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Daniel Holland
July 17, 1996 – June 11, 2017

This issue of the *Journal of Global Affairs* is dedicated in loving memory to Daniel Holland, who passed away while traveling abroad. Daniel was a National Merit Scholar earning his bachelor's and master's degrees in International Studies as a member of the accelerated BA/MA program. He was also majoring in Constitutional Studies.

Active in numerous campus organizations and activities, Daniel also won many honors and awards, including Outstanding Freshman, Big Man on Campus, and the Letzeiser Honor List.

Intending to dedicate his life to international affairs, we dedicate this *Journal* to Daniel. He will forever be missed at the College of International Studies and at the University of Oklahoma.

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Conflict and Security

Drones, Ethics, and Pakistan

Adam Amil

Abstract

The following article provides an ethical appraisal of the use of armed drones within the Federally Administered Tribal Areas of Pakistan by the Central Intelligence Agency through the prism of Just War theory. This paper argues that the inability of the United States to conduct these strikes in an ethical manner stems from an utter lack of transparency surrounding the program, and by extension the Central intelligence Agency's ability to employ lethal force unilaterally. Furthermore, this paper critiques the standard discourse surrounding the negative impact these drone strikes have had on US security interests. This analysis makes several policy recommendations to both the United States and Pakistan to improve ethical outcomes of future drone operations.

Introduction

At the same time former President Obama graciously accepted the coveted Nobel Peace Prize award in 2009, his administration was escalating a bloody new phase in the Global War on Terror. Unmanned Aerial Vehicles, better known as drones, were originally designed for long-term surveillance of high-value targets. However, once their role had been controversially expanded to include lethal targeted strikes, drones quickly became the centerpiece of the US counterterrorism strategy. Their use outside of traditional theatres of war has ignited a fierce debate regarding their ethical implications and effectiveness in eradicating terrorism. The goal of this paper is to add to this robust discussion by providing an ethical appraisal of the use of drones by the Central Intelligence Agency (CIA) to conduct targeted killings of terrorists within the Federally Administered Tribal Areas (FATA) of Pakistan. This paper will argue the use of targeted strikes is ethically problematic and does not satisfy the principles outlined by Just War theory. Additionally, the argument will be made that the prevailing discourse surrounding the negative security impacts of drones is misplaced. Based on this analysis, policy recommendations will be offered to better improve ethical outcomes in future drone operations. This emerging technology has transformed the way the War on Terror is fought and will continue to have far-reaching implications not only on the future of counterterrorism, but also on the very foundation of Just War Theory itself.

Drones Over Pakistan

First introduced in 1994, Unmanned Aerial Vehicles (UAVs), better known as drones, were originally designed to loiter for hours and provide real-time surveillance of high-value targets from afar. It was not until 2000 that the decision to endow the drones with lethal force was made at the behest of Clinton-era counterterrorism officials. Although drones were now capable of striking targets with lethal force, lingering debates surrounding their impact forced their shelving. Indeed, former CIA head George Tenet criticized the ethics and legality of their use, raising concerns about opacity within the chain of command and the consequences of CIA control over the program; however, any

lingering apprehensions about lethal drone deployment quickly evaporated following the cataclysmic events of September 11, 2001.¹

In the years preceding 9/11, the Clinton administration made it a point to implement greater oversight and regulations on lethal covert action. While Clinton himself authorized covert lethal actions against al-Qaeda officials, approval for a killing underwent a thorough series of checks and balances. These measures were quickly undone as the Bush administration sought to expand its powers to pursue potential threats wherever they might reside, and the tragic 9/11 attacks enabled them to do exactly that. The unprecedented capability to wage a global war was granted to former president George W. Bush by the House and Senate on September 14, 2001. After passing the Authorization for the Use of Military Force (AUMF), Congress bestowed upon the president remarkable latitude to “use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001.”² This, in conjunction with several equally vague executive orders, was successful in removing many existing oversight and regulatory mechanisms regarding the use of covert lethal action.³ It was within this atmosphere of fear, governed by hawkish ideologues determined to expand America’s military range, that armed drones were dusted off and officially brought into the fold as a legitimate counterterrorism strategy.

The first covert drone strike publicly reported as conducted by the CIA occurred in Yemen in 2002, killing the alleged mastermind of the 2000 *USS Cole* bombing, Qaed Sinan Harithi. The Yemeni strike was the first of its kind outside of a traditional theatre of war, setting the precedent for the use of drones in Pakistan.⁴ By the time armed drones set their sights on FATA, these lawless lands would have already become the front line on the war on terror.⁵

Comprised of seven agencies, FATA is plagued by widespread illiteracy and insufficient infrastructure, consistently lagging every other Pakistani province in all development indicators. This is a place where one third of the entire population still draws water from a well and where paved roads are nearly nonexistent.⁶ The three million residents of FATA are still governed by the archaic Frontier Crimes Regulations (FCR), a century-old policy passed by the British in 1901 which is still upheld and enforced by “political agents,” hand-picked by the central Pakistani government. The FCR affords no constitutional, civic, or political rights to the inhabitants of FATA and continues to reinforce the Tribal Jirga system that is used to settle disputes and violations tribal code. Perhaps the one most shocking aspect of governance is that all independent access to the territories by all NGOs, journalists, foreign governments, human rights organizations, and political parties is strictly forbidden.⁷ Devoid of any semblance of central governance or authority, FATA served as the perfect incubator for militant extremists. After US and

¹ Brian Glyn Williams, “The CIA’s Covert Predator Drone War in Pakistan, 2004-2010: The History of an Assassination Campaign,” *Studies in Conflict & Terrorism* 33 (2010): 873.

² Jeremy Seahill, *Dirty Wars: The World is a Battlefield* (New York: Nation Book, 2013): 17–19.

³ *Ibid.*, 22.

⁴ James Cavallaro, Stephen Sonnenberg, and Sarah Knuckey, *Living Under Drones: Death, Injury, and Trauma to Civilians from US Drone Practices in Pakistan* (Stanford: International Human Rights and Conflict Resolution Clinic, Stanford Law School; New York: NYU School of Law, Global Justice Clinic, 2012): 11.

⁵ Chris Woods, *Sudden Justice: America’s Secret Drone Wars* (New York: Oxford University Press, 2015).

⁶ Woods, *Sudden Justice*, 97.

⁷ Ahmed Rashid, *Descent into Chaos: How the War Against Islamic Extremism is Being Lost in Pakistan, Afghanistan, and Central Asia* (London: Allen Lane, 2008), 266.

coalition forces made quick work of the feeble Taliban regime in 2001, the main escape pipeline out of Afghanistan ended across the border within the notorious Pakistani badlands,⁸ quickly transforming the region into what Ahmed Rashid refers to as “al-Qaeda’s Bolt-Hole.”⁹

The first drone strike within FATA occurred on June 18, 2004, targeting Pakistani Taliban commander Nek Muhammad.¹⁰ Muhammad had deeply embarrassed Pakistani forces during a failed military operation to root out extremists earlier that year and emerged out of the debacle as a hero, emboldening him to more brazenly oppose the Pakistani state.¹¹ However, although Muhammad had pledged allegiance to al-Qaeda,¹² he was not a direct threat to US security interests. This first strike can thus be thought of as a “good will” kill, a gift to the Pakistani state.¹³ Drones were beginning to become the commodity of choice between Pakistani intelligence services and those of the US, a type of “you-scratch-mine-I-scratch-yours” arrangement where the currency of exchange was the bodies of Islamic militants.¹⁴

By 2008, Pakistan proved to be an inconsistent ally at best in the War on Terror. Al-Qaeda essentially established a state-within-a-state in FATA,¹⁵ and the Pakistani government was caught in a vicious cycle of indiscriminate military operations and failed peace agreements that bordered on acquiescence.¹⁶ The Musharraf regime fell victim to its own backwards policy of distinguishing between “good” Taliban and “bad” Taliban, targeting foreign militants in urban centers to appease American demands, while shielding those insurgents fostered by Pakistani Intelligence within the tribal territories to conduct an asymmetric war against India.¹⁷ This allowed al-Qaeda to find sanctuary amongst other militant groups, enabling them to conduct cross-border raids against American and NATO forces in Afghanistan.¹⁸

This deadly double-game did little to satisfy Musharraf’s American benefactors and in response, President Bush dramatically increased the rate of drone strikes. Indeed, thirty-eight of the fifty-one drone strikes carried out by the Bush administration came in the final year of his presidency.¹⁹ It is reported that the degree of certainty needed to authorize a lethal strike had dropped from 90 percent to a shockingly low 50 percent by the end of Bush’s final term. As the administration grew more trigger-happy, large-scale civilian casualties due to drone strikes began to surface; however, at this point the program was relatively free from public scrutiny, as both the US and Pakistan continued to deny its existence. It was under this cloak of uncertainty that members of the intelligence community began pushing for what they called “Signature Strikes,” the targeting by drones of individuals believed to be enemy combatants based

⁸ Woods, *Sudden Justice*, 97.

⁹ Rashid, *Descent Into Chaos*, 265.

¹⁰ Williams, “The CIA’s Covert Predator Drone War in Pakistan,” 874.

¹¹ Rashid, *Descent Into Chaos*, 271.

¹² Williams, “The CIA’s Covert Predator Drone War in Pakistan,” 874.

¹³ C. Christine Fair, “Drones, Spies, Terrorists, and Second-Class Citizenship in Pakistan,” *Small Wars & Insurgencies* 25, no. 1 (2014): 207.

¹⁴ *Ibid.*, 214.

¹⁵ Williams, “The CIA’s Covert Predator Drone War in Pakistan,” 874.

¹⁶ Rashid, *Descent into Chaos*, 271-282.

¹⁷ Wood, *Sudden Justice*, 108-111.

¹⁸ Rashid, *Descent into Chaos*, 269.

¹⁹ Jack Serle and Abigail Fielding-Smith, “Monthly Updates on the Covert War,” *The Bureau of Investigative Journalism*, October 15, 2016, accessed November 28, 2016, <https://www.thebureauinvestigates.com/2015/10/05/monthly-drone-report-total-drone-strikes-under-obama-in-pakistan-somalia-and-yemen-now-491-after-september-attacks/>.

on patterns of behavior.²⁰ Yet, it was under the Obama administration that this new brand enjoyed its real coming-out party.

While on the campaign trail in 2008, then presidential-hopeful Barack Obama masterfully paid lip service to the disillusioned American public, promising to undo intrusive Bush-era counterterrorism policies; however, astute observers of both his campaign and picks for Cabinet noted that Obama would only deepen and strengthen those measures enacted by the Bush administration to aggressively peruse threats from Pakistan. Thus, the arrival of the Obama administration was more of the same regularly scheduled programming, and his actions reflected this.²¹ Drone strikes became the defining feature of the “Pakistan Good Enough Doctrine” that sought to mitigate the myriad of threats emanating from Pakistan with minimal involvement,²² and signature strikes were a key feature of this renewed reliance on armed Drones. Based on “pattern of life analysis,” armed drones would target groups of men whose behaviors were consistent with the actions of terrorist organizations or those engaged in terrorist activity. While continuing to openly deny the program’s existence,²³ the Obama administration was busy increasing the number of drone strikes since the Bush era by 631 percent. This dramatic escalation mirrored deteriorated relations with Islamabad as well as the rise of questions on the program’s efficacy and accuracy.²⁴

As public scrutiny continued to build against drone strikes, a plethora of scholarly work discrediting the campaign as unethical began to proliferate. In response to mounting public pressure, the Obama administration acknowledged the targeted killing program and provided justification for its use in an address given at the Wilson Center by John Brennan, the Assistant to the President for Homeland Security. The crux of the argument was that the use of unmanned aerial vehicles to conduct targeted killings of terrorists provided the most discriminate and proportionate response to terrorism while fulfilling the requirements for military necessity.²⁵ This meager step towards transparency was exactly that: meager. Too many questions surrounding the program remained, and as such, efforts to legitimize an institutionalized assassination program through the ethics of Just War theory remain unconvincing.

Framework

Given that Obama White House officials have used the principles outlined by Just War theory to legitimize the use of drones,²⁶ this paper uses the same ethical foundation for critique. An expansive canon of thought that spans nearly the entire history of mankind, Just War theory at its core “is a coherent set of concepts and values which enables moral judgment in wartime”²⁷ with the aim of limiting both the destructiveness and incidences of war.²⁸ Traditionally, the theory is split into two broad categories that offer guiding principles for behavior before (*Jus ad Bellum*) and during

²⁰ Woods, *Sudden Justice*, 114.

²¹ Scahill, *Dirty Wars*, 230–244.

²² Fair, “Drones, Spies, Terrorists,” 208.

²³ *Ibid.*

²⁴ Cavallaro, Sonnenberg, and Knuckey, *Living Under Drones*, 10.

²⁵ John Brennan, “The Efficacy and Ethics of U.S. Counterterrorism Strategy,” (conversation, The Wilson Center, Washington, DC, April 30, 2016), Transcript accessed November 28, 2016, <https://www.wilsoncenter.org/event/the-efficacy-and-ethics-us-counterterrorism-strategy>.

²⁶ International Crisis Group, “Drones: Myths and Reality in Pakistan,” *Crisis Group Asia Report*, May 21, 2013, 18, <https://d2071andvip0wj.cloudfront.net/drones-myths-and-reality-in-pakistan.pdf>.

²⁷ Brian Orend, *The Morality of War* (New York: Broadview, 2013): 10.

²⁸ *Ibid.*, 33.

(*Jus in Bello*) war.²⁹ Just War theory demands adherence to a strict series of criteria which must be met if a war is to be considered just, and by extension, moral.

The set of criteria as outlined by *Jus ad Bellum* deal largely with providing ethical justification for initiating a war. Failure to meet any of the six standards (Just Cause, Right Intention, Public Declaration by Proper Authority, Last Resort, Probability of Success, and Proportionality) morally compromises the act of war and may render the cause to be unjust.³⁰ If it is determined that a state has satisfied the requirements of a just war, it must then comply with principles of *Jus in Bello*. This second category seeks to limit the destructiveness of war while supplying additional criteria to ensure wars do not spill over into surrounding territories.³¹

This paper is not intended to detail each one of the criteria as laid out in *Jus ad Bellum* and *Jus in Bello*, nor will it explain the diverse array of problems that arise when each are applied to the CIA drone program. Rather, it will focus analysis on those used by the previous administration to justify the program. It will evaluate assertions that drone strikes respect the principles of distinction, proportionality, and necessity,³² and will then raise additional areas of ethical concern that compromise adherence to Just War standards. This paper will address each of these in turn while challenging conventional wisdom surrounding effects of drone strikes on US security interests.

Analysis

Drones as a discriminate form of counterterrorism

Discrimination can be thought of as the heart and soul of *Jus in Bello*. Distinguishing between combatants and non-combatants is an essential duty of all states that undertake the decision to fight a war.³³ Although some civilian casualties are to be expected in conflict,³⁴ the aggressor must demonstrate that everything possible was done to avoid such disastrous results.³⁵ In his address, John Brennan stated that, “With the unprecedented ability of remotely piloted aircraft to precisely target a military objective while minimizing collateral damage, one could argue that never before has there been a weapon that allows us to distinguish more effectively between an al-Qaeda terrorist and innocent civilians.”³⁶ Indeed, targeted drone strikes are far more discriminate than many of the ill-fated Pakistani military operation in FATA that have killed thousands, displaced millions, and destroyed entire cities.³⁷ Thus, drones comparatively satisfy the principle of discrimination to a certain degree; however, I find this type of moral relativism unsatisfying. Simply because drones are more discriminate than another form of warfare does not absolve them of wrongful civilian deaths. Furthermore, acknowledgment of the loss of any civilian life demands a thorough investigation into whether or not due process was taken to avoid such consequences. Affirmation that this was done was notably absent from Brennan’s address. The vague definition of the combatants as all males within a strike zone until proven otherwise does little to convince observers that everything possible was done to avoid civilian casualties. While at least some officials suggested that this definition was discarded, there has been no public rebuttal of the practice, which falls

²⁹ Ibid.

³⁰ Ibid., 34.

³¹ Ibid., 111.

³² Brennan, “The Efficacy and Ethics of U.S. Counterterrorism Strategy.”

³³ Orend, *The Morality of War*, 113.

³⁴ Harry van der Linden, “Drone Warfare and Just War Theory,” in *Drones and Targeted Killing: Legal, Moral, and Geopolitical Issues*, ed. Marjorie Cohn (Northampton: Olive Branch Press, 2015): 170.

³⁵ Orend, *The Morality of War*, 113.

³⁶ Brennan, “The Efficacy and Ethics of U.S. Counterterrorism Strategy.”

