nationalism at the El Paso-Juarez Border*. New York and London: RoutledgeFalmer, 2003: 3.

⁷³ Rippberger and Staudt, *Pledging Allegiance*, 3-4.

⁷⁴ Rippberger and Staudt, *Pledging Allegiance*, 10.

⁷⁵ Rippberger and Staudt, *Pledging Allegiance*, 11.

⁷⁶ Rippberger and Staudt, *Pledging Allegiance*, 57.

⁷⁷ Rippberger and Staudt, *Pledging Allegiance*, 58.

⁷⁸ Rippberger and Staudt, *Pledging Allegiance*, 54.

⁷⁹ Rippberger and Staudt, *Pledging Allegiance*, 80-82.

residents in the city having Mexican heritage. For example, nationalistic American songs such as “Tie a Yellow Ribbon,” a tune generally shared at a homecoming after war, were sung in Juárez classrooms by fourth and fifth graders.⁸⁰ These practices suggest an imperial aspect to American nationalism, as educational methods and iconography impose nationalistic ideas in neighboring states.

In addition to overt nationalistic practices, English as a Second Language (ESL) classes in the Nogales area reinforce nationalist and exclusive linguistic, cultural, and economic borders. Language study provides a blank slate for the conditioning of nationalistic ideas: “language classrooms are prolific sites of validating and perpetuating nationalist commonsense because the objects of study are conceptualized from the beginning according to conventionalized nationalist borders.”⁸¹ Thus, the instructor holds immense power in laying the conceptual foundation of English, since nationalistic indoctrination is largely reinforced through language (see Billig’s discussion of nationalist flaggings⁸²). One example of these linguistic consequences is demographic categorization, such as *americano*/american, *mexicano*/mexican, and the term Mexican-American. ESL students labeled *americanos* as monolingual English speakers who have light phenotypic features and who live on the U.S. side, and they labeled as *mexicanos* Spanish speakers with dark phenotypic features who live on the Mexican side. Since most people do not fit neatly into those two categories, the students reported they may focus on one characteristic over another (e.g. a phenotypically darker person who speaks English as their first language would be classified as *americano*). Students expressed their opposition to hybrid linguistic and cultural practices through their hostility toward the Mexican-American category. Instead of questioning the normativity of exclusive national borders and identities, they delegitimized the residents who identify as such.⁸³ One student expressed disdain for Mexicans who become naturalized U.S. citizens and interchange their American and Mexican identities when it is convenient.⁸⁴ Another student was similarly unsettled by his sister’s incorporation of English into her Spanish.⁸⁵ These hostile reactions to cultural and linguistic mixing, in addition to the creation of exclusive American-Mexican categories, reflect a nationalistic conception of the United States and Mexico. Their responses also expose possible

⁸⁰ Rippberger and Staudt, *Pledging Allegiance*, 70.

⁸¹ Meadows, *Nationalist Border Practices*, 139.

⁸² Billig, *Banal Nationalism*, 177.

⁸³ Meadows, *Nationalist Border Practices*, 146.

⁸⁴ Meadows, *Nationalist Border Practices*, 145.

⁸⁵ Meadows, *Nationalist Border Practices*, 146.

internalized anxieties about globalization, since it accelerates the kind of transnational mixing the students fear.

The school instructors reinforce mutually exclusive and nationalist ideas through their language choices and teaching practices, helping to produce the kind of nationalistic exclusivity explored above. For one, an ESL instructor invoked distinctions between employment in the U.S. and in Mexico,⁸⁶ and provided no space for intra-national diversity by utilizing a reductive U.S.-Mexico dichotomy in these constructions of difference. The English-only immersion that characterized the class included side conversations in Spanish that the teacher disparaged as oppositional to their learning goals. A nationalist sentiment underscores these admonishments, as the goal is to reduce linguistic hybridity in a transnational area where this hybridity is the social norm.⁸⁷ Furthermore, questions predicated on nationalist understandings (e.g.: “in your country”⁸⁸) reflect rigid national boundaries and reinforce the students’ mutually-exclusive self-identification with particular national loyalties.

These disjunctive understandings of Mexico and the United States taught in ESL classes, in addition to implicit and overt displays of nationalism in primary schools, both prop up sovereignty and condition loyalty. The former’s practices can be characterized by the principle of inter-relatedness (i.e. nation-states are invoked in tandem) and nationalist diversity (when invoked in tandem, nation-states are differentiated).⁸⁹ The underlying theme of this nationalist discourse is the distinction between states, a reinforcement of the autonomy that defines the sovereignty of the nation-state. Similar to the militarized reaction to globalization, education likewise functions as a defense against the political, social, and cultural mixing furthered by forces of globalization. The ESL students’ hostile reaction to this mixing suggest the internalization of this reaction. Loyalty, on the other hand, is instilled through romanticized depictions of history such as Thanksgiving celebrations and routine displays of patriotism and appreciation of national emblems. Classroom organizational strategies further reinforce American cultural expectations of work and leisure. Preparing students to enter a capitalist society and serve American interests is a cornerstone of American nationalism. The success of these methods – as measured by the production of patriotic students – is debatable,

⁸⁶ Meadows, *Nationalist Border Practices*, 144.

⁸⁷ Meadows, *Nationalist Border Practices*, 147.

⁸⁸ Meadows, *Nationalist Border Practices*, 148.

⁸⁹ Meadows, *Nationalist Border Practices*, 142.

given that barely over one-third of the respondents to a nationalism questionnaire issued at the El Paso school mentioned patriotism and reverence for national symbols such as the flag.⁹⁰ Nonetheless, the propagation of myths and capitalistic classroom standards point to the conditioning of students for the sake of national interests.

The final reproduction of nationalism that will be explored in this paper is border vigilantism, or U.S. civilian groups who participate in “unofficial and unauthorized” patrolling of the Southern border.⁹¹ These groups have proliferated in conjunction with border militarization and undocumented immigration, and they primarily engage in physical patrolling of the border, along with the administration of surveillance missions. At worst, they have threatened, arrested, verbally abused, and physically assaulted migrants.⁹² One such group, the “American Border Patrol,” has been designated a hate group since 2001 by the Southern Poverty Law Center.⁹³ Its founder, Glenn Spencer, who began his anti-immigrant organizing in California, remarked that the state is “a lawless, lost” place.⁹⁴ This kind of apocalyptic rhetoric is pervasive among vigilante groups, who frame undocumented immigration as the cause of all of American society’s ills and its soon-to-be demise. That is, unless the local white men mobilize a victory against the vilified “other.” Their militaristic crusade is not imagined, as many of these vigilantes quite literally believe their lives and the lives of others are at constant risk.⁹⁵ This obsession with nationalistic and masculinized heroism is reflected in the statement by the founder of the Tombstone Militia, Chris Simcox, to *The Washington Times*: “I dare the President of the United States to arrest Americans who are protecting their own country.”⁹⁶ Employing the familiar euphemism of “protecting one’s country,” Simcox presents his individual violence as protection of the national (read: white people’s) territory, language, and security. These militias often utilize military attire, terminology, and weaponry,⁹⁷ a testament to their framing of immigrants as the nation-state’s “enemy.” Ironically, as they denounce the state’s capacity to control immigration, many of these groups – such as the Barnett family and American Border Patrol – are widely suspected to be involved with local law enforcement.⁹⁸ Vigilantism has spread to more

⁹⁰ Ripberger and Staudt, *Pledging Allegiance*, 69.

⁹¹ Doty, *States of Exception*, 114.

⁹² Macías-Rojas, *Deportation to Prison*, 132-159.

⁹³ Doty, *States of Exception*, 119.

⁹⁴ Doty, *States of Exception*, 118.

⁹⁵ Doty, *States of Exception*, 125.

⁹⁶ Doty, *States of Exception*, 120.

⁹⁷ See note 20 above.

⁹⁸ Doty, *States of Exception*, 119.

than a dozen states with the formation of forty anti-immigrant civilian patrol groups, many of which have emerged far from the U.S.-Mexico border.⁹⁹

The dynamics of vigilante groups illustrate a civilian attempt to reinforce, or fill the gaps, of the sovereignty of the nation-state. Perhaps most obviously, the Minuteman Project instituted “Operation Sovereignty” on September 11, 2006, during which they targeted immigrants along the border and reported them to Border Patrol.¹⁰⁰ Their invocation of 9/11 sentiments highlighted the anxieties of sovereignty weaponized by vigilante groups –these militias took advantage of the fears and uncertainty created by the 2001 terrorist attacks to “link their agenda to national security.”¹⁰¹ The 2001 attacks made clear that the nation-state was not entirely free from foreign infiltration, and the political elite exaggerated and racialized these fears with apocalyptic language that vigilantes themselves mirror: Arizona Representative J.D. Hayworth exclaimed, “[Stopping undocumented immigration] may be the last thing we do as a free people.”¹⁰² The phrase “free people” not only functions as a nationalist flagging, but it further implies the complete breakdown of sovereign freedom. Vigilantes turn this dangerous rhetoric into action, becoming paramilitary-esque forces that take state sovereignty into their own hands. Vigilantes thus become extensions of the state in that they view themselves as “an essential component” in a system “that is lacking in government officials.”¹⁰³ After critiquing the state’s crackdown on immigration, they buttress the state’s role in protection of the racial and cultural integrity of the “nation.”

As Schmitt writes, the existence of the sovereign nation necessitates an enemy for the state to differentiate itself.¹⁰⁴ It appears undocumented immigrants function as the illusory state-infiltrators, escalating the kind of existential chaos created by the 9/11 attacks in the public imagination. This vilification is apparent in the reluctance of the Minutemen to use the words undocumented; rather, they emphasize the phrase “illegal alien,”¹⁰⁵ a phrase often employed in political rhetoric surrounding terrorism, drug use, and other forms of criminality. These racialized distinctions that separate the nationalized “us” from the criminalized “alien” illustrate these groups’ attempts to

⁹⁹ Doty, *States of Exception*, 122.

¹⁰⁰ Doty, *States of Exception*, 122.

¹⁰¹ Doty, *States of Exception*, 123.

¹⁰² See note 25 above.

¹⁰³ Doty, *States of Exception*, 132.

¹⁰⁴ Doty, *States of Exception*, 115.

¹⁰⁵ Doty, *States of Exception*, 114.

project cultural, racial, and political lines of the nation-state. In other words, this mobilization to prop up sovereignty indicates more than the protection of territory. Rather, it represents a socio-political reaction to the racialized fears that were festered by not only the 9/11 attacks, but also the civil rights gains of the late 20th century and the demographic changes propelled by globalization.¹⁰⁶ Thus, to “fix” sovereignty in their eyes, the United States must return to a time of legally codified racism – a time when the human costs of global inequities and inequalities remained far from sight.

The militarized aspects of vigilante groups also expose loyalty as a goal of this nationalist reproduction. As Billig argues, the ideal of nationhood compels one to internalize the nation as a cause worth more than an individual life. In the minds of vigilantes, they are putting themselves at physical risk during their operations, all in the name of “protecting their country.” Chris Simcox explained, “the border’s a war zone. I don’t go out without a level 3 bullet-proof vest anywhere near the border.”¹⁰⁷ The risk of losing his life did not stop Simcox from his perceived duty to protect the country, illustrating perhaps the most overt personification of national loyalty on the border. Furthermore, rhetoric such as “warzone,” “target,” and “combat infantry” are frequently employed by vigilantes in their patrolling, echoing the military terminology of the U.S. Border Patrol discussed earlier. As makeshift arms of the state, it could be said that vigilantes themselves function as part of the “re-emergence” of the state at the point farthest from its likeness.¹⁰⁸ Taking Longo’s conception of the border as a local colonial project for granted, these vigilantes have internalized the state’s domination and now have continued this domination themselves. These vigilantes are not pacified by their loyalty, but rather are radicalized into their version of securitization.

The current political climate urges a critical evaluation of border nationalism and its goals of loyalty and sovereignty. This paper is a step in the direction of unpacking the connection between these phenomena and their human costs. The murder of Esequiel Hernández and the assault of migrants caught by border vigilantes point to the deadly consequences of nationalism left unchecked and serves as a reaction to a system of globalization that centers interests over people – both domestic and foreign. Despite this prioritization, it appears that the state has retained a sizable portion of loyal border

¹⁰⁶ Macías-Rojas, *Deportation to Prison*, 132-159.

¹⁰⁷ Doty, *States of Exception*, 125.

¹⁰⁸ Longo, *Politics of Borders*, 68.

residents. Donald Trump, perhaps the most popular personification of these fears of weakening sovereignty in the United States as of recent, conjured a significant portion of votes in border counties in the 2020 election. One such example is Zapata County, Texas, a steadily Democratic county that Trump flipped in this election.¹⁰⁹ Trump and other state actors cling to illusions about national sovereignty that prevent any meaningful reckoning with our “national woes” or the realities of globalization.¹¹⁰ As long as we deny the necessity of free movement to a globalized world, sovereignty will suffer the consequences of our denial, as will human beings. This is not to suggest, however, that normative ideas about sovereignty will continue to be relevant in the decades to come.

I will now address the limitations of this paper and future research direction. As to the former, I have limited my research to three phenomena: the militarization of the U.S.-Mexico border, education at the border, and border vigilante groups. There surely exist other reproductions of nationalism, such as the placement of American flags and other national iconography, that I have not explored in this paper, largely due to the dearth of research on border iconography. Time and resource constraints prevented me from conducting my own research, although I hope to interview U.S.-Mexico border residents for future work on this topic. Further scholarship should employ iconography as a lens for examining nationalism at the border, focusing on representations beyond walls. Future research must include the analysis of individual actors and groups in addition to the state in order to move beyond state-centric conceptions of nationalism and sovereignty.

The implications of this work prompt more questions than answers. The most crucial task at hand is the re-imagination and complication of our assumptions about nationalism, sovereignty, and loyalty. What is meant when the media or politicians propagate a “we,” “us,” or “the enemy”? What are the political illusions built off of these nationalist flaggings hiding? Is naming the enemy (e.g. undocumented immigrants) enough? How is this conception of the enemy complicated by the fact that several Minutemen have said they would cross the border unauthorized if they were in a similar situation as many migrants, or the claims by other vigilantes that they are trying to

¹⁰⁹ Cai, et al. “Joe Biden's Struggles along the Texas Border Raise Questions about Democrats' Outreach There,” in *The Texas Tribune*, (Nov. 2020).

¹¹⁰ Brown, *Walled States*, 117.

protect undocumented immigrants from smugglers?¹¹¹ Focusing our attention on the global inequities and inequalities hidden behind this rhetoric can illuminate insights into the body politic, capitalism, and the transnational dynamics of inequality that sustain life as we know it.

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¹¹¹ Doty, *States of Exception*, 132.

Democracy and (In)equality in America

Kyle Dorshorst

The twin notions of democracy and equality are inextricably linked in today's world, with modern liberal democracies resting upon egalitarian foundations and exhorting the ideals of 'liberty and justice for all.' Furthermore, the "providential fact" of democracy's spread declared by Alexis de Tocqueville in his landmark *Democracy in America* seems to have nearly come to fruition, as this political and social system rooted in equality is more widespread across the world than perhaps ever before. Still, lingering inequalities remain. The COVID-19 pandemic has made them even more pronounced, as the wealthy few were able to isolate themselves in their mansions unscathed while the working class either spent each day on the front lines or lost their jobs. Meanwhile, an uneven recovery from the economic recession wrought by the pandemic has seen the stock market soar, further exacerbating the gap between the rich and poor. As inequality in America becomes ever more glaring, it is impossible to ignore. Yet rather than being a sudden development, rising inequality has been a steadily worsening trend over the past few decades. Turning to the insights of great political thinkers — both past and present — can help to explain the forces which have led us to this current moment of vast societal inequity, and grant us the wisdom and self-knowledge needed to address the challenges we face.

In his *Discourse on Inequality*, the Enlightenment philosopher Jean-Jacques Rousseau provides an account for the origins of inequality among men, a development that he links with the foundation of political society. Beginning with a state of nature based upon perfect equality, he describes the process through which men and women come together to form families, settling down to live in common with each other and therefore instituting the origins of society. Through the resulting establishment of property, and with some possessing more property than others, the wealthy soon recognize their vulnerability in an unregulated society and persuade the rest to found political associations. These, in practice, codify the condition of unequal wealth and status into law. Rousseau recounts how, in this process, "all ran toward their chains, believing they

were securing their freedom, for while they had enough reason to sense the advantages of a political establishment, they did not have enough experience to foresee its dangers.”¹¹² These dangers, he says, stem from the fact that early political systems led to the exploitation of the many by the few and cemented inequality within civil society. Rousseau labels such inequality as unnatural, since it arises from the arbitrary division of property and consequently of power, which grants great privileges to some while reducing others to serfdom and grinding poverty. Overall, establishing laws to govern both people and property “gave new fetters to the weak man and new forces to the rich man, irreversibly destroyed natural freedom... and henceforth subjected the entire human race to labor, servitude, and misery for the profit of a few ambitious people.”¹¹³ From these beginnings, with mankind exiting the state of nature to form political society, we can see the roots of the societal ills which still plague us today.

In response to these injurious roots of civil society, Rousseau provides an account for how they can be rectified. He outlines the conception of a politics which promotes the ideals of liberty and freedom in his later work *On the Social Contract*. Rousseau begins with his famous words, “Man is born free, and everywhere he is in chains.”¹¹⁴ This statement echoes the language he uses in the *Discourse on Inequality*, arguing that governments too often constrain citizens within systems that deny their natural equality. The *Social Contract* provides an account for how the political doctrine of popular sovereignty can free humankind from its chains. For Rousseau, the process wherein a people establishes a political covenant amongst itself is essential for regaining social equality, for “while they may be unequal in force or genius, they all become equal through convention and by right.”¹¹⁵ Rousseau states that the greatest good of all, and the ideal end of all systems of legislation, can be boiled down to two principles: freedom and equality. Societies which safeguard these principles, then, fulfill the ideals of the social contract which he describes. However, this is not an easy task, since “it is precisely because the force of things always tends to destroy equality that the force of legislation should always tend towards maintaining it.”¹¹⁶ In Rousseau's view, society will always tilt towards inequity, and it is the role of the government to ensure such inequity is kept in check. From this perspective, American democracy can be seen as fulfilling the ideals of Rousseau's social

¹¹² Jean-Jacques Rousseau, *The Major Political Writings of Jean-Jacques Rousseau*, ed., trans. John Scott (Chicago, Illinois: The University of Chicago Press, 2014), 103.

¹¹³ Rousseau, *Major Political Writings*, 103.

¹¹⁴ Rousseau, *Major Political Writings*, 163.

¹¹⁵ Rousseau, *Major Political Writings*, 178.

¹¹⁶ Rousseau, *Major Political Writings*, 200.

contract. The United States was born from an Enlightenment tradition which emphasizes the same values of liberty and equality, and its governmental foundations rest on a Constitution proclaimed by 'We the People.' These political conceptions at the core of the American founding have consequently left a significant impact on the character of American society.

This idea was notably explored by Alexis de Tocqueville in his monumental work *Democracy in America*. In it, the Frenchman examines the fundamental political equality endemic to American democracy, illustrating the ways in which this principle profoundly shapes American life. As he writes, "among the new objects that attracted my attention during my stay in the United States, none struck me more vividly than the equality of conditions.... It gives a certain direction to the public mind, a certain turn to the laws; to those governing, new maxims, and particular habits to the governed."¹¹⁷ Tocqueville states that rather than being unique to America, though, this societal democratization is spreading throughout the world. He sees "a great democratic revolution is taking place among us," labeling "the gradual development of equality conditions" as "a providential fact."¹¹⁸ Tocqueville describes how the same inequalities which Rousseau denounced are gradually being torn down in Europe as well as America, noting that "ranks are merging; barriers raised between men are falling; estates are being divided; power is being shared, enlightenment is spreading, intellects are becoming equal; the social state is becoming democratic, and the dominion of democracy is finally being established peacefully in institutions and in mores."¹¹⁹ It is in response to these trends that Tocqueville writes, in an effort to understand the future implications of this drastic and revolutionary societal change. He chooses to study America to accomplish this goal, for, as he says, "I admit that in America, I saw more than America; I sought there an image of democracy itself, its tendencies, its character, its prejudices, its passions; I wanted to know democracy, if only to know at least what we must hope or fear from it."¹²⁰

Despite the political equality which underpins democracy in America, however, Tocqueville acknowledges that absolute equality cannot be perfectly established within a

¹¹⁷ Alexis de Tocqueville, *Democracy in America*, ed. Eduardo Nolla, trans. James Schleifer (Indianapolis: Liberty Fund, 2010), 4.

¹¹⁸ Tocqueville, *Democracy in America*, 6-10.

¹¹⁹ Tocqueville, *Democracy in America*, 20.

¹²⁰ Tocqueville, *Democracy in America*, 28.

democratic society. This tension is most evident in America with regards to material wealth, which Rousseau warned is the root of all inequality. Tocqueville writes that in the United States, “the love of well-being has become the national and dominant taste,” noting that wealth is one of the only means through which citizens can visibly display their advantages over others within a democracy.¹²¹ Therefore, a tension exists within these societies that will never go away. Since the forces of democratic leveling will never succeed entirely, agitation and restlessness result among those who will always desire more wealth or power or prestige, coming into conflict with those who wish to maintain their elevated status. Freed from the restraints of a formal class system, the opportunity for advancement and social betterment becomes a boon to those who can achieve it, and a source of pain for those who are unable to rise above their station. At the same time, the forces of democratic leveling aim to erase all remaining distinctions; as Tocqueville notes of societies premised upon ideas of equality, “when all is nearly level, the least inequalities offend it. That is why the desire for equality always becomes more insatiable as equality is greater.” Consequently, in democracies, “men easily gain a certain equality,” but “they can not attain the equality they desire.”¹²² Over two centuries later, the tensions, envy, and discontent which Tocqueville points to can still be recognized in America today as it grapples with the inequities that remain.

A modern exploration of these themes within American democracy can be found in Michael Sandel’s article “Democracy’s Discontent: The Procedural Republic.” Drawing on the idea of ‘democracy’s discontent,’ Sandel aims to diagnose why democratic ideals are seemingly in retreat in modern American life. In particular, he centers his argument on the growing economic inequality in America. Noting the fact that the gap between the rich and the poor in the 1990s was at levels unseen since the ‘Roaring ‘20s’, he points to the damaging effects that widening inequality has had on American civic life. Grounding his argument within the context of political philosophy, Sandel writes, “the republican tradition teaches that severe inequality undermines freedom by corrupting the character of both rich and poor and destroying the commonality necessary to self-government.”¹²³ He uses the contemporary example of technological change and globalization’s hollowing out of American manufacturing, which has created the need for a renewed commitment to job training and education programs to help American workers adapt to

¹²¹ Tocqueville, *Democracy in America*, 934.

¹²² Tocqueville, *Democracy in America*, 946.