³⁷ International Crisis Group, “Drones,” 11.

short of satisfying the principles of distinction.³⁸ Although the United States has taken the brunt of the responsibility for the program's short comings, the Pakistani state is also culpable. As discussed earlier, the Pakistani Army and Inter-Intelligence Services (ISI) strictly regulate all movement in and out of FATA, and these restrictions extend to the movement of information. The army prevents any independent access to FATA, banning all individual observers, human rights organizations, NGOs, and US government trips to the region outside of their watchful eye. This blatant act of obfuscation has helped stoke the flames of the most contentious aspects of the CIA's drone program, the number of civilian casualties.³⁹

The United States government has repeatedly claimed that there have been no more than ten civilian casualties from drone strikes from 2009 to 2012, while independent observers have placed casualties as high as 600.⁴⁰ This variance highlights the difficulties associated with accurate data collection within FATA. Most civilian casualty estimates are based on reports from Pakistani and international media, sourcing their information from the US government or the Pakistani Army, each who have a vested political interest in under/over reporting the number of casualties.⁴¹ Moreover, intimidation from both the Pakistani Army and Islamic militants prevent accurate and unbiased accounts from locals on strikes. These factors, in conjunction with the refusal of the United States to outline the criteria used to determine targets, the ludicrously broad definition of male combatants, CIA control of the program, and the Pakistani government's informational stranglehold on all accounts emanating from FATA, have also prevented an accurate and meaningful assessment of the true civilian cost. However, this does not change the fact that drone strikes have undeniably claimed innocent lives.⁴² Refusal by both American and Pakistani elements to allow a transparent analysis on the loss of civilian life leads me to conclude that despite the technological prowess of drones, the CIA's program in Pakistan does not meet the principle of distinction, a result of the failure to demonstrate that due care was taken to avoid the loss of innocent lives.

Proportionality

In addition to discrimination, the Obama administration argued that drones satisfy the Just War principle of proportionality. This claim is puzzling given that proportionality represents one of the most contentious issues within the Just War tradition. A requirement of *Jus ad Bellum*, proportionality mandates that states considering engagement in a just war must "weigh the expected universal, not just selfish national, benefits of doing so against the expected universal costs."⁴³ Only if the potential benefits outweigh the potential costs, such as civilian casualties, can the act of war proceed.⁴⁴ Walzer points out that there is no available method to making such proportionality judgement and wrestles with this concept at length. As Just War theorist Brian Orend puts it, "The manifest, and manifold, difficulties involved in proportionality calculations cause vexation for just war theorists, and rightly so."⁴⁵

Oddly, Brennan supported his claim of proportionality by pointing out that "By targeting an individual terrorist or small numbers of terrorists with ordnance that can be adapted to avoid harming others in the immediate vicinity, it is hard to imagine a tool that can better minimize the risk to civilians than remotely piloted aircraft."⁴⁶ This

³⁸ International Crisis Group, "Drones," 7.

³⁹ Fair, "Drones, Spies, Terrorists," 220–221.

⁴⁰ International Crisis Group, "Drones," 7.

⁴¹ *Ibid.*, 9.

⁴² *Ibid.*, 11.

⁴³ Orend, *The Morality of War*, 62.

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

⁴⁶ Brennan, "The Efficacy and Ethics of U.S. Counterterrorism Strategy."

obsession with the technical ability of drones to justify their use feeds into what Daniel Brunstetter and Megan Braun refer to as the “drone myth,” the belief that the advancements in drone technology increase the probability of success, thus suggesting that drones are an ethical means of warfare.⁴⁷ A more convincing argument would have reasserted that inaction in the Tribal Areas in Pakistan allowed the development of a sanctuary for al-Qaeda, and in fact several plots against the United States and Europe can trace their origin back to the tribal areas. The emergence of FATA as a haven for terrorist cells also helped to expedite the recruitment process. Well-connected would-be terrorist could be in contact with training facilities throughout FATA within a matter of weeks, as opposed to months.⁴⁸ I concede that drones can offer governments a proportional response to the threat of terrorism;⁴⁹ however, within the context of Pakistan, the ethicality of drones as supported by the principle of proportionality is more convincingly argued when attention is drawn to the concrete consequences of both inaction in the region (i.e. terrorist attacks planned in FATA) and Pakistan’s duplicitous policy on extremists. Yet, taking this stance would suggest that the roots of extremism in FATA go far deeper than drone strikes could possibly hope to effect and that the strikes merely address the symptoms of extremism, not its causes.

Military necessity

The use of lethal force when necessary is one of the most important ideas in the humanitarian restriction of warfare. One manifestation of this principle is the concept of military necessity, the requirement that targets have definite military value.⁵⁰ In his address, Brennan reiterated that any individuals who are part of al-Qaeda or its affiliates constitute legitimate military targets; therefore the United States is authorized to exercise lethal force against its members and leaders.⁵¹ This position draws its legal justification from the AUMF, passed in 2001, and “the inherent right of individuals or collective self-defense” as codified by Article 51 of the UN Charter. As it stands today, the United States views itself engaged “in non-international armed conflict with al-Qaeda and its associates”, and as such would be justified in targeting al-Qaeda’s leaders and members.⁵² Yet there are several highly problematic areas despite being granted supposed legal permission.

First, it becomes more and more difficult for the United States to assert that it can, more than a decade later and outside a traditional theatre of war, still be in open conflict with those it claims responsible for 9/11 and invoke the laws of war when targeting them.⁵³ Second, the US has justified its use of drones as an appropriate act of self-defense in response to an imminent threat by using a vague, broad, and judicially untested definition of “imminence.”⁵⁴ A standard of broader necessity,⁵⁵ imminence of a threat may allow for a state to engage in an anticipatory strike. The criteria for such a strike are when the targets have demonstrated that they are a determined enemy with a manifest to injure and have actively prepared to make the intent a positive threat, as well as when the cost of doing nothing greatly increases the likelihood of attack.⁵⁶ Broadly, al-

⁴⁷ Daniel Brunstetter and Megan Braun, “The Implications of Drones on the Just War Tradition,” *Ethics & International Affairs* 25 (2011): 338.

⁴⁸ Rashid, *Descent into Chaos*, 265–280.

⁴⁹ Brunstetter and Braun, “The Implications of Drones,” 343.

⁵⁰ Larry May, *Contingent Pacifism: Revisiting Just War Theory* (Cambridge: Cambridge University Press, 2015): 90.

⁵¹ Brennan, “The Efficacy and Ethics of U.S. Counterterrorism Strategy.”

⁵² International Crisis Group, “Drones,” 14–15.

⁵³ *Ibid.*

⁵⁴ *Ibid.*

⁵⁵ May, *Contingent Pacifism*, 92.

⁵⁶ Orend, *The Morality of War*, 79.

Qaeda certainly possesses all three of the conditions necessary for a drone strike to be justified; however, as we saw with discrimination, a void of transparency prevents a meaningful assessment of whether these strikes are truly necessary and if their targets pose an actual threat to the US.

The Obama administration refused to explain how and why targets are chosen.⁵⁷ Indeed, the first strike ever conducted in Pakistan was against a threat to Pakistani security, not American. Although Nek Muhammad had pledged allegiance to al-Qaeda,⁵⁸ mere malintent is not sufficient for an anticipatory strike to be justified.⁵⁹ The trouble here is that the CIA program primarily targeted threats to Pakistani interests and not American.⁶⁰ Although these strikes may have contributed positively to overall security considerations, the justification of armed drones by necessity to US security interests, when examined through the context of FATA, is highly problematic. As such, the CIA program has failed to satisfy this principle.

Consequences of secrecy

As it currently stands, all drone operations carried out over FATA are done so as “Title 50” operations. This special distinction ensures that all the measures of the drone program are done covertly and far away from the public eye.⁶¹ This lack of transparency prohibits verification of the drone program as in accordance with principles of Just War theory, thus rendering it morally unsound. Although it may seem tangential to the overall point since this conflict is already well underway, I argue that the inability to carry out the program ethically stems from its failure to satisfy the *Jus ad Bellum* principles of Public Declaration by Proper Authority. This requires that the target state or entity be publicly informed that they now face war and its substantial hazards; however, central to adherence is that such declaration should be done so publicly and that escalation of conflict be acknowledged. Burying a war in purposely vague legislation or refusing to acknowledge such action is taking place in the face of overwhelming evidence warrants a violation of Public Declaration. Furthermore, war must be declared and carried out by the proper authority within a given political system. The CIA’s control of the program blurs the chain of the command and allows room for unethical unilateral action.

When examined through the standards of Just War theory the CIA program, due in large part to a lack of transparency, is highly problematic. Furthermore, secrecy surrounding the program makes it impossible to verify claims that everything is being done to ensure that it is carried out in adherence with the Just War principles employed to justify its existence. Thus, the use of this theory by the Obama administration to justify its use of targeted killings remains unconvincing, as transparency is the most potent tool for ensuring overall justice during wartime.⁶² However, what is less clear is the impact of the drone program on US security interests. In the next section I explore a few of these impacts while critiquing the standard discourse of the program’s effects.

Strategic considerations and the future of drones

Although I have argued that drones violate the ethical code of Just War theory, I will break with the standard discourse that claims drones have caused widespread blowback, endangering US security interests. The crux of this assertion is two-fold: first, that drones kill more civilians than terrorists, and second, that drones radicalize the affected local population. However, both arguments are based on

⁵⁷ Cavallaro, Sonnenberg, and Knuckey, “Living Under Drones,” ix.

⁵⁸ Fair, “Drones, Spies, Terrorists,” 207.

⁵⁹ Orend, *The Morality of War*, 79.

⁶⁰ Fair, “Drones, Spies, Terrorists,” 214.

⁶¹ *Ibid.*, 207.

⁶² Orend, *The Morality of War*, 53–54.

inconsistent evidence, if any at all.⁶³ The structural governance blockades to accurate reporting within FATA cast doubt upon claims of widespread civilian casualties. Furthermore, many reports ignore the very real conflict of interest associated with civilian casualty numbers.⁶⁴

The claim of radicalization is more puzzling. A 2014 Pew Data Poll shows that 67 percent of those Pakistanis interviewed opposed drone strikes; however, it is important to note that this data is aggregate, and in fact the areas with the highest approval rating of drone strikes were North and South Waziristan. Since 2004 al-Qaeda and its affiliates have slaughtered thousands of FATA tribal elders, killed scores of civilians, and have effectively squashed any chances of a decent life in FATA. Drones are more efficient and effective in countering militancy than the indiscriminate Pakistani military operations. These operations disrupt life in FATA more than drones strikes ever had or ever will.⁶⁵ Given that drones have been remarkably successful in disrupting the ability of militants in planning and executing large scale attacks,⁶⁶ it is far from surprising that support for drones exists amongst FATA residents. Considering this, the claim that the Pashtuns living within FATA are radicalized by drone strikes due to their tribal characteristics is preposterous, empirically invalid, and reflects dated colonial understanding of society within FATA.⁶⁷ Although revenge is an aspect of the Pashtun honor code, it does not explain the mass murder of innocent civilians. A more careful analysis would point out that Pashtuns are one of the most globalized ethnic groups in Pakistan and that the process of radicalization in FATA is much more complicated than identity politics. The drone program produces a myriad of negative effects and problems, including adverse effects on mental health of residents. Its traumatizing effects should not be ignored but there is no basis to suggest that drones have motivated widespread radicalization of the affected population.

The Pakistani drone operation reached its apex in 2010 with 128 strikes.⁶⁸ Since then, the number of drone strikes carried out by the CIA in Pakistan has dramatically decreased and Obama himself, perhaps ironically, has expressed his concern about the CIA's paramilitary capabilities.⁶⁹ This policy back-peddle was certainly in response to mounting international pressure, deteriorating relations with Islamabad, and a marked decrease in the number of top al-Qaeda officials within FATA. Moreover, Obama's pivot on drones also reflects US concerns regarding the proliferation of the technology to actors such as China, Russia, and Iran. Although the CIA program in Pakistan has come to inconclusive end, the program has already set several problematic precedents for the unethical operation of armed drones in future conflicts, and the conclusion of the program does not absolve the unethicality of its practices. Thus, the Trump administration's recent move to give the CIA greater latitude to use targeted

⁶³ Aqil Shah, "Drone Blowback in Pakistan is a Myth. Here's Why," *Washington Post*, May 17, 2016, accessed November 28, 2016, https://www.washingtonpost.com/news/monkey-cage/wp/2016/05/17/drone-blow-back-in-pakistan-is-a-myth-heres-why/?utm_term=.ed327d0d52c7.

⁶⁴ Fair, "Drones, Spies, Terrorists," 223.

⁶⁵ Shah, "Drone Blowback in Pakistan is a Myth."

⁶⁶ Audrey Kurth Cronin, "Why Drones Fail," *Foreign Affairs* 90 (2013): 46.

⁶⁷ Fair, "Drones, Spies, Terrorists," 226.

⁶⁸ "Pakistan: Reported US Strikes 2010," *The Bureau of Investigative Journalism*, November 8, 2011, accessed April 3, 2017, <https://www.thebureauinvestigates.com/drone-war/data/obama-2010-pakistan-strikes>.

⁶⁹ Kanishka Singh, "Trump Gives CIA Authority to Conduct Drone Strikes: WSJ," *Reuters*, March 13, 2017, accessed April 3, 2017, <http://www.reuters.com/article/us-usa-trump-cia-drones-idUSKBN16K2SE>.

strikes⁷⁰ risks exacerbating the deadly precedents set by the Obama administration, and will further jeopardize America's moral standing within the international community.

Concluding Remarks

In summary, the overall effects of the CIA drone program are very complex. On one hand, claims made by the Obama administration to justify armed drones through the prism of Just War theory are unsatisfying and a lack of transparency prevents a meaningful assessment of the impact of drones. On the other hand, drones have proven effective in dismantling the ability of militant groups within FATA; however, the ends do not justify how drones were used. Reforms are in order if the United States is to avoid similar ethical dilemmas in future drone operations. Washington should first and foremost prevent the CIA from utilizing drones to conduct targeted killings. The realities of covert operation prevent accurate ethical assessments and implicate the United States government in a variety of potential moral violations. Second, the United States should pressure Pakistan to formally reintegrate FATA into the political mainstream. By providing government services and infrastructure, residents will be less likely to turn to militant groups for primary needs. Furthermore, Pakistan should allow independent access to FATA for NGOs and other monitor groups. Third, the United States should explain the criteria used to select targets and increase the overall transparency of the program. Lastly, the United States must utilize its standing as an international norm setter to push for global governance on the use of drones to prevent future ethical abuses as the technology proliferates.

⁷⁰ Gordan Lubold and Shane Harris, "Trump Broadens CIA Powers, Allows Deadly Drone Strikes," *Wall Street Journal*, March 13, 2017, accessed April 3, 2017, https://www.wsj.com/articles/trump-gave-cia-power-to-launch-drone-strikes-1489444374#_=_.

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Countering ISIS's Propaganda: Islamic Piety, Belonging, and Exposure of Life under ISIS's Rule

Jonah Gellman

Abstract

The Islamic State in Iraq and al-Sham's (ISIS) recruitment tactics have yielded substantial results in the Western world. Recruiters use a variety of push and pull factors to separate potential recruits from their society while drawing them in to ISIS. Radicalization is especially prominent in Western Europe due to the host countries' failure to assist Muslims with integration into Western society. This paper examines why ISIS's recruitment has been successful by analyzing how each push and pull factor influences radicalization and makes the target susceptible to recruitment. In particular, this paper focuses on the importance of a sense of belonging and the ways in which all other listed factors relate to it. This paper also discusses shifts in the rhetoric of ISIS's propaganda and the effects that those shifts have had on recruitment. In addition, it analyzes a few case studies and argues that the effective usage of Western media will reduce the number of radicalized individuals.

Introduction

The phenomenon of Western recruits of ISIS leaving their host countries—places often defined by freedom and equality—to go into active war zones, or carrying out terrorist attacks in their host countries, appears perplexing on the surface. However, these recruits, many of whom are Muslims, are frequently isolated from their societies and encouraged to shift their lifestyle, often in detrimental manners. For example, a young Muslim girl subjected to bullying in school for wearing her hijab is essentially pushed to the margins, just as an adult Muslim man could resent the West for its supposed “War on Islam.” Both cases allow ISIS recruiters to easily prey upon these individuals via messaging systems by appealing to their desire for community and the development of relationships, all while promoting the idea of being a pious Muslim that fulfills one's supposed duty in this “War on Islam.” This paper seeks to provide a detailed explanation for this phenomenon, while comparing and contrasting the changing rhetoric of ISIS's propaganda, which needs to be closely monitored in order to continuously discourage radicalization. Western governments and media can assist in diminishing ISIS's recruitment pool while acknowledging that a widespread ban on the viewership of ISIS propaganda is not only incredibly difficult, but also discourages further research on the topic. Therefore, I suggest that the radicalization of most jihadis can be prevented by creating a better sense of belonging amongst Muslims in the West, in addition to focusing Western media coverage on exposing the violent and sexual practices within ISIS's communities.

Literary Review

Jessica Stern, a prominent scholar in the field of ISIS recruitment, argues that highlighting ISIS's hypocrisies will assist in combating radicalization. She provides brief

examples such as the murder of gays and the beating of unveiled women.¹ This paper, however, delves into the commonalities within ISIS's society, such as the beheadings of infidels and the mandated marriage of women. Then, this paper suggests that Western media expose these practices by a small minority of Muslims in order to disassociate them from the majority of Muslims.

There are multiple reasons for radicalization, such as the need for a sense of belonging, a pious life, adventure, monetary support, and divisive rhetoric within one's home country. In Fahd A. Alghofaili's article "ISIS Propaganda: A Sophisticated Policy to Achieve Publicity and Enhance Recruitment," he discusses how ISIS previously depicted its community as a utopian society with "beautiful sunsets, plentiful food, [and] shopping centres so as to attract people looking for better lives."² His analysis enables readers to make the connection between ISIS's propaganda and its appeals to adventurism. In his dissertation "Homegrown Violent Extremism: Designing a Community-Based Model to Reduce the Risk of Recruitment and Radicalization," Erroll G. Southers focuses on potential radicals' need for a sense of belonging due to perceived injustices, arguing that it is often the most important factor in radicalization. He describes how cognitive openings can lead people to enter into a new and supposedly supportive environment.³ In "ISIS Is Not a Terrorist Group; Why Counterterrorism Won't Stop the Latest Jihadist Threat," Audrey Cronin states that media exposure of al Qaeda members killing Muslims helped to delegitimize the terrorist group. However, she argues that the same tactic will not succeed against ISIS because Abu Bakr al-Baghdadi's claim to be a caliph grants him legitimate religious authority.⁴ This paper argues that all of these factors relate to a sense of belonging and their impact on radicalization can be severely diminished by using the Western media to explain the impossibility of living as a "pious" Muslim under ISIS according to the Muslim majority's interpretation of Islam.

Sense of Belonging

ISIS currently seeks to persuade citizens to radicalize regardless of their economic status, gender, and age. However, different techniques and appeals are utilized to target individuals with struggles more frequently than, for example, a wealthy Muslim man who has lived the majority of his life in the UK. Factors relating to radicalization are placed into two general categories: push and pull factors. Push factors refer to negative or degrading circumstances that are likely to encourage a Westerner to exit his current country of residence due to immense dissatisfaction. Push factors often include discrimination, bullying, and isolation. Pull factors, on the contrary, are often defined by incentives.⁵ For example, a recruiter may offer promises of sexual reprieve and monetary compensation while highlighting supposedly adventurous outcomes.

¹ Jessica Stern, "Radicalization to Extremism and Mobilization to Violence: What Have We Learned and What Can We Do About It?" *ANNALS of the American Academy of Political and Social Science* 668, no. 1 (2016).

² Fahd A. Alghofaili, "ISIS Propaganda: A Sophisticated Policy to Achieve Publicity and enhance Recruitment," (research paper, University of Birmingham, 2015), 21, http://www.academia.edu/23501402/ISIS_Propaganda_A_Sophisticated_Policy_to_Achieve_Publicity_and_enhance_Recruitment.

³ Erroll G. Southers, "Homegrown Violent Extremism: Designing a Community-Based Model to Reduce the Risk of Recruitment and Radicalization," (PhD diss., University of Southern California, 2013), 132, ProQuest (3610087).

⁴ Audrey K. Cronin, "ISIS Is Not a Terrorist Group; Why Counterterrorism Won't Stop the Latest Jihadist Threat," *Foreign Affairs*, March/April 2015, LexisNexis.

⁵ Louisa Tarras-Wahlberg, "Promises of Paradise?" (master's thesis, Swedish Defence University, 2016), 13.

The creation of a sense of belonging is both a critical push and pull factor, because the recruiter develops a seemingly positive relationship with the recruit by empathizing with his/her current state of isolation while exaggerating the possibilities of communal participation under ISIS's rule. An analysis of interviews with captured radicals, such as Joseph Farrokh, reifies the importance of community. Farrokh redefined his image multiple times throughout his life, transforming from a "hardcore" Christian into an Italian, followed by portraying a stereotypical Hispanic male, before pledging himself to Islam and eventually deciding to join ISIS. In fact, after being arrested in Virginia, Farrokh admitted in court that he was beguiled by the sense of belonging portrayed within ISIS's propaganda.⁶

Sense of belonging is best defined as "the experience of personal involvement in a system or environment so that persons feel themselves to be an integral part of that system or environment."⁷ This indicates that the individuals must self-identify as being part of the community. The desires to be valued by others and to be able to fit in with a group of people are the primary defining qualities of sense of belonging.⁸ This enables one to best analyze their own situation and determine to which community they believe they belong according to membership, influence, integration, and a shared emotional connection.⁹

Research in the US on community engagement for youths at risk for gang recruitment, as well as research on current gang members, displays the effectiveness of sense of belonging on behavior. Although this study does not specifically focus on Islamic radicalization, it is applicable because it depicts the overarching idea of recruitment into a cult-like society. Gang Prevention Through Targeted Outreach (GPTTO) and Gang Intervention Through Targeted Outreach (GITTO) are activity-based clubs that utilize the community engagement approach.¹⁰ Throughout a yearlong evaluation period, Amy Arbreton and Wendy McClanahan found in their report, *Targeted Outreach: Boys & Girls Clubs of America's Approach to Gang Prevention and Intervention*, that members of the GPTTO had fewer delinquent behaviors, better grades, and a decreased "likelihood of starting to wear gang colors."¹¹ They also discovered that high attendance rates in GITTO youth resulted in "disengagement from gang-associated behaviors and peers."¹² Their research clearly shows the relationship between community and preventing gang recruitment in addition to ending gang involvement. The foundation of ISIS's recruitment propaganda and the anti-radicalization proposal suggested is rooted in the same idea: establishing a sense of community.

A similar analysis to Farrokh's case can be applied to the case of Jake Bilardi, a young Australian high school dropout. Bilardi became extremely alienated from his society after his mother passed away, turning to ISIS's community. Prior to carrying out a suicide bombing in Iraq, he posted a picture online with his fellow ISIS members and

⁶ Rachel Weiner, "Who Wanted to Help the Islamic State? A Gamer, a Cop, a Cabdriver, Prosecutors Say," *The Washington Post*, September 3, 2016, https://www.washingtonpost.com/local/public-safety/a-need-for-belonging-led-virginia-man-to-the-islamic-state/2016/08/31/17da25e0-5e44-11e6-af8e-54aa2e849447_story.html.

⁷ Bonnie M. Hagerty, et al., "Sense of Belonging and Indicators of Social and Psychological Functioning," *Archives of Psychiatric Nursing* 10, no. 4 (1996): 173.

⁸ *Ibid.*, 236.

⁹ David W. McMillan and David M. Chavis, "Sense of Community: A Definition and Theory," *Journal of Community Psychology* 14, no. 1 (1986): 9.

¹⁰ Amy J. A. Arbreton and Wendy S. McClanahan, *Targeted Outreach: Boys & Girls Clubs of America's Approach to Gang Prevention and Intervention*, (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 2002), 26.

¹¹ *Ibid.*, 27.

¹² *Ibid.*

emphasized the communal support that they provided him. During the same time period, three teenage girls described as being “normal” fled Britain to become “jihadi bride[s]” in hopes of entering a new community.¹³ It is not extraordinary to see recruiters targeting teenage outcasts, even if they are not Muslim like Bilardi. Therefore, it behooves the West to promote inclusivity and reduce bullying.

ISIS began propagating the idea of sisterhood in January 2015. These young female recruits act as “good” wives and online recruiters under ISIS’s sexist society.¹⁴ Visual propaganda represents marriage in a contradictory way, according to the Institute for Strategic Dialogue and the International Center for the Study of Radicalization’s report:

Online, images of a lion and lioness are shared frequently to symbolize this union. This is symbolic of finding a brave and strong husband, but also propagandizes the notion that supporting a jihadist husband and taking on the ISIS ideology is [an] empowering role for females.¹⁵

As a terrorist group that advocates for governance by Shari’a, ISIS’s rhetoric opposes the empowerment of women, despite its promotion of a utopian society.¹⁶ Therefore, it is crucial that Western media continuously expose the flaws within ISIS’s claims to dissuade the youth from falling prey to its sexualized rhetoric. It is also necessary to expose the truly terrifying lifestyles that these wives undertook during their time in ISIS.¹⁷

Recruiters are directing their attention to the “‘fake’ and ‘shallow’ relationships” formulated between women in the West while pulling these recruits into their grip with promises of authentic relationships derived from a true form of sisterhood.¹⁸ This is especially prevalent in Western Europe because American Muslims are, in general, more satisfied with their community and the levels of acceptance within the United States. In fact, a 2011 poll displayed that 56 percent of American Muslims “were satisfied with the way things were going in the United States” while the overwhelming majority of Western European Muslims were dissatisfied.¹⁹ This is the result of discriminatory rhetoric and policies that alienate local Muslims, such as the banning of the hijab and the burkini. Polls suggest that approximately one-third of Muslims in Western Europe face discrimination, most of whom are teenagers or young adults.²⁰

¹³ Wilson, Lauren. “Fresh-Faced Westerners are Being Lulled into Terrorism by ISIS Propaganda,” *NewsComAu*, March 16, 2015, <http://www.news.com.au/national/freshfaced-westerners-are-being-lulled-into-terrorism-by-isis-propaganda/news-story/8448148e3a0c33c01b95db4dc1bab492>.

¹⁴ Karla Adam, “Report: Western Women Are Attracted to Islamic State for Complex Reasons,” *The Washington Post*, May 28, 2015, https://www.washingtonpost.com/world/report-western-women-are-attracted-to-islamic-state-for-complex-reasons/2015/05/28/123e407e-0541-11e5-93f4-f24d4af7f97d_story.html.

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ Stern, “Radicalization to Extremism,” 113.

¹⁸ Tarras-Wahlberg, “Promises of Paradise?” 16.

¹⁹ Stern, “Radicalization to Extremism,” 110.

²⁰ *Ibid.*

Brutality

ISIS also depicts ideas of adventure and brutality as pull factors. Due to people's inherent curiosity and media coverage of "shocking events," ISIS easily disseminates pictures and videos of brutal beheadings. It seeks to instill fear within its enemies and tap into the rage and excitability of potential recruits while causing policymakers to react emotionally in ways that further isolate Muslims living in the West.²¹ This is evident in France, where the burkini ban has been enacted partially in response to large-scale terrorist attacks. The Western media should detail the hypocrisy of these executions in an Islamic society while emphasizing the importance of remaining calm. All news outlets must also reiterate the disassociation between Western Muslims and members of ISIS to discourage racially charged backlash within Western society.

ISIS also demonizes modernization by labeling it as synonymous with "Westoxification," or the perceived takeover of Westernization in a nonwestern society. For example, a piece of ISIS propaganda claims that stabbing another person is difficult, "especially after modernization distanced males from partaking in the slaughtering of livestock for food and striking of the enemy in war."²² This is in relation to ISIS calling for potential jihadis in the West to carry out stabbings rather than shootings, because it is easier for the perpetrator to escape, and therefore carry out another attack in the future. ISIS continues to speak to potential radicals in a sympathetic way about the difficulties in taking another life, especially with a knife. Naturally, the goal is to create a sort of friendship between the recruiter and the recruit in order to manipulate the recruit into actually killing someone.²³ ISIS recruiters further state that jihad must be carried out regardless of a recruit's fears, threatening the newly formed friendship to pressure recruits into committing heinous acts.

Brutality, in addition to some other push and pull factors, can appeal to a recruit's psychological state of mind. ISIS attempts to force its recruits' feelings of empathy into recession by normalizing brutal killings. The repeated viewing of beheadings, for example, can lead observers into seeking a similar desire. Therefore, merely viewing some of ISIS's propaganda can alter unstable people, causing them to act upon their newfound aggression. This plays off of the same idea that violent video games or movies can be destructive for children; however, this only applies to certain aggressive individuals. However, this is incredibly frightening for Western governments due to the ease of information sharing via the Internet. As a result, both companies and governments are monitoring websites such as Twitter, Tumblr, and Facebook at all times in order to ban users that are trying to spread terroristic propaganda.²⁴ Unfortunately, recruiters are capable of making multiple profiles due to the absence of personal information required to create a profile.

Brutality appeals to both men and women. Indeed, women have been drawn to ISIS due to its romanticized murders as well, despite the fact that they are not permitted to participate in combat unless ISIS's existence is being threatened.²⁵ A young European female recruit even detailed the execution of an American aide as "gut-wrenchingly awesome," showing how deeply engrained brutality has been in her mind. Another Western recruit recounts that she was eager for more videos of beheadings after seeing a

²¹ Charlie Winter, *The Virtual "Caliphate": Understanding Islamic State's Propaganda Strategy* (London: Quilliam, 2015), 23.

²² Nick Gutteridge, "NEW TERROR TACTIC: ISIS Orders Western Jihadis to Become SERIAL KILLERS to Spread Fear," *Express*, October 6, 2016, World RSS. .

²³ Gutteridge, "NEW TERROR TACTIC."

²⁴ Alghofaili, "ISIS Propaganda," 13.

²⁵ *Ibid.*

nonbeliever murdered.²⁶ Essentially, these women have lost their sense of humanity through the reiteration of ISIS's justification while viewing brutal occurrences on a regular basis. Studies have concluded that there is a statistically significant correlation linking exposure to violence and aggression amongst youths. Repeatedly witnessing violence often leads to "positive outcome expectancies for aggression" and aggressive fantasies as exemplified above.²⁷ Also, the aggressive youths are more likely to rationalize the use of violence in general. These social cognitions and normative beliefs are more subject to change within youths than adults.²⁸ As a result, ISIS is more easily able to alter the violent tendencies within teenagers by repeatedly exposing them to violence.

Romanticized brutality cannot be overstated because it is a prominent pull factor that trumps even a woman's freedom, as these female recruits opt into the submission of ISIS knowing that they will be required to veil and marry at a young age.²⁹ Unfortunately, preventing an individual's infatuation with violence is far more difficult than preventing radicalization, because it is based on one's past experiences with violence. However, minimizing the effects of other factors while continuing to discourage the viewership of ISIS's brutal propaganda will deter most potential radicals from traveling to ISIS controlled territory.

Monetary Support

Socioeconomic status can be both a push and pull factor for recruits. Recruiters can make promises of monetary supplementation to a recruit whose current economic status is defined by unemployment and hunger. In Belgium, for example, 59 percent of Turks "live below the poverty line" while only about 10 percent of native Belgians exist in the same socio-economic status. At the same time, approximately 1,500 French citizens left to join ISIS while over 11,000 are estimated to be radicals. With less than five million Muslims in France, the percentage of radicalization is highly concerning.³⁰ When analyzing the economic situation of Muslims in France and Belgium, it becomes clear that divisive rhetoric is playing a role in this unofficial form of segregation and isolation. Economic inequality increases an individual's probability of Islamic radicalization due to "perceived failure," which may be interpreted as the "retreat of Islamic values."³¹ This paints a target for recruiters on economically disenfranchised Muslims. The socio-economic hardships faced by Muslims in these two countries are branching into other factors of radicalization, leaving some unstable people to seek socioeconomic salvation through radicalization.

Economic inequality causes resentment through grievances, leading to radicalization. For example, during the 1960s in Ireland, the poor and unemployed were more likely to participate in terrorist attacks. In fact, economic inequality and radicalization are directly correlated. Therefore, it is beneficial to decrease poverty in

²⁶ Shiv Malik, "Lured by ISIS: How the Young Girls Who Revel in Brutality Are Offered Cause," *The Guardian*, February 21, 2015,

<https://www.theguardian.com/world/2015/feb/20/push-pull-lure-western-women-isis>

²⁷ Paul Boxer, et al., "Coping with Exposure to Violence: Relations to Emotional Symptoms and Aggression in Three Urban Samples," *Journal of Child and Family Studies* 17, no. 6 (2008).

²⁸ Nancy G. Guerra, L. Rowell Huesmann, and Anja Spindler, "Community Violence Exposure, Social Cognition, and Aggression among Urban Elementary School Children," *Child Development* 74, no. 5 (2003): 1569.

²⁹ Malik, "Lured by ISIS."

³⁰ Stern, "Radicalization to Extremism," 110.

³¹ Mario Ferrero, "Radicalization as a Reaction to Failure: an Economic Model of Islamic Extremism," *Public Choice* 122, nos. 1-2 (2005): 216.

order to shrink ISIS's recruitment pool. Brian Burgoon's research, "On Welfare and Terror Social Welfare Policies and Political-Economic Roots of Terrorism," suggests that educational welfare helps to reduce poverty and therefore should be implemented.³²

Is ISIS Islamic?

It would be negligent to ignore the religious drives behind radicalization in this context, because Muslims are targeted for recruitment at a disproportionate rate. Also, the concept of piety in Islam contributes as both a push and a pull factor. ISIS propaganda claims that piety as a Muslim in the Western world is not only difficult, but impossible. *Dabiq*, ISIS's principal propaganda magazine, states that migrating to their territory is a requirement for piety.³³ ISIS claims that Western society is tainted with anti-Islamic practices and laws, creating an "us vs. them" rhetoric that recruiters thrive on. The propaganda directs attention toward France's ban on the hijab, stating that a Muslim woman cannot possibly live a pious lifestyle in a society where she must reveal herself to the public.³⁴

Due to the difficulties in narrowly defining the word "religion," this paper argues that ISIS is religious because it self-identifies as such. It is important to recognize the religiosity of ISIS in order to properly understand and predict its actions as defined by its religious, cultural, and historical norms. However, it is harmful to categorize ISIS's interpretation of Islam under the same umbrella as the Muslim majority's interpretation, because it divides "native" Westerners from Western Muslims, further isolating them. The Western media and society as a whole should accept their Muslim neighbors' interpretations of Islam when claiming that it is peaceful or, at the least, that it rejects ISIS's principles. ISIS feeds off of rhetoric that diabolizes Islam, implanting the falsehood within its recruits' minds of the "War on Islam." Therefore, it benefits Western media outlets and the security of the West to demonize ISIS's actions while acknowledging that they are influenced by a uniquely violent interpretation of both the Quran and the Hadith that is held by a small minority of Muslims. This ensures that ISIS is considered to be "Islamic." Simultaneously, it separates ISIS as a unique entity that does not share common perceptions of "good" and "bad" with Muslims living in the West.