¹²³ Michael Sandel, “Democracy’s Discontent: The Procedural Republic”, *The Essential Civil Society Reader* (Lanham, Maryland: Rowman & Littlefield, 2000), 282.

the rapidly shifting economic landscape. While these programs would reduce the gap between the winners and losers in the global economy, political and societal obstacles stand in the way. Namely, Sandel points to a lack of a national sense of mutual responsibility and community-mindedness between those of differing social classes. This unified front is a prerequisite for the kind of sustained government investment in training and education required to help American workers adjust to a rapidly changing global economy. However, “as the rich and poor grew further apart, their sense of a shared fate diminished, and with it the willingness of the rich to invest, through higher taxes, in the skills of their fellow citizens.”¹²⁴ He also describes how “the new inequality gives rise... to increasingly separate ways of life,” as the rich send their children to private schools and socialize at private clubs while the rest of society shares an aged stock of public goods whose quality steadily declines. In consequence, “the secession of the affluent from the public sphere not only weakens the social fabric that supports the welfare state; it also erodes civic virtue more broadly conceived... As affluent Americans increasingly buy their way out of reliance on public services, the formative, civic resources of American life diminish.”¹²⁵ Certainly, as backlash against the elites becomes an increasingly prominent aspect of populist rhetoric in America, with political divides being increasingly drawn on geographic, educational, and socioeconomic lines, Sandel’s observations ring true.

Beyond simply diagnosing America’s societal ills, Sandel directly references Rousseau’s *Social Contract* to provide a philosophical framework from which to examine such issues. Sandel quotes from Rousseau’s declaration that in order to “give the state stability,” it is necessary to “bring the extremes as close together as possible.” In Rousseau’s view, governments should “tolerate neither extremely rich people nor beggars. These two conditions — naturally inseparable — are equally fatal to the common good.”¹²⁶ In America today, it is clear that the gap between the rich people and the beggars has never been wider. Stock options allow for the dizzying accumulation of wealth while, as Sandel notes, public services and the social safety net continue to be underfunded. Following Rousseau’s assertion that this situation is unsustainable for the maintenance of the common good, Sandel is right to conclude that the current state of democracy in America is one of discontent.

¹²⁴ Sandel, *Democracy’s Discontent*, 282.

¹²⁵ Sandel, *Democracy’s Discontent*, 283.

¹²⁶ Rousseau, *Major Political Writings*, 200.

The writings of Rousseau, Tocqueville, and Sandel lay out a cohesive narrative for the origins and impact of inequality in human society, and illustrate how this condition creates a fundamental tension within the democratic systems that we hold dear. As societal rifts continue to expand, becoming more egregious and offending our democratic sensibilities, the forces of discontent within our democracy grow stronger. However, following the London Underground's exhortation to 'mind the gap,' it is imperative to address this problem before too many begin to question whether the foundations of America's liberal democratic order can endure much longer.

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International Relations

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Domestic Vs. Foreign Firms for Economic Development: China & South Korea

Rose Benas

Introduction

Despite different geographic and population sizes, government types, and industrialization time periods, China and South Korea experienced comparable economic development outcomes in terms of export-led growth and relative GDP. Like South Korea at the end of the 1950s, China suffered from a similar level of economic stagnation at the end of the 1970s. As a result, both countries aimed to increase industrialization and boost revenue from export markets. At the end of the Cultural Revolution in 1976, exports contributed to only 4.15% of China's GDP, which grew to 18.2% by 1999.¹²⁷ South Korea followed a similar trajectory, with exports contributing to just 2.62% of GDP in 1960 at the end of Syngman Rhee's time in office, and increasing to 23.7% of GDP by the end of 1979 after Park Chung Hee's reign.¹²⁸ Both China and South Korea experienced successful growth, yet the types of firms present in South Korea and China differed. Due to different preceding historical events like Japanese colonialism and U.S. occupation of South Korea or the Mao era, I argue that domestic firms in South Korea led export growth in the 1960s-70s while China depended more on foreign firms and direct investment in the 1980s-90s.

Evaluation of Outcomes

China's permission of foreign direct investment (FDI) and support of foreign firms characterized an opening economy in the 1980s-1990s. Beginning in 1979, Deng Xiaoping implemented favorable conditions to support the operation of foreign firms; he established China's first four special economic zones (SEZs) of Shenzhen, Zhuhai, Shantou, and Xiamen. After the first two years of operation, each SEZ could offer lower

¹²⁷ Gapminder Tools. 19 Sept 2020, <https://www.gapminder.org/tools/>.

¹²⁸ See note 127 above.

taxes on business income of foreign firms at a decreased rate of 15% in comparison to 33% for others domestic firms.¹²⁹ This reduction in tax rates promised higher profits for foreign investors and helped cushion startup costs for foreign firms in these regions. For example, Shenzhen transformed from a small fishing village to an industrial hub. As a special economic zone, Wang and Meng write, “it is the multinational and foreign investors that drove Shenzhen’s urban expansion and formed its export-oriented economy.”¹³⁰ This rapid development enabled coastal provinces to contribute to 63.2% of the national GDP by 1997.¹³¹ SEZs like Shenzhen proved the success of FDI in bolstering export performance.

After experiencing initial success with SEZs, Deng expanded the benefits of FDI to include fourteen coastal cities. Similar policies for these cities offered lower tax rates of 24% for foreign firms.¹³² Under the planned economy, the number of coastal cities had remained the same from 1949 to 1978, existing only to produce for the state; private nor foreign enterprise was nonexistent. During Deng’s opening and reform, the number of coastal cities grew from 24 in 1978 to 43 in 1995.¹³³ By the mid-1980s, relaxed conditions for foreign firms expanded from reduced tax rates to favorable trade regulations. Foreign invested enterprises (FIEs) could bypass having to conduct transactions through state-owned foreign trade companies and “engage in international trade directly.... [They] were allowed duty-free import of raw materials, components, and capital equipment for export production.”¹³⁴ Reducing or eliminating input costs of physical capital for FIEs further encouraged partnerships with foreign investors. Meanwhile, lessened duties and decreased restrictions for FIEs resulted in cheaper export production, granting benefits to both Chinese and foreign markets. Powered by FDI, China’s explicit export strategy catalyzed economic growth in designated SEZs and coastal cities.

In contrast, Park turned away from FDI, preferring to use foreign borrowing and trade relations to prioritize domestic firms. Beginning in the 1960s, Park blocked FDI to

¹²⁹ Branstetter, L., & Feenstra, R. “Trade and foreign direct investment in China: a political economy approach.” National Bureau of Economic Research. (1999), 3.

¹³⁰ Wang, M., & Meng, X. Global-Local Initiatives in FDI: The Experience of Shenzhen, China. *Asia Pacific Viewpoint*, 45(2). (2004), 185.

¹³¹ Han, S. S., & Yan, Z. “China’s Coastal Cities: Development, Planning and Challenges.” *Habitat International*. (1999), 223.

¹³² Han and Yan, *China’s Coastal Cities*, 223.

¹³³ Han and Yan, *China’s Coastal Cities*, 219.

¹³⁴ Branstetter, L., & Feenstra, R., (1999), 4-5.

instead borrow from abroad. Loans from international private banks bypassed foreign interest rates, which helped to protect domestic markets. Then, the Korean Economic Planning Board distributed this foreign capital to manufacturers.¹³⁵ The state's role in capital distribution prioritized the development of domestic firms. In addition, Park re-established diplomatic relations with Japan by 1965; this fostered a beneficial trade relationship. South Korea imported incomplete goods from Japan as an intermediary actor; South Korean manufacturers would then complete production and export the finished products abroad. Park's open trade policy combined with restricted foreign direct investment created the right conditions for South Korean businesses to break into export markets.

In addition to this foreign policy, South Korean domestic family-owned enterprises, known as chaebols, drove export growth. Monthly meetings between Park and industrial leaders enabled the state to communicate directly with the export sector. These meetings also provided Park the opportunity to offer guidance, hear complaints, and "if the president agreed there was a problem, he could turn to the relevant minister sitting in the room and order him to fix it."¹³⁶ This efficiency allowed the chaebol to develop as "the muscle of the Big Push" and "a private agency of public purpose."¹³⁷ Close coordination with the state enabled chaebols to command substantial market power and make huge contributions to export production. By 1981, the top ten chaebols accounted for 30.2% of manufacturing sales while the top thirty dominated a total 40.7% of sales.¹³⁸ Unlike China, who pushed for foreign firms, South Korea focused on developing domestic firms independent of FDI.

Both China and South Korea experienced economic success with their development strategies, yielding similar export growth. However, the key difference in their strategies lies with China's decision to use FDI to stimulate growth and South Korea's choice to heavily restrict it. To discuss what caused these different development methods, it is necessary to understand the historical conditions facing 1950s South Korea and 1970s China.

¹³⁵ National Museum of Korean Contemporary History. *Export-led Industrialization of South Korea*.

¹³⁶ Perkins, D. "Chapter 3: Government Intervention versus Laissez-Faire in Northeast Asia." *East Asian Development: Foundations and Strategies*. (2013), 72.

¹³⁷ Woo-Cummings, *Race to the Swift: State and Finance in Korean Industrialization*. (1991), 169.

¹³⁸ *Ibid*, 171.

South Korea's Historical Influences

The lasting impacts of colonial Japan (1910-1945) can be evidenced through the similarities between the Japanese zaibatsu and Korean chaebol. Like the chaebol, Japanese zaibatsus were large family owned conglomerates with a shared bank. They held close relationships with the Japanese government and the government-owned banking sector. In the 1930s, the “Big Four” zaibatsu controlled four of the six biggest banks.¹³⁹ The zaibatsu’s integrated financial power maximized efficiency for the direction of capital much like the chaebol did in South Korea. In a similar move, Park nationalized the banks in 1961, which proved “a critical move in the long run, allowing the government to determine where, when, and how much to invest in which industries.”¹⁴⁰ This direct government control over production outputs favored industries like the chaebols. The zaibatsu and chaebol both possessed adaptability and were prioritized by the state. In addition, many entrepreneurs of modern Korean chaebols like Samsung, Hyundai, and Lucky worked under colonial auspices.¹⁴¹ Kohli notes that “since the Korean, family-centered, gigantic enterprises also came into their own under this [Japanese] regime, herein may lie the origin of chaebols.”¹⁴² The public-private sector cooperation of the Korean chaebol mirrors the Japanese zaibatsus; these similarities cannot be ignored. Ultimately, Park recognized the success of zaibatsus and therefore emulated a similar strategy of supporting domestic firms like the chaebol.

As with the connection between zaibatsu and chaebol, Park Chung-Hee learned from Japan’s successes and failures. Park himself was a “Japanophile” who trained in the Japanese military academy in Manchuria, eventually achieving success and recognition in the Japanese colonial army.¹⁴³ Park’s connection with the Japanese colonial state gave him the experience and knowledge to emulate and build upon the industrial foundations left behind by the Japanese. For example, Japan’s experimentation with state-owned

¹³⁹ Cumings, B. “The origins and development of the Northeast Asian political economy: industrial sectors, product cycles, and political consequences.” *International Organization*. (1984), 15.

¹⁴⁰ Amsden, “Chapter Three: The ABCS of Japanese and Korean Accumulation,” *Asia’s Next Giant: South Korea and Late Industrialization*, 73.

¹⁴¹ Kohli, A. “Where do high growth political economies come from? The Japanese lineage of Korea’s ‘developmental state.’” *World Development*. (1994), 1282.

¹⁴² *Ibid.*

¹⁴³ *Ibid.*, 1286.

enterprises in the late 19th century failed and was not continued in the colonial state.¹⁴⁴ Likewise, Park never attempted to implement the usage of SOEs and preferred to push investment and private enterprises. Furthermore, Perkins describes that “foreign direct investment was discouraged and was never an important element in Japanese industry.”¹⁴⁵ Since Park strove to emulate Japan’s strategy for domestic firms like the chaebol, it is possible that Park would have mirrored Japan’s pivot away from FDI as well. These elements of Japanese colonialism are visible in Park’s South Korean strategy to prioritize domestic firms.

In addition to the role of Japanese colonialism, U.S. occupation of South Korea and Syngman Rhee’s time in office contributed to Korea’s turn away from FDI and towards domestic firms. After the Korean War and U.S. occupation, Syngman Rhee was “more interested in reunifying the country and keeping himself in power in politically turbulent times than in anything that could be called a coherent economic policy.”¹⁴⁶ Rhee’s economic strategy attempted to implement an import substitution strategy, but a complete lack of exports maintained reliance on U.S. monetary aid. Using an overvalued exchange rate, Rhee also depended on the money earned from UN troops and U.S. assistance to fund imports.¹⁴⁷ Once a student movement overthrew Rhee, “getting out from under dependence of U.S. aid must have been essential in the eyes of Park.”¹⁴⁸ To escape reliance on U.S. assistance, Park looked inward to prioritize the development of domestic firms and countered Rhee’s failed import substitution with an export strategy. Rather than allowing foreign firms to establish themselves in South Korea through FDI, Park’s preference to take loans from international banks allowed domestic firms to remain independent. Furthermore, Rhee’s government rejected trade relations with Japan to maintain political popularity due to lingering animosity from the colonial period. Although controversial at the time, Park’s decision to re-open trade with Japan supported Korea’s export development as evidenced in previous paragraphs. These two historical events, U.S. occupation and Rhee’s government, motivated Park to avoid dependence on foreign aid and imports; supporting domestic firms became an important way to build South Korea’s independence and export-led economy.

¹⁴⁴ Perkins, D. “Chapter 3: Government Intervention versus Laissez-Faire in Northeast Asia.” *East Asian Development: Foundations and Strategies*. (2013), 67.

¹⁴⁵ *Ibid*, 68.

¹⁴⁶ *Ibid*, 69.

¹⁴⁷ *Ibid*.

¹⁴⁸ *Ibid*, 71.

China's Historical Influences

Just as the colonial period influenced Park's vision for South Korean development, Mao's China motivated Deng Xiaoping to kickstart policies of opening and reform in the 1980s-1990s. Under Mao, China maintained a closed-door policy, choosing, for the most part, to remain isolated. After the failure of the Great Leap Forward, the Cultural Revolution exacerbated economic stagnation, yet "actually created [the] political circumstances that facilitated the turn to market reform and enhanced the regime's prospect for survival."¹⁴⁹ Walder identifies Deng Xiaoping as a key person who offered hope for economic and political stability. The Cultural Revolution had left the population, from peasants to elites, "exhausted, traumatized, and repelled by years of class struggle."¹⁵⁰ Since the Cultural Revolution was inherent to the Maoist regime, its failure left the Chinese disillusioned with the CCP and open to the possibility of reform. Therefore, the people "identified [Deng Xiaoping] with the revival of Party and state institutions."¹⁵¹ This unique role allowed Deng to begin experimenting with special economic zones (SEZs) and open coastal cities. The failure of Mao's closed economy motivated China's turn towards opening to foreign markets and investment. Economic stagnation during the Cultural Revolution prepared the Chinese population and elites to support Deng Xiaoping as a proponent of opening, reform, and the use of FDI.

However, a failed economic strategy was not all Mao had to offer; his legacy also left fundamentals for China to build upon when looking to usher in FDI. Although Mao's mass collectivization campaigns caused stagnation, they left behind the foundations for a successful system in the future. Naughton writes, "the system needed overhauling. At the same time, many of the fundamentals for economic growth were in place."¹⁵² For example, a fairly healthy and educated population presented a large, impactful labor force. Productive capital had accumulated over the years which provided the foundation for further industrial development. In addition, Naughton describes that "dysfunctional decentralization of the economy" could be advantageous if re-structured correctly. Like the SEZs, Deng used this decentralization approach to experiment with granting more

¹⁴⁹ Walder, A. G. *Bending the Arc of Chinese History: The Cultural Revolution's* (2016), 614.

¹⁵⁰ *Ibid.*

¹⁵¹ *Ibid.*, 615.

¹⁵² Naughton, B. *Growing out of the plan : Chinese economic reform, 1978-1993.* Cambridge University Press. (1995), 55.

autonomy to the open coastal cities. The subsequent lessened state regulations and heightened freedom at the provincial level created a hospitable climate for FDI. Furthermore, Walder describes Mao's pivot away from the Soviet Union and towards the United States as the initial signs of opening foreign relations. He cites Mao's strategic pivot towards the United States in 1971 and the gradual revival of ties with Western nations and Japan as influential for China's later opening of diplomatic relations with the U.S. in 1979.¹⁵³ This provided ample opportunities for partnerships with "the world's leading market economies" which Walder describes as "eager to assist China's reform and opening."¹⁵⁴ Although China spent most of its time as a closed economy under Mao, these initial economic conditions and later gestures towards foreign relations with the west lined the path for Deng's modernizations.

Counterargument and Rebuttal

Haggard critiques the impact of Japanese colonialism on South Korean development; however, his response fails to recognize the lasting influences of colonial structures. Haggard claims that enough time passed between the colonial period and Park's development; thus, Japanese systems did not impact South Korean business structure. Haggard cites that of the top ten chaebols active in 1983, only one was founded during the Japanese period.¹⁵⁵ However, this statistic ignores the lasting effects of the zaibatsu as a learning tool for South Korea's future. Japanese colonialism did not necessarily produce the chaebols present in 1970s Korea, but the structure of zaibatsus impacted Korea's approach to export growth. Likewise, the structure of zaibatsus influenced Park's prioritization of domestic firms and closely unified state-business structure. Japanese management of institutions affected Park's management and economic approach; colonialism imparted institutional memory and created an initial foundation for South Korea to build upon.

In contrast with Park's export strategy, Deng's path towards growth was less defined at the outset; some argue that Mao's China did not contribute to Deng's opening and reform but rather discouraged a turn away from foreign firms. This counterargument fails to recognize Deng as the intersection of Communist/Maoist ideology and reform.

¹⁵³ Walder, A. G. *Bending the Arc of Chinese History: The Cultural Revolution's Paradoxical Legacy*. (2016), 616.

¹⁵⁴ *Ibid.*

¹⁵⁵ Haggard, S., Kang, D., Moon, C. (1997.) "Japanese Colonialism and Korean Development: A Critique." *World Development* 25(6). (1997), 876.

Naughton remarks that, “clearly, if Mao Zedong or some other highly ideological leader had remained in control, there would not have been serious market-oriented reforms.”¹⁵⁶ To progress from a planned economy to a market-oriented economy, Deng needed an intermediary stage to experiment with the role of FDI in an open economy. This experimentation with less government regulations and greater provincial autonomy began in special economic zones and open coastal cities. The success of rapid growth in these regions reflects the power of FDI in stimulating industrial and export development. Subsequent transition to a market economy continued as China’s door opened wider throughout the 1990s to further welcome FDI and new avenues of international trade.

Conclusion

These historical events shaped the roles of domestic firms and FDI in achieving successful development outcomes for 1960s-1970s South Korea and 1980s-1990s China. Japanese colonialism set the stage for continued improvement of South Korean production outputs in the 1960s, while post-war dependence on U.S. aid motivated a turn towards domestic firms. In China, Mao’s Great Leap Forward and Cultural Revolution restricted efficient agricultural and industrial production, causing extended economic stagnation until 1979 and a desire for opening and reform. These differing historical contexts for South Korea and China impacted the role of FDI in development strategies. South Korea’s post-war state aimed to reduce dependency on foreign aid and turned inwards to prioritize domestic firms. The model of Japanese colonialism influenced Park’s prioritization of the chaebol, which shares important similarities with the Japanese zaibatsu. For China, Mao’s Cultural Revolution allowed Deng to rise as a leader of strong political ideology and economic reform. As a result, SEZs and open coastal cities attracted FDI and began pioneering open economic policies which proved successful. While different, these two strategies paved the road for continued economic success in South Korea and China.

¹⁵⁶ Naughton, B. *Growing out of the plan : Chinese economic reform, 1978-1993*. Cambridge University Press. (1995), 62.

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Iran, Ballistic Missiles, and State-Sponsored Terrorism in the Context of the JCPOA

Elizabeth Messman

Abstract: *In this paper, I diagnose areas of deficiency in the Joint Comprehensive Plan of Action (JCPOA). I will begin by exploring the responses of the JCPOA to the Iranian ballistic missile program. Next, I will analyze why these cases are concerning and how these problems demonstrate the inadequacy of the JCPOA. I will conclude by proposing alterations to the JCPOA that address these issues; specifically, I endorse limiting the range of Iranian ballistic missiles and requiring an annual report of Iran's allocation of funds.*

Introduction

The Joint Comprehensive Plan of Action (JCPOA) was an agreement between the P5+1 countries and Iran; the overarching goal was to contain Iran's nuclear program and prolong Iran's breakout time for a nuclear bomb.¹⁵⁷ However, the agreement has many shortcomings: the JCPOA did not adequately address Iran's ballistic missile program or its history of state-sponsored terrorism. Specifically, Iran's ballistic missile program is a concern since its arsenal is one of the largest in the Middle East. With a diverse range of missiles, Iran has launched several successful tests of missiles that are capable of carrying a nuclear warhead.¹⁵⁸ Many of its missiles are also increasing in range, and the JCPOA failed to provide reasonable limits on these missiles. As Iran is advancing its nuclear arsenal, it simultaneously maintains relationships with non-state actors. For instance, Iran has known associations with designated terrorist groups in Lebanon, Gaza, and Palestine.¹⁵⁹ Iran's history of sponsoring terrorist activities, in conjunction

¹⁵⁷ Mark Fitzpatrick, Michael Elleman, and Paulina Izewicz, *Uncertain Future: the JCPOA and Iran's Nuclear and Missile Programmes* (IISS The International Institute for Strategic Studies, 2019).

¹⁵⁸ "A History of Iran's Ballistic Missile Program," Wisconsin Project on Nuclear Arms Control, April 5, 2017, <https://www.wisconsinproject.org/a-history-of-irans-ballistic-missile-program/>.

¹⁵⁹ Zeynab Malakoutikhah, "Iran: Sponsoring or Combating Terrorism?," *Studies in Conflict & Terrorism* 43, no. 10 (October 2018): 913-939, <https://doi.org/10.1080/1057610x.2018.1506560>.

with an advanced ballistic missile program, creates a threat of Iran providing these non-state terrorist actors with nuclear weapons. However, the nature of its relationship with non-state actors renders this possibility unlikely. Nonetheless, the funds that Iran provides to terrorist activities remains concerning, and the JCPOA failed to address this problem. In this essay, I will argue that the JCPOA inadequately addresses the Iranian ballistic missile program and Iranian state-sponsored terror, and I will propose specific alterations to the JCPOA to improve these deficiencies.

A History of Iran's Ballistic Missile Program

Iran's ill-preparedness for the war with Iraq in the 1980s originally initiated its desire for an independent ballistic missile program; Iran began progressing towards this goal swiftly and efficiently. Tehran was unable to sufficiently defend and retaliate against the missile attacks that Iraq waged.¹⁶⁰ After witnessing the potential benefits of producing its own missiles, Iran's first steps towards this self-reliance focused on Scud-type missiles. North Korea and China educated Akbar Hashemi Rafsanjani, the head of Iran's Parliament, about these missiles in 1985. There are two variations of the Scud-type missile: Scud B and Scud C. Scud Bs were the first set of missiles that Iran successfully acquired, and they were imported from Libya. These missiles were capable of carrying a nuclear warhead, and they used liquid fuel. When carrying a 770-100kg warhead, they could fly about 280-300km. In 1989, Iran imported Scud B missiles from Iran, reportedly before the missiles were even available to the North Korean army.¹⁶¹ Iran imported many of these missiles and "fired nearly 100 Scuds at Iraq between 1985 and 1988."¹⁶² After the war with Iraq, Tehran negotiated with North Korea and gained the Scud C missile to advance its capabilities even more. The size of the Scud C indicated that it could likely hold more propellant, and estimates revealed that the Scud C could fly more than 500 km when carrying a 700kg warhead.¹⁶³ Iranian scientists used its new arsenal of Scud Cs—with the help of North Korean specialists—to learn how to assemble the Scuds themselves from the ground up. By 1994, Iran had built an estimated 300 Scud Bs and 100 Scud Cs.¹⁶⁴ Therefore, in a relatively short time frame, Iran had transitioned to building missiles.

¹⁶⁰Wisconsin Project on Nuclear Arms Control.

¹⁶¹ Ibid.

¹⁶² Ibid.

¹⁶³ Ibid.

¹⁶⁴ Ibid.

In addition to the Scud B and Scud C missiles, Iran also acquired and developed an array of other missiles that relied on liquid fuel technology. For instance, North Korea's No-Dong missile was first imported and tested in Iran in July 1998.¹⁶⁵ This ballistic missile was liquid-fueled, nuclear-capable, medium-range, and fifty-three feet long. It had an "estimated range of 1,300 kilometers and a payload of 700 kilograms."¹⁶⁶ In Iran, it eventually became known as the Shahab-3. The Shahab-3 has the potential to reach targets "throughout most of the Middle East."¹⁶⁷ Additionally, according to a 2007 announcement by then-US Secretary of Defense Robert Gates, Iran had acquired another liquid-fueled ballistic missile—the BM-25—from North Korea. The announcement confirmed earlier press reports that Iran had acquired this missile.¹⁶⁸ The BM-25 had estimated ranges of 1,500-2,500km. The BM-25 has the potential to "reach targets throughout the Middle East, Turkey, and into southeastern Europe."¹⁶⁹ The BM-25 is also capable of carrying a nuclear warhead.¹⁷⁰ In the realm of liquid-fueled technology, Iran quickly acquired, produced, and progressed its own ballistic missile technology; the advanced capabilities of some of these missiles pose a potential threat to other regions.

Iran also focused on the advancement of its solid fuel technology. Solid fuel presents many advantages over liquid-based fuels: the launch requires a much shorter preparation time, often minutes instead of hours.¹⁷¹ One such solid-fueled missile was the Sejil-2. Iran claimed that the Sejil-2 has a range between 2,000 and 2,500 kilometers, which the United States has confirmed.¹⁷² Even with a 1-ton warhead, the Sejil-2 has an estimated range of 2,200 kilometers. After the first successful test of the Sejil-2 on May 20, 2009, Iran has conducted several additional successful tests. Iran also continued to improve the Sejil, announcing that the first upgraded version of the missile had been successfully tested in December 2009.¹⁷³ Given the sheer number of

¹⁶⁵ Wisconsin Project on Nuclear Arms Control.

¹⁶⁶ Alex Wagner, "Iran Tests Shahab-3 Ballistic Missile," *Arms Control Today* 30, no. 7 (September 2000).

¹⁶⁷ Hildreth, Steven A. *Iran's Ballistic Missile Program: an Overview*. Congressional Research Service, Library of Congress, 2008.

¹⁶⁸ Wisconsin Project on Nuclear Arms Control.

¹⁶⁹ Wagner.

¹⁷⁰ Wisconsin Project on Nuclear Arms Control.

¹⁷¹ Michael Elleman, "Iran's Ballistic Missile Program," n.d.,

https://iranprimer.usip.org/sites/default/files/Nuclear_Elleman_Ballistic%20Missiles.pdf.

¹⁷² Wisconsin Project on Nuclear Arms Control.

¹⁷³ Wisconsin Project on Nuclear Arms Control.

states that could be reached by this missile, the range of the Sejil-2 is concerning to many states. In fact, “this missile would allow Iran to ‘target any place that threatens Iran.’”¹⁷⁴ This missile is also the most likely vehicle for a nuclear delivery should Iran develop an atomic bomb.¹⁷⁵ Iran expanded and advanced its ballistic missile program through the Sejil missiles; these missiles could reach many different countries, posing a potential threat.

Iran and State-Sponsored Terrorism

Just as Iran’s ballistic missile program could threaten other states, its history of state-sponsored terrorism was also a concern. Iran’s relationship with these non-state actors began developing most notably after the Islamic Revolution in 1979.¹⁷⁶ Iran’s involvement with terrorism includes accusations of “training, financing, and providing weapons and safe havens to non-state militant actors such as Hezbollah, Hamas, and other Palestinian groups.”¹⁷⁷ Iran justifies its involvement with these groups in the name of self-defense from Israeli-occupation.¹⁷⁸ Since the groups that Iran associates with are considered terrorist groups by many international bodies and countries, the United States recognizes Iran as a state sponsor of terrorism.¹⁷⁹

Iran’s association with non-state terrorist actors is beneficial to it for a variety of reasons. For example, Iran’s state-sponsored terror allowed it to weaken its neighbors: Iran supported radical groups in Iraq to undermine the regime of Saddam Hussein.¹⁸⁰ Additionally, Iran has used its support for terrorist groups to influence events outside of Iranian borders, such as strengthening Iranian political protests in other locations.¹⁸¹ Iran also sponsors terrorist groups to voice its direct dissent against another state, bolster its own domestic politics, or garner prestige among other radicals abroad.¹⁸² Today, Iran is closely associated with the Lebanese Hizballah and other Palestinian groups. In addition to training the Hizballah, “Tehran provides [it with] perhaps \$100

¹⁷⁴ Michael Elleman, “Iran’s Ballistic Missile Program.”

¹⁷⁵ Ibid.

¹⁷⁶ Malakoutikah.

¹⁷⁷ Ibid.

¹⁷⁸ Ibid.

¹⁷⁹ Ibid.

¹⁸⁰ Daniel Byman, “Iran, Terrorism, and Weapons of Mass Destruction,” *Studies in Conflict & Terrorism* 31, no. 3 (2008).

¹⁸¹ Byman.

¹⁸² Ibid.

million per year.”¹⁸³ In return, Iran can influence events far outside of its borders: Hezbollah has operatives in many locations around the world. This alliance also helps protect Iran against Israel.¹⁸⁴ Iran has also supported many anti-Israeli Palestinian groups. Iranian association with these terrorist groups helps cripple Israel, a regime that it considers illegitimate.¹⁸⁵ Supporting Palestinian groups also strengthens the prestige of Iran throughout Muslim societies and prevents Iran’s isolation in the Muslim world.¹⁸⁶ While there are numerous benefits for Iran’s state sponsorship of terror, many of the advantages involve its strength or prestige relative to other states, including Israel and Iraq.

Iran’s involvement with terrorist actors, in addition to its ballistic missiles, has raised concern about Iran transferring these weapons to terrorist groups. The argument that Iran could pass off its weapons capabilities to a non-state actor is also known as the nuclear handoff argument. The possibility of terrorist groups obtaining nuclear weapons is a particular threat: deterrence will not work effectively due to the no return address problem. Terrorist groups do not maintain a physical location that can be retaliated against, which means the group will be less incentivized to abstain from using its nuclear weapons. Iran’s pattern of supplying aid to terrorist groups certainly remains a concern since Iran is financing and training groups that may harm United States allies. However, it seems unlikely that Iran will transfer nuclear capabilities to a non-state actor. First, Iran would not be able to maintain anonymity in its association with a terrorist group after a nuclear attack.¹⁸⁷ Since so few countries sponsor terrorism, and since each terrorist group typically has only one state sponsor, it would not be difficult to determine if Iran transferred its weapons capabilities to a terrorist group.¹⁸⁸

Additionally, “nuclear forensics” can trace a bomb back to where it was created including the particular facilities and uranium mines.¹⁸⁹ Because it is possible to trace the origins of the weapon, Iran itself would not be able to escape retaliation. Therefore, it seems most probable that a state would only engage in nuclear transfer if the state did

¹⁸³ Ibid., 172.

¹⁸⁴ Ibid.

¹⁸⁵ Ibid.

¹⁸⁶ Ibid.

¹⁸⁷ Keir A. Lieber and Daryl G. Press, “Why States Won’t Give Nuclear Weapons to Terrorists,” *International Security* 38, no. 1 (2013): 80-104, https://doi.org/10.1162/isec_a_00127.

¹⁸⁸ Ibid.

¹⁸⁹ Ibid., 85.

not fear retaliation. If Iran actually did not fear retaliation, it makes more sense for Iran to simply “conduct a nuclear strike itself rather than subcontract the job to a terrorist group, ensuring that the weapons were used against the desired targets at the desired time.”¹⁹⁰ Iran does not have complete control over terrorist groups; thus, Iran cannot guarantee the use of its weapons in the desired way. It does not seem to be in Iran’s best interest to transfer weapons to terrorist groups. While Iran is closely associated with many non-state terrorist actors, its current interests in avoiding retaliation make it extremely unlikely that it would provide nuclear weapons to these groups.

Conclusion and Recommendations

Iran’s robust ballistic missile program, combined with its association with non-state terrorist groups, are two concerns that were not adequately addressed by the JCPOA. The advanced capabilities of Iran’s ballistic missiles pose a threat to many other states, including the Middle East and southeastern Europe. These missiles are capable of carrying a nuclear warhead, which increases the likelihood of a future strike on a surrounding state. Without sufficient limitations, Iran can continue to advance its nuclear arsenal and improve its missile capabilities. While there is currently no strong evidence that Iran is developing ICBMs, Iran could potentially develop intercontinental ballistic missiles capable of striking the United States in the future.¹⁹¹ Additionally, Iran is associated with non-state terrorist groups. The largest concern about Iran’s state-sponsored terrorism is the possibility that Iran might transfer nuclear weapons to terrorist groups; this is especially concerning since deterrence will not be as effective for these groups. Even though nuclear handoff seems unlikely, Iran’s extensive funding of terrorist activities remains an unpredictable threat to United States allies. Therefore, the JCPOA’s shortcomings in regards to both Iran’s ballistic missile program and state-sponsored terrorism are particularly alarming.

Given the JCPOA’s failure to address these matters, it would be fruitful to craft a new arrangement. Since the United States has lost credibility from leaving the JCPOA, the United States should first rejoin the JCPOA. This would serve as a short-term solution until a new deal can be negotiated, and it would also help the United States regain credibility. As part of his campaign platform, President-elect Joe Biden indicated his

¹⁹⁰ Ibid.

¹⁹¹ Michael Elleman, “Iran’s Ballistic Missile Program.”

intention to rejoin the JCPOA.¹⁹² After this, however, a new agreement should necessarily involve improving some of the original key concerns. First, a new agreement could impose a limit on the range of Iran's ballistic missiles; specifically, the new deal could limit Iran to developing missiles with a range of 2,000km or less. This measure would be effective as it would prevent Iran from testing and devising intercontinental ballistic missiles and decrease the scope of Iran's potential targets. With this limit, however, Iran is still able to maintain security in the region, especially with regards to Israel. Since Iran's primary motivation for its ballistic missile program is to maintain security, the limit to a 2,000km range will not disincentivize Iran from joining the new agreement. Second, a new deal could ensure that Iran provides an annual report to the P5+1 and the International Court of Justice on the allocation of the funds that are made available as the result of lifted economic sanctions. This addition would ensure that no free funds are allocated to terrorist activities. Since Iran already seems unlikely to pass off nuclear weapons to these terrorist groups, adding this specific provision into the agreement would be unnecessary. Given the benefits that Iran gains from sponsoring terrorist activities, it also seems unlikely that Iran would agree to cease or limit its interactions with terrorist groups. Thus, the annual report provides the most effective solution to Iran's state-sponsored terrorism. This measure will be beneficial to the surrounding countries that are harmed by terrorist activities. The JCPOA has many shortcomings, particularly with regards to Iran's ballistic missile program and its history of state-sponsored terrorism; however, these concerns could be addressed in a new agreement by limiting the range of Iran's ballistic missiles and requiring an annual report of Iran's allocation of funds.

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¹⁹² "American Leadership: Joe Biden," Joe Biden for President: Official Campaign Website, July 29, 2020, <https://joebiden.com/americanleadership/>.

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Comparative Politics

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The Paradox of Dissimulation for Syria's Alawite Minority

Renee Yaseen

ABSTRACT: *Many religions keep elements of their doctrines and rituals secret, per a tradition of protective dissimulation. Discerning exactly when secrecy is beneficial to the group's self-preserving aims—and when it is not— is not always easy for scholars of Syria's religious minorities including the Alawites and Druze. Dakake (2006) and Urban (2007) assert that secrecy is a powerful protective mechanism for survival. These authors assert that secretiveness helps minority groups maintain strong group identities and protect sacred information. By contrast, Barkun (2006) and Pipes (1989) emphasize that secrecy and silence can become a canvas upon which socially-ostracizing accusations—such as those of heresy or sexual perversion—are painted; this may further contribute to the minority group's sociopolitical marginalization. The specific case of the Alawites' secrecy and its relationship to their persecution in Syria remains largely unstudied. I theorize that when a dissimulating minority makes up a small proportion of a region's population, as the Alawites do in urban Syria, they are more likely to be negatively affected by the response to their secretiveness and lack of visibility. I also theorize that for Alawites, the relationship between secrecy and marginalization is cyclical. I will test this theory with semi-structured interviews in four locations, the results of which I will relate to regional demographic information. This study has implications for studies of sectarianism in Syria, and for internal peacebuilding processes amongst Syria's diverse religious groups.*

INTRODUCTION

In this paper, I will investigate the relationship between Syrian Alawite secrecy and Alawite social-political integration (or lack thereof), by using semi-structured interviews and demographic information from the most recent Syrian census, as my primary sources of data. More broadly, the purpose of this research is to determine what factors

add and detract from the social, economic, and political marginalization of dissimulating religious minorities.

HISTORICAL CONTEXT

Secretive practices in the religious traditions of marginalized and/or minority groups are prevalent across different time periods, ethnicities, and conflicts. In Islam, protective dissimulation is called “*taqiyya*.”¹⁹³ *Taqiyya* is the practice of denying one’s affiliation to a particular religious sect to avoid persecution or danger. While the practice of dissimulation is often associated with Shi’a Islam in particular, historically it has not been a practice specific to Shi’as, or even Muslims in general. The concept of “hiding in plain sight” through dissimulative or secret-preserving behaviors is important for protecting tradition in Sufi Mysticism, Shi’a Islam, Alawite mysticism, Nizariism, and the Druze religion in the present day.^{194, 195, 196, 197, 198}

Syria’s Alawites present a particularly interesting case for studying the political and social implications of religious dissimulation, secrecy, and *taqiyya*. Their religion remains inextricably linked in the public’s mind with the Ba’athist rule of President Bashar Al-Assad and his father, Hafez Al-Assad. Since the 1963 coup d’état that brought Hafez Al-Assad into power as Syria’s first Alawite president, support for the presidential office has been largely divided along religious lines. In addition to the regime’s history of striking down opposition to maintain its ever-precarious balance of power, many within the Sunni-Muslim majority of Syria do not feel represented by the attempts of the Assad regime to make Syrian governance

¹⁹³ Note: When I write “secrets” or “secretive practices” in this paper, I refer to dissimulative practices and/or to the protective concealment of religious texts to outsiders, particularly during times of political exigency.

¹⁹⁴ Shahrām Pāzūkī. *The Sūfī Path: An Introduction to the Ni‘matullāhī Sultān ‘Alīshāhī Order*. Tehran: Haqiqat Publications, 2002.

¹⁹⁵ Gananath Obeyesekere. *Imagining Karma: Ethical Transformation in Amerindian, Buddhist, and Greek Rebirth*. Berkeley: University of California Press, 2002. Accessed February 14, 2019

¹⁹⁶ Dakake, Maria. *Hiding in Plain Sight: The Practical and Doctrinal Significance of Secrecy in Shi‘ite Islam*. *Journal of the American Academy of Religion* 74, no. 2 (2006): 324-55. doi:10.1093/jaarel/lfj086.

¹⁹⁷ Hande Sözer. *Managing Invisibility: Dissimulation and Identity Maintenance among Alevi Bulgarian Turks*. Leiden: Brill, 2014.

¹⁹⁸ Hafizullah Emadi. *The End Of Taqiyya: Reaffirming the Religious Identity of Ismailis in Shughnan, Badakhshan – Political Implications for Afghanistan*. *Middle Eastern Studies* 34, no. 3 (1998): 103-20. doi:10.1080/00263209808701234.

more secular to advantage Christians and Alawites in the Middle East. For example, Assad's 2010 ban on women wearing the head-to-toe *niqab* veil, the 1973 change in Syria's constitution that permits non-Sunni Muslims to hold Presidential office, and the 2012 referendum to amend Syria's constitution that prohibited the formation of political parties based on religious affiliation (which primarily targeted the Muslim Brotherhood) all caused much dissent from anti-Assad and religiously conservative voices in Syria. Such reforms changed the status quo of Syria's political life in an unprecedented way.¹⁹⁹
²⁰⁰ The political salience of Alawite integration to modern Syrian social and political life is why I chose them as my case.

LITERATURE REVIEW

Alawites often practice *taqiyya* to protect themselves from the criticism of the public eye, yet their secrecy often unwittingly invites criticism, rumors, and unjust speculation from outsiders of the religion. In the past, this has led to suspicion of the Alawite religion by many orthodox Muslims. Given the ability of religious secrecy to “backfire,” in its protective aim, why do so many marginalized groups keep aspects of their religions concealed? The scholarly literature is divided. Many authors note that secret-keeping behavior is not only associated with the sacred; they assert that secretiveness is indeed a valid mechanism for “survival” “self-perpetuation” or “deflect[ing] social criticism”.²⁰¹ For example, newly converted Jews and Muslims practiced dissimulation during the Reconquista, to preserve their lives, as well as their ethno-religious heritage.²⁰² And while religious secrecy can protect the members of a religion from persecution, it can also protect elements of a religion from desecration. Michael Barkun cites the Supreme Court case *U.S. v. Oliver*, as an example to illustrate that, “religious practices may be desecrated by the presence of nonbelievers” making secrecy a necessary component of proper religious practice for some groups.²⁰³

¹⁹⁹ Amos, Deborah. "In Syria, Ban On Veil Raises Few Eyebrows." NPR. July 21, 2010. Accessed May 07, 2019. <https://www.npr.org/templates/story/story.php?storyId=128671593>.

²⁰⁰ "Factbox: Referendum on Syria's New Constitution." Reuters. February 25, 2012. Accessed May 07, 2019. <https://www.reuters.com/article/us-syria-constitution-idUSTRE81O0BT20120225>.

²⁰¹ Dakake 2006 p.325-326

²⁰² Ibrahim, Areeg. "Literature of the Converts in Early Modern Spain: Nationalism and Religious Dissimulation of Minorities." *Comparative Literature Studies* 45, no. 2 (2008): 210-27. doi:10.1353/cls.0.0022.

²⁰³ Barkun, Michael. "Religion and Secrecy After September 11." *Journal of the American Academy of Religion* 74, no. 2 (2006): 278. doi:10.1093/jaarel/lfj058.

However, in his study of the Kartabhaja religion of Bengal, Hugh Urban says that secrecy is not primarily protective or conducive to survival. Instead, Urban says that a marginalized community's ability to hold onto knowledge that outsiders cannot have is linked to their perception of having power, and helps preserve their identity.²⁰⁴ Secret keeping and protectiveness over knowledge can help a society "compensate" for its feelings of marginalization by creating an "us" and "them" — those who have the knowledge and those who do not. Barkun's analysis corroborates, "For why must information be sequestered, if not because of its link to power?...Just as the sacred may be secret, so the secret can acquire the trappings of sacredness."²⁰⁵ These authors argue that secrecy can be used as a social and political tool, and that it can exist independently of "actual secrets" within a religion.

Both aforementioned explanations for concealment seem to apply to the Alawites of Syria. Little is known of their doctrine.²⁰⁶ Limited European contact with Alawi manuscripts and catechisms only recently began in the late 19th century, but it is known that their faith is highly syncretic, incorporating "Persian, Christian, Gnostic, and Muslim" religious influences, among others.²⁰⁷ Like the "uninitiated" members of the Druze faith many Alawites themselves are not privy to certain esoteric texts/elements of religious knowledge.^{208,209} Alawites are regarded by many orthodox Muslims as heretics.²¹⁰ But many prominent Shi'a Muslim clerics such as Musa al-Sadr and Ayatollah Hasan Mahdi al-Shirazi emphasized Alawites' Islamic-ness through fatwas and public declarations of Alawite unity and brotherhood with Shi'a Muslims in the early 1970s.²¹¹

Historically for the Alawites of Syria, dissimulation seemed to work as a means of preserving a keen sense of *'aasabiya* (an Arabic word loosely meaning solidarity, or

²⁰⁴ Urban, Hugh B. "Secrecy and New Religious Movements: Concealment, Surveillance, and Privacy in a New Age of Information." *Religion Compass*, 0, no. 0 (2007). doi:10.1111/j.1749- 8171.2007.00052.x.

²⁰⁵ Barkun p.280.

²⁰⁶ Bar-Asher, Meir Michael, and Arie Kofsky. *The Nusayrī-ʿAlawī Religion: An Enquiry into Its Theology and Liturgy*. Leiden: Brill, 2002.

²⁰⁷ Bar-Asher, Meir Michael, and Arie Kofsky p.1

²⁰⁸ Radwan, Chad Kassem. "Assessing Druze Identity and Strategies for Preserving Druze Heritage in North America." University of South Florida Scholar Commons, May 16, 2008. Accessed February 14, 2019. <https://scholarcommons.usf.edu/cgi/viewcontent.cgi?article=3158&context=etd>. p.16

²⁰⁹ Bar-Asher, Meir Michael, and Arie Kofsky 2002

²¹⁰ Pipes 1989, Asher & Kofsky 2002, Goldsmith 2015, 49.

²¹¹ Goldsmith, Leon T. *Cycle of Fear: Syria's Alawites in War and Peace*. London: Hurst & Company, 2015.

strong group identity).²¹² Their ‘aasabiya was able to survive 19th-century attempts at conversion by both American Protestant missions and the Ottoman Empire.²¹³ Goldsmith asserts that the Alawites developed a high level of “common sectarian ‘aasabiyah...as a result of increased exposure to wider Syrian society” in the mid-20th century, where tension between “‘raw’ rural young Alawites and the established social mores of the ‘Islamic cities’ of Aleppo and Damascus” caused Alawites to realize their “common identity and interests.”²¹⁴ From their formation between 850 and 1070, up until the 1971 election of the Alawite Hafez Al-Assad to the Syrian Presidency, Alawites alienated themselves geographically from urban Syrian society. They settled in mountains and agrarian societies (mostly in Latakia and Tartous) and intentionally did not seek increased visibility.²¹⁵ Hande Sözer writes of Alawites in Turkey (who are also socially marginalized and have faced “discrimination, state-initiated persecutions or even societal violence”), “Given this near uniformity of hostility...visibility has not always been a desirable condition for Alevi[Alawites]”^{216, 217}.