ISIS's acclaimed "pure" interpretation of Islam is flaunted within its propaganda, which, to an extent, resembles its actual internal society. One male escapee from ISIS claims that women were auctioned as slaves in addition to being provided to soldiers as rewards for their accomplishments. To worsen the situation, he claims that he was provided three women for his pleasure and all of them were married.³⁵ According to commonly held interpretations of Islam, this is forbidden. This vile practice sheds light on the inner societal workings of ISIS. ISIS interprets Islam in a uniquely vulgar way, so one could argue that sexual slavery is, in fact, "Islamic" due to the terrorist group's ability to define its own religion. However, Muslims making the pilgrimage to southern Syria and northern Iraq are not typically drawn in by a false sense of piety that contradicts their commonly held interpretations of what it means to be a pious Muslim. That does not imply that sexual reprieve is not a pull factor, because it is. Once again, ISIS can attempt to redefine the word piety, but its commonly agreed-upon definition contradicts ISIS's societal norms.

³² Brian Burgoon, "On Welfare and Terror Social Welfare Policies and Political-Economic Roots of Terrorism," *Journal of Conflict Resolution* 50, no. 2 (2006): 179.

³³ Tarras-Wahlberg, "Promises of Paradise?" 25.

³⁴ *Ibid.*, 26.

³⁵ Gutteridge, "NEW TERROR TACTIC."

Changing Rhetoric of ISIS Propaganda

The number of propaganda items that ISIS has disseminated has decreased drastically, while also experiencing a shift in rhetoric due to ISIS's steady territorial decline as well as the constant military pressure on Mosul. A comparison of August 2015 and August 2016 shows that ISIS put out about 500 fewer items only one year later.³⁶ In addition to this, the rhetoric now primarily focuses on covering the constant battling and hardships faced by ISIS due to the "War on Islam."³⁷ In contrast, ISIS propaganda used to promote the supposedly "good" lifestyle as a member of ISIS, claiming that its members had "the promise of a happy life within its so called 'caliphate'" while also reiterating the idea of its "successful governance."³⁸ Fortunately, this decline and shift directly correlates to recruitment. According to the US Pentagon, only about 10 percent of the number of foreign fighters currently make the voyage to ISIS's territory when compared with its peak.³⁹

In 2014, ISIS's media uploaded pictures of vibrant markets and happy, playful children within its "state." The massive reduction of the inflow of radical fighters from the West is attributed to ISIS's inability to maintain this utopian image on social media due to the continuous bombings and ground assaults.⁴⁰ This indicates that the War on ISIS is succeeding, because it is diminishing ISIS's media presence and, therefore, its recruitment process.

ISIS filmed a movie titled *Eid Greeting from the Land of Khilafah [Caliphate]*, which was uploaded in 2014. The film's central theme is the happiness of ISIS's constituents. In fact, ISIS recruits from all over Europe and Southeast Asia speak about the rewarding lifestyle under Shari'a, as opposed to Communism or democracy. The film also features playful children, vibrant street life, "handing out ice creams to children, a chef talking about his appetizing shawarmas, [and] a soldier comforting wounded comrades in [a] hospital."⁴¹ At that point in time, ISIS's recruitment was far more successful and its territorial stronghold was greater than at the end of 2016. Although it is nearly impossible to state the exact number of foreign recruits to ISIS, US Air Force Major General Peter Gertsen claimed that only about 200 foreign fighters joined per month as of April 2016. It was estimated that 1,500 to 2,000 foreign recruits joined per month throughout 2014 and the first half of 2015.⁴² In essence, the changing rhetoric failed to adapt to the sentiment of Western Muslims because ISIS now focuses its propaganda on brutality by, for example, encouraging recruits to stab civilians.⁴³

³⁶ Scott Shane, "ISIS Media Output Drops as Military Pressure Rises, Report Says," *The New York Times*, October 11, 2016, <https://www.nytimes.com/2016/10/11/world/middleeast/islamic-state-media-propaganda-isis.html>.

³⁷ Justin Fishel, "ISIS Propaganda Declined After Military Pressure, West Point Report Says," *ABC News*, October 11, 2016, <http://abcnews.go.com/International/isis-propaganda-declined-military-pressure-west-point-report/story?id=42728117>

³⁸ Fishel, "ISIS Propaganda Declined."

³⁹ Shane, "ISIS Media Output Drops."

⁴⁰ *Ibid.*

⁴¹ Steve Rose, "The Isis Propaganda War: A Hi-Tech Media Jihad," *The Guardian*, October 7, 2014, <https://www.theguardian.com/world/2014/oct/07/isis-media-machine-propaganda-war>.

⁴² Reuters, "Is the Number of Foreign Fighters Joining ISIS Really Plummeting?" *Newsweek*, April 28, 2016, <http://www.newsweek.com/isis-foreign-fighters-90-percent-iraq-syria-decreasing-general-claim-453741>.

⁴³ Gutteridge, "NEW TERROR TACTIC."

Conclusion

This paper proposes that the exposure of anti-Islamic practices within ISIS be placed at the forefront of media coverage in tandem with the promotion of the inclusivity of Western Muslims in Western society. In addition to this, the media needs to explain how these anti-Islamic practices disassociate the modern interpretation of piety from ISIS's internal society. For example, brutally murdering people and engaging in intercourse with married slaves directly contradicts the majority's interpretation of Islamic principles. The separation of ISIS from the majority of Western Muslims creates a rift between members of ISIS and these Western Muslims, which in turn encourages inclusivity and a community. It also reifies the unfeasibility of living a pious Muslim life under ISIS. In conclusion, the radicalization of most jihadis can be prevented through the proper, honest use of Western media while maintaining a positive communal relationship with Western Muslims rather than alienating them through targeted legislation.

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Proposal on US Policy toward Daesh

Daniel Holland

Abstract

The rise of Daesh took the world by surprise, as the group took advantage of discontented Sunni populations and political turmoil to rapidly expand in Iraq and Syria. The group, designated as a terror organization by the United States and the international community, grew out of a fusion between al Qaeda in Iraq and remnants of the deposed Ba'athist regime of Saddam Hussein in Iraq. Although a coalition of domestic and international actors primarily led by the United States has recaptured much of the territory held by Daesh at its peak, the increasingly globalized nature of the group has ensured that its eradication remains a top priority of the international community. Efforts at eradication are complicated by the ongoing Syrian Civil War and the myriad interests at play, which have contributed to the group's enduring presence in the region. Nevertheless, there are still several policy options available to the international coalition supporting local groups like the Iraqi military, Kurdish fighters, and certain Syrian militants in the fight against Daesh. Air strikes, drone surveillance, and stricter border controls can be used to disrupt the group's revenue streams and supply chains. Closing national borders and collaborating with social media corporations to impede online recruitment can help slow the steady stream of foreign fighters flocking to the group in Iraq and Syria. Targeting Daesh leadership also degrades the ability of the group to maintain the infrastructural services it offers the populations under its control, as well as inhibiting the strategic capabilities of the group. Finally, arming, training, and providing logistical and intelligence support to local actors fighting against the group offers the hope of preventing a power vacuum and aiding the development of a consolidated government once Daesh territory is completely reclaimed. These policy proposals, many of which are already being implemented by elements of the international coalition against Daesh, will provide for the degradation and eventual eradication of the regime, while also enabling the local actors in the region to have an important stake in the outcome, which is critical for the prospects of a feasible government taking power once the dust from Daesh has settled.

Overview: Rise of Daesh

Daesh, also known as the Islamic State of Iraq and Syria (ISIS) or simply the Islamic State (IS), is a self-declared caliphate currently occupying a swath of territory roughly the size of Belgium. Located primarily in northern Iraq and eastern Syria, the Syrian city of Raqqa serves as an unofficial capital.¹ Daesh is considered to be a terrorist

¹ Kathy Gilsinan, "The Many Ways to Map the Islamic State," *The Atlantic*, August 27, 2014, <http://www.theatlantic.com/international/archive/2014/08/the-many-ways-to-map-the-islamic-state/379196/>.

organization by the international community and is comprised of Sunni Islamic extremists, many of whom have ties to either al-Qaeda or the Ba'athist party of Saddam Hussein.² It was officially declared a caliphate on June 29, 2014, by Abu Bakr al-Baghdadi, who was elected caliph by the organization's majlis al-shura, an Islamic advisory council with the power to select the political and religious leader of the entire Islamic community.³ The goal of Daesh is to establish a permanent Islamic caliphate over dar al-Islam (the land of Islam, territory governed by Islamic law), and expand to encompass the entirety of dar al-harb (the land of war, territory that is not governed by Islamic law).⁴

Currently, Daesh is constrained to Iraq and Syria, although its area of operation in the Muslim world extends as far as Afghanistan to the west and Algeria to the east. The organization also boasts the ability to coordinate attacks as far away as Paris and Brussels, and it has been incredibly successful at recruiting from countries around the globe thanks to its impressive social media presence.⁵ To explain why Daesh has been able to expand, it is important to note the tremendous social and political upheaval in Iraq and Syria over the past decade and a half. This upheaval has led to a power vacuum in the heart of the Middle East that has been filled to some extent by Daesh.

In Iraq, this power vacuum was caused in part by the Iraq War, instigated in March 2003 to overthrow Saddam Hussein and his Sunni Ba'athist party and continuing until December 2011 with nation-building efforts that aimed to protect a fledgling democratic government from a variety of insurgents, primarily Sunni jihadists.⁶ After the Ba'athist strongman was overthrown, the new government was founded on democratic ideals in an attempt to ensure that the majority Shiite country (the Iraqi population is roughly 60 percent Arab Shia, 20 percent Arab Sunni, and 20 percent Kurdish Sunni) would have a power sharing government that respected Iraqi demographics.⁷ Unfortunately, Iraqi society lacked the political institutions necessary to enable true democracy, and the US-backed Shia government engaged in discriminatory practices against Iraqi Sunnis.⁸ This made marginalized Sunnis in northern Iraq fertile ground for Sunni terrorist recruitment and operation (this is part of the reason Daesh has been able to hold parts of northern Iraq but has struggled to expand into the heavily Shia territories to the south). Compounding this, the US withdrawal from Iraq was not a strategic decision based on rational military and political calculus but the effect of an American public that had received its fill of war. This withdrawal meant that Iraq would have to stand on its

² Isabel Coles and Ned Parker, "How Saddam's Men Help IS Rule," *Reuters*, December 11, 2015, <http://www.reuters.com/investigates/special-report/mideast-crisis-iraq-islamicstate/>.

³ "Sunni Rebels Declare New Islamic Caliphate," *Al Jazeera*, last modified June 30, 2014, <http://www.aljazeera.com/news/middleeast/2014/06/isil-declares-new-islamic-caliphate-201462917326669749.html>.

⁴ Graeme Wood, "What ISIS Really Wants," *The Atlantic*, March 2015, <http://www.aljazeera.com/news/middleeast/2014/06/isil-declares-new-islamic-caliphate-201462917326669749.html>.

⁵ "Brussels Attacks: Zaventem and Maelbeek Bombs Kill Many," last modified March 22, 2016, <http://www.bbc.com/news/world-europe-35869254>.

⁶ "Timeline: The Iraq War," Council on Foreign Relations, last modified May 2013. <https://www.cfr.org/timeline/iraq-war>.

⁷ "The World Factbook, Middle East: Iraq," Central Intelligence Agency, last modified March 16, 2016, <https://www.cia.gov/library/publications/the-world-factbook/geos/iz.html>.

⁸ Priyanka Boghani, "In Their Own Words: Sunnis on Their Treatment in Maliki's Iraq," *PBS*, October 28, 2014, <http://www.pbs.org/wgbh/frontline/article/in-their-own-words-sunnis-on-their-treatment-in-malikis-iraq/>.

own as a sovereign nation before it was truly capable of maintaining a democratic peace. The rise of Daesh in Iraq is a direct result of this decision.⁹ Similarly, the rise of Daesh in Syria is a direct result of the Syrian Civil War, which will be explored in depth next.

Overview: Syrian Civil War

The ongoing civil war in Syria can be traced back to the actions of one man, Mohamed Bouazizi, who used self-immolation to protest the confiscation of his vegetable cart by Tunisian officials.¹⁰ This sparked what is known as the Arab Spring, a wave of pan-Arab uprisings against corrupt and brutal dictators in the spring of 2011. By the time these protests spread to Syria in March of that year, three presidents had already been deposed. Fearing that this expression of the popular will could result in more insidious calls for revolution, President Bashar al-Assad of Syria made the unsurprising decision to squelch any and all dissent in an effort to preserve the minority Alawite regime that had ruled Syria since 1971.¹¹ Assad's vicious tactics only served to further escalate the conflict, which developed into a civil war that continues to rage on today.

Although this was initially a dispute between Syrian protesters and the Assad regime, the Syrian Civil War has expanded to include four main groups: the Assad Regime, the Syrian Arab Rebels, the Kurdish Rebels, and Daesh itself, with international partners involved as well. The Assad regime holds Damascus and much of western Syria.¹² The regime is Alawite, a Shia minority in a country that is predominantly Sunni, and it continues to be the only internationally recognized government in Syria. The regime targets the rebels and their jihadist allies, and largely avoids conflict with Daesh. Next, there are the rebels, an ambiguous lot that are located primarily in northwestern Syria, and are fighting against the Assad regime and Daesh. It is hard to say exactly who the rebels are or how many there are. Although there is considerable confusion over the exact composition of the myriad Syrian Arab rebel groups, the two largest rebel groups are believed to be the Free Syrian Army, composed of defected officers and soldiers of the Syrian Armed Forces, and Ahrar ash-Sham, a coalition of Islamist and Salafist militias.¹³ Working alongside the rebels are jihadist organizations like Jabhat al-Nusra, the Syrian affiliate of al-Qaeda located in northwestern Syria. These organizations are not to be confused with Daesh, as they are actually fighting against Daesh in Syria as well as against the Assad regime. The third group is the Kurds, located in northeastern Syria along the Turkish border. The Kurds are also fighting against Daesh in both Iraq and Syria, and have plans to use the conflict to carve out an independent Kurdish state.¹⁴ Daesh is the last of the four main groups fighting in Syria, and it holds significant territory in the east.

⁹ James Franklin Jeffrey, "Behind the US Withdrawal from Iraq," *Wall Street Journal*, November 2, 2014, <http://www.wsj.com/articles/james-franklin-jeffrey-behind-the-u-s-withdrawal-from-iraq-1414972705>.

¹⁰ Thessa Lageman, "Was the Arab Spring Worth Dying for?" *Al Jazeera*, January 3, 2016, <http://www.aljazeera.com/news/2015/12/mohamed-bouazizi-arab-spring-worth-dying-151228093743375.html>.

¹¹ Marc Lynch, "How Syria ruined the Arab Spring," *Foreign Policy*, May 3, 2013, <http://foreignpolicy.com/2013/05/03/how-syria-ruined-the-arab-spring/>.

¹² "Islamic State and the Crisis in Iraq and Syria in Maps," *BBC News*, last modified April 28, 2017, <http://www.bbc.com/news/world-middle-east-27838034>.

¹³ "Guide to the Syrian Rebels," *BBC News*, last modified December 13, 2013, <http://www.bbc.com/news/world-middle-east-24403003>.

¹⁴ "Syrian Civil War: Kurds Declare Federal Region in North," *Al Jazeera*, last modified March 17, 2016, <http://www.aljazeera.com/news/2016/03/syria-civil-war-kurds-declare-federal-system-north-160317111902534.html>.

Additionally, there are two international coalitions, a US-led coalition and a Russian-Iranian coalition. The US-led coalition includes Western countries, some Gulf States like Saudi Arabia and Qatar, and Turkey. This coalition is not on the ground in Syria, although there is talk that Turkey and Saudi Arabia may be willing to send soldiers to Syria in the near future.¹⁵ Instead, the coalition provides arms, intelligence, air cover, training, and financing to the rebels while conducting airstrikes against Daesh. In addition, they oppose the government of Bashar al-Assad.¹⁶ On the other side, Russia and Iran are working to preserve the Assad regime, although it is perhaps misleading to label them a coalition, as they are not working in concert. Russia joined the war after the Assad regime officially requested military help against both rebel and terrorist groups, and Russian military involvement has been limited to air strikes, ostensibly against terrorists but in large part directed at the rebels and their allies.¹⁷ Recently, Russian President Vladimir Putin announced the withdrawal of the main part of Russian forces in Syria after successfully protecting Russian interests in the country, reaffirming Russia's status as a shaper of world events. Iran has been actively financing the Shia Alawite regime in Syria, and has influenced the conflict by having Hezbollah, its Lebanese proxy, engage with the enemies of the regime on the ground.¹⁸ Shiite militias loyal to Iran have also been combating Daesh in Iraq and in Syria to a lesser extent.