At many different points in history, Alawites in Syria have been viewed by the Sunni Muslim majority as “despised, heretical, and rustic mountain men.”²¹⁸ Indeed, Daniel Pipes wrote in 1989 that the Alawites have been viewed as, “the weakest, poorest, most rural, most despised and most backward people of Syria,” for centuries. But after the French Mandate (1920 - 1945) Alawites began to settle in cities.²¹⁹ They became much more visible in the public sector. They took jobs in the military and federal bureaucracy.²²⁰ For the past 50 years, they have been represented in the ruling elite of Syria, beginning with President Hafez Al-Assad, and his son, Bashar. Both presidents have instituted reforms intended to improve the socioeconomic status of historically marginalized groups like Christians and Alawites. The Sunni Muslim Brotherhood constitutes substantial opposition to Bashar Al-Assad’s presidency in the Syrian Civil Conflict; one of their ideological disputes with the Assad regime is their rejection of

²¹² Goldsmith 2015, 4, Collins 2016

²¹³ Goldsmith 2015, 53

²¹⁴ Goldsmith 2015, 71

²¹⁵ Goldsmith 2015, Sözer 2012, Pipes 1989

²¹⁶ Sözer 2012, 3-4

²¹⁷ Sözer 2012, 3-4

²¹⁸ Goldsmith 2015, 85

²¹⁹ Pipes 1989

²²⁰ Goldsmith 2015, 69, Balanche 2018

Assad's secular reforms.²²¹ Another is their assertion that the President of Syria must be Muslim, and that Alawites are not Muslims.²²²

Yet Alawite religious secretiveness continues to be used polemically against them, which opens questions about visibility, secrecy, and marginalization. In some cases, the privateness of a marginalized religious sect can lead to unjust speculation, or "imagined secrets" about their true beliefs which can be politically and socially damaging to them²²³. Often in history, this kind of speculation takes the form of incorrectly attributing blasphemy or non-heteronormative sexual practices to a particular group's religious doctrine. Michael Barkun examines this pattern in groups such as Catholics and Mormons, who, "were said to conceal dangerous and licentious activities in such settings as convents and polygamous households."²²⁴ He goes on to say that "The intensity of sexual motifs in counter-subversion literature (e.g., the anti-Catholic "convent literature") suggest that where conduct cannot be directly observed, imagination produces ready substitutes."²²⁵

When examining the types of anti-Alawite sentiment in Syria, a strikingly similar pattern is observed. Pipes writes of Alawites in 1989, "the obsessive secrecy inherent to the religion suggested to many Sunnis that the Alawis had something to hide. But what? Over the centuries, the Sunnis' imaginations supplied a highly evocative answer: sexual abandon and perversion."²²⁶ Sodomy, polygamy, incestuous marriages, and "buying" wives are all practices that were falsely attributed to Alawite doctrine; these socially damaging rumors form a substantial part of anti-Alawi propaganda in modern Syria.²²⁷

The tendency of the political and social "silence" of a group (as in the intentional mountainous isolation of the Alawites, and their "political irrelevance" to spark rumors about "what they are hiding" is paralleled in Barkun's analysis of Harmonists, Shakers, Oneida Perfectionists, and Mennonites.²²⁸ Barkun writes of the aforementioned groups, "to be separate suggested alienation from the political system, whereas religions

²²¹ Anderson 2015, Goldsmith 2015

²²² Goldsmith 2015

²²³ Barkun 2006, 278

²²⁴ Foster 1984: 221, 222; Bennett 1995: 41-47, as cited in Barkun 2006, 284

²²⁵ Barkun 2006, 284)

²²⁶ Pipes 1989, People and Faith section, para. 8

²²⁷ Pipes 1989, People and Faith section, para. 1-9

²²⁸ Goldsmith 2015

considered undemocratic often had members who clustered together.”²²⁹ The “alienation from the political system” and low visibility of these groups was one reason for their historic marginalization in the United States.²³⁰

“Invisibility” clearly has its drawbacks. In much social science literature, invisibility is often seen as a problem for historically marginalized groups such as Black Americans in the U.S.²³¹ Visibility, on the other hand, is often seen as desirable. Members of socially marginalized groups often feel like they must “expose themselves” to the public to demonstrate that they have nothing to hide.²³² They often hope their visibility in the public sphere might dispel rumors and propaganda.

Based on the above, I assume that sects become secretive/dissimulative to 1) protect sacred texts and practices from harm, 2) preserve identity and group *‘aasabiya*, and 3) create the perception of social power and control.^{233, 234} Secretive practices can be protective and helpful to marginalized groups in these ways.

I also recognize that keeping practices secret and using dissimulation can simultaneously reduce feelings of group cohesion and weaken *‘aasabiya*, especially in diaspora where close community ties may be inherently harder to foster; keeping practices secret may cause traditions to dissipate as newer generations become farther and farther removed from the original language and culture in which the religious community first arose.

There is a clear scholarly controversy regarding whether secretive practices by minority religious groups are overall beneficial to those groups. Resolving this controversy may be key to social peacebuilding processes in Syria in the future.

Additionally, resolving this controversy will take a new assessment of the condition of the Alawites regarding their urbanization. It will also warrant an updated assessment of attitudes towards Alawites in modern Syria, and an assessment of Alawite perception of control over those attitudes. The scholarly literature on the Syrian Civil Conflict is

²²⁹ Barkun 2006, 283

²³⁰ Barkun 2006

²³¹ McDonald & Wingfield 2009, Naber 2010

²³² Barkun 2006, p.294

²³³ Barkun 2006, Urban 2007

²³⁴ Sözer 2012

lacking this information about the Alawite sect. Thus, this research seeks to answer whether and under which circumstances that secretive practices by the Alawites add or detract from their marginalization and/or persecution.

THEORY

I propose that the likelihood of Alawite secretiveness increasing marginalization is highly dependent on where the Alawites are settled - in urban areas of Syria, or rural areas of Syria. I do not believe that this relationship is entirely due to the physical differences between rural and urban geography; rather, I believe it has to do with differences in proportions of Alawites to non-Alawites in these respective regions. The effectiveness of secretive/dissimulative practices in protecting a marginalized religious group from discrimination depends on how “visible” their secrecy is to the surrounding public. When a secretive group is more visible to outsiders, their secretiveness leads to more marginalization. When a secretive group is physically distant and less visible to outsiders, their secretiveness’s only effect is a positive one for their sense of group identity. As an overview of my theory, I present Diagrams 1 and 2:

Diagram 1: Effects of Dissimulation and Secrecy in Rural Syria

Rural areas in Syria include Latakia and Tartous. These are mountainous and coastal areas with a strong Alawite majority—approximately 60% of residents are Alawite. Under these geographic and demographic conditions, I believe secretive practices may provide internal social benefits for Alawite communities.

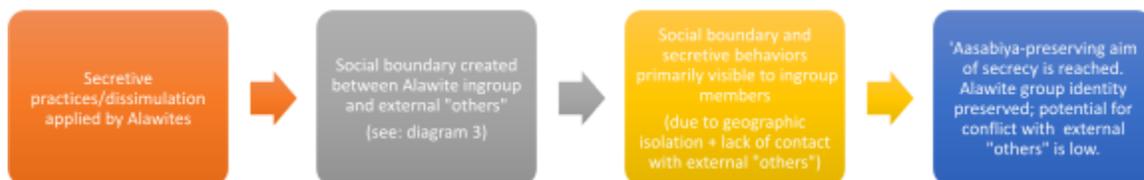


Diagram 2: Effects of Dissimulation and Secrecy in Urban Syria

Urban areas in Syria include Damascus and Aleppo. These areas are majority Sunni, with approximately 70% of the population identifying as such.



Now, more than ever, there is a physical separation between the most concentrated settlements of Alawite Muslims —their communities congregate both in cities and in the mountainous regions near the Turkish border. Before the 1970s, the Alawites confined themselves to the outskirts of Syria. They self-isolated within the mountains and tried to maintain “political irrelevance.”²³⁵ There was an exceedingly small presence of Alawites in major cities, if any, for fear of Sunni persecution.

But since the 1970s, there has been significant internal migration of Alawites from their densest settlement in the mountainous hinterlands of Northern Syria (namely, in the rural, coastal districts of Latakia and Tartous), to urban cities like Damascus and Aleppo, and the more urban areas within Latakia.²³⁶ This migration of more Alawites to cities has led to a sizable number of Alawites holding high positions in the government and military in urban areas, while others remain confined to an isolated, traditional, agrarian lifestyle on the coasts.

²³⁵ Goldsmith 2015

²³⁶ Goldsmith 2015

Violence, rebellion, and tensions between Sunnis and Alawites in cities like Hama, Aleppo, and Homs skyrocketed in the late 1970s and 1980s when mass Alawite migration to cities was taking place.²³⁷ Today, Alawites make up 12-15% of the total Syrian population, and roughly $\frac{2}{3}$ of the population of Latakia.²³⁸ The presence of the Assad Regime in Damascus emboldened many Alawites to settle there in the 1970s, although they make up far less of the Damascene population than the Sunni Muslim majority.

I hypothesize that the disconnect observed in the scholarly literature regarding Syrian Alawites—namely, the ability of secrecy to increase marginalization in some cases, but protect marginalized groups in others—can be explained as follows:

My first premise is that secretive practices (including dissimulation) create an imagined separation between members of the dissimulating group and others. This is documented in Hugh Urban's study of the Khartabaja religion; Urban says that keeping religious information secret and protected from outsiders is used to accumulate "cultural" or "social" capital.²³⁹ Secrecy is used to create a separation between those who are important or trustworthy enough to have esoteric information and those who are not.²⁴⁰ In places where Alawites are in the substantial majority (for example, the mountains of Northern Syria) the cultural boundary formed by secrecy is good for social cohesion (*aasabiya*) and maintenance of identity. The "us" and "them" that secrecy creates, is only of importance to members of the dissimulating group. Members of the dissimulating group do not often engage with outsiders; thus, their secrecy does not promote conflict between the dissimulating group and outsiders. In his study of four, rural, Alawite-populated areas in Turkey, Hande Sözer details that,

dissimulation actually **reinforces the distinction between the minority and other groups in the eyes of the minority's members.** For such minorities, **the group identities remain robust** even when they claim membership in other groups, and **group boundaries remain salient** even when they pretend to cross them.²⁴¹

²³⁷ Baltacioglu-Brammer, Ayse. "Alawites and the Fate of Syria." Front Page. Accessed March 01, 2019. <http://origins.osu.edu/article/alawites-and-fate-syria/page/0/1>.

²³⁸ Baltacioglu-Brammer 2014

²³⁹ Urban 1998, 212

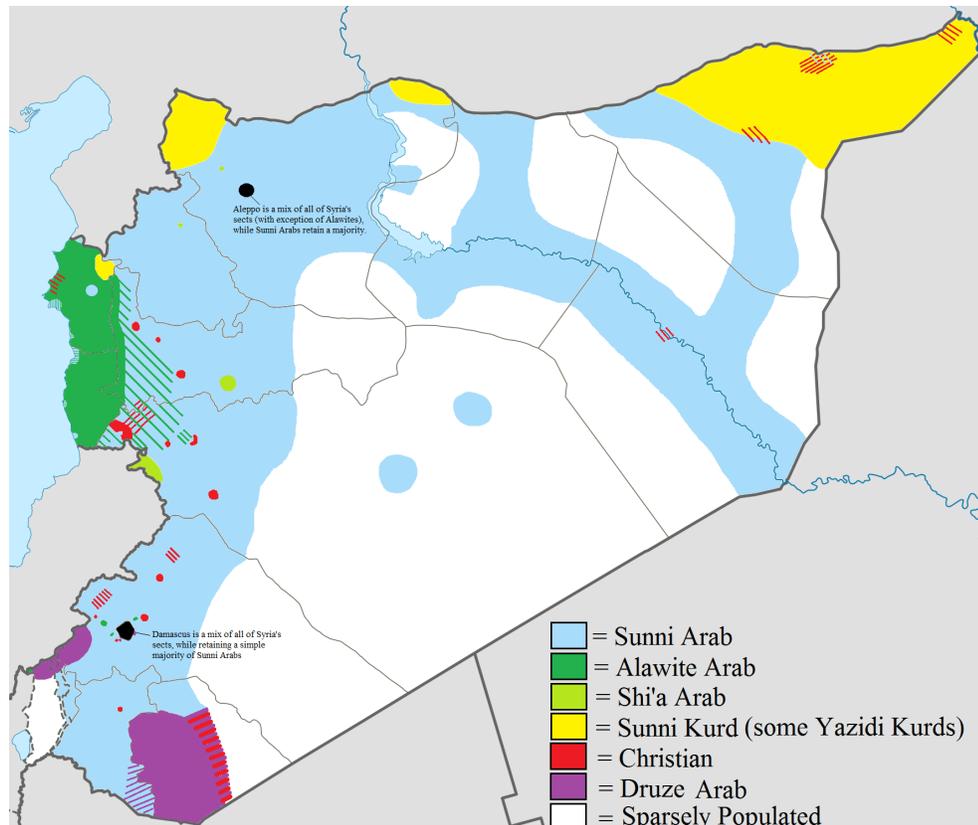
²⁴⁰ Urban 1998

²⁴¹ Sözer 2012, 265

The most important part of Sözer’s analysis to my theory is the ability of dissimulation and secretive practices to create a sort of “social boundary” between Alawites and non-Alawites, in the eyes of Alawites. I argue that this social boundary is most protective of Alawite identity when Alawite visibility is low, as when they are confined to remote and rural areas (as in Diagram 3). Put another way, a social boundary is effective in promoting a marginalized group’s identity and cohesion only when another boundary (such as physical distance, or geographic features like mountains) also separates their group from opposing groups.

Diagram 3: Conceptualizing a Social Boundary (in Rural, Alawite-Majority Areas)

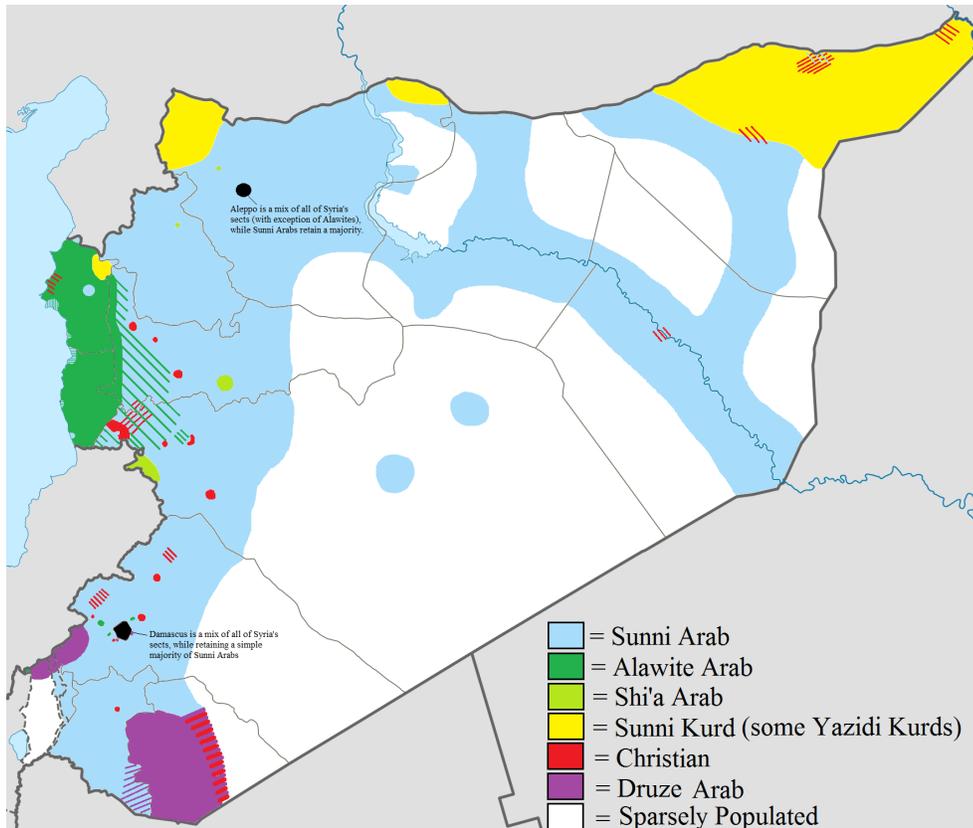
The map below gives a rough idea of the geographic dispersion of Syria’s diverse religious groups. The red ellipse I’ve drawn represents the conceptual “social boundary” around this particular coastal, majority Alawite region in Northwestern Syria (Latakia and Tartous, broadly). Note that facing into Syria, the green region is bordered by mountains, and facing out of Syria, the green region is bordered by water. Original map image retrieved from: <https://imgur.com/S4CoVJo> (red ellipse is my own)



Contrarily, in places where the dissimulating Alawites are not in the majority and many other religious sects surround them (for example: urban Syrian cities) the “social-boundary-forming” aspect of Alawite secrecy may lead the majority to feel excluded and possibly threatened. The dissimulating group and its social boundary becomes analogous to a “perforated state” within the more diverse external society (see Diagram 4 below). Thus, in these situations, secrecy hinders integration into society. Unlike in rural, Alawite-dense areas, this case promotes an “us vs. them” view on both fronts - Alawite and Sunni Majority.

Diagram 4: The Social Boundary (in Urban, Majority-Sunni Areas)

The red circle represents the conceptual “social boundary” around Alawite communities in a Sunni-majority city like Damascus. Note that in this case, what is external to the boundary is not mountains or a body of water, but more majority-Sunni areas. This makes the social boundary more visible to groups outside of it. Original map image retrieved from: <https://imgur.com/S4CoVJo> (red circle is my own)



In Diagram 4, Alawite secrecy is highly visible from the outside, and thus provokes questions and speculation, or fears of the unknown. This can in turn promote a cycle of

violence, discrimination, and further marginalization of the dissimulating group.²⁴² In cities that have only recently been populated by Alawites (post 1970), such as Homs, Hama, Aleppo, and Damascus, Alawite presence is still seen as unified, foreign, and threatening due to a heavily-Alawite military and their tendency to bond together in society.²⁴³ Syrian cities like Damascus were seen as “Islamic” before the secular reforms of Hafez Al-Assad, and Alawites were not considered truly Muslim by orthodox Muslims—their presence disrupted the “Islamicness” of these cities.²⁴⁴

As is evident in the scholarly literature, the secrecy of Alawites in the face of their consistent exposure to Orthodox Sunnis and Shias led to imagination about their beliefs (i.e. falsely attributing heresy to the Alawites) which further marginalized Alawites and alienated them from Arab-Islamic society.²⁴⁵ In the past, similar dehumanizing language and accusations of heresy have led to violence and tensions.²⁴⁶ So I hypothesize that hateful sentiment expressed by the majority against the minority may lead the dissimulating minority to be even more protectively secretive since violence is perceived as a credible threat. This is consistent with the theory of secrecy as a protector against violence and perceived aggression, presented by Maria Dakake.²⁴⁷ As shown in Diagram 2, in urban areas where Alawites are an ostensible minority, I theorize that the relationship between secrecy and marginalization/persecution is cyclical.

METHODOLOGY

I plan to conduct semi-structured interviews with Alawites and Sunni Muslims in 4 locations that provide a good mix of urban, rural, majority-Alawite, mixed Sunni-Alawite, and majority-Sunni populations. I selected the interview method because it will allow me to understand the way that sectarian and ethnoreligious issues are typically spoken about by the public (rather than by ethnographers, researchers, media outlets, and politicians). Individual stories and experiences of community as they relate to religion are of interest to me while studying social marginalization and discrimination. As a Syrian citizen, I have connections in numerous Syrian cities and villages through my extended family and network of friends. Syria is a small country and

²⁴² Barkun 2015

²⁴³ Goldsmith 2015, 77

²⁴⁴ Goldsmith 2015, 71

²⁴⁵ Pipes 1989

²⁴⁶ Pipes 1989

²⁴⁷ Dakake 2006

the places I have chosen are accessible by car and bus. My Arabic fluency is at a level where I can conduct interviews comfortably, and I believe my cultural understanding will help to gain authentic responses from Syrians who may be wary of questions from “outsiders.” The 4 locations I have chosen to conduct interviews in are:

- 1.) Damascus, Syria’s urban capital. Alawites congregate primarily in the Mezzeh district but are fairly interspersed with the majority Sunni population of the city.
- 2.) Latakia, a suburban port city in Northern Syria. Approximately 70% of the population identifies as Alawite, with the rest being primarily Sunni, Christian, Druze, or Ismaili.
- 3.) Two rural villages in the Latakia Governate:
 - a. Al-Qardaha, a rural village with a majority Alawite population. Highly isolated.
 - b. Al-Bahlouliyah, a rural village with a large, majority-Alawite population.
- 4.) Two rural villages in the Homs Governate (approx. 25% Alawite, 64% Sunni in total with varying distributions in individual villages):
 - a. Talkalakh, a rural village with a mixed Sunni-Alawite population.
 - b. Al-Mukharram, a rural village with a majority Alawite population

Measuring “marginalization” presents challenges. With a small sample size and the lack of a consistent quantitative way to measure social marginalization or discrimination, interviews and conversations are decent ways to gauge the varied attitudes toward the Alawites that exist within their communities and outside of them.

In the structured portion of the interview, I will ask participants to self-identify their religious affiliation. Whether they are Alawite or not, I will additionally ask participants, “do you personally believe Alawites are Muslim, and, if so, are they Shi’a?” The belongingness of Alawites to Islam is a majorly contested issue. The attribution of Islam to Alawites would legitimize their sense of belonging to broader Syrian society, and their labeling as “non-Muslims” is a barrier to their integration into Syrian society. I will also ask, “Do you prefer that the President of Syria be of any particular religious affiliation?” Lastly, I will ask participants, “How visible is the Alawite community to you? Do you work with or go to school with people you know are Alawite?” The questions on visibility will help me gauge the existence of what I call a “social boundary” between Alawites and non-Alawites in various rural and urban settings. It will also help me to understand the

levels of “closeness” and *aasabiyah* (strength of group identity) of Alawites perceived by their non-Alawite neighbors.

In Damascus and Latakia, it might be useful to start to interview students at Damascus University and Tishreen University (Latakia), because the University environment brings together students of many different religious backgrounds from all around Syria. This would help me control for purely regional differences in attitudes toward religion. It would also help me to observe if a perceived “social boundary” between Alawites and non-Alawites develops when Alawites are in a mixed, urban setting.

In the rural villages, a “snowball” technique may prove more helpful - I may start with known Alawite religious leaders (sheikhs) and try to make more connections with others through those initial interactions.

EPISTEMOLOGICAL AND ETHICAL CONCERNS

In this research endeavor, I want to take a lesson from Hande Sözer, in her research of the Bulgarian Alawite community in Turkey. She recognizes that “studying people who are not willing to be studied violates ethics inquiring consent” and that a researcher’s informants may be dissimulating to them, and the researcher would have no way of knowing.²⁴⁸ Hugh Urban also notes that researchers should not attempt to seize intentionally concealed knowledge; to do so would be “violence...looting the cultural artifacts of another people, replicating the destructive practices of imperialism in another form”.²⁴⁹

Devika Chawla, a self-ascribed “native ethnographer” in her study of Hindu women’s experiences in arranged marriages, has faced criticism that she might reveal, “insider secrets without regard for the [South Delhi Punjabi] community.”²⁵⁰ She defends her methodology by saying that a native ethnographer would not reveal the “dirty laundry” or insider secrets of a community because, that community is her community, too.²⁵¹ She argues that “ethnographic encounters and our writing of them become

²⁴⁸ Sözer 2014, 28

²⁴⁹ Urban 1998, 214

²⁵⁰ Chawla, Devika. "Subjectivity and the “Native” Ethnographer: Researcher Eligibility in an Ethnographic Study of Urban Indian Women in Hindu Arranged Marriages." *International Journal of Qualitative Methods* 5, no. 4 (2006): 13-29. doi:10.1177/160940690600500402.

²⁵¹ Chawla 2006

experiences of shared subjectivity and multiplex subjectivity”.²⁵² All parties involved: native and outsider, interviewer and interviewee, partake in a shared subjectivity. The emphasis must be on openly addressing this subjectivity, and on understanding that my presence as a researcher is contingent on the comfort and consent, of those around me. Like Chawla and Sözer, I must be open about my adjacent connection to the community that I am studying, namely, that I am Syrian and Muslim, and yet be conscious of my own “otherness”—my U.S. citizenship and education, my ideal position as an impartial researcher, and my experiences growing up in the United States.

CONCLUSION AND IMPLICATIONS FOR THE FUTURE

This paper attempts to understand what factors contribute to the success of secrecy as a protective mechanism, and what factors make it disadvantageous to dissimulating communities. I selected the Alawites as a particular case because they are a notable contradiction: they use dissimulation and secrecy as protection from discrimination and scrutiny, yet these practices often exacerbate the discrimination they face from outsiders.

Both secrecy and visibility have historically had major benefits and major drawbacks to Alawites on their centuries-long journey to integration within Syrian society. Studies into the impact of secretive traditions on societal integration will offer a new sense of direction for Syria’s religious minorities in how they might peacefully approach achieving their goals of cohesion into a national climate that has been historically hostile to them.

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²⁵² Chawla 2006, Native/other/another section, para. 1

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Explanations for Regime Durability in Saudi Arabia

Emma Tamer

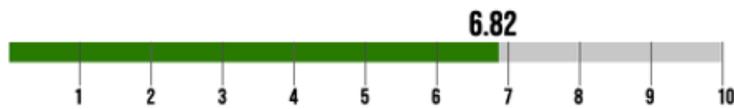
Since 1932, the House of Saud royal family has wielded absolute authority over the kingdom of Saudi Arabia with relatively few threats to their dominance. Most political power in the regime is concentrated in the hands of the young crown prince, Prince Mohammed Bin Salman, the son of the current King Salman. Government roles are filled with over 2,000 of the 15,000 members of the royal family and because of this, there is very little room for internal opposition from the government. The Saudi regime has historically been incredibly repressive, especially towards women, and has harshly punished any dissent or criticism of the regime. Crown Prince Mohammed, however, has a vision for the country, including an ambitious plan for economic diversification and social modernization that seems completely out of place considering the repressive tendencies of the regime. Through both repression and loyalty, the House of Saud is able to maintain legitimacy and ensure longevity by balancing seemingly paradoxical ideas of liberalization and authoritarianism, as well as modernization and traditional Islamic law.

The paradox of legitimacy in Saudi Arabia can be illustrated by comparing public opinion data from the kingdom to objective data which analyzes the repression and lack of freedom in the regime. The following public opinion data taken from the 2003 World Values Survey and 2019 Gallup Analytics polling seems to show the legitimacy of the regime in the eyes of the citizens, or at least that Saudi citizens are not outwardly dissatisfied with government performance: they are overwhelmingly satisfied with the amount of freedom in their lives, most strongly agree with Sharia law (the constitution of the state) and are relatively satisfied with the quality of their lives^{253, 254}.

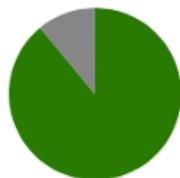
²⁵³Inglehart, R., C. Haerper, A. Moreno, C. Welzel, K. Kizilova, J. Diez-Medrano, M. Lagos, P. Norris, E. Ponarin, and B. Puranen. "World Values Survey Wave 6," 2014.

²⁵⁴Geographical Profiles: Saudi Arabia." Notre Dame, 2019.

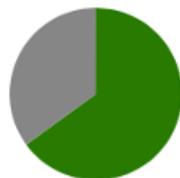
Rate the political system on a scale from 1-10:



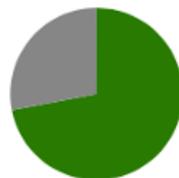
Rate your life on a scale from 1-10 (10 being best possible life):



■ Yes (89%) ■ (11%)
Are you satisfied with the freedom in your life?



■ Strong Belief (65%) ■ (35%)
Belief in Sharia Law



■ Yes (72%) ■ (28%)
Do you have confidence in the judicial system?

Due to the infrequency of the polls and because they may be skewed in favor of the government given fear of punishment for “wrong” answers, this positive data should not be taken at face value. It is nonetheless interesting as a stark contrast to data that reveals the repressive reality of the state. Freedom House scores Saudi Arabia a 7/100 in freedom, a 1/12 for “Functioning of Government” and a 1.44/5 in regard to women’s rights.²⁵⁵ The

Economist Democracy Index ranks the kingdom 159th out of 167 countries.²⁵⁶ The regime balances an extreme lack of freedom, a lack of citizen participation in government, and human rights abuses with seemingly little popular dissatisfaction or mass mobilization due to a combination of including the legitimizing effect of Islamic law, economic prosperity, promises of modernization, and repression which silences dissidents and could account for skewed public opinion data.

In his discussion of the fate of Arab states following the Arab Spring, Sean Yom observes that Arab monarchies, including Saudi Arabia, were the few regimes that were able to avoid collapse amid the uprising.⁵ As Hadenius and Teorell find in their typology of authoritarian regimes, monarchies endure the longest among authoritarian regimes.²⁵⁷ While the basic structure and solid foundation of monarchies in general is partially an

²⁵⁵ “Saudi Arabia: Freedom in the World 2020 Country Report.” Freedom House. Freedom House, 2020. <https://freedomhouse.org/country/saudi-arabia/freedom-world/2020>.

²⁵⁶ “Democracy Index 2019: A Year of Economic Setbacks and Popular Protest,” The Economist Intelligence Unit (The Economist Intelligence Unit, 2019), <https://www.in.gr/wp-content/uploads/2020/01/Democracy-Index-2019.pdf>.

⁵ Sean L. Yom and F. Gregory Gause, “Resilient Royals: How Arab Monarchies Hang On,” *Journal of Democracy* 23, no. 4 (2012): pp. 74-88, <https://doi.org/10.1353/jod.2012.0062>.

²⁵⁷ “Saudi Arabia.” International - U.S. Energy Information Administration (EIA). U.S. Energy Information Administration (EIA), October 20, 2017. <https://www.eia.gov/international/overview/country/SAU>.

explanation for their durability, Yom finds that the monarchs excel at maintaining control given their coalitions of popular support and their resource wealth, which contributes to economic stability.²⁵⁸ This explanation for regime longevity applies to Saudi Arabia: the regime has successfully created a system of popular support among the extensive network of members of the royal family and Sunni Muslims throughout the state (largely mobilized by Islam) and has provided relative economic prosperity to its citizens due to its oil revenue.

Islam is foundational to the kingdom's popular support. 93% of Saudi Arabia's 30 million citizens are Muslim (majority Sunni) and the two holiest cities in Islam, Mecca and Medina, are located in Saudi Arabia. The House of Saud adheres to the Wahhabi religious movement, a conservative form of Islam that interprets the Holy Quran literally. Because Wahhabism was important to the early history of the kingdom, the continuation of the religious tradition as well as the inextricable relationship between Islam and the government is a major source of legitimacy for the ruling family. Further, the official constitution of Saudi Arabia is the Holy Quran. In 1992, the state also adopted a Basic Law to accompany the Quran for matters of government policy and interpreting Islamic law in the context of ruling a modern state. According to the most recent World Values Survey on Saudi Arabia, 65% of survey respondents reported that they agreed strongly with Sharia law.²⁵⁹ Because Sharia law and the constitution are inextricable, this statistic is key to understanding Saudi Arabia's ability to create a coalition of popular support surrounding the legitimizing effect of Islam. Religious homogeneity coupled with Saudi Arabia's identity as an Islamic Law state is one contributing factor to how the ruling family is able to maintain control with relatively little pushback despite repressive tendencies.

The al Saud family's oil wealth stabilizes the regime from within and also creates sufficient economic prosperity to prevent popular dissatisfaction and collective action among its citizens. Saudi Arabia is the world's largest exporter of oil and has the largest capacity for crude oil production with the oil industry making up more than 50% of the country's GDP.²⁶⁰ The regime wields significant control over the economy as the royal family depends on oil revenue to support its massive \$1.4 trillion net worth that is

²⁵⁸ Yom, "Resilient Royals"

²⁵⁹ Inglehart et al., "World Values Survey"

²⁶⁰ "Saudi Arabia," International - U.S. Energy Information Administration (EIA) (U.S. Energy Information Administration (EIA), October 20, 2017), <https://www.eia.gov/international/overview/country/SAU>.

distributed among a small group of senior members. In her study of authoritarianism in the Middle East, Eva Bellin argues that the \$30 billion in “rental income” Saudi Arabia earns from the oil industry each year allows the state “to pay itself first” and “give first priority to paying the military and security forces.”²⁶¹ This extreme material wealth among members of the royal family is crucial for maintaining complete loyalty among inner circles and security forces and is an effective strategy to prevent military defection and ensure the protection of the royal family in the event of potential dissent which could threaten the stability of the regime.

Unlike in other states where the regime can only afford to pay off an inner circle and neglects the welfare of its citizens, the prosperous oil economy is also an important factor of citizen loyalty. In her profile of Prince Mohammed, Karen Elliott House of the Harvard Kennedy School Belfer Center, describes the social contract in Saudi Arabia thusly “the crown provides prosperity in exchange for citizen loyalty”. This prosperity is fueled by the oil economy, which has made Saudi Arabia one of the top 20 countries in terms of GDP.²⁶² Jerry Feierstein of the Middle East Institute echoes House: “the theory of governance in Saudi Arabia was that the population would accept the absolute rule of the Al Saud family in return for prosperity and stability.”²⁶³ The royal family maintains relative popularity despite a lack of freedom in the country because of the stabilizing nature of wealth. Just like the Syrian citizens who “act as if” they are completely loyal to the regime but in reality, are not tricked into believing its rhetoric, Saudi citizens are not fooled into thinking that their lives under the regime are free.²⁶⁴ The status quo of prosperity in exchange for loyalty, however, is so ingrained in the social construct of the state that the regime has effectively eliminated a major cause of popular unrest that would threaten the stability of the state. In terms of balancing loyalty and repression, the oil industry is vital to the state’s ability to prevent backlash against repression and blatant disregard for personal freedoms.

²⁶¹ Eva Bellin, “The Robustness of Authoritarianism in the Middle East: Exceptionalism in Comparative Perspective,” *Comparative Politics* 36, no. 2 (2004): p. 139, <https://doi.org/10.2307/4150140>.

²⁶² Karen Elliott House, “Profile of a Prince: Promise and Peril in Mohammed Bin Salman's Vision 2030,” Belfer Center for Science and International Affairs, April 2019, <https://www.belfercenter.org/publication/profile-prince-promise-and-peril-mohammed-bin-salmans-vision-2030#toc-notes>, 6.

²⁶³ Jerry Feierstein, “Saudi Arabia: Liberalization, Not Democratization,” American Foreign Service Association, May 2018, <http://www.afsa.org/saudi-arabia-liberalization-not-democratization>.

²⁶⁴ Lisa Wedeen, *Ambiguities of Domination: Politics, Rhetoric, and Symbols in Contemporary Syria: with a New Preface* (University of Chicago Press, 2015).

Oil wealth is also essential to maintaining Saudi Arabia's legitimacy-bolstering allyships with western countries that depend on its oil. The United States, for example, has had economic agreements with Saudi Arabia dating back to the 1930s. US administrations have called Saudi Arabia "a critical strategic partner in [the Middle East],"²⁶⁵ and other western states have provided generous support in an attempt to ensure "regular oil and gas supplies to the West."²⁶⁶ Because western states are dependent upon Saudi natural resources, they are reluctant to intervene in ways that would destabilize the economy even in cases of human rights abuses. Western economic relationships bolster the durability of the House of Saud because they perpetuate the system of prosperity-based legitimacy without forcing the government to make substantial political reforms.

Another important strategy for control within Saudi Arabia is media control and internet surveillance which allows the regime to simultaneously disseminate pro-state messaging and punish any dissidents. According to the 2020 Freedom in the World report, Saudi Arabia scores a 0/4 in the category of free and independent media and the government controls all domestic media and "heavily influences regional print and satellite-television coverage." In addition to official state-enforced online censorship, the state has generated enough fear surrounding freedom of information that "the threat of imprisonment... has also led journalists and activists to self-censor."²⁶⁷ Reporters Without Borders reports that "at least 32 journalists and citizen journalists were behind bars in Saudi Arabia" in 2019."²⁶⁸ In October 2018, Jamal Khashoggi, a Saudi journalist who was openly critical of the regime and who worked in the US for the Washington Post was murdered in Istanbul by Saudi agents. His death has been tied to the crown prince and serves as an example of extreme tactics for censorship and information control leveraged by the regime. Saudi Arabia has also "used commercially available surveillance technologies to hack into the online accounts of government critics and dissidents" and has the ability to access personal cell phone files, cameras and microphones for spying.²⁶⁹ The government, which has threatened to imprison some

²⁶⁵ "U.S.-Saudi Arabia Relations," Council on Foreign Relations (Council on Foreign Relations, December 7, 2018), <http://www.cfr.org/backgrounder/us-saudi-arabia-relations>.

²⁶⁶ Bellin, "The Robustness of Authoritarianism," 149

²⁶⁷ "Saudi Arabia: Freedom in the World 2020 Country Report," Freedom House (Freedom House, 2020), <https://freedomhouse.org/country/saudi-arabia/freedom-world/2020>.

²⁶⁸ "Saudi Arabia: Cracking down Harder: Reporters without Borders," Reporters Without Borders, 2020, <https://rsf.org/en/saudi-arabia>.

²⁶⁹ "The High Cost of Change," Human Rights Watch, May 26, 2020, <http://www.hrw.org/report/2019/11/04/high-cost-change/repression-under-saudi-crown-prince-tarnishes-reforms>.

Twitter users and has the power to “delete user-generated content that could be deemed... inconsistent with societal norms,” is clearly capable of monitoring online content as a way to glean information about citizen opinions.^{270, 271} With these techniques for media control and surveillance, Crown Prince Mohammed Bin Salman (MBS) has used the Ministry of Media as well as the Ministry of Culture and Information to solve the dictator’s dilemma outlined by Wintrobe. Despite an obvious lack of legitimate feedback and without freely flowing information (which could threaten the regime and allow for citizens to organize collectively) the government still has an effective means of gauging citizen attitudes which is useful for discouraging dissent and catching online movements early.

MBS is an interesting figure when considering regime durability. As a young leader, MBS represents a complicated combination of the state’s desire to continue its absolute control over its citizens and his personal desire for modernization. In “Political Order in Changing Societies,” Samuel Huntington describes what he calls “the king’s dilemma,” or a monarch’s challenge to “liberalize without losing control.”²⁷¹ MBS finds himself in the unique position of facing both the king’s dilemma and the dictator’s dilemma; he must balance his ambitions to modernize the Saudi society and economy without allowing liberalism to threaten the tradition of absolute monarchy and without loosening the reins on repression so as to make room for potential collective action. An example of MBS’s attempts to win popular support from his citizens is his Vision 2030 plan. The Vision plan outlines an ambitious path to economic modernization within the decade, focusing especially on diversifying the Saudi economy away from its near complete dependence on oil by 2030. In his introduction to the plan, Prince Mohammed promises “world class government services which effectively and efficiently meet the needs of citizens,” “a better tomorrow for [all citizens], [their] children, and [their] children’s children” and “a strong, thriving, and stable Saudi Arabia that provides opportunity for all.”²⁷² In addition to promises of government programs and technological innovation, the plan specifically targets the demographic of young adults, promising millions of new jobs to meet the growing need as 45% of the population in

²⁷⁰ “Saudi Arabia: Freedom in the World 2020 Country Report,” Freedom House (Freedom House, 2020), <https://freedomhouse.org/country/saudi-arabia/freedom-world/2020>.

²⁷¹ Adel Abdel Ghafar and Anna L. Jacobs, “Morocco: The King’s Dilemma,” Brookings (Brookings, March 2, 2017), <http://www.brookings.edu/blog/markaz/2017/03/02/morocco-the-kings-dilemma/>.

²⁷² “National Transformation Program,” National Transformation Program | Saudi Vision 2030, 2020, <https://www.vision2030.gov.sa/en/programs/NTP>.

Saudi Arabia is under the age of 25. The plan is not limited to broad policies; it also includes very specific goals for improving average quality of life including increasing household entertainment spending from 2.9% to 6%, increasing average life expectancy from 74 to 80 years, and reaching global excellence in professional sports.²⁷³

Interestingly, according to the official Vision website, the government has managed to deliver on some of their goals, which range from increased fish farming to 3D printing a house and digitizing aspects of the judicial system. The Vision plan, with its futuristic and technology-based appeal, is an effective way for MBS to drum up national pride and build citizen support for the regime. Because the plan signals to the citizens a concern for their future, MBS can use his push for modernization to claim legitimacy as a leader without having to address rampant human rights violations.

The Vision 2030 plan should not be taken at face value, however. The regime has managed to balance plans for extreme modernization without giving into a political shift away from absolute authoritarianism that might logically follow by simultaneously drawing on long present tools of repression. Despite the exciting economic advancement outlined in the vision plan and some popular social changes including allowing women to drive, there is no shortage of repression to create fear among the citizens; detentions and arrests of citizens, continued oppression of women, intolerance for religious minorities, state surveillance, and punishment of dissent are all common. Particularly in regard to women's rights, the House of Saud has promised increased freedoms. In 2018, it promised to dissolve the oppressive system of male guardianship. Despite this promise, the system still exists. Women are required to have a male guardian (father, husband, brother etc.) in order to have a passport, travel, marry, get a job, or be released from prison. According to a Women's Rights in the Middle East and North Africa report, Saudi Arabia averaged a score of 1.44/5 in 5 different areas of women's rights which include political/civic rights, social/cultural rights, economic rights, autonomy, freedom and security, and nondiscrimination and access to justice.²⁷⁴ Sharia law and the Saudi Basic Law do not guarantee gender equality, particularly under law. Women are limited in their employment options, are legally under the control of a male relative, and lack full independence and personal autonomy. The inconsistency of making strides to allow women limited freedoms followed immediately by arresting and detaining women's

²⁷³ "National Transformation Program," Vision 2030

²⁷⁴ Sanja Kelly, "Hard-Won Progress and a Long Road Ahead: Women's Rights in the Middle East and North Africa," Freedom House, 2010, <https://freedomhouse.org/sites/default/files/270.pdf>.

rights and feminist activists is a perfect example of balancing progress and repression just enough to prevent uprising but not enough to grant basic human freedoms to half of the country's population.

The regime's repressive toolkit, however, is not limited to oppressing women. According to a 2015 US State Department report on human rights practices, the government "categorically forbids participation in political protests or unauthorized public assemblies," and "prohibited the establishment of political parties or any group it considered as opposing or challenging the regime."²⁷⁵ After MBS's appointment in 2017, many Saudi reformists and human rights activists were arrested to "sideline anyone who could stand in the way of [his] political ascension."²⁷⁶ In these cases, "dissent" looks like online government criticism, women's rights activism, "peaceful criticism of the government's policies," which result in the arrests and detention of "prominent clerics, public intellectuals, academics, and human rights activists" in unofficial detention sites.^{277, 278} By explicitly prohibiting political dissent and mobilizing secret police to silence opposition, MBS has effectively addressed the king's dilemma. In a society where there is no room for political opposition, there is no risk of liberalization.

Scholars disagree on whether the House of Saud's longevity can be attributed to Islamic law, oil dominance, or family-controlled institutions, but Saudi Arabia under Prince Mohammed Bin Salman is certainly an interesting case insofar as it is the perfect combination of variables which function together to bolster the regime and explain its longevity. On top of the monarchic structure which Hadenius and Teorell show to be the most durable of any authoritarian regime types, ideological legitimacy based on Islamic law, prosperity-based legitimacy of the Saudi oil economy, family control of bureaucratic institutions, and repressive tactics which limit citizen pushback form a solid foundation of authoritarianism which generations of Saudi monarchs have depended upon. The durability of the regime has held up against past tests. In the Arab Spring uprisings of the early 2010s, Saudi Arabia, like other monarchies, was able to effectively mobilize the military and squash virtually all protests with no threat to the stability of the regime. In

²⁷⁵ "Country Reports on Human Rights Practices: Saudi Arabia," U.S. Department of State (U.S. Department of State), accessed October 20, 2020,

<https://2009-2017.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252945>

²⁷⁶ "Saudi Arabia: Change Comes with Punishing Cost," Human Rights Watch, November 4, 2019, <https://www.hrw.org/news/2019/11/04/saudi-arabia-change-comes-punishing-cost>.

²⁷⁷ "The High Cost of Change," Human Rights Watch, May 26, 2020,

<http://www.hrw.org/report/2019/11/04/high-cost-change/repression-under-saudi-crown-prince-tarnishes-reforms>.

true Machiavellian fashion, Prince Mohammed has maintained a careful balance of fear and love in his regime, making promises for modernization and social reform but not without preventing any threats to his absolute rule with equal amounts of surveillance and repression. In recent research by Gregory Gause, there is a possibility that the shock to the oil economy during the COVID-19 crisis as well as lost revenue from hajj pilgrimages could destabilize MBS as a leader by setting back the Vision 2030 plan and potentially necessitating cuts to military spending in Yemen. The COVID crisis has proved to be a powerful force of instability in the world and time will tell whether it is powerful enough to upend a monarchic power decades in the making. If MBS can continue to maintain the delicate equilibrium of economic advancement and complete citizen control despite unprecedented economic and health crises, there is no reason to believe that the House of Saud will slip from power.