The Syrian Civil War is over six years old, and the situation continues to deteriorate. The Assad regime once looked to be in danger of falling, but Russian intervention has allowed the regime to regroup and retake territory previously in rebel hands. Now it is the rebels who are in disarray, with shrinking territory and revitalized enemies. There is still no end in sight, although an internationally brokered ceasefire between the Assad regime and the rebels (but not their jihadist allies) has been generally upheld.¹⁹ The Kurds continue to protect their lands capably, and recently even declared a federal region in Syria, a step towards Kurdish independence.²⁰ The international community continues to dither about the appropriate course of action to take, and in the midst of it all, Daesh is slowly approaching its two-year anniversary. This shows remarkable staying power for an organization universally condemned. Daesh's success in Syria is attributable in large part to the fragmentation of the country, and the road to peace from here is far from clear. The Assad regime is what made Syria ripe for jihadist extremism, but it is possible that the problem would only be exacerbated should Assad be overthrown. It may not be possible to defeat Daesh without first unifying Syria, but it may not be possible to unify Syria before defeating Daesh. This confusion has made an impact on US policy by creating a battlefield in constant flux. Combined with hard-learned lessons of the past, the former Obama administration was prevented from taking an overly aggressive stance in Syria. Yet, the serious nature of the Daesh threat coupled with an undemocratic Assad regime silencing, torturing, and killing civilians at will,

¹⁵ Julie Hirschfeld Davis, "Anti-ISIS Coalition to Intensify Efforts," *New York Times*, February 2, 2016, http://www.nytimes.com/2016/02/03/world/europe/john-kerry-isis-threat.html?_r=0.

¹⁶ "Islamic State: Where Key Countries Stand," *BBC News*, last modified December 3, 2015, <http://www.bbc.com/news/world-middle-east-29074514>.

¹⁷ "Islamic State Crisis in Seven Charts" last modified March 15, 2016.

¹⁸ Hossein Bastani, "Iran Deepens Involvement in Syria," *BBC News*, October 20, 2015, <http://www.bbc.com/news/world-middle-east-34572756>.

¹⁹ "US Russia Brokered Truce to Start at Weekend," last modified February 22, 2016, <http://www.bbc.com/news/world-middle-east-35634695>.

²⁰ Matt Bradley, Ayla Albayrak, and Dana Ballout, "Kurds Declare 'Federal Region' in Syria," *Wall Street Journal*, March 17, 2016, <http://www.wsj.com/articles/kurds-declare-federal-region-in-syria-says-official-1458216404>.

makes it impossible for a country with a foreign policy predicated on democracy promotion and human rights protection to turn a blind eye.²¹

US Policy toward Syria and Daesh post-Syrian Revolution of 2011

The United States has long been wary of the Assad regime given its authoritarian tendencies and strong ties to Iran, but before the Syrian Revolution of 2011 it was US policy to not intervene in the country. This changed to a certain extent after the Arab Spring, although not in any significant ways. Early on, the former Obama administration eschewed air strikes, no fly zones, and lethal assistance to the Syrian rebels in favor of humanitarian assistance, non-lethal aid, and diplomatic efforts to consolidate the rebels.²² This is because there were plenty of drawbacks to an aggressive approach; lethal aid could have easily fallen into jihadist hands, and overt military action could have encouraged other countries to get involved in the fighting as well. In addition to this, the no-fly zones which have been proposed frequently would be a significant commitment for any country, requiring resources that would mandate another large US military presence in the Middle East—something that the wars in Iraq and Afghanistan left little taste for. The United States has continued to refrain from direct military intervention against the Assad regime, which has now been made all the more risky due to the Russian presence in Syria. The former Obama administration rightly acknowledged that fighting on behalf of the rebels against a Russian-backed Assad regime would have been a recipe for disaster. The time to take military action against the Assad regime was when evidence of chemical weapons use by the regime were found, violating the Obama administration's red line that threatened severe repercussions in retaliation against the use of chemical weapons.²³ The lack of a military response in 2013 when sarin gas was used by the Assad regime hurt the reputation of the United States, but the Obama administration decided intervention as too risky. This was because overthrowing a regime with chemical weapons in an unstable country could have potentially allowed the wrong groups to gain access to chemical weapons. Nothing about the situation has changed to make a military intervention in response to chemical weapons use a viable option now. US policy towards Syria has remained largely the same: the United States will aid and abet the rebels as much as possible, including training and arming them, but it will not fight their war for them.

US policy against Daesh has been more aggressive, with an estimated 26,000 Daesh fighters killed through US-led coalition airstrikes since they began in 2014.²⁴ These air strikes have been the staple of US policy towards Daesh, and have been used to target the Daesh leadership and inhibit degrade lines of communication and supply within Daesh territory.²⁵ The US has also formed a coalition of Western and Arab nations to oppose the organization and provide intelligence, training, and arms to groups fighting against Daesh. Those groups include the Kurds in northern Iraq and eastern Syria and the

²¹ "Syria," *Human Rights Watch*, last modified October 2015, <https://www.hrw.org/middle-east/n-africa/syria>.

²² Aaron David Miller, "Don't Blame Obama for Syria," *Foreign Policy*, December 14, 2012, <http://foreignpolicy.com/2012/12/14/dont-blame-obama-for-syria/>.

²³ Glenn Kessler, "President Obama and the 'Red Line' on Syria's Chemical Weapons," *Washington Post*, September 6, 2013, <https://www.washingtonpost.com/news/fact-checker/wp/2013/09/06/president-obama-and-the-red-line-on-syrias-chemical-weapons/>.

²⁴ Barbara Starr, "Estimate: More than 26,000 ISIS Fighters Killed by Coalition," *CNN*, February 17, 2016, <http://www.cnn.com/2016/02/17/politics/isis-fighters-killed-iraq-syria/>.

²⁵ Christopher Blanchard and Carla Humud, "The Islamic State and US Policy," *Congressional Research Service*, February 2, 2017, <https://fas.org/sgp/crs/mideast/R43612.pdf>.

Iraqi army itself. In addition to this, the US has sought to disrupt Daesh finances and restrict the flow of foreign fighters to the organization by securing the border between Turkey and Syria. It also remains a priority of the US to weaken the hold of Daesh on its territory in Iraq and Syria by enabling the Iraqi government to retake cities like Baiji and Mosul, and helping local forces in Syria reclaim Raqqa. Finally, preventing the organization from carrying out terrorist attacks overseas remains a high priority, especially in light of the recent attacks in Brussels. This is essentially the extent of current US policy towards Daesh; a campaign to degrade and destroy the organization without committing American troops to fighting on the ground, instead preferring to empower local actors to combat the organization themselves.²⁶

Policy Options for Combatting Daesh

In order to specify the policy options available to the US in the fight against Daesh, it is important to differentiate between the two potential goals and the variants of each. It is the current position of the United States that Daesh must and will be destroyed. This eradication can occur over a multitude of different timelines, but for the sake of simplicity there will be a consideration of short-term and long-term policy options to destroy the group. A short-term goal is to contain Daesh to its current territory, limiting its spread in countries like Libya and Afghanistan, as well as ensuring that it cannot expand beyond its current borders in Iraq and Syria. This short-term focus is not inherently incompatible with a longer-term goal of destroying Daesh, and policy options for containment will share many characteristics with policy options aimed at destroying the organization over a longer period of time.

To destroy Daesh in the short term, it is likely that US involvement will be required at the ground level. Daesh is estimated to have roughly 19,000–25,000 fighters available in Iraq and Syria, and while it is unclear precisely how many US troops would be required to effectively destroy the organization, the consensus is that it would require closer to 30,000 than 10,000.²⁷ This is an unpalatable option to many, but if the goal is to eradicate Daesh quickly, it must be considered. Two years of air strikes have killed thousands of Daesh fighters, but the organization still holds substantial territory, showing that air power will not be enough to win this war. The Syrian rebels are too preoccupied with the Assad regime, the Kurds are not likely to fight too far beyond their borders, and the Iraqi army has demonstrated it is incapable of defeating Daesh, so if the objective is to defeat Daesh quickly without using US troops, the only alternative is to bring in troops from surrounding countries like Turkey, Saudi Arabia, and Iran, all of which may produce more problems than they solve.

It may be impossible to destroy Daesh quickly without putting American lives at risk, but with a longer time frame more options become available. Daesh has been losing territory recently, indicating that the air strikes have had a deleterious effect. This trend could be accelerated by investing in substantive training programs for local actors, along with taking steps to further eliminate Daesh revenue sources. It is also imperative to continue targeting Daesh leadership and disrupting chains of transportation, command, and communication. It may also be necessary to target the social media activities of Daesh to slow the flow of foreign fighters, and push back against the organization's propaganda. Doing so could inhibit the supply of fighters available to Daesh, shrinking its military capabilities and enabling local actors to reclaim territory, eventually resulting in the recapture of major cities like Raqqa and Mosul. Over time, this combination of policy options could degrade Daesh to the point that it is no longer able to hold territory, effectively destroying its self-styled caliphate.

²⁶ Ibid.

²⁷ Brian McManus, "How Many 'Boots on the Ground' Would It Take to Defeat ISIS?" *Vice*, December 8, 2015, <http://www.vice.com/read/syria-boots-on-the-ground-isis-390>.

Proposal on US Policy toward Daesh

The best course of action for US policy to take with regards to Daesh is to degrade it over time. This can be done by eliminating its revenue streams, military capabilities, and supply chains; targeting its leadership and preventing the flow of foreign fighters by closing national borders and impeding online recruitment; and empowering local actors to retake territory with the help of US air support, intelligence, financing, and arms.²⁸ The cost to defeat Daesh quickly is simply too high—politically, diplomatically, and in terms of human life. There is no guarantee that a substantial US military presence in the Middle East would even achieve its objective. De facto US occupation of Iraq and Syria could easily spur local resentment, enabling Daesh fighters to abandon territorial borders in favor of the more adaptable cell system used by al-Qaeda and others. Eliminating Daesh through direct US involvement would also fail to empower Arab states to play a role in resolving the issue, setting the stage for future conflict. US policy should be to defeat Daesh over time through five key initiatives. First, the United States should continue air strikes to take out Daesh leadership, disrupt supply chains, and provide air support for local ground troops. Second, the United States should inhibit the ability of Daesh to replenish its ranks by helping neighboring countries to close their borders to the flow of foreign fighters, and targeting Daesh capabilities on social media through joint action with companies like Twitter and Facebook, among others. Third, the United States should deny Daesh its revenue streams by allocating more resources to the prevention of illicit trafficking and denying the organization the ability to export its oil. Fourth, the United States should continue to arm, finance, and provide intelligence to local actors, including the Kurds, the Iraqi army, and the Syrian rebels. Fifth, the United States should engage in more goodwill projects throughout the Middle East, but especially in Iraq and Syria to combat the anti-Western sentiments that enable Daesh to not only recruit fighters, but to occupy territory without consequence. Rebuilding the US image in the Middle East would also entail implementing a much stricter policy on drone strikes, and carefully managing the Arab Muslim perception of America by ensuring that calls for Islamophobic attitudes and policies are not heeded. Through these five points, it is possible to weaken Daesh to the point that local actors, with US support, are able to reclaim lost territory and ultimately destroy the organization.

²⁸ Blanchard and Humud, “The Islamic State and US Policy.”

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Weak States and Political Grievances: Understanding the Causes of the Second Libyan Civil War

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Abstract

Since 2014, Libya has re-descended into civil war, albeit amongst different lines. Important to finding a political solution to the conflict is understanding its origins. This research seeks to explain the causes of the Second Libyan Civil War through current theoretical understandings of civil war causes. This research is split into two broad sections: the first concerning the environment in which the Second Libyan Civil War could occur, and the second focused on the motivations that moved involved parties to war. It is found that Libya's state of anocracy, or general state weakness, was the environment that allowed the conflict to occur, and political grievances, particularly of the nation's Islamists, that motivated the involved parties to war. It also found that oil played an indirect role in the conflict, specifically warping the economy to promote militia membership as one of the few viable livelihoods available. These conclusions bear relevance to policymakers as it demonstrates that a strong state apparatus and political inclusion are key to the avoidance of future conflict in the country.

On October 20, 2011, Muammar Gaddafi, the aged dictator of the Libyan Jamahiriya, was killed at the hands of his own countrymen. His death marked the end of the First Libyan Civil War, and a glimmer of hope shone in the North African nation for a better tomorrow. Three years later, on May 16, 2014, General Khalifa Haftar, an ex-Gaddafi general and erstwhile American ally, launched Operation Dignity against the General National Congress (GNC), the Islamist-dominated government that would come to control much of western Libya. This campaign would begin the much longer, and much more complicated, Second Libyan Civil War, a conflict that extends to the present day. Such a change naturally begs the question: what, in the interim period between the end of 2011 and the middle of 2014, would cause this renewal of hostilities in Libya? In the case of the Second Libyan Civil War, two primary factors allowed the country to descend into chaos: the Libyan regime as an anocracy, and the political grievances of the Islamists and related political units within the country. In addition, the presence of large oil reserves played a secondary role in pushing Libya to conflict. Libya as an anocracy is a state-level factor meaning that the regime of Libya was midway on the spectrum between democracy and autocracy, and had neither the means to suppress a rebellion nor address the grievances of insurgents. It was the structure in which the Islamists and related forces in the country were able to rebel once given a proper motive through political grievances. Oil in Libya did not directly cause the civil war like the two previous primary factors, but contributed to its outbreak mainly by facilitating the existence of armed groups in the country due to the lack of economic alternatives.

This essay will detail both the primary and secondary causes of the Second Libyan Civil War. The first section of the paper will describe the weak nature of the Libyan government between the fall of Gaddafi and the beginning of Operation Dignity as the structure in which a civil war could begin. Following that, a section will then explain the political grievances that motivated the involved parties to war. Finally, a section of the paper will give attention to the role of oil as a secondary factor in the conflict. In each section a brief literature review will be given to provide context of the

current theoretical understanding of the role of these factors more generally in causing civil war.

Libya as an Anocracy: Weakness of the Governing Regime

Scholars have delineated numerous factors that can make a state more prone for civil war. These state-level factors include things like the general wealth of a country, a higher population, and the nature of the governing regime.¹ In the case of Libya, the nature of the governing regime is very important to understanding how the Second Libyan Civil War began, as it was the framework in which the various factions could initiate an armed conflict.

Much literature discussing the role of regime type in civil wars focuses on the effects a democratic system has in preventing civil violence. Some scholars take the position that democracy can, in large part, prevent civil wars. Related to democratic peace theory, the thinking goes that in a democracy, citizens have methods of voicing their grievances in a non-violent way and do not need to resort to rebellion. As this is not the case in autocracies, it would be expected that citizens would need to resort to arms to have their grievances addressed.² While Libya was not the most functional of democracies between its civil wars, it still held multiple elections and was by no means the security state it was under Gaddafi. Democracy (or lack thereof) is not sufficient to explain the outbreak of the Second Libyan Civil War. In addition to this instance of Libya, statistical data does not fully collaborate the democracy versus autocracy argument. James Fearon and David Laitin, professors at Stanford university, found in their influential 2003 study “Ethnicity, Insurgency, and Civil War” no clear relationship between democracy and peace, and conversely, autocracy and civil war.³ As a possible explanation for autocracy’s strange resistance to internal violence, it is offered that since many autocracies have sophisticated systems of surveillance and repression, widespread discontent can be present without opposition being able to materialize an armed response.⁴ However, Fearon and Laitin did find that states known as “anocracies”—states in between on the spectrum of democracy and autocracy—are much more prone to civil wars.⁵

No universally accepted definition of anocracy exists. Fearon and Laitin characterize them as states with a weak central government and insufficient policing and/or counterinsurgent methods.⁶ Others have defined it as a regime that “permits some means of participation through opposition group behavior but that has incomplete development of the mechanisms to redress grievance.”⁷ This piece will use both of these definitions when describing Libya as an anocracy. Other studies in addition to Fearon and Laitin have found a strong correlation between anocracy and civil war. More specifically, Patrick Regan and Sam Bell, researchers at the University of Notre Dame and Kansas State University, respectively, have found that an anocracy is at most risk for civil war at

¹ Jeffrey Frieden, David Lake, and Kenneth Schultz, *World Politics: Interests, Interactions, Institutions*, 2nd ed. (New York: W. W. Norton & Company, 2013), 228–230.

² Marie Lounsbury and Frederic Pearson, *Civil Wars: Internal Struggles, Global Consequences* (Toronto: University of Toronto Press, 2009), 56–59.

³ James Fearon and David Laitin, “Ethnicity, Insurgency, and Civil War,” *The American Political Science Review* 97 (February 2003): 84–85.

⁴ Frieden, Lake, and Shultz, *World Politics*, 229.

⁵ Fearon and Laitin, “Ethnicity, Insurgency, and Civil War,” 85.