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Pinochet as a Fourth Critical Juncture

Erin Hiestand

In 1970 Chile, the rise of socialism and the election of President Salvador Allende led to a right-wing military coup, landing General Augusto Pinochet in the Office of the President for 17 years. This long-standing military dictatorship became the basis for Chile's fourth critical juncture in party politics. Within political science, a critical juncture is defined as a situation of uncertainty which is causally important for the future of a political actor.²⁷⁸ In this work, a critical juncture refers to an event in a country's history that causes lasting impacts on its electoral future. Chile's first critical juncture created a clerical versus anticlerical divide, the second a worker versus owner divide, the third a conservative Catholic versus progressive Catholic divide, and finally this fourth an authoritarian versus democratic divide. Each of the first three junctures fundamentally changed the party structure in Chilean politics and the fourth was no different. All four divides remain prevalent in Chilean politics today, but none more so than the Pinochet dictatorship and subsequent plebiscite, which effectively eliminated centrist options, forcing right-wing parties to stand behind the decisions Pinochet made as president even after his plebiscite failed. The rest of this paper proceeds by describing the first three critical junctures in Chilean politics then identifying the major arguments for the fourth juncture and concludes by considering the analysis against it.

Observers widely agree on three central cleavages over the last 175 years of political development in Chile. The first occurred in the mid-19th century as a "clerical-anticlerical" divide.²⁷⁹ Given this was relatively early in Chile's history as an independent state, the divide occurred between those who wanted to endow the State with the modern responsibilities of providing social services and those who wanted to keep these responsibilities in the hands of the Church, as they had been previously. Those who fell on the "anticlerical" side of the cleavage wanted to elevate the role of the

²⁷⁸ Giovanni Capoccia, "Critical Junctures" in *The Oxford Handbook of Historical Institutionalism*.

²⁷⁹ Timothy Scully, "A Fourth Critical Juncture? Party Politics in Contemporary Chile," (forthcoming) p. 3.

Chilean state to match what was expected of modern democracies at that time. Those who fell on the “clerical” side of the cleavage trusted that the Church, as a well established social institution, was best suited for the provision of social services. From this cleavage emerged Chile’s first political spectrum with two parties in opposition: “the anti-clerical Radicals versus the Conservatives”²⁸⁰. But there was also a “political ‘space’ between” them that allowed “the Liberal Party [to] establish itself as a non-ideological, pragmatic center.”²⁸¹ At its inception, the Radical Party was a splintering of the Liberal Party; its founders had been members of the Liberal Party.²⁸² This meant that the Liberal Party found itself in a new ideological position at this first critical juncture. Instead of being the leftist party, fighting for voters against the Conservative Party as in the past, the Liberal Party became a middle-of-the-road option for voters who did not agree with either the Radical Party or the Conservative Party. Following these junctures, parties (both pre-existing and newly formed) centered themselves relative to the opposition, making central politics the norm in Chile. The lack of central parties after Pinochet affirms that his dictatorship was indeed a critical juncture.

The second juncture occurred in the early decades of the 20th century as a “worker-owner conflict.”²⁸³ Just as the previous juncture followed shortly after Chilean independence, this one was relatively early in the age of modernization and was around the same time that the Industrial Revolution was transported from Europe to the Western hemisphere. These modernizations created a new working class in the urban areas of Chile and modernized Chile’s export sectors. This cleavage expanded Chile’s left-wing politics, creating “two major new parties, ... Socialist and Communist”²⁸⁴. As this happened, the Radical Party, like the pragmatic liberals before it, “established itself as the mediating center party.”²⁸⁵ The creation of the Socialist and Communist parties in Chile served to push the political left further to ideological extremes. While in the first critical juncture the Radical Party had been the left-most mainstream party, this critical juncture left the Racial Party as a very centrist party, with the Communist Party and the Socialist Party at its left and the Liberal Party and the Conservative Party at its right. As

²⁸⁰ Timothy Scully, “A Fourth Critical Juncture? Party...,” p. 3.

²⁸¹ Timothy Scully, “A Fourth Critical Juncture? Party...,” p.3.

²⁸² Jorge Nef, “Centrist Fragmentation and Political Desintegration,” p. 98.

²⁸³ Timothy Scully, “A Fourth Critical Juncture? Party...,” p.3.

²⁸⁴ Timothy Scully, “A Fourth Critical Juncture? Party...,” p.3.

²⁸⁵ Timothy Scully, “A Fourth Critical Juncture? Party...,” p.3.

in the first critical juncture, new parties emerged and a preexisting party gradually moved toward the center.

The last widely agreed upon juncture occurred in the mid-20th century as a conservative Catholic-progressive Catholic divide. This cleavage saw the rise of a new, organized peasantry as a result of the modernization that occurred in the decades prior. This class held more progressively Catholic ideas which clashed against the traditional Catholicism of the landowning class, creating “blood feud between the forces of the conservative Catholic right and a newly energized, progressive Catholic political movement.”²⁸⁶ Between these disputants emerged the Christian Democratic Party (PDC) which “represented a positional center as it related to the central axis of class conflict.”²⁸⁷ In the first two cleavages, the third party was a preexisting party that was forced to distinguish itself from parties that had been recently created. In contrast, this juncture created an entirely new, centrally positioned party directly opposed to the ideas of both the emergent right- and left-wing parties. The PDC was further opposed to both the Conservative right and the Marxist left. Thus, this cleavage marked the beginning of true centrist politics in Chile, all six main parties within Chilean politics before the rise of Pinochet having been reformed or created by these three critical junctures.

The fourth critical juncture - the validity of which is widely disputed - came with the Pinochet dictatorship in the late 20th century. There are several convincing arguments that assert that the Pinochet regime yielded a fourth critical cleavage. Further, the arguments against this way of thinking are wholly unconvincing. This fourth critical juncture would be considered “a new democracy versus authoritarian cleavage” as the right-wing parties initially supported the military takeover of General Pinochet.²⁸⁸

Pinochet’s dictatorship in Chile eliminated the third parties that had until then played such an important role in national politics. In the first three class cleavages, central third parties - the Liberal Party, the Radical Party, and the PDC - were an important outcome. Given that these parties were so ingrained in Chilean politics, the absence of a center party after post-Pinochet redemocratization was a fundamental change in Chilean party politics. Importantly, Pinochet’s reign and the plebiscite he designed to

²⁸⁶ Timothy Scully, “A Fourth Critical Juncture? Party...,” p.3.

²⁸⁷ Timothy Scully, “A Fourth Critical Juncture? Party...,” p.3.

²⁸⁸ J. Samuel Valenzuela et. al., “Resilience and Change” in *Party Systems in Latin America: Institutionalization, Decay, and Collapse*, p. 146.

legitimize his power directly caused this dissolution of the political center: “the binary, yes-no structure of the plebiscite... provided no opportunity for a centrist alternative.”²⁸⁹ In addition, “parties that had previously aligned themselves along a left versus right political economic spectrum now regrouped around the choice presented by the plebiscite: Pinochet versus anti-Pinochet.”²⁹⁰ Because this plebiscite was an all-or-nothing, Pinochet-or-not decision, there was no space for parties who wanted to say “maybe.” In each of the first three cleavages, there was a third party that was able to act as an option for voters who did not align with the stance of either party, but in the plebiscite, voters had to decide: did they want Pinochet or not? Evidence suggests that this lack of a political center remains today: by 2014, the percentage of people at the center of the ideological spectrum who could identify with a particular political party had fallen to only 35%.²⁹¹ There are simply no centrist parties with which these people can identify.

The other major argument for Pinochet’s dictatorship as a fourth critical juncture is that even after his plebiscite failed, right-wing parties continued to maintain his policies. Pinochet wrote a new constitution in 1980 to protect the right-wing parties that had supported his coup years earlier. After anti-Pinochet forces won the plebiscite, “the leaders of right-wing parties, even more moderate ones, made clear that they would accept no changes to Pinochet’s institutional framework”²⁹². This further entrenched this authoritarian-democratic divide by carving out a space for the dictatorship and its supporters after its demise. In each election thereafter, voters thus faced a choice between the right-wing candidates, still in favor of Pinochet’s political and economic policies, or the left-wing candidates, committed to fully redemocratizing Chile. Indeed, Chile is still contending with the structural barriers of the Pinochet constitution after thirty years of democracy. The dictatorship, then, must be considered a critical juncture in Chilean politics.

The literature that argues against the Pinochet dictatorship as a critical juncture in Chilean party politics should be approached with some skepticism. Scully (forthcoming) argues that because political parties continue to appeal to a voter’s socioeconomic class, the second and third critical junctures concerned with class cleavages must still be the

²⁸⁹ Timothy Scully, “A Fourth Critical Juncture? Party...,” p.6.

²⁹⁰ Timothy Scully, “A Fourth Critical Juncture? Party...,” p.6.

²⁹¹ Timothy Scully, “A Fourth Critical Juncture? Party...,” p.7-8.

²⁹² Peter M. Siavelis, “Chile: Beyond Transitional Models...,” p. 208.

most salient cleavages: “appealing successfully to the emerging aspirational middle sectors of Chile...reveals the continued salience of social class”²⁹³. While this might be true, critical junctures are concerned with cleavages in the electorate, not in parties. Moreover, Scully notes that this emerging middle class demonstrates “an extreme heterogeneity of cultural, social, and political interests,” meaning that “they vote across the party spectrum.”²⁹⁴ If Scully were correct in his assessment that social class is the most salient issue to these middle-class voters, they would be homogenous in their political interests. If this new emerging class of voters votes so diversely, it must follow that class divides do not strongly influence voters now.

Another argument against a fourth critical juncture is the idea that parties still identify themselves based on religiosity and social class and voters recognize this. In a survey of 1,470 Chilean voters, Valenzuela et. al. find that respondents could “differentiate the parties according to their relative proximity or distance from both the Church and the rich.”²⁹⁵ They argue that this means that “there is something more to the party system in people’s perceptions than just an authoritarian versus democratic divide.”²⁹⁶ To the authors, the fact that voters might identify with a party based on its connection to specific socioeconomic classes and its level of religiosity indicates that there was no fourth critical cleavage. What they fail to take into account, however, is the fact that these parties have existed for decades; parties cannot drastically change their ideologies without losing the legitimacy they have established over the many elections in which they have competed. For example, the PDC (Christian Democratic Party) was established in 1957 as a result of the third critical juncture, over 30 years before the plebiscite and over 50 before the authors’ survey²⁹⁷. As a Christian party that emerged during a socioeconomic cleavage, the PDC has strong connections to both the Church and a specific socioeconomic class; it is unsurprising that these characteristics define its voting base. The arguments that the authors provide is not reflective of a lack of a fourth critical juncture but indicative of the ideological stability within historical Chilean political parties.

²⁹³ Timothy Scully, “A Fourth Critical Juncture? Party...,” p.13.

²⁹⁴ Timothy Scully, “A Fourth Critical Juncture? Party...,” p.13.

²⁹⁵ J. Samuel Valenzuela et. al., “Resilience and Change,”146.

²⁹⁶ J. Samuel Valenzuela et. al., “Resilience and Change,”146.

²⁹⁷ Paul W. Drake and John J. Johnson, “New Political Groupings.”

Some further argue that, because individual voting outcomes can be accurately predicted based on class and religiosity data, these must be the most salient issues in Chile. Valenzuela et. al. 2017 finds that “socioeconomic position, religiosity...all have effects in the expected directions on voter choices,” meaning that voters must identify with parties based on perceptions of religiosity and class – characteristic of the first three junctures. Essentially this argument claims that because religiosity and class are still valid predictors of voting choice, there must be no other divide influencing voters. However, accurate predictors are not necessarily the most salient issues for voters. For example, a person’s education level in the United States is a relatively good predictor of whether they will vote for the Republican or Democratic party in a general election. However, few scholars would argue that the United States ever faced an educated versus uneducated critical juncture in party politics. Thus, the educational level of a voter in the United States can be used to predict their vote, but there are likely more relevant issues at work. In a similar vein, even though a person’s socioeconomic class in Chile is a relatively good predictor of which candidate they will vote for in an election, it does not necessarily mean that the second and third critical junctures are still the most prevalent in Chilean party politics.

Three standard critical junctures in Chilean political history are widely accepted: one a religious divide and two along class lines. The question of whether or not the Pinochet dictatorship and subsequent plebiscite constitute a fourth juncture is still open for debate. However, the arguments for this juncture are much more comprehensive and convincing than the arguments against it. Further research seems to affirm the existence of a critical juncture, but even without an appeal to quantitative data, it seems implausible that a dictatorship of almost 20 years would not fundamentally change the party politics of a country.

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Political Theory

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Kant's Categorical Imperative in International Relations: A System of Ethical State Behavior

John Edward Mariano

Introduction

Kant proposes a radical claim: politics is necessarily inseparable from ethics. Politics requires a definitive set of morals to prescribe what we *ought* to do and how we *ought* to act. The challenge one faces in political ethics is whether or not the tenets of 'ordinary morality'²⁹⁸ apply to political behavior—that is, does politics possess its own ethical framework? Kant would present a uniform morality that applies equally in private life and the public realm of politics. For Kant, morality applies universally. He holds that a good action is not good just sometimes or conditionally; rather, a good action is good in all circumstances and at all times. Kant's political theory adheres to this moral principle, creating an indivisible connection between politics and ethics.

Kant's *To Perpetual Peace* demonstrates the linkage between his moral and political theories. He aims to illustrate a possible world in which every nation-state pursues 'perpetual peace' under moral precepts and laws. Abiding by such laws engenders a global environment of cooperation and tranquility. In short, the *telos* of states' actions in the international arena is to strive towards peace. To that end, it is rational for a state to behave ethically to prohibit future conflict and war.

However, the realist paradigm of international relations maintains that states will inevitably compete vis-à-vis one another because they exist in a state of nature.²⁹⁹ The

²⁹⁸ I define "ordinary morality" as a set of moral principles that involves one's private life, as opposed to the public and political sphere.

²⁹⁹ Kenneth N. Waltz, *Theory of International Politics* (Long Grove, Ill.: Waveland Press, 1979).

principal theorists of realism³⁰⁰—Kenneth Waltz and John Mearsheimer—assert that the international system is a fundamentally competitive realm where states covet their security and survival. For realists, the international system’s anarchic structure—meaning the absence of an overarching authority above states—is the causal force that drives state behavior, resulting in a constant balance of power.³⁰¹ The longstanding realist worldview dominates international relations thinking and potentially casts doubt on Kant’s system of ethical state behavior. Therefore, the question arises: is Kantian perpetual peace feasible in the modern international system?

This paper examines Kantian international politics through the lens of his moral philosophy. First, I summarize Kantian ethics in his *Foundation of the Metaphysics of Morals*. Particularly, I pay close attention to his renowned categorical imperative since understanding Kantian morality is a precondition for his political discourse. Second, I introduce the Kantian view of international politics outlined in *To Perpetual Peace*. Although pursuing perpetual peace is the nation-state’s Kantian duty, I claim that Kant implies it cannot be actualized. Finally, I reconcile Kantian international relations theory and realism, conveying the theoretical similarities between them. In sum, this paper focuses on the interactions between the political and ethical dimensions of Kantian thought.

Kant’s Ethical Framework

In his *Foundations of the Metaphysics of Morals*, Kant establishes an ethical system that revolves around reason rather than human inclination. He deems such a system ‘the metaphysics of morals,’ which intends to investigate “the Ideas and principles of a possible pure will and not the action and conditions of human volition.”³⁰² Accordingly, he distinguishes actions done by rational principle and those done by mere incentives. For Kant, an action’s moral worth is only judged by the motivation behind such an action, not by its ensuing consequences. An action’s prior intentions determine morality, not its end results.

³⁰⁰ Waltz’s *Theory of International Politics* (1979) and Mearsheimer’s *Tragedy of Great Power Politics* (2001) are considered the foundational texts of ‘modern realist’ international relations theory—also referred to as ‘neorealism’ or ‘structural realism.’ Neorealism differs from Hobbesian classical realism. Hereafter, I refer to modern realist theory/neorealism as just ‘realism’ for clarity.

³⁰¹ Waltz, *Theory of International Politics*, 117.

³⁰² Immanuel Kant, *Foundations of the Metaphysics of Morals*, trans. Lewis White Beck, 2nd ed. (Upper Saddle River, New Jersey: Prentice-Hall, 1997), Preface: 390.

Based on this premise, Kantian ethics operates under the centrality of the will. For rational beings, the will “is a faculty of choosing only that which reason, independently of inclination, recognizes as practically necessary (i.e., as good).”³⁰³ In other words, the will is an ability, guided by reason, that facilitates moral decision making: it is the motive behind all actions. Certain actions are judged to be intrinsically good—that is, good for their own sake. These intrinsically good actions partake in ‘the good will’—a will that can “could be called good without qualification.”³⁰⁴ The phrase ‘good without qualification’ implies that if an action is good, then it is universally good in all circumstances and instances. In essence, the good will “is only good because of its willing.”³⁰⁵

Cultivating a good will requires reason. Kant maintains that “reason’s proper function must be to produce a will good in itself and not good merely as means.”³⁰⁶ Here, he implies that reason is indispensable for morality. However, humans are not beings of pure reason; the human will is not necessarily in accord with reason. Natural incentives and inclinations drive humans away from reason and achieving a good will, as a result. In fact, these inclinations are a part of human nature, whereas reason transcends humans beyond the realm of our nature.

On the other hand, duty compels the will toward reason and morality. Kant states that duty “contains the concept of a good will,” and “an action must be done from duty” to possess “genuine moral worth.”³⁰⁷ Additionally, Kant holds that duty “is the necessity to do an action from respect for law.”³⁰⁸ With this in mind, abiding by duty entails obeying the moral law. Instead of surrendering to external inclinations and incentives, humans are kept by duty bound to a maxim; they “should follow such a law even if it thwarts [their] inclinations.”³⁰⁹ Kant continues to illustrate duty as: “the condition of a will good in itself, whose worth transcends everything.”³¹⁰ Therefore, rational beings must uphold dutiful and universal maxims for a will in harmony with reason and morality.

³⁰³ Kant, *Metaphysics of Morals*, II: 412.

³⁰⁴ Kant, *Metaphysics of Morals*, I: 393.

³⁰⁵ Kant, *Metaphysics of Morals*, I: 394.

³⁰⁶ Kant, *Metaphysics of Morals*, I: 396.

³⁰⁷ Kant, *Metaphysics of Morals*, I: 397, 399.

³⁰⁸ Kant, *Metaphysics of Morals*, I: 400.

³⁰⁹ Kant, *Metaphysics of Morals*, I: 401.

³¹⁰ Kant, *Metaphysics of Morals*, I: 403.

Nonetheless, discerning whether a dutiful maxim aligns with moral duty is difficult. A rational being may suppose that their maxim reflects moral duty when the maxim instead derives from their immoral inclinations. Correspondingly, Kant introduces his categorical imperative. First, he states that an imperative is a formula of command that constrains the will; his imperative is categorical because it “present[s] an action as of itself objectively necessary, without regard to any other end.”³¹¹ By constraining the will, the categorical imperative only operates under principles of reason. It, therefore, manifests a human being’s highest capacity for reason. Kant’s categorical imperative supplies the ‘*ought*’ of moral decision making, indicating what we *ought* to do and how we *ought* to act. Kant formulates his categorical imperative as: “act only according to that maxim by which you can at the same time will that it should become a universal law.”³¹² In other words, one should act as if their action would be applied universally. This universality of actions challenges humans to act beyond their internal inclinations. By abiding by the Kantian categorical imperative, reason implores the will towards moral actions by transcending these natural inclinations.

Thus, Kant establishes this system of *synthetic a priori* moral judgments through the categorical imperative. He declares “this imperative [to be] an *a priori synthetic* practical proposition” because it functions independently of empirical evidence and governs what we *ought* to do.³¹³ Kant’s ethical framework uncovers this internal tension within humans between rational duty and natural inclinations. He illustrates how “the will is not only subject to the law, but subject in a way that it must be conceived also as itself prescribing the law, of which reason can hold itself to be the author.”³¹⁴ Simply put, the human will formulates the categorical imperative while simultaneously abiding by it. Necessarily, the categorical imperative is the ultimate path for morality. In sum, Kant demonstrates his universal ethical framework derived entirely from reason and devoid of human inclination to construct universal principles of morality.

Kant’s Categorical Imperative for International Relations

Kant’s *To Perpetual Peace* outlines the core of his political philosophy. In particular, he conveys the relationship between his moral framework and political behavior. *To*

³¹¹ Kant, *Metaphysics of Morals*, II: 414.

³¹² Kant, *Metaphysics of Morals*, II: 421.

³¹³ Kant, *Metaphysics of Morals*, II: 420.

³¹⁴ Kant, *Metaphysics of Morals*, II: 431.

Perpetual Peace aims to solve the longstanding problem of war between peoples and nations under the assumption that war is the natural state of human beings. Kant asserts: “the state of peace [...] is not the natural state; instead the natural state is a one of war, [...] consist[ing] in open hostilities but also the constant and enduring threat of them.”³¹⁵ Kant’s view of the human state of nature derives from our failure to act always in accord with reason. As previously mentioned, natural inclinations tempt the human will to act against the rational faculty. The nation-state, analogous to man, is not a being of pure reason. Accordingly, Kant conveys that morality must govern a state’s actions in the political realm—within domestic and international domains.

Before Kant formulates a categorical imperative for nation-states, he prescribes six preliminary articles and three definitive articles that attempt to end all future wars. The preliminary articles consist of prohibitive laws—that is, certain actions nation-states should never do regardless of circumstances to achieve perpetual peace. In the international system, peace is “the demand of reason; it is what should be, if someone is asked, ‘what is right.’”³¹⁶ These preliminary articles reject: signing temporary armistices that reserve issues for future war, acquiring other independent nations, cumulating foreign debt, interfering with foreign constitutions, and raising mass armies.³¹⁷ The preliminary articles are self-enacted domestic policies designed to improve the nation-state’s moral behavior, setting a foundation for perpetual peace’s possibility. However, they are merely prerequisites, and “cannot be considered as sufficient conditions for perpetual peace, either individually or jointly.”³¹⁸ In other words, the preliminary articles only reduce the likelihood of war, rather than war’s existence. Consequently, Kant must provide incentives or constraints for nation-states to act morally.

Kant’s definitive articles delineate three necessary laws to establish an international state of perpetual peace. First, Kant maintains that “the civil constitution of every nation should be republican.”³¹⁹ By republican, Kant refers to a constitutional republic, in

³¹⁵ Immanuel Kant, *To Perpetual Peace: A Philosophical Sketch*, trans. Ted Humphrey (Indianapolis: Hackett Publishing Company Inc., 2003), II: 349.

³¹⁶ Jørgen Huggler, “Cosmopolitanism and Peace in Kant’s Essay on ‘Perpetual Peace,’” *Studies in Philosophy and Education* 29, no. 2 (December 9, 2009): 129–40, <https://doi.org/10.1007/s11217-009-9167-x>, 136.

³¹⁷ Kant, *To Perpetual Peace*, I: 344–347.