⁶ *Ibid.*

⁷ Patrick Regan and Sam Bell, “Changing Lanes or Stuck in the Middle: Why are Anocracies More Prone to Civil Wars?” *Political Research Quarterly* 63, no. 4 (December 2010): 748.

the beginning of its transition from either democracy or autocracy. As well, they found that the larger the political transition, so is the likelihood of violence.⁸ Political scientists still do not completely understand why anocracies are more prone to civil wars. However, the case has been made that anocracies allow rebel groups to form and express their grievances violently due to a weak security apparatus, but cannot redress the grievances of rebel groups also due to their weak structure. Thus in an autocracy, rebel groups would simply never be able to be formed due to a strong security apparatus, and in a democracy grievances would more likely be addressed through peaceful means. Anocracies simply have the worst of both worlds.

Given the role of regime type in the outbreak of a civil war, it is important to understand why and how Libya was an anocracy. Libya lacked the strong central government needed to prevent civil war due to the particular nature of the fall of the ancien régime and the prevalence of armed groups in the country. As well, Libya between 2011 and 2014 existed in the most precarious state of anocracy—the immediate time period following the transition from autocracy. Lastly, Libya was also at strong risk for civil war given the enormous size of its political transition, attempting to go from a complete autocracy to democracy in a short period of time.

Libya, before its first civil war in 2011, was led by the brutal and bizarre dictator Muammar Gaddafi for over four decades. Gaddafi and his revolutionary ideologies very much became Libya itself; the country was conceived as the *jamahiriya*, the state of the masses.⁹ However, with Gaddafi's death, the regime came crashing down with few institutions left standing.¹⁰ What little remained was left to a motley crew of rebels, exiles, and would-be revolutionaries, and the state had to be constructed almost from scratch. In addition, years of oppressive dictatorship left most Libyans politically inexperienced; no political parties had existed for forty years.¹¹ Furthermore, in the First Libyan Civil War the various rebel forces that took down the Gaddafi regime were by no means a unified force; various groups of regional urbanites, indigenous Amazighs, and Islamists all sought different ends in the revolution.¹² There was no consensus of what post-Gaddafi Libya should be, making the country into a disorganized anocracy.

In addition to lacking the proper political experience, Libya was awash with weapons and consequentially armed groups.¹³ Gaddafi had stock-piled thousands of weapons in the country for the eventual Pan-Arab assault for Palestine. As the revolution spread, the Libyan people quickly got access to these weapons and formed scores of militias.¹⁴ These militias however did not disband following the fall of Gaddafi. In fact, many consolidated control in their local areas and became the de-facto security forces. It is now believed that the number of these armed groups reaches into the hundreds. They are organized around different bases including political ideology, tribal ties, or simply geography.¹⁵ The existence of these armed groups posed an immense problem to the National Transition Council (NTC), the first government following the fall of Gaddafi. Indeed, the NTC neither had the carrot nor the stick to control these groups. Given the physical security and economic benefit that came from militia membership, it was difficult for the Libyan government to persuade militia members to disarm.¹⁶ As well, the

⁸ *Ibid.*, 747.

⁹ John Wright, *A History of Libya* (London: C. Hurst & Co. Ltd, 2012), 199.

¹⁰ Christopher Chivvis and Jeffrey Martini, *Libya After Qaddafi: Lessons and Implications for the Future* (Washington, DC: RAND Corporation, 2014), 9–11.

¹¹ Wright, *A History of Libya*, 239.

¹² *Ibid.*, 238–239.

¹³ Chivvis and Martini, *Libya After Qaddafi*, 8.

¹⁴ Wright, *A History of Libya*, 239.

¹⁵ Chivvis and Martini, *Libya After Qaddafi*, 13–15.

¹⁶ Christopher Chivvis et al., *Libya's Post-Qaddafi Transition: The Nation-Building Challenge* (Washington, DC: RAND Corporation, 2012), 5–6.

sheer number of the groups, the NTC did not have the ability to absorb them all into the civil service or other government-sponsored jobs. Worse, the NTC lacked powerful enough army or police force to compel these groups with the threat of violence. Consequently, the NTC, and later the National General Congress (NGC), would always be wary of the opinion of various militias when attempting to implement any policy.¹⁷ This element of Libya politics would be key in the start of the Second Libyan Civil War as the presence of these armed groups prevented the building of a strong enough security apparatus to move Libya outside the realm of anocracy.

As mentioned earlier, Regan and Bell found in their own research of civil wars that an anocracy is most ripe for civil war in the time period during the transition, and when the size of the political transition is large.¹⁸ Libya between 2011 and 2014 matched both these qualities. Libya only existed as a non-Gaddafi state for two years before its second civil war. Indeed, it never truly emerged from the revolutionary period of its first civil war against the Gaddafi regime. Furthermore, Libya attempted to completely change the character of its nation with the fall of Gaddafi. Under the sole rule of Gaddafi for more than forty years, Libya became synonymous with the Colonel himself. After his fall, all traces of Gaddafi were attempted to be washed away—even the flag was changed. A state attempting to make such a large transition, not only from autocracy to democracy, but to refine its very nature, is much more at risk for a civil war.

It is clear that Libya's state of anocracy was one of the primary factors allowing the Second Libyan Civil War to begin. The state neither had the means to accommodate potential rebels, nor fight them effectively in an insurgency. Given the already numerous armed groups in the country, it was a matter of time before the proper impetus was given to attempt to seize the state. That impetus would come to the nation's Islamists and related factions in 2014 as their latent grievances against the state crystalized into armed opposition.

Political Grievances of the Islamists

In addition to state-level factors in understanding why civil wars occur, scholars also emphasize the importance of group-level factors, especially the motivations of individual groups. Concerning the motivations for civil wars, there are two broad camps in which most scholarly arguments lie: grievance and greed. Correspondingly, two prominent scholars take the mantle of these schools of thought: Frances Stewart of the grievance camp, and Paul Collier of the greed camp.¹⁹ Stewart and the grievance camp take the broad position that a "grievance" is the primary motivation for rebellion. A grievance can be derived from any number of things such as repression of culture, lack of political access, and denial of education.²⁰ This line of thinking sees civil wars in a much more political and localized light.²¹ On the flip side, the "greed" camp headed by Collier sees civil wars in a more universal economic view, where a civil war might be predicted if a rebellion is of relatively little cost to start or if a country has many "lootable" resources such as oil or rare minerals.²²

Indeed, rarely in any civil war are rebels purely motivated by either greed or grievance, and the question is much more to what degree. It is also somewhat subjective

¹⁷ John Lee Anderson, "The Unraveling," *The New Yorker*, February 25, 2015, <http://www.newyorker.com/magazine/2015/02/23/unravelling>.

¹⁸ Regan and Bell, "Changing Lanes," 747.

¹⁹ David Keen, "Greed and Grievance in Civil War," *International Affairs* 88, no. 4 (July 2012): 757.

²⁰ Frieden, Lake, and Shultz, *World Politics*, 220–221.

²¹ Keen, "Greed and Grievance in Civil War," 776–777.

²² Paul Collier and Anke Hoeffler, "Greed and Grievance in Civil War," *Oxford Economic Papers* 56, no. 4 (October 2004): 564.

what can count as a “greed” or “grievance” as David Keen, a political economist at the London School of Economics, pointed out in a critique of Collier: “Lack of access to education is taken as a proxy for greed. But we know from many countries, including Sierra Leone, that a key grievance motivating many fighters has been lack of access to education.”²³ This classification becomes very muddled in Libya, especially concerning access to public office. While normally labeled a grievance, seizure of political office can have enormous economic impact, as handouts potentially can be doled out to the militia or tribe of your choice.

In the case of Libya’s Islamists, though, motivations were much more of a grievance nature than of greed. This is evident by the fact that the Islamists had a clear political ideology, long sought after political office to spread said ideology, and that the initiation of violence between the Islamists and General Haftar’s forces began only after the Islamists perceived an intolerable increase in political exclusion. The role of economic incentive (the greed factor) is not altogether absent in the motivations of the Islamists, but it takes backseat to the more ideological and politically based grievances.

Islamists in Libya, as well as throughout the Arab world, have long been the most organized opposition to the various secular regimes that, until the Arab Spring, dominated the region. Islamists’ ideologies and operational strategies both in Libya and throughout the Arab world are varied, however, the unifying feature is that they believe Islam should be the essential foundation of society and governance.²⁴ From that initial basis there is a great deal of variation amongst Islamists, but all have a clearly defined ideology that their organizations gather around. Islamists’ presence in Libya dates back to the 1950s, and they battled against Gaddafi through both violent and non-violent means.²⁵ Libya has its own branch of the Muslim Brotherhood, whose *modus operandi* focuses on a more peaceful participation in politics, as well as more violent jihadists trained in the Afghan jihad of the 1980s, represented by the Libyan Islamic Fighting Group (LIFG).²⁶ Both groups would bear a strong presence in the 2011 revolution and coalesce again under the rebel Libyan Dawn front in the Second Libyan Civil War.²⁷ Before the 2011 revolution, Islamist factions in Libya were routinely persecuted and routed by Gaddafi’s forces and unable to stimulate a large revolt in the country.²⁸ This is key, as it shows that the Islamist forces in the country were truly committed to their ideology even when chances of political success were slim. This goes against any sort of “greed” argument, as Islamists’ revolts against the state were not dependent on the presence of rational, economic opportunity costs.

In addition to having a clear ideology, Islamists were always interested in seizing political power. Following the fall of Gaddafi, various Islamist groups formed into political parties to capture seats in the GNC in 2012. Libya’s Muslim Brotherhood branch was often considered one of the most organized and effective parties across the spectrum.²⁹ A more greed-based group would be less interested in public office. Greed-based groups put a high focus on acquiring control of natural or loatable resources, such as oil. If the various Islamist groups present in Libya between 2011 and 2014 were more greed-based, it would be expected that their efforts would be centered on taking Libya’s oil fields, with a comparatively smaller focus on running candidates. Libya’s oil plays a

²³ Keen, “Greed and Grievance in Civil War,” 761.

²⁴ Mary Fitzgerald, “Finding Their Place: Libya’s Islamists During and After the Revolution,” in *The Libyan Revolution and its Aftermath*, eds. Peter Cole and Brian McQuinn (London: C. Hurst & Co. Ltd, 2015), 177–178.

²⁵ Fitzgerald, “Finding Their Place,” 178.

²⁶ *Ibid.*

²⁷ Nicholas Pelham, “Libya Against Itself,” *The New York Review of Books*, February 19, 2015, <http://www.nybooks.com/articles/2015/02/19/libya-against-itself/>.

²⁸ Fitzgerald, “Finding Their Place,” 179–180.

²⁹ Wright, *A History of Libya*, 239.

role in the Second Libyan Civil War, but more as an afterthought to fuel the political aims of both sides. This will be expanded on in a later section. Furthermore, at the outbreak of the Second Libyan Civil War, Libyan Dawn sought to take the capital city of Tripoli first, not the oil fields, in order to establish their political legitimacy.³⁰ In short, it is difficult to accuse Libya's Islamists of greed-based motivation given their large focus on achieving arguably less useful economically political offices, and their general apathy toward control of lootable resources in the country.

Finally, it is important to note when the Second Libyan Civil War broke out. Most, including this essay, choose the start of Operation Dignity by General Haftar as the formal start of the conflict. However, any assertion of the start of the Second Libyan Civil War is fraught, as much communal violence was occurring in the country before the commencement of Operation Dignity. The start of Operation Dignity is important because it started a string of events which led to the creation of Libya Dawn, the Islamists' military response to Haftar's Dignity.³¹ At the beginning of 2014 Libya was governed by the GNC that had been established in 2012 after the country's first post-Gaddafi elections.³² General Haftar, as he tells it, grew outraged at the heavy-handed tactics of the Islamists and their respective militias, and was spurred to declare the GNC defunct and call for new elections.³³ To enforce his edict, the General launched Operation Dignity that routed many Islamist militias, mainly in Benghazi.³⁴ Once in control of Tripoli, new elections were held and Islamists lost considerably across the board.³⁵ Only at this point did the Islamists forces coalesce under Libya Dawn and actively take up arms against the state. They did so only when they truly felt the political system was shutting them out illegitimately, and that they could not succeed within the current governmental confines. These sentiments are clearly a grievance, not a greed. Indeed, a greed-based group would have no need to wait for that specific of a point to rebel against state.

In review, the motivations to rebel against the state and start a civil war are generally defined as either a "greed" or "grievance." In the case of the Second Libyan Civil War, the rebelling Islamists clearly took arms against the state out of political grievance. The groups had well defined ideologies and consistently sought political office, features that would be strange for a greed-based group. In addition, most Islamist factions like the Muslim Brotherhood, seemed little interested in Libya's lootable resources, namely its oil. This is clearly evident after the start of the civil war as Tripoli, not oil fields, were Dawn's first target. Most importantly, the Second Libyan Civil War only broke out into its recognized form *after* the Islamists were essentially run out of office, and felt excluded from the political process. These are all hallmarks of a grievance-based group, and bear little semblance to a greed-based campaign.

Effects of Oil

Scholars are very split of the role of resources, such as oil, in civil war. Many promote the idea that the presence of an easily extractable resource makes it easier to fund a rebellion and thus heightens the probability of civil war. Resources can incentivize state seizure in resource-dependent states, as the central government normally controls

³⁰ "That it Should Come to This," *The Economist*, January 15, 2015, <http://www.economist.com/news/briefing/21638123-four-year-descent-arab-spring-factional-chaos-it-should-come>.

³¹ *Ibid.*

³² *Ibid.*

³³ Anderson, "The Unraveling."

³⁴ *Ibid.*

³⁵ "That it Should Come to This."

the resource and its revenue.³⁶ Furthermore, the central government provides the largest source of employment and wealth. This notion correlates strongly with the notion of civil wars being more “greed” based, and it is no coincidence that Collier along with his colleague Anke Hoeffler, a researcher at the University of Oxford, were amongst the first to suggest the link. The two found in their research an inverted-U relationship between civil war and resources, meaning that either a large or little amount of resources can have a stabilizing effect. This, as pointed out in a literature review of the resource-civil war nexus, effects potential conditional analyses, meaning that despite the presence of oil different results might occur in different states because of other factors.³⁷ This is further corroborated by the fact that a number of states that are largely dependent on hydrocarbons do not feature political instability or civil war as a counter-point to this theory.³⁸ While the presence of oil alone likely does not make a state fated for civil war, the “natural resource curse” and other factors do heighten the probability.

Normally when discussing the role of oil in a civil war, analysis would focus on how the presence of an extractable resource incentivizes a rebel group to size the resource and/or the state. In the case of Libya, however, the links between its current civil war and oil are indirect. Rather than directly motivating Libyan Dawn to war, the presence of oil long before made Libya into a petro-state. Often in states dominated by the hydrocarbon industry, there is little economic opportunity outside that sector. Libya was little different following the fall of Gaddafi. As there were few jobs and industry following the regime change, the many armed groups that managed the country on a local and regional level had little economic incentive to disarm. Being a part of a militia often guaranteed a job, steady income, and a level of prestige. This hydrocarbon-focused economic system allowed armed groups to exist in the country, and laid the structural ground work for the civil war. Indeed, the presence of militias was a strong component of Libya’s state of anocracy between 2011 and 2014.

If oil was a primary factor in the start of the Second Libyan Civil War, different behavior would be expected by the rebel Libyan Dawn forces. As mentioned earlier, the group struck Tripoli, a political target, before attempting to seize hydrocarbon infrastructure. Such infrastructure was attacked by armed groups before the start of the conflict, but such groups were acting individually and not representative of a larger movement of Dawn or Dignity. Both sides did clash over oil infrastructure in late 2014, but months after more political battles occurred, including the seizure of Tripoli and the elections that further shut out the Islamists.³⁹ It is clear that the presence of oil much more contributed to Libya’s economy being weak and undiversified following the fall of Gaddafi, which consequently led to Libya’s weak and anocratic government, than being the primary motive for the rebel groups at play in the Second Libyan Civil War.

Conclusion

When attempting to find a resolution to any conflict, understanding the causes of said conflict is both necessary and crucial. This piece has attempted to tease out the more immediate causes of the Second Libyan Civil War as well as some underlying factors. The civil war is very much a political war triggered by political grievances. The Islamists gathered under Libyan Dawn long attempted to operate within the state legally, and only rebelled once it was perceived that they were shut out of the political process.

³⁶ Benjamin Smith, “Exploring the Resource-Civil War Nexus,” in *What Do We Know About Civil Wars?* eds. T. David Mason and Sarah McLaughlin Mitchell (Lanham, MD: Rowman & Littlefield, 2016), 216–217.

³⁷ *Ibid.*

³⁸ Michael Ross, “Blood Barrels: Why Oil Wealth Fuels Conflicts,” *Foreign Affairs*, May/June 2008, <https://www.foreignaffairs.com/articles/2008-05-03/blood-barrels>.

³⁹ “That it Should Come to This.”

This grievance was the prime motivation of the civil war. However, for this grievance to matter it needed to exist within a state structure that permitted insurgency. Libya between 2011 and 2014 was an anocracy, a state with limited authority emanating from the central government. The central government was weak mainly due to the large presence of diverse armed groups that had little incentive to cooperate politically. Contributing to these essential factors, the presence of oil weakened the Libyan economy and contributed to the existence of militias.