³¹⁸ Jörg Fisch, “When Will Kant’s Perpetual Peace Be Definitive?,” *Journal of the History of International Law* 2, no. 2 (2000): 125–37, <https://doi.org/10.1163/15718050020956803>, 132.

³¹⁹ Kant, *To Perpetual Peace*, II: 350.

which “principles of the freedom of the members of a society” are guaranteed.³²⁰ Republics ensure the representation and equality for its individual citizens because they “cohere with the concept of right[s]” possessed by the individual.³²¹ Simply put, if all nations were perfect republics, then perpetual peace is viable. Second, he contends “the right of nations shall be based on a federation of states,” meaning a league “among other nations that will join it in order to guarantee a state of peace.”³²² However, Kant does not propose for forming a global government of nations. Instead, he proposes for “each nation [...to] demand that the others enter a contract resembling the civil one and guaranteeing the rights of each.”³²³ In short, the federation of states is a social contract on the international level, comparable to a domestic social contract for individuals. Third, Kant declares that “cosmopolitan right shall be limited to conditions of universal hospitality,” meaning “the right of an alien [will] not be treated as an enemy upon his arrival in another’s country.”³²⁴ Kant’s idea of the cosmopolitan right suggests that states should treat all individuals with dignity and respect; freedom of the individual will is a right guaranteed. Moreover, cosmopolitanism is necessary because it binds nation-states to a moral standard of social respect. Thus, these three definitive articles demonstrate the mandatory constraints for the possibility of perpetual peace in the international system.

Striving for ‘perpetual peace’ is the moral duty for nation-states. Kant asserts that “reason absolutely condemns war as a means of determining the right and makes seeing the state of peace a matter of unmitigated duty.”³²⁵ Nonetheless, Kant “fully expects human beings to *reject* reason—human beings will learn only from [...] war and hardship.”³²⁶ For Kant, morality must play an essential role in the political sphere. In fact, it is the “civil state [that] makes possible the ethical life of the individual by protecting the rights that were logically his in the state of nature.”³²⁷ Government ought to be the perfected and institutionalized version of the most rational parts in human beings through abiding by our moral duty. Necessarily, it is the categorical imperative that instructs governments to behave morally in the external international system.

³²⁰ Kant, *To Perpetual Peace*, II: 350.

³²¹ Kant, *To Perpetual Peace*, II: 353.

³²² Kant, *To Perpetual Peace*, II: 354, 358.

³²³ Kant, *To Perpetual Peace*, II: 354.

³²⁴ Kant, *To Perpetual Peace*, II: 358.

³²⁵ Kant, *To Perpetual Peace*, II: 356.

³²⁶ Seán Molloy, *Kant’s International Relations: The Political Theology of Perpetual Peace* (Ann Arbor University Of Michigan Press, 2017), 77.

³²⁷ Kenneth N. Waltz, *Man, the State, and War* (New York: Columbia University Press, 1959), 163.

Kant formulates the categorical imperative for nation-states as: “all maxims that require publicity (in order not to fail of their end) agree with both politics and morality.”³²⁸ In other words, all public actions must adhere to principles of morality. Kant illustrates the commensurability of politics and ethics because “true politics cannot progress without paying homage to morality.”³²⁹ All political action carries moral weight, and governments and political bodies should act through Kantian ethics—only willing actions that can be applied universally at all times. Thus, political actions do not possess their own ethical framework; there is no distinction between morality within the public and private spheres. Moreover, Kant describes how “all politics must bend its knee before morality, and by so doing it can hope to reach, through but gradually, the stage it will shine in light perpetual.”³³⁰ As a moral duty, perpetual peace is the end of nation-states; it is their *telos*. The question becomes whether or not nations will definitively achieve perpetual peace.

As previously stated, Kant recognizes that states will falter in their pursuit of peace as “war itself requires no particular motivation” for individuals and states.³³¹ Nonetheless, he proves the possibility of perpetual peace despite human inclinations contrary to its progress. Kant maintains that perpetual peace is possible in a distant future, but he also implies that it will never be actualized. His argument is paradoxical in nature. On one hand, perpetual peace is within reach; on the other hand, perpetual peace is not even pragmatically realizable. Fisch holds that perpetual peace “is a horizon, and it remains a task and a duty” for states, “although it is incapable of realization.”³³² Kant’s argument, therefore, is asymptotic; states can continually approach eternal peace but will never attain it. Likewise, our moral duties must necessarily be pursued, but we fall short due to human nature. In this regard, humans and states need categorical imperatives to govern their natural inclinations, which are devoid of reason. Achieving perpetual peace requires that nation-states will always act from pure reason. However, beings of pure reason do not require imperatives to act morally. Consequently, the ultimate task of perpetual peace is to transform the international system from a ‘state of nature’ to a ‘state of law.’³³³ However, humans’ natural inclinations prohibit states from entering into a permanent state of law. Kant’s *To Perpetual Peace* conveys that states ought to

³²⁸ Kant, *To Perpetual Peace*, Appendix: 386.

³²⁹ Kant, *To Perpetual Peace*, Appendix: 380.

³³⁰ Kant, *To Perpetual Peace*, Appendix: 380.

³³¹ Kant, *To Perpetual Peace*, First Supplement: 365.

³³² Fisch, “When Will Kant’s Perpetual Peace Be Definitive?,” 141-142.

³³³ Fisch, “When Will Kant’s Perpetual Peace Be Definitive?,” 142.

strive for perpetual peace as their moral duty despite their eventual shortcomings in its realization because pursuing peace is how states *ought* to behave in the international system.

Kant's International Relations Paradigm & Modern International Relations Theory

The Kantian view of international relations has influenced centuries of political theory that attempts to describe how the world works. In modernity, the two countervailing theories of international politics—realism and liberalism—have fundamentally shaped how states view the international environment they inhabit. Realists and liberals differ in their philosophy about the tendency for states to compete or cooperate. Realism believes that states are condemned to compete with one another due to the anarchic international system and their desire to survive.³³⁴ On the other hand, liberalism claims that competition can be mitigated through international institutions, economic interdependence, or the promotion of democracies. At first glance, Kantian political theory in *To Perpetual Peace* appears to be a direct attack on realism. In fact, Doyle, in “Kant, Liberal Legacies, and Foreign Affairs” alludes to Kant as the “source of insight, policy, and hope” for the liberal worldview.³³⁵ Using my previous analysis of *To Perpetual Peace*, I briefly demonstrate a theoretical reconciliation between Kant and realism.

Despite Kant inspiring liberal theorists, Kantian political philosophy and modern liberal theory are not analogous. Among the three branches of liberalism³³⁶, democratic peace theory seems to offer the best theoretical similarities. Democratic peace theory asserts: “democracies rarely fight one another because they share common norms of live-and-let live and domestic institutions that constrain the recourse to war.”³³⁷ The theory illustrates how the internal organization of democracies—namely, their domestic institutions and norm externalization—dictate their external behavior vis-à-vis fellow

³³⁴ Kenneth N. Waltz, *Theory of International Politics* (Long Grove, Ill.: Waveland Press, 1979), 102.

³³⁵ Michael W. Doyle, “Kant, Liberal Legacies, and Foreign Affairs,” *Philosophy & Public Affairs* 12, no. 3 (1983): 205–235, <https://www.jstor.org/stable/2265298>, 206.

³³⁶ The three conventional branches of neoliberalism are as follows: democratic peace theory, economic interdependence, and liberal institutionalism.

³³⁷ Sebastian Rosato, “The Flawed Logic of Democratic Peace Theory,” *American Political Science Review* 97, no. 4 (November 2003): 585–602, <https://doi.org/10.1017/s0003055403000893>, 585.

democracies and non-democracies. That being said, democratic peace theory's logic implies that widespread democratization will eventually lead to long-term peace.³³⁸

As previously demonstrated, Kant's *To Perpetual Peace* posits that republican states are necessary for the prospect of peace among nations. However, Kant emphasizes that his theoretical democracy is almost impossible to maintain; it must be "a nation of angels, for men's self-seeking inclinations make them incapable of [always] adhering"³³⁹ to the categorical imperative. Consequently, a nation ought "to prepare itself to meet [perceived] threat[s] with military might," even from democratic peers.³⁴⁰ In Kant's view, there is a lack of trust and transparency—even between democracies—because of these inherent, self-seeking inclinations. The tendency for democratic states to cooperate is marginally improved if and only if these democracies have a perfect internal organization based on pure reason.³⁴¹ It is quite quixotic to suggest that today's democracies are untouched by tumult and imperfection. Not only is the Kantian concept of democracy wholly different from its modern counterparts, but democracy's effect towards peace is extremely limited without his other two definitive articles, the federation of free states and cosmopolitan right. Therefore, it is imprudent to associate modern democratic peace theory with Kant's view of international politics.

Kantian political philosophy is not as wholly separated from realism as it may appear. *To Perpetual Peace* features the two main assumptions of realism—anarchy and survival. By anarchy, realists do not refer to absolute chaos or disorder. Rather, anarchy refers to the absence of a global government. In *Theory of International Politics*, Waltz maintains that anarchy drives competitive state behavior, necessitating a self-help world.³⁴² Similarly, Kant agrees that nations, like humans, live in a state of nature. He illustrates war as the natural state of nations because war "appears to be ingrained in human nature and is even valued as something noble; indeed, the desire for glory inspires men to it."³⁴³ Here, Kant depicts the realist worldview where states are destined to compete for power and security because of their environmental structure. Kant and realists portray a pessimistic view of the human condition where "in the state of nature

³³⁸ Larry Diamond, "Promoting Democracy," *Foreign Policy*, no. 87 (1992): 25–46, <https://doi.org/10.2307/1149159>, 27.

³³⁹ Kant, *To Perpetual Peace*, First Supplement: 366.

³⁴⁰ Kant, *To Perpetual Peace*, First Supplement: 366.

³⁴¹ Kant, *To Perpetual Peace*, First Supplement: 366.

³⁴² Waltz, *Theory of International Politics*, 103, 105.

³⁴³ Kant, *To Perpetual Peace*, First Supplement: 365.

conflict and violence reign.”³⁴⁴ Without selfish human inclinations, Kant’s moral philosophy and the categorical imperative would cease to exist.

Moreover, Kant fully predicts that states will not follow the categorical imperative at all times because, like humans, they possess natural inclinations lacking pure reason. Similar to realists, Kant argues that states covet their security and sovereignty. If necessary, states will go to great lengths to protect their freedom and autonomy. Kant asserts that “the desire of every nation (or its ruler) is to establish an enduring peace, hoping, if possible to dominate the entire world.”³⁴⁵ Waltz mirrors Kant’s language by affirming that “the aims of states may be endlessly varied; they may range from the ambition to conquer the world” in order to obtain their security.³⁴⁶ Waltz further argues how “moral behavior is one thing in a system that provides predictable amounts and types of security.”³⁴⁷ Kant’s view of international relations possesses the realist desire for security alongside the evolving nature of power politics. His “concern with strength and thus the safety of the state is part of his perception of the necessities of power politics.”³⁴⁸ States will crave their security as their primary goal, and only when “survival is assured can states safely seek such other goals as tranquility, profit, and power.”³⁴⁹ Accordingly, Kant subscribes to the fundamental anarchy and survival assumptions within the pessimistic realist theory.

As discussed in the previous sections, perpetual peace is the nation’s moral duty, yet it cannot be actualized in the international system. Kant has hope for perpetual peace, but he recognizes that it is unfeasible since “states in the world are like individuals in the state of nature.”³⁵⁰ Nations should strive for an international system of perpetual peace but will be limited due to human nature. As a result, Kant expects war to recur. War is the manifestation of nations acting with their natural inclinations, disobeying their categorical imperative. Kant’s *To Perpetual Peace* sought to illustrate an ideal world where states would act morally through their reasoning capacities; it outlines the necessary articles to mitigate the likelihood of war. However, this description is how

³⁴⁴ Waltz, *Man, the State, and War*, 163.

³⁴⁵ Kant, *To Perpetual Peace*, First Supplement: 367.

³⁴⁶ Waltz, *Theory of International Politics*, 91.

³⁴⁷ Waltz, *Man, the State, and War*, 207.

³⁴⁸ Kenneth N. Waltz, “Kant, Liberalism, and War,” *American Political Science Review* 56, no. 2 (June 1962): 331–40, <https://doi.org/10.2307/1952369>, 334.

³⁴⁹ Waltz, *Theory of International Politics*, 126.

³⁵⁰ Waltz, *Man, the State, and War*, 163.

Kant wishes the world *ought* to be, not how the world *currently* functions. In turn, he formulates the categorical imperative for nation-states in order to improve morality in politics. Waltz proposes that Kant may be “considered a theorist of power politics who hid his Machiavellian ideas by hanging [a]round them the fashionable garments of liberalism.”³⁵¹ To that end, Kant fashions a type of realism shadowed by his false optimism of eternal peace.

For Kant, the international system is naturally brutish despite possessing apparent liberal ideals. The realist worldview of power politics will “prevail wherever two, and only two, requirements are met: that the order be anarchic, and that it be populated with units wishing to survive.”³⁵² Kantian international politics possesses such essential requirements; he implies that this competitive arena will be almost impossible to escape unless reason permanently subdues humanity’s self-serving inclinations. Waltz reveals how “Kant makes understandable and in a sense excuses the failures of men and their rulers to achieve moral rectitude.”³⁵³ Though morally admirable, contemporary leaders with valiant attempts for perpetual peace will naturally fall short. Therefore, Kant’s paradigm of international politics hopes for a moral and liberal world but addresses the justification for human beings and their nation-states to act contrary to morality.

Conclusion

In summation, Kant’s moral and political philosophy are interconnected. He demonstrates the necessity for a moral standard, not just for ordinary behavior but also for political behavior. His *Foundations of the Metaphysics of Morals* and *To Perpetual Peace* sketch a *synthetic a priori* ethical framework for both human beings and nation-states, concerning what we *ought* to do and how we *ought* to act. In turn, Kant provides the rationale of why nation-states and humans do not always act morally; it is a condition of our human nature. By purporting assumptions of anarchy and survival, Kant necessarily creates a model of realist theory. While Kant justifies the theoretical prospect for perpetual peace, he expects its inevitable failure in practice. Nevertheless, we ought to strive to construct a moral world that always abides by the categorical imperative, but it is necessary to forgive our human nature when we inevitably fail.

³⁵¹ Waltz, “Kant, Liberalism, and War,” 331.

³⁵² Waltz, *Theory of International Politics*, 121.

³⁵³ Waltz, “Kant, Liberalism, and War,” 340.

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America's Founding Principles: Defective or Meritorious

John Babbo

The Declaration of Independence asserts that “all men are created equal,” and because of this proposition, all Americans are secured the rights of “Life, Liberty, and the pursuit of Happiness.” As such, the Founders established the principle of Equality as the fundamental axiom on which America would be built. Yet, such black American thinkers as Justice Thurgood Marshall and journalist Nikole Hannah-Jones assert that racism was intentionally and deceptively imbued into the Constitution from its inception, and, consequently, that America was “founded on an ideal and a lie”³⁵⁴ and the political science of the Founders was “defective from the start.”³⁵⁵ Ironically, writing during the 1800s, white racists like John C. Calhoun and Alexander Stephens similarly critique the Founders’ political science as “fundamentally wrong.”³⁵⁶ For them, the Founders committed the “most false and dangerous of all political errors” by asserting that “all men are created equal.”³⁵⁷ Against these prominent progressives, on the one hand, and Civil War-era bigots, on the other, Frederick Douglass strives to divorce the Constitution’s virtuous founding principle from wicked politicians who have twisted the “simple” language of the Constitution against its “common-sense reading”³⁵⁸ and Abraham Lincoln enshrines the Founders’ original principle—that “all men are created

³⁵⁴ Nikole Hannah-Jones, “The Idea of America,” Pulitzer Center, 18 Aug. 2019, pulitzercenter.org/sites/default/files/the_idea_of_america_full_essay.pdf, 16.

³⁵⁵ Thurgood Marshall, “Reflections on the Bicentennial of the United States Constitution” (speech, May 6, 1987), Teaching American History, <https://teachingamericanhistory.org/library/document/reflections-on-the-bicentennial-of-the-united-states-constitution/>

³⁵⁶ Alexander H. Stephens, “Corner Stone” (speech, March 21, 1861), Teaching American History, <https://teachingamericanhistory.org/library/document/corner-stone-speech-excerpt/>

³⁵⁷ John. Calhoun, “Speech on the Oregon Bill” (speech, June 27, 1848), Teaching American History, <https://teachingamericanhistory.org/library/document/oregon-bill-speech/>

³⁵⁸ Frederick Douglass, “The Constitution of the United States: Is It Pro-Slavery or Anti-Slavery?” (speech, March 26, 1860), Teaching American History, <https://teachingamericanhistory.org/library/document/the-constitution-of-the-united-state-is-it-pro-slavery-or-anti-slavery/>

equal”—as the “apple of gold” responsible for America’s prosperity which must be “adorned” and “preserved” by the government and the Constitution.³⁵⁹ Ultimately, in order to adjudicate whose interpretation of America’s founding is correct, it is helpful to appeal to the work of Alexis de Tocqueville who believes that since the arrival of the first American emigrants in 1607 and 1620, there have been two different branches growing in America. It is the conflicting nature of these two branches which account for such disparate interpretations of America’s founding and help explain why America’s founding principles can be simultaneously defective and meritorious.

As a contemporary legal theorist, Justice Marshall contends that the Founders’ political science was “defective from the start” due to the evil compromise between the northern and southern states that inserted the institution of slavery in the Constitution.³⁶⁰ As a result, argues Marshall, the Constitution that we praise today as upholding “individual freedoms and human rights” is not an embodiment of the Founders’ political science but rather a new post-Civil War Constitution.³⁶¹ Marshall asserts that in exchange for Congress attaining the power to regulate commerce, the North allowed the South to “continue the slave trade,” and the right of slavery was written into the Constitution — though never explicitly named — in the Three-Fifths clause (art. 1, s. 2) and in the 1808 clause (art. 1, s. 9). This morally bankrupt compromise committed by the Founders and embedded within the Constitution had to be purged through “several amendments, a civil war, and momentous social transformation.”³⁶² Because the Constitution required such a drastic transformation, and this metamorphosis was neither “envisioned” nor “accepted” by the Founders, Marshall contends that neither the Founders’ Constitution nor their political science survived the American Civil War.³⁶³ The Constitution we uphold today, which ensures the “protection of the life, liberty, and property of *all* persons,” is therefore not an embodiment of the Founders’ defective political theory, but rather a new, truly miraculous post-Civil War Constitution.³⁶⁴

Likewise, Nikole Hannah-Jones, in *the 1619 Project*, concurs with Marshall that America was established by the Founders on a lie. Her core thesis is that the major reason for the

³⁵⁹ Abraham Lincoln, *Abraham Lincoln: His Speeches and Writings*, ed. Roy Basler (Cambridge: Da Capo Press, 2001), 518.

³⁶⁰ Marshall, “Reflections on the Bicentennial of the United States Constitution.”

³⁶¹ Marshall, “Reflections on the Bicentennial of the United States Constitution.”

³⁶² Marshall, “Reflections on the Bicentennial of the United States Constitution.”

³⁶³ Marshall, “Reflections on the Bicentennial of the United States Constitution.”

³⁶⁴ Marshall, “Reflections on the Bicentennial of the United States Constitution.”

colonists' revolt was to protect the right to own slaves, and this right was deceptively encoded into the Constitution. Based on her assumption that the colonies' power and prosperity came from the "dizzying profits generated by chattel slavery," Hannah-Jones asserts that the protection of the institution of slavery is a little known but "primary reason" that the 13 colonies declared independence from Britain, a nation where, in 1776, "there were growing calls to abolish the slave trade."³⁶⁵ Hannah-Jones further maintains that to avoid the obvious hypocrisy of refusing to allow slaves to partake in America's Founding principles of freedom and equality, the Founders used "dark and ambiguous" language to protect and preserve slavery "without ever using the word."³⁶⁶ While Hannah-Jones does admit that the language of America's Founding expressed an admirable ideal, she believes that because the Founders intentionally did not distribute this ideal to all, America's foundation is fundamentally flawed and based upon deficient political science.

Where Marshall and Hannah-Jones find deception and dark ambiguity in the Founders' Constitution, Confederate heroes John C. Calhoun and Alexander Stephens find folly and dangerous error. Calhoun and Stephens condemn the belief they find implicit in the Constitution that there is an equality among races, a proposition Calhoun and Stephens see as both dangerous and utterly erroneous. Stephens, in his famous "Corner Stone" speech, declares that the "sandy foundation" of the Founders' political science was the "assumption of the equality of races," an "error" opposed to the "natural and normal" condition of the slave: "subordination to the superior race [white man]" via slavery.³⁶⁷ Calhoun fervently agrees with this notion, and contends, further, that the subordination of the black man to the white man in slavery is actually a "positive good" for both parties.³⁶⁸ Additionally, Calhoun asserts the "hypothetical truism" in the Constitution that all men are created equal is "the most false and dangerous of all political errors" because he believes that liberty and equality are "high prizes to be won" and that only the white man is worthy of these prizes.³⁶⁹ In Calhoun's view, the political science of the Founders planted a poisonous seed in the Constitution: that slaves are "fully entitled to both liberty and equality."³⁷⁰ And, while this seed lay dormant for a while, Calhoun

³⁶⁵ Hannah-Jones, "The Idea of America," 18

³⁶⁶ Hannah-Jones, "The Idea of America," 18-19

³⁶⁷ Stephens, "Corner Stone."

³⁶⁸ Calhoun, "Speech on the Oregon Bill."

³⁶⁹ Calhoun, "Speech on the Oregon Bill."

³⁷⁰ Calhoun, "Speech on the Oregon Bill."

warns that it is beginning to “produce its poisonous fruits.”³⁷¹ As such, Stephens and Calhoun likewise believe that the Founders’ political science is defective, but unlike Marshall and Hannah-Jones, they take the Founders’ Constitution at its word in its belief in equality and liberty for all, not just whites.

Calhoun and Stephens’ racist condemnation of the Founders’ political science is precisely why both the black abolitionist, Frederick Douglass, and America’s Civil War President, Abraham Lincoln, believe in the merit of the original principles of the Founding. For his part, Douglass rejects the idea of slavery as somehow a “secretive motive” or “unexpressed intention” deceptively written into the Constitution, as Marshall and Hannah-Jones claim. Instead, Douglass uses the metaphor of a compass to show that it is possible for the Founders’ political science to have merit even though the government it established engages in wicked deeds.³⁷² Contrary to Marshall’s and Hannah-Jones’ understanding, Douglass asserts that the three-fifths clause (art. 1, s. 2) and the 1808 clause (art. 1, s. 9) are actually explicitly anti-slavery: the three-fifths clause “encourages freedom by giving an increase of ‘two-fifths’ of political power to free over slave States,” and the 1808 clause, which enumerated a set end-date of the slave trade, steers the document towards the “abolition of slavery rather than to its perpetuity.”³⁷³ Additionally, Douglass finds that condemning a “righteous law because wicked men twist it to the support of wickedness” is akin to blaming the correct compass instead of the incompetent helmsmen for the wrong direction of a ship.³⁷⁴ Even if the incompetent helmsman – i.e., the U.S. government – has been “been governed by mean, sordid, and wicked passions,” this does not make the correct compass – i.e., the Constitution – “mean, sordid, and wicked.”³⁷⁵ And, as Douglass believes that a “plain and common-sense reading” of the simple text of the Constitution does not press it into the service of slavery, the original principles of the Founding are *not* flawed. Instead, it is pernicious politicians who have perverted the language of the Constitution towards wicked ends.