All these factors must be given attention if a resolution is to be found in the country. The recent UN brokered deal between Libyan Dignity and Dawn holds some hope, but the conflict is still ongoing and the primary reasons for the conflict have not been addressed. As this conflict was motivated by political grievances, its resolution will be found once the various Islamist factions in the country are given a full seat at the table. Once that is accomplished, a strong state security apparatus must be established so that the state is not so vulnerable to civil strife again. Lastly, a move to diversify the economy away from its hydrocarbon base will give more varied opportunities for the Libyan people and reduce the power of the country's numerous militias. Without accomplishing these steps, Libya's future will be bleak for some time.

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Development

Whose Job Is It Anyway?

Mollie Merino

Abstract

This paper discusses Australia's treatment of asylum-seekers in the Nauru Regional Processing Centre. I explore how Australia has managed to avoid large-scale criticism and discuss a few of the factors contributing to this evasion. Primarily, this paper attributes Australia's ability to escape responsibility to the complicity of other actors involved in the abuse of asylum-seekers and discuss how this shared responsibility lessens the burden placed on Australia. Finally, it looks specifically at the role of the principle-agent relationship and the absence of institutions that enforce the respect of human rights and argue that this enables a lessened critique of Australia.

Located in Micronesia and qualifying as the smallest republic in the world, the nation of Nauru has an intriguing and rich history. Nauru's rich phosphate stores once made the country very wealthy so that through the 1960s, it had the highest per-capita gross domestic product (GDP) in the world. After depleting its phosphate reserves, however, the country became a tax haven, especially to Russia and Ukraine where suspected members of the Russian Mafia at one point held 70 billion US dollars in Nauruan banks.¹ Beginning in 2001, the island formally began a longstanding relationship with nearby Australia wherein Nauru hosted the Nauru Regional Processing Centre in return for a significant amount of aid to the island from Australia. This was the result of an Australian governmental policy known as The Pacific Solution, which diverted Australia-bound asylum-seekers arriving by boat to offshore detention centers on nearby Pacific islands, primarily Nauru and Papua New Guinea. This policy lasted until 2007, at which point the newly elected Australian Prime Minister Kevin Rudd ended the Pacific Solution, granting Australian residency rights to those asylum-seekers still detained on the island of Nauru. In 2012, the center was reopened by Prime Minister Julia Gillard and has remained open to this day. Since 2012, the center has been functioning primarily under the administration of the Australian Department of Immigration and Border Protection, who have hired out private companies to provide medical and other services to asylum-seekers on the island.

Conditions for the nearly 380 asylum-seekers on Nauru appear to be harsh. According to reports from the international non-governmental organization Human Rights Watch, the Australian government is guilty of "detaining [asylum-seekers] for prolonged periods in inhuman conditions, denying them appropriate medical care, and in other ways structuring [government] operations so that many experience a serious degradation of their mental health."² Until October of 2015, asylum-seekers were forcibly detained and not allowed to leave. Though it is now an "open" facility, asylum-seekers have yet to be processed and have very limited ability to leave the island. These are

¹ Agence France-Presse, "Tiny Pacific Island is Facing Money-Laundering Sanctions," *New York Times*, December 6, 2001, accessed December 1, 2016, <http://www.nytimes.com/2001/12/06/world/tiny-pacific-island-is-facing-money-laundering-sanctions.html>.

² "Australia: Appalling Abuse, Neglect of Refugees on Nauru," Human Rights Watch, August 2, 2016, accessed December 1, 2016, <https://www.hrw.org/news/2016/08/02/australia-appalling-abuse-neglect-refugees-nauru>.

violations of the right to be free from arbitrary detention and torture. Interestingly enough, this denunciation by Human Rights Watch, Amnesty International, and other Non-Governmental Organizations (NGOs) is directed at the Australian government rather than the island of Nauru itself. Independent authorities in Australia have claimed that “The Australian government’s persistent failure to address abuses committed under its authority on Nauru strongly suggests that they are adopted or condoned as a matter of policy” and that Australia’s inaction is a “deliberate policy to deter further asylum seekers from arriving in the country by boat.”³ As for Australia, the country has relied on its client-state relationship with Nauru to justify its failure to improve conditions on the island. This paper will explore how Australia has managed to distance itself from culpability for the human rights violations occurring in the Nauru Regional Processing Centre, relying upon the principle-agent model, the spatial effect of Human Rights Organizations, and the concept of corporate responsibility to evade rebuke.

The most obvious and immediate manifestation of the principle-agent model is, of course, found in the relationship between Australia and Nauru, enabling Australia to transfer the burden of care for asylum-seekers onto Nauru. According to scholars Courtenay Conrad and Will H. Moore, this relationship is used to:

explain situations in which power is delegated from one person or institution to another. Miller defines a principal-agent relationship as one in which “the agent has an informational advantage over the principal and takes actions that impact both players’ payoffs. The principal has the formal authority, but in [principal-agent relationships], the attention is on a particular form of formal authority: the authority [of the principal] to impose incentives on the agent.”⁴

Nauru’s incentive as the agent comes in the form of receiving monetary aid from the principle, Australia, per the Pacific Solution. In regards to the Processing Centre, Nauru technically houses the center though the Australian Department of Immigration and Border Protection has legal jurisdiction over it. This relationship incentivizes the agent, Nauru, to comply with whatever standards or precedents that Australia sets forth in order to continue receiving aid. This relationship is further solidified due to Nauru’s survival as a client state to Australia, meaning Nauru is economically heavily dependent on Australia. Now depleted of any phosphate stores, Nauru would likely face bankruptcy without Australia’s economic backing. In providing economic stability to the island and employment opportunities for citizens, Nauru has very limited power to refuse upholding the Pacific Solution. As mentioned earlier, Australia’s poor treatment of these asylum-seekers is “adopted or condoned as a matter of policy,” and as such, Nauru has little incentive to intervene and or improve conditions. Since the principle actor, Australia, has set no expectations of the agent, Nauru, the island is less likely to be blamed for their part in the human rights violations being perpetrated. Australia’s distance from the island, however, also aids in its ability to escape the full force of the rebuke merited by it’s negligence of these refugees.

The question of who should be held accountable for these individuals is further complicated by the legal uncertainties surrounding the situation. This can be termed a “shared responsibility between states”⁵ according to the Kaldor Centre for

³ Ibid.

⁴ Courtenay Ryals Conrad and Will H. Moore, “What Stops the Torture?” *American Journal of Political Science* 54, no. 2 (April 2010): 463.

⁵ Madeline Gleeson, *Offshore Processing: Australia’s Responsibility for Asylum Seekers in Nauru and Papua New Guinea* (Sydney: Kaldor Centre for International Refugee Law, 2015), 2–6, http://www.kaldorcentre.unsw.edu.au/sites/default/files/Factsheet_Offshore_processing_state_responsibility.pdf.

International Refugee Law. The Kaldor Center argues that because Nauru is a sovereign state, it does have a legal duty to uphold international human rights and refugee law. Due to its administration over the center, however, Australia largely shares in this responsibility to uphold certain human rights standards despite the refugees in question living extraterritorially. This challenges the Australian government's position "that the fact that asylum seekers and refugees are located in the territory of other sovereign States is sufficient to negate the possibility of Australia owing them human rights obligations."⁶ Because no one state can be held solely responsible for the treatment of these asylum-seekers, it makes it much harder to effectively pass condemnation onto a state. As international studies scholars Amanda M. Murdie and David R. Davis from the University of Missouri found, "the interaction of Human Rights Organizations (HROs) shaming and HRO presence does help human rights improving human rights performance."⁷ As Murdie and Davis predict, after being shamed by HROs and the international community, "the targeted state then calls on alternative norms of state sovereignty in order to deny or bypass the allegations."⁸ This attempt to shed blame can be seen in Australia's claim that it has no business interfering with the practices of Nauru, with it being a sovereign nation. Following this stage of denial, according to Murdie and Davis's model, the state experiences further pressure to improve conditions and eventually begins to implement policy moves towards progress, even if only as "window-dressing."⁹ Here is where this model breaks down in the case of Australia and Nauru, because it fails to account for such a situation of "shared responsibility between states"¹⁰: the shame and blame cast on the perpetrator is divided between two states, and thus, is weaker, failing to prompt human rights reform.

This geographic distance between Nauru and Australia also makes it easier for Australia to negate its culpability. Researchers with a confederation of NGOs called Oxfam have found that "a major motivation for the Pacific Solution policy was to keep asylum seekers 'out of sight and out of mind.'"¹¹ This is further enabled by the lack of transparency and journalist presence allowed on the island. Nauru has created a "wall of secrecy,"¹² according to Human Rights Watch, enforced through the tight restriction on visas for journalists, the ban of Facebook, and policies threatening island workers with criminal charges if they disclose information about the center. This is advantageous for Australia because it is far more difficult for HROs to mobilize support when their cause is less visible. Australia, too, has been complicit in adding to a lack of transparency. Back in October of 2015, information was released "[announcing] that the remaining six hundred asylum claims would be processed 'within a week,'"¹³ yet even a year later, little progress had been made to substantiate this claim.

Australia has even attempted to place liability on the refugees themselves for causing this crisis. In Australia and much of the world, there has long been a tendency to craft a narrative that assumes immigrants will attempt to capitalize on the hardships of their home country by claiming asylum, even if they themselves are not actual refugees.

⁶ Ibid.

⁷ Amanda Murdie and David R. Davis, "Shaming and Blaming: Using Events Data to Assess the Impact of Human Rights INGOs," *International Studies Quarterly* 56, no. 1 (March 2012): 3.

⁸ Ibid., 5.

⁹ Ibid., 2.

¹⁰ Gleeson, *Offshore Processing*.

¹¹ Kazimierz Bem et al., "A Price Too High: the Cost of Australia's Approach to Asylum Seekers," Oxfam Australia, August 2007. <http://resources.oxfam.org.au/filestore/originals/OAus-PriceTooHighAsylumSeekers-0807.pdf>.

¹² "Australia: Appalling Abuse," Human Rights Watch.

¹³ Ibid.

Publicly and politically, this has fueled a lot of the mistrust and skepticism regarding immigrants. Such sentiment has manifested into policies such as the Pacific Solution, which set forth the precedent that Australia will not grant residency to any migrants arriving by boat, no matter the circumstances. Processing centers, such as the one in Nauru, are then essentially holding facilities justified by the narrative that these immigrants are just trying to “jump the line” rather than going through the correct channels to apply for refugee status.¹⁴ As lawyer Bruce Henry explains, however, the Australian government provides no explanation as to how a “Hazara or anyone else in Afghanistan follows the proper process to apply for refugee status in Australia. There is no such thing. There is no proper process for those people to follow, so the whole suggestion that these people in some way circumvented the proper process is just farcical.”¹⁵ The government nonetheless attempts to put the burden of attaining refugee status on the asylum-seekers, despite the impossibility of such a task.

The nature of the violations has also enabled Australia to place the burden of culpability upon the refugees’ countries of origin. Human Rights Watch cites as one of the severest abuses the lack of proper medical attention, particularly in regards to mental health. Dozens of stories have been collected from asylum-seekers describing how their requests for medical attention were either denied or “not taken seriously.”¹⁶ Often, the trauma of being a refugee fleeing a very dangerous country leaves asylum-seekers with severe post-traumatic stress disorder, depression, and other related mental illnesses culminating in high probability of self-harm and even suicide. It is not uncommon for these individuals to make attempts on their own lives by “overdosing on medication; swallowing bleach, other cleaning products, or razors; hanging or strangling themselves; or setting themselves on fire.”¹⁷ Since much of this behavior is symptomatic of long-endured mental health issues, medical service providers on the island are able to feel less beholden to cure or treat these asylum-seekers since their conditions did not originate in Nauru.

NGOs and HROs also have a more difficult time in trying to mobilize support for human rights because there are essentially no HROs based in Nauru. As scholars Sam Bell, Chad Clay, and Amanda Murdie conclude, “we should expect HRO members and volunteers or HRO permanent office locations to be more important to a neighbor’s human rights performance than HRO shaming of neighbors, which would not involve the actual resources on the ground that could be diffused across borders.”¹⁸ This is known as the “spatial effect of human rights organizations,” which describes how the presence of HROs in neighboring countries makes encouraging and enforcing proper adherence to human rights standards easier. In a case like Nauru, this idea is complicated. As an isolated island, moving resources across borders is very difficult and expensive. This principle is exaggerated even further by Nauru’s strict regulations on visas. Amnesty International found that even “UN officials have been denied entry or in some cases have concluded that a visit would be impractical due to severe limitations on their access.”¹⁹ As a result, this “boots on the ground”²⁰ approach that Bell, Clay, and Murdie suggest is nearly impossible in this context. Thus, NGOs and HROs must rely almost solely on

¹⁴ Bem et al., “A Price Too High.”

¹⁵ *Ibid.*

¹⁶ “Australia: Appalling Abuse,” Human Rights Watch.

¹⁷ *Ibid.*

¹⁸ Sam K. Bell, Chad Clay, and Murdie, “Neighborhood Watch: Spatial Effects of Human Rights INGOs,” *Journal of Politics* 74, no. 2 (April 2, 2012): 3.

¹⁹ “Australia: Appalling Abuse, Neglect of Refugees on Nauru,” Amnesty International, August 2, 2016, accessed December 2, 2016, <https://www.amnesty.org/en/latest/news/2016/08/australia-abuse-neglect-of-refugees-on-nauru/>.

²⁰ Bell, Clay, and Murdie, “Neighborhood Watch.”

shaming techniques. In a scathing report released in 2007, international organization Oxfam condemned Australia's actions with nearly no mention of Nauru:

As a signatory of the Refugee Convention, Australia has a commitment under international law to provide for non-refoulement of refugees—the principle under international law that forbids sending a refugee back to a place where s/he might face persecution—and for the principle of asylum. The Pacific Solution fails to uphold these commitments and in doing so, undermines the integrity of the system of asylum in Australia and the international system of protection globally.²¹

Though this is a powerful denunciation, Bell, Clay, and Murdie's model predicts that this criticism will have very limited effect without the physical presence of HROs in, or directly next to, Nauru.

To further complicate things, there is also a level of corporate responsibility present in the case of Nauru. The final actor in this situation thus comes from the private sector. While the Australian Department of Immigration and Border Protection officially runs the detention center, the Australian government actually contracts out two main companies to provide services for asylum-seekers: Broadspectrum—who has subcontracted out a company called Wilson Security—and International Health and Mental Services (IHMS). Amnesty International found that these two companies are “profiting from an abusive context, and [...] some are directly responsible for serious abuse and the failure to provide appropriate medical care,”²² calling into question just how independently Broadspectrum and IHMS are operating in Nauru. As scholar Steven Ratner found, “corporations are powerful global actors that some states lack the resources or will to control.[...] corporate law provides guidance to international law on the need to view corporations, and not simply those working for them, as dutyholders [sic].”²³ Applying Ratner's theory, it seems that the principle-agent model can be extended to this relationship. Ratner assumes that corporations are, to some degree, sovereign in a sense and because of this, they have a “duty” to uphold human rights. This duty, however, is complicated in the case of Nauru due to the companies' contractual accountability to Australia. In a communiqué to the Office of the Prosecutor of the International Criminal Court, a team of international lawyers with Stanford noted that “the Australian government is transparent in its intention for its offshore detention centres to serve a deterrent function.”²⁴ Well aware of the center's punitive purpose, these corporations on the island are being accused of suppressing reports of mistreatment and even complicity in the abuse. The communiqué cites evidence that “in 2015 alone Wilson Security officers ‘downgraded’ 128 formal reports of assault, self-harm, rape, and abuse without justification” and even presented proof that in January of 2015, “Wilson Security received a report of sexual assault of a four-year-old boy perpetrated by its own security officers, and knowingly downgraded the matter, even after this incident had been reported to immigration officers.”²⁵ The contribution of these private companies to the

²¹ Bem et al., “A Price Too High.”

²² “Australia: Appalling Abuse,” Amnesty International.

²³ Steven R. Ratner, “Corporations and Human Rights: A Theory of Legal Responsibility,” *Yale Law Journal* 111, no. 3 (December 2001): 243.

²⁴ James Cavallaro, Diala Shamas, Beth Van Schaack, et al., *Communiqué to the Office of the Prosecutor of the International Criminal Court Under Article 15 of the Rome Statute: The Situation in Nauru and Manus Island: Liability for Crimes Against Humanity* (Stanford: International Human Rights and Conflict Resolution Clinic, 2017), <https://www-cdn.law.stanford.edu/wp-content/uploads/2017/02/Communiqué-to-Office-Prosecutor-IntlCrimCt-Art15RomeStat-14Feb2017.pdf>.

²⁵ *Ibid.*

human rights abuses occurring raise an interesting question of responsibility. While Australia's clearly communicated intentions for the detention center incentivize the provision of subpar services, the companies themselves are ultimately the ones delivering this service. Thus, it seems Broadspectrum, Wilson Security, and IHMS are culpable, or at least aware of the abusive treatment of these asylum-seekers on Nauru.