Abraham Lincoln shares Douglass’ view that we must separate the original principles of the Founding from the wrongful actions of the government it created, and emphatically

³⁷¹ Calhoun, “Speech on the Oregon Bill.”

³⁷² Douglass, “The Constitution of the United States: Is It Pro-Slavery or Anti-Slavery?”

³⁷³ Douglass, “The Constitution of the United States: Is It Pro-Slavery or Anti-Slavery?”

³⁷⁴ Douglass, “The Constitution of the United States: Is It Pro-Slavery or Anti-Slavery?”

³⁷⁵ Douglass, “The Constitution of the United States: Is It Pro-Slavery or Anti-Slavery?”

believes that the Founders' original principles are the "apple of gold" that engenders America's prosperity. In his "Dread Scott Speech," Lincoln contends that the "...assertion that 'all men are created equal' was of no practical use" in the colonies' Declaration of Independence from Britain, and it was therefore placed in the Declaration as the fundamental maxim of American society that would be "revered by all...and even though never perfectly attained."³⁷⁶ Lincoln further states that human equality stands as the fundamental axiom of any "free society" – and he reveres Thomas Jefferson for introducing "into a merely revolutionary document, an abstract truth, applicable to all men and all times" to serve as an immortal "stumbling-block" for any future tyrants.³⁷⁷ Lincoln states that even though America could have revolted from British rule without the originating principle that "all men are created equal," without it "we could not, I think, have secured our free government, and consequent prosperity."³⁷⁸ Lincoln thus sees this founding principle as the "apple of gold" and the Constitution and Union as the "picture of silver framed around it" which "adorn" and "preserve" America's founding principle.³⁷⁹ Finally, Lincoln, in his esteemed Gettysburg Address, makes the case that in order for America to ascend from the Founders' necessary *practical*-equality to their desired founding principle of *aspirational*-equality, the enormous sacrifices of the Civil War were needed as a sacrifice or baptism of blood to expiate the original sin of slavery from the soul of the nation and "have a new birth of freedom."³⁸⁰

The perspectives of Marshall, Hannah-Jones, Calhoun, and Stephens, who, for antithetical reasons, believe that the political science established by the Founders was flawed, and the perspectives of Lincoln and Douglass, who championed the original principles of the Founders, appear to be irreconcilable. Perhaps, one could harmonize these two seemingly disparate perspectives by appealing to the writings of 19th century French political scientist, Alexis de Tocqueville. In chapter two of his book, *Democracy in America*, Tocqueville seeks to examine the origin of America and show how the dual nature of this genesis engendered the "prejudices, habits, [and] dominant passions, of all that ultimately composes what is called the national character."³⁸¹ In examining this origin, Tocqueville looks not at the events surrounding 1776, but rather goes back to

³⁷⁶ Lincoln, *Abraham Lincoln: His Speeches and Writings*, 361

³⁷⁷ Lincoln, *Abraham Lincoln: His Speeches and Writings*, 489

³⁷⁸ Lincoln, *Abraham Lincoln: His Speeches and Writings*, 518

³⁷⁹ Lincoln, *Abraham Lincoln: His Speeches and Writings*, 518

³⁸⁰ Lincoln, *Abraham Lincoln: His Speeches and Writings*, 734

³⁸¹ Alexis de Tocqueville, *Democracy in America* (Carmel: Liberty Fund, Inc., 2012), 46

gold seekers arriving in Virginia in 1607 and the Puritans arriving in New England in 1620. Tocqueville explains that the emigrants to Virginia were gold seekers “without resources and without proper behavior” and there was “no noble thought, no plans that were not material, [which] directed the foundation of these new establishments.”³⁸² This pernicious, materialistic ethos of the South was exacerbated by the introduction of slavery to these colonies in 1619. This date is the name-sake of Nikole Hannah-Jones’ *1619 Project*, and it is the prejudices, habits, and passions stemming from this origin of America which materialized into the deleterious flaws of the Founders’ political science that Hannah-Jones and Justice Marshall rightly criticize.

Tocqueville believes, however, that there are actually two principal branches of America’s founding: one branch growing out of America’s Southern origin which Tocqueville criticizes and the other growing out of America’s Northern origin which Tocqueville praises. This second branch is from the Puritans who arrived in 1620, and Tocqueville believes that from this founding comes all the “admirable elements” of American society. In contrast with the gold-seekers of Virginia, the Puritans did not “come to the New World in order to improve their situation or increase their wealth” but they came to avoid prosecution of their religious doctrine which was “mingled with the most absolute democratic and republican theories” such as equality of conditions, liberty, and independence.³⁸³ It is from this second origin of America that the principles and maxims of the American founding which Frederick Douglass and Abraham Lincoln praise stem from.

Therefore, by using Tocqueville’s two-branch framework, one can see how America’s Founding Principles can simultaneously be both defective and meritorious because the two branches undergirding this foundation are similarly opposed. It is the tension between these two conflicting branches which made the Civil War inevitable and also what makes the examination of America’s 1776 founding so difficult. Accordingly, either a wholesale condemnation or commendation of America’s founding principles is rash, and one must recognize that the manifestations of both the materialist South and Puritan North are present in these principles.

³⁸² Tocqueville, *Democracy in America* 51-52

³⁸³ Tocqueville, *Democracy in America* 54

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Preservation of Property as the Natural End of Civil Society: A Joyless Quest for Joy or a Human Quest for Self-Preservation?

John Babbo

Leo Strauss, in chapter V of his book *Natural Right and History*, analyzes the political philosophy the 17th century English philosopher John Locke espoused in his *Two Treatises on Civil Government*. In this essay, I will first summarize Strauss' account of Locke's argument, that "the end of civil society is 'the preservation of property'" and unrestrained acquisitiveness is "conducive to the common good, to public happiness or the temporal prosperity of society."³⁸⁴ I will then summarize Strauss' indictment of Locke's praise of materialism and his "peculiar hedonism" which Strauss believes turns life into the "joyless quest for joy."³⁸⁵ I will conclude with a response to Strauss' analysis, where I will provide a qualified defense of Locke, appealing to Strauss' own dissenting interpretation that Locke's conception of the law of nature is not "in the proper sense of the term" but it is instead a "partial law of nature" that "formulates the conditions of... 'public happiness' or 'the prosperity of the people'" and not the "entire law of nature [which] is available only in the New Testament."³⁸⁶

The axiomatic first principle of Locke's argument, as described by Strauss, is man's "special" and "natural" right of self-preservation.³⁸⁷ This is a universal and innate right that precedes and ultimately engenders civil society as a means of saving humans from the "pure anarchy" of the state of nature, a state that inevitably devolves into the state of war.³⁸⁸ Appealing to Hobbes, Strauss says that this right to self-preservation stands as the "fundamental moral fact" of society, as "man must be allowed to defend his life against violent death because he is driven to do so by some natural necessity which is not less

³⁸⁴ Leo Strauss, *Natural Right and History* (Chicago: The University of Chicago Press, 1965), 245

³⁸⁵ Strauss, *Natural Right and History*, 251

³⁸⁶ Strauss, *Natural Right and History*, 220 and 229

³⁸⁷ Strauss, *Natural Right and History*, 234

³⁸⁸ Strauss, *Natural Right and History*, 224-225

than that by which a stone is carried downward.”³⁸⁹ By this account, Strauss concludes that the “fundamental rules on the law of nature on which the argument of the *Treatise* is based... [are] the sum of the dictates of reason in regard to men’s ‘mutual security’ or to ‘the peace and safety’ of mankind.”³⁹⁰ According to Strauss, because the “absolutely comprehensive and perfect formulation of the law of nature” – “available only in New Testament” – cannot be “promulgated in the state of nature,” the foundation of the law of nature must necessarily be the innate natural right of self-preservation.³⁹¹ The law of nature that underpins Locke’s political philosophy is thus all rational creatures’ particular determinations of the right of self-preservation. As such, through Locke’s famous social contract, “the individuals actually concerned with their self-preservation... create the whole power of society” so that their natural rights are preserved.³⁹² Accordingly, the innate right of self-preservation provides not only the foundation of Locke’s law of nature, but also becomes the end of civil society: because, through the social contract, this right has been transmitted from the individual to civil society. For Locke, the only government that can “justly demand that the individual surrender to it all his natural power,” is that whose end is the protection and “guaranty” of this right to self-preservation.³⁹³

Strauss thereby argues that because of Locke’s interpretation of the law of nature, self-preservation becomes the end of civil society through the social contract. Strauss then summarizes Locke’s argument for why this end is best effectuated through the preservation of property, and thus, transitively: “[t]he great and chief end... of men’s uniting into commonwealths and putting themselves under government is the preservation of their property.”³⁹⁴ For Strauss, “Locke’s doctrine of property... [is] the central part of his political teaching.”³⁹⁵ Key to this doctrine is that, for Locke, property precedes civil society: “Men own property prior to civil society; they enter civil society in order to preserve or protect the property which they acquired in the state of nature.”³⁹⁶ Locke believed that it was only through labor that men could acquire property in the state of nature. This is because, by nature, man is “the exclusive owner of his body and

³⁸⁹ Strauss, *Natural Right and History*, 227

³⁹⁰ Strauss, *Natural Right and History*, 228

³⁹¹ Strauss, *Natural Right and History*, 205 and 227

³⁹² Strauss, *Natural Right and History*, 229

³⁹³ Strauss, *Natural Right and History*, 233

³⁹⁴ Strauss, *Natural Right and History*, 245

³⁹⁵ Strauss, *Natural Right and History*, 234

³⁹⁶ Strauss, *Natural Right and History*, 235

hence the work of his body, i.e. of his labor.”³⁹⁷ As such, when man in the state of nature performs labor on “things which no one is the owner,” then those things become an “indissoluble mixture of his exclusive property with no one’s property, and therefore they become his exclusive property.”³⁹⁸ Through labor, men in the state of nature acquire property “in accordance with natural right,” and it is thus the individual “prompted by his self-interest alone” – and not civil society – who originates property.³⁹⁹

In the state of nature, however, there are natural law limitations to the acquisition of property. One may only “appropriate by his labor as much as is necessary and useful for his self-preservation.”⁴⁰⁰ In addition to this “necessary and useful” restriction, Locke also describes the spoilage principle: in the state of nature, one may only “appropriate by his labor” what “he ‘can make use of to any advantage of life before it spoils.’”⁴⁰¹ Central to understanding this principle, however, is that the “perishing uselessly” of spoilage, and not the “largeness of what a man appropriates by his labor,” is what makes a man “guilty of a crime against the natural law.”⁴⁰² The natural law regarding property is, in this regard, exclusively concerned with the “prevention of waste,” not “other human beings.”⁴⁰³ However, Locke next teaches, rather counterintuitively, that when men in the state of nature form civil society through the social contract, “the right to appropriate” is actually much less restricted.⁴⁰⁴ Strauss writes:

According to the natural law – and this means according to the moral law – man in civil society may acquire as much property of every kind, and in particular as much money, as he pleases; and he may acquire it in every matter permitted by the positive law, which keeps peace among the competitors and in the interest of the competitors.⁴⁰⁵

If we accept Strauss’ interpretation, Locke advocates not only for the protection of property in civil society, but also for its unrestrained acquisition. Locke “justifies the emancipation of acquisitiveness” by showing that it is “conducive to the common good,

³⁹⁷ Strauss, *Natural Right and History*, 236

³⁹⁸ Strauss, *Natural Right and History*, 236

³⁹⁹ Strauss, *Natural Right and History*, 236

⁴⁰⁰ Strauss, *Natural Right and History*, 236

⁴⁰¹ Strauss, *Natural Right and History*, 237

⁴⁰² Strauss, *Natural Right and History*, 237

⁴⁰³ Strauss, *Natural Right and History*, 237

⁴⁰⁴ Strauss, *Natural Right and History*, 240

⁴⁰⁵ Strauss, *Natural Right and History*, 241

to public happiness, ... [and] the temporal prosperity of society.”⁴⁰⁶ The only reason acquisitiveness needs to be restrained in the state of nature by the “necessary and useful” restriction and the spoilage principle is because the state of nature was a “state of penury” while civil society is a “state of plenty.”⁴⁰⁷

To further defend the merit of unrestrained acquisitiveness, Locke makes a rising-tide-lifts-all-boats argument which Straus asserts is “directly intelligible today if it is taken as the classic doctrine of the ‘spirit of capitalism.’”⁴⁰⁸ Locke says that the poor are not impoverished by the emancipation of acquisitiveness but are actually “enriched by it,” because in society, the industrious and rational men are the minority, while “the lazy and inconsiderate part of men’ make ‘the far greater number.’”⁴⁰⁹ Therefore, technological innovation, progression of society, and the “production of wealth requires... that the industrious and rational, who work hard spontaneously, take the lead and force the lazy and inconsiderate to work against their will, if for their own good.”⁴¹⁰ The industrious and rational man, because of his unrestrained acquisitiveness, “increase[s] the common stock of mankind” by preventing the tragedy of the commons and by motivating the lazy and the inconsiderate to work “much harder than they otherwise would” through the creation of scarcity.⁴¹¹

This brings us to the crux of Locke’s argument. The foundation of the law of nature is the innate natural right of self-preservation. Through the social contract, the end of civil society becomes self-preservation. According to Locke, self-preservation of society is “the peace, the safety and public good of the people.”⁴¹² Strauss proceeds from here:

If peace and safety are the indispensable conditions of plenty, and the public good of the people is identical with plenty; if the end of government is therefore plenty; if plenty requires the emancipation of acquisitiveness; and if acquisitiveness necessarily withers away whenever its rewards do not securely belong to those who deserve them – if all this is true, it follows that the end of civil society is “the preservation of property.”⁴¹³

⁴⁰⁶ Strauss, *Natural Right and History*, 242

⁴⁰⁷ Strauss, *Natural Right and History*, 242

⁴⁰⁸ Strauss, *Natural Right and History*, 246

⁴⁰⁹ Strauss, *Natural Right and History*, 243

⁴¹⁰ Strauss, *Natural Right and History*, 243

⁴¹¹ Strauss, *Natural Right and History*, 243-244

⁴¹² Strauss, *Natural Right and History*, 244

⁴¹³ Strauss, *Natural Right and History*, 245

Strauss also makes a point of emphasizing that this is not a preservation of “static” property – the “‘narrow bounds of each man’s small property’ within which their desires were confined by ‘the simple, poor way of living’... in the state of nature.”⁴¹⁴ Instead, this is preservation of “dynamic” property. Strauss uses a quote from the American founding father James Madison, who, heavily influenced by Locke, expresses a similar conclusion: “‘The protection of different and unequal faculties of *acquiring* property is the first object of government.’”⁴¹⁵ Because it is the individual, and not society who creates property, and because the preservation of property is the end of civil society, then it is the natural duty of civil society to create “the conditions under which the individuals can pursue their productive-acquisitive activity without obstruction.”⁴¹⁶

Strauss thus gives an accurate, insightful, and unbiased account of Locke’s doctrine of property. At the end of the chapter, however, he also levels a powerful indictment against Locke: ultimately charging Locke and his political philosophy of making life into a “joyless quest for joy,” because the *telos* of Locke’s civil society leads to an insatiable desire for property and a “peculiar hedonism.”⁴¹⁷ He says that Locke, in his chapter on property, does not condemn the vices of “covetousness and concupiscence,” but actually condones them as “eminently beneficial and reasonable, much more so than ‘exemplary charity.’”⁴¹⁸ Describing Locke’s wanton aggrandizement of vice, Straus says: “[Locke believed that by] building civil society on ‘the low but solid ground’ of selfishness or of certain ‘private vices,’ one will achieve much greater ‘public benefits’ than by futilely appealing to virtue, which is by nature unendowed.”⁴¹⁹ For Strauss, however, the glorification of these vices leads to a “peculiar” materialist strand of hedonism, where “[t]he greatest happiness consists’ not in enjoying the greatest pleasures but ‘in having those things which produce the greatest pleasures.’”⁴²⁰ This materialism means that it is “[n]ot the natural sweetness of living but the terrors of death” that make men living in civil society “cling to life.”⁴²¹ Additionally, unrestrained acquisitiveness and materialistic hedonism means that the “primary fact is want,” but not for a “complete life” or even a “good life” but for the denial of pain. This system then perverts labor into “the pain

⁴¹⁴ Strauss, *Natural Right and History*, 245

⁴¹⁵ Strauss, *Natural Right and History*, 245

⁴¹⁶ Strauss, *Natural Right and History*, 246

⁴¹⁷ Strauss, *Natural Right and History*, 249-251

⁴¹⁸ Strauss, *Natural Right and History*, 247

⁴¹⁹ Strauss, *Natural Right and History*, 247

⁴²⁰ Strauss, *Natural Right and History*, 249

⁴²¹ Strauss, *Natural Right and History*, 250

which removes pain” and Locke thus identifies “the rational life with the life dominated by the pain which relieves pain.”⁴²² Strauss contends that Locke’s philosophy regarding the law of nature and the end of civil society means that to attain happiness, one must actually “move away from the state of nature.”⁴²³ This negation means, however, that the “movement toward happiness is the actuality of freedom,” where freedom is negativity, because it is a negation of our natural state. Locke’s perverted hedonism, Strauss asserts, means that the greatest pleasure in life is the “painful relief of pain.”⁴²⁴ As such, life in Lockean civil society becomes “the joyless quest for joy.”⁴²⁵

This striking ending of Strauss’ analysis is sobering and forces one to reflect on the positives and negatives of Lockean liberalism which serves as the ideological foundation – “... all men... are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness...” – for the United States of America and many countries around the world today. In modern America, despite the best efforts of many on the left, preservation of property is still the end of government. The ‘American Dream’ is seemingly a desire for endless accumulation of property and the insatiable restlessness of the American spirit – or perhaps more aptly, the Lockean spirit – coerces the citizens of America into a materialistic hedonism which engenders an rabid desire for more property and more wealth. This spirit makes Americans willfully neglect all morals, care for the environment, compassion for others, and even the movement toward happiness. Locke’s peculiar hedonism can never be fulfilled, and the American dream is just a futile attempt at fulfilling man’s state of nature, which, Strauss claims, for Locke is just a “state of wretchedness.”⁴²⁶

Yet, Strauss’ critique perhaps requires more nuance. While Locke’s proposal that the end of civil society is the preservation of property certainly has its negative effects, the political philosophy of Locke also engenders innumerable positive effects. Locke’s praise of scarcity and its practical benefits would find validation 72 years after his death by the ‘Father of Economics,’ Adam Smith. In his *magnum opus*, *An Inquiry into the Nature and Causes of the Wealth of Nations* – the first work of modern economics, a field often defined as the science of scarcity – Adam Smith teaches about the “invisible hand,” a

⁴²² Strauss, *Natural Right and History*, 250

⁴²³ Strauss, *Natural Right and History*, 251

⁴²⁴ Strauss, *Natural Right and History*, 251

⁴²⁵ Strauss, *Natural Right and History*, 251

⁴²⁶ Strauss, *Natural Right and History*, 250

metaphor that describes the unconscious yet countervailing social benefit and public good brought about by each individual acting in his own self-interest.⁴²⁷ While Strauss' reproach that Locke's doctrine on property turns labor into "the pain which removes pain" retains its resonance, I think Locke's own argument – that a "... a king of a large and fruitful territory in America feeds, lodges, and is clad worse than a day-labourer in England" – has merit, and shows that acquisitiveness leads to a marked improvement, and enormously and demonstrably so, in the standard of living for all citizens, not just the rich.⁴²⁸ Additionally, I am struck by the presumptuousness of Strauss' critique of Lockean liberalism while he reaps all of its benefits. If one truly disdains Locke's doctrine on property, an escape to the wilderness becomes instead the only proper response – shunning all of the remarkable inventions, institutions, and wealth his system created. I imagine, however, that such a critic would soon flee the wilds and return to civil society when he needed medical attention, a field which owes its tremendous, life-saving technological advances to labor and "the spirit of capitalism."⁴²⁹

Understanding that, on Strauss' own claims, Locke produced a work of political pragmatism rather than philosophical idealism, helps solve the apparent tension between morality and the unrestrained acquisitiveness that Strauss criticizes. Strauss argues against the "accepted interpretation of Locke's teaching," writing earlier in the chapter that "[i]n the *Treatise*, it is less Locke the philosopher than Locke the Englishman who addresses not the philosophers, but Englishmen."⁴³⁰ This distinction holds extreme import, because it means that Locke's conclusion – that the end of society is and should be the preservation of property – is a *practical* guide to help society temporally, not morally. Strauss comes to this dissenting conclusion because he believes that Locke could not have "recognized any law of nature in the proper sense of the term," and so this work does not contain the "philosophic presentation" of Locke's political doctrine, but rather "only its 'civil' presentation."⁴³¹ In this regard, Locke's civil presentation as expressed in his *Treatises* – which appeals to a "partial law of nature" – intentionally has a more practical and narrowed *telos* than a philosophical presentation that would appeal to "absolutely comprehensive and perfect formulation of the law of nature... available only in the New Testament."⁴³² Strauss reaches his conclusion by first

⁴²⁷ Adam Smith. *The Wealth of Nations* (Blacksburg: Thrifty Books, 2009)

⁴²⁸ Strauss, *Natural Right and History*, 242

⁴²⁹ Strauss, *Natural Right and History*, 246

⁴³⁰ Strauss, *Natural Right and History*, 221

⁴³¹ Strauss, *Natural Right and History*, 220

⁴³² Strauss, *Natural Right and History*, 220 and 205

appealing to Thomas Aquinas and his understanding of the law of nature as a “declaration of the will of God.”⁴³³ This leads to the “problem posed by theology,” however, because the limitation of human reason means that “natural reason is therefore unable to know the law of nature as a law.”⁴³⁴ This problem – and most others – was indeed solved by the New Testament as “the perfect document of revelation.”⁴³⁵ Through the New Testament, “divine law proves to be in full conformity with reason” and the “entire law of nature is available... in perfect clarity and plainness.”⁴³⁶ However, Strauss asserts that Locke “must have been aware of the fact that a political teaching based on Scripture would not be universally accepted as unquestionably true” and he was thus forced to appeal to a “partial law of nature.”⁴³⁷ Lockean liberalism does not engender a joyless quest for joy but a human quest for self-preservation which must be necessarily tempered by “moral teachings... in the New Testament” in order to be “in full conformity with reason.”⁴³⁸

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⁴³³ Strauss, 202

⁴³⁴ Strauss, 204

⁴³⁵ Strauss, 204

⁴³⁶ Strauss, 205

⁴³⁷ Strauss, 214

⁴³⁸ Strauss, 205