Nauru's refusal to allow any outsiders into the country means HROs have no presence there, meaning atrocities committed there are more easily swept under the rug. In the context of torture, political scientists Courtenay Conrad and Will Moore found that "not one of the democratic institutions has a significant effect on the probability of a state terminating its use of torture."²⁶ In this study, Conrad and Moore discovered that free press and other characteristics often associated with developed, democratic countries have little impact on the likelihood that a state would stop practicing torture. While the human rights violations on Nauru cannot be classified as torture, some similarities certainly exist. Australia is not a nation often associated with gross human rights violations or mass atrocities. It is a developed, affluent country isolated from many of the more contentious areas of the world, according to international organization Global Democracy Ranking.²⁷ This is perhaps one of the reasons why it seems so difficult to place blame directly onto Australia; it does not fit the common narrative of a nation that would intentionally harm human beings, such as Yemen or Syria.²⁸ This coupled with the "shared-state responsibility"²⁹ principle, the impossibility for the spatial effect of HROs to take place, and the measure of corporate responsibility all seem to contribute to Australia's denial of its complicity in the human rights abuses happening in Nauru. This is significant because to improve respect for human rights, there must be a clear assignment of responsibility in order to practice shaming and blaming, and to draw upon international law to protect asylum-seekers and refugees.

These actions and the policies set forth by the Australian government are not isolated phenomena. Rather, they are in stride with similar right-wing, populist political movements running primarily on anti-immigration platforms that are gaining traction worldwide. Marked by the passing of "Brexit" and the election of current US President Donald Trump, it seems that this fear of outsiders is a global trend and one that is resulting in similar cases of human rights violations. The stream of refugees fleeing Syria, too, seems unlikely to ebb anytime soon. This combination of increased migration and increased anti-immigration sentiment does not bode well for the future of human rights, particularly as they relate to the rights of refugees. If Australia's irresponsible treatment of these asylum-seekers is not met with rebuke and consequences from the international community, such behavior will likely spill over into other countries with similar anti-immigration policies.

²⁶ Conrad and Moore, "What Stops the Torture?"

²⁷ "Democracy Ranking 2015," Global Democracy Ranking, accessed May 4, 2017, <http://democracyranking.org/wordpress/rank/democracy-ranking-2015/>.

²⁸ Ibid.

²⁹ Gleeson, *Offshore Processing*.

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Turkey's Temporary Protection Regulation and the Syrian Refugee Crisis: A Feminist Policy Analysis

Shelby Meyer

Abstract

As Syria's deadly civil war rages on, more and more Syrians are fleeing to Turkey as refugees, testing the policies Turkey has put into place to manage irregular migrant flows. The authors of this paper sought to analyze the most prominent of those policies, the Temporary Protection Regulation (TPR), specifically to understand the impact it has had on female refugees flowing into the country. Unfortunately, because Turkey did not adequately consider the needs particular to refugee women in crafting the TPR, Syrian women in the country are unduly vulnerable to gender based violence, lapses in appropriate healthcare, and sexual abuse. By recycling old domestic legislation and not effectively delimiting refugee policies, Turkey has many gaping holes in the protections they afford refugees. Building on past feminist policy analyses, this dissection of the TPR highlights the danger of ignoring gender in policy construction and shows the very real world consequences of "gender-neutral" policy.

This paper seeks to analyze the Temporary Protection Regulation (TPR) instituted in Turkey on the basis of Article 91 of the Law on Foreigners and International Protection, a defining piece of the most comprehensive Turkish policy on immigration and asylum today. This legislation is likely transnational given its efforts to regulate migrant protection. Given the severity of the conflict in Syria, these protections are of the utmost importance. During waves of irregular migration, women are especially vulnerable to sexual assault, trafficking, sexual violence, physical abuse, lapses in appropriate healthcare, and restricted access to family planning. Although all policy is women's policy given the central role gender plays in identity, refugee policy is especially prone to differential outcomes by gender because of these particular vulnerabilities that confront female refugees.¹ The authors examined the Temporary Protection Regulation, Law No. 6458, which entered into force of law as an addition to the LFIP (04/2013) in October 2014 using a transnational feminist policy framework, in order to understand the effects the TPR has had on women in Turkey.²

The refugee crisis in Syria began following the onset of civil war in the country in 2012 when anti-government protests demanding President Bashar al-Assad's resignation escalated. Since the war's start, more than eleven million Syrians have been displaced, both internally and externally.³ There have been numerous accusations of

¹ Beverly McPhail, "A Feminist Policy Analysis Framework," *The Social Policy Journal* 2, no. 2/3 (2003): 47.

² Republic of Turkey Ministry of Interior, Law No.: 6458 Temporary Protection Regulation, 4 April 2013. http://www.goc.gov.tr/files/_dokuman28.pdf.

³ Lucy Rodgers et al., "Syria: The story of the conflict," in *BBC* March 11, 2016.

using civilian suffering such as blocking access to necessities like food, water, and health care as a method of war. In addition, a UN commission of inquiry has evidence that all parties in the conflict have committed war crimes.⁴ Continued attacks and bombings in the country have forced millions to flee the country and seek asylum around the world. The overwhelming majority of refugees have been registered in Turkey, Lebanon, Jordan, and Iraq. As of September 26, 2016, the United Nations High Commissioner for Refugees (UNHCR) reports 4,806,762 registered Syrian refugees, 2,733,655 of whom are registered in Turkey. This number continues to climb as the conflict in Syria continues to escalate. 46.8 percent of the refugees registered in Turkey are women.⁵

Turkey's 2014 TPR was implemented to overhaul and streamline Turkey's refugee and migrant policy, partially in an effort referred to as "EU-ization." Previously, the primary refugee policy in Turkey was the 1994 Regulation on Asylum,⁶ though the Turkish system for immigration and asylum has long been disjointed. The 1994 policy included a geographic limitation, such that most non-European asylum seekers could not stay in Turkey despite gaining recognized refugee status through UNHCR procedures.⁷ Although the 2014 TPR maintained the geographic limitation that so many consider problematic, it overhauled Turkish asylum policy in many ways. It created the office of the General Directorate for Migration Management (GDMM), a new governing body in Turkey to coordinate implementation of the law; it broadened the categories of those who qualify for public services during asylum-seeking periods, and it strengthened human rights protections for refugees in Turkey.⁸ With the LFIP and TPR, Turkey has finally attempted to compile a comprehensive policy to handle the massive refugee crisis in the region.

However, despite the many positive changes brought about by the TPR, female refugees in particular continue to face massive challenges throughout the migration process. Female refugees face considerably higher rates of physical and sexual abuse, particularly in refugee/migrant settings;⁹ demands for healthcare for women, particularly the estimated thirty-thousand female Syrian refugees who are pregnant, are urgent;¹⁰ and antiquated geographic limitations often force women to work under

⁴ UNHCR, Government of Turkey, "Syria Regional Refugee Response," *Inter-agency Information Sharing Portal*, last modified November 7, 2016, <http://data.unhcr.org/syrianrefugees/regional.php>.

⁵ "Syria Crisis Situation Report- August 2016," UNICEF, last modified September 7, 2016, file:///C:/Users/Shelby/Downloads/UNICEFSyriaCrisisSituationReport-August2016.pdf.

⁶ Republic of Turkey, Regulation No. 1994/6169, Procedures and Principles related to Possible Population Movements and Aliens Arriving in Turkey either as Individuals or in Groups Wishing to Seek Asylum either from Turkey or Requesting Residence Permission in order to Seek Asylum from Another Country (last amended 2006), January 19, 1994. <http://www.refworld.org/docid/49746cc62.html>.

⁷ Ahmet İçduygu, "Syrian Refugees in Turkey: the Long Road Ahead," *Migration Policy Institute*, April 2015. <http://www.migrationpolicy.org/research/syrian-refugees-turkey-long-road-ahead>.

⁸ Rebecca Kilberg, "Turkey's Evolving Migration Identity," *Migration Policy Institute*, July 24, 2014. <http://www.migrationpolicy.org/article/turkeys-evolving-migration-identity>.

⁹ UNHCR, "Sexual and Gender-Based Violence Against Refugees, Returnees, and Internally Displaced Persons," May 2003. <http://www.unhcr.org/protection/women/3f696bcc4/sexual-gender-based-violence-against-refugees-returnees-internally-displaced.html>.

¹⁰ Athina Gkouti, "Women at Risk: Syrian Refugees and Healthcare in Turkey," *Centre for Policy and Research on Turkey*, November 16, 2015. <http://researchturkey.org/women-at-risk-syrian-refugees-and-healthcare-in-turkey/>.

exploitative conditions.¹¹ Therefore, although the TPR has many merits, it has contributed to the gendered disparity of outcomes among refugees and should be improved moving forward in order to protect the lives of all refugees, particularly women and girls, in Syria.

History and Politics of the Law

Social and Cultural Factors

Turkey has long been considered a “transit country,” a place of emigration more than immigration. Groundbreaking labor migration agreements in the 1960’s with Germany and other western European countries set a precedent especially for this phenomenon, and led to historic outflows of Turks. The Turkish Ministry of Foreign Affairs estimates that today, more than five million Turks live abroad.¹² However, in more recent times Turkey has dealt with huge influxes of people, namely refugees and asylum-seekers from northern Africa and the Middle East, though never with such immense numbers as the current Syrian Refugee crisis. Furthermore, the past twenty years have seen tremendous changes economically in Turkey, principally a massive economic revival despite a global downturn at the same time. Because of this, from 2007 to 2011 as many as two-hundred thousand Germans of Turkish heritage returned to Turkey to enjoy the booming economy, along with thousands of other immigrants from around Europe, the Middle East, and Northern Africa. Most of these returnees are not actually returning at all. Many were born, raised, and educated abroad, but Turkish policies allow those who have retained their citizenship abroad to bypass visa and work permit applications as a testament to the Turkish commitment to maintaining an ethnically homogeneous population. Turkish officials hold that limiting full immigration to those who have cultural and familial ties to Turkey will promote national unity. However, traditional immigration flows to Turkey have diversified recently, stemming from countries like Romania, Macedonia, Greece, and Bulgaria.¹³ This shift in the paradigm of Turkey from principally emigration to more immigration now has had profound effects on the social structure and government policy in the country, affecting the treatment of refugees in the country today.

This influx in diverse immigration, even before the Syrian refugee crisis, has raised integration concerns within Turkey. Beginning in the 1920s immigration of foreign nationals of Turkish descent or culture was encouraged and prioritized over other forms of immigration in order to facilitate easy and more complete assimilation, since many already spoke Turkish and practiced the same religion.¹⁴ The diversification of immigrant flows into Turkey in the first decade of the twenty-first century has created a more heterogeneous population, causing concern among leaders in Turkey of internal conflict and upheaval.¹⁵

Immigration and Irregular Migration Laws and Policies in Place Today

The overarching refugee and irregular migrant policy in Turkey today is the Law on Foreigners and International Protection (LFIP) including the TPR, the subject of this policy analysis. Originally passed in 2013, LFIP entered into force of law in April

¹¹ Uzay Bulut, “Turkey: The Business of Refugee Smuggling, Sex Trafficking,” *Gatestone Institute*, April 3, 2016. <https://www.gatestoneinstitute.org/7756/turkey-refugees-sex-trafficking>.

¹² Kilberg, “Turkey’s Evolving Migration Policy.”

¹³ *Ibid.*, 3.

¹⁴ *Ibid.*

¹⁵ Ahmet İçduygu, “EU-ization Matters: Changes in Immigration and Asylum Practices in Turkey,” in *The Europeanization of National Policies and Politics of Immigration* 2007, ed. Thomas Faist (Palgrave Macmillan UK, 2007) 201.

2014 with a subsequent addition of the TPR October 24, 2014. The policy allows a legal underpinning for the de facto practices of Turkey since the start of the refugee crisis in 2011 and 2012. The TPR then is technically considered secondary legislation, though it is the defining piece of the LFIP.

In order to combat the threat of civil unrest caused by increasing heterogeneity, Turkish officials have instituted a number of policies in recent years to encourage integration of new Turkish citizens and to discourage full citizenship for certain populations. These changes in immigration flows and immigration policy in the past twenty years in Turkey have been referred to as “one of the most significant features of [the country’s] recent history.”¹⁶ Many of these policies now shape the landscape for Syrian refugees in Turkey. One of the most controversial immigration policies in the country is the geographical limitation for refugees and irregular migrants. In an effort to maintain a relatively homogeneous Turkish citizenry, the geographic limitation only grants refugee status to individuals from Europe; all others receive only temporary protection status. This policy, first established in the 1934 Law on Settlement, bars many Syrian migrants from the protections of full citizenship, restricting them from staying in Turkey legally and indefinitely even as UNHCR registered refugees.¹⁷ This leaves the long-term future of irregular migrants in Turkey up in the air. Although the temporary protection status does grant refugees the right to access health, education, other social services, and the labor market, it does not give them any access to full Turkish citizenship. No clear limit was placed on the duration of this temporary protection status, though, and in practice it has been very challenging to maintain this limitation as refugees pour in and continue to stay in the country.¹⁸

On the other hand, Turkish officials have passed legislation to integrate and assimilate diverse immigrants and “guests” in the country. The TPR mentions the development of courses to increase knowledge of Turkey’s political system, language, history, culture, and economic system, as well as the obligations and rights of people residing in Turkey.¹⁹ Furthermore, the country has passed new labor laws to allow highly educated foreigners greater access to labor markets, although there has been difficulty equating and certifying foreign degrees in a timely manner.²⁰ Many persist that these efforts are not sufficient for providing for foreigners in Turkey or for uniting the Turkish citizenry.

To further complicate Turkish attitudes and policies on immigration and refugees, the European Union (EU) has been pressuring the country to accept more refugees and change many of their policies. Following the 1999 Helsinki European Council, Turkey is a candidate for accession to the EU.²¹ Accession negotiations have led to great change in Turkey, particularly with regards to immigration and refugees. Europe has long admonished Turkey’s restrictive immigration and migration standards, particularly their use of a geographical limitation. Although Turkey has not bowed to the will of the EU on all issues, their intentions of joining the EU have certainly shaped immigration and refugee policy in the past twenty years.

¹⁶ Ibid.

¹⁷ Kilberg, “Turkey’s Evolving Migration Identity.”

¹⁸ İçduygu, “Syrian Refugees in Turkey,” 5.

¹⁹ Republic of Turkey Ministry of Interior, Law No.: 6458: 97.

²⁰ Anadolu Agency, “Turkish Parliament Passes New Labor Law on Foreigners,” *Hurriyet Daily News*, July 29, 2016. <http://www.hurriyetdailynews.com/turkish-parliament-passes-new-labor-law-on-foreigners-.aspx?PageID=238&NID=102241&NewsCatID=341>.

²¹ “EU-Turkey Relations,” *European Commission-Enlargement*, accessed September 30, 2016. http://ec.europa.eu/enlargement/candidate-countries/turkey/eu_turkey_relations_en.htm.

In March 2016, the EU and Turkey entered into a controversial deal to address the huge numbers of Syrian refugees entering Greece. Under the deal, which has been called a “one in one out” policy, all new “irregular migrants” arriving in Greece after March 20, 2016, will be sent immediately to Turkey. For each irregular migrant sent to Turkey, EU member states will accept and resettle a refugee residing in Turkey. Many question the legality of such a deal under the 1951 refugee convention, as it subjects all refugees to a blanket policy and may increase their chances of being subjected to human rights infractions.²²

Historical Immigration and Refugee Policies in Turkey

Until the 2014 LFIP, Turkish policy on asylum could be viewed as an ad hoc policy construction, largely based on laws and policies passed as conflict mounted or influxes peaked. From 1934 to 2006, the closest thing Turkey had to comprehensive mass migration policy was the Law on Settlement. The Law on Settlement can be considered the first enumeration of Turkey’s geographic limitation, restricting asylum and immigration to those of “Turkish descent and culture,” setting a precedent for all subsequent refugee policy in the country.²³ The next iteration of asylum and mass migration policy was not adopted in Turkey until the 1950s when Turkey became party to the UN Convention Relating to the Status of Refugees, also known as the 1951 Geneva Convention. Nonetheless, the geographical limitation was kept in place.

The first major challenge to the geographical limitation came in the early 1990s, in the face of mass migration from northern Iraq. It was then that Turkey introduced the Regulation on Asylum, creating a regulation system wherein all asylum seekers had to apply not only to the UNHCR as is standard, but also to the Turkish authorities. If the Turkish government deemed the refugee’s claims to be genuine, they were granted temporary protection until the UNHCR could manage their case properly. Yet, the geographic limitation stayed in place as the policy was two-tiered: the first tier being European asylum-seekers who did not need to register twice, and the second, non-European asylum-seekers to whom the double-filing rule applied.

Following the 1999 turning point in the Turkish attempt for accession to the European Union described above, new laws and policies were introduced. Before accession negotiations began in 2005, Turkish officials prepared a National Action Plan for Adoption of Acquis on Asylum and Migration (NAPAA), to guide the modernization of Turkish migration policy. It was under this guidance that LFIP was born in April 2013. LFIP represents the first comprehensive and updated act about migration-related issues in Turkey, including policy governing visa policy, residence permits, asylum status, deportation, detention, and integration. In accordance with this policy, most notably its Temporary Protection Regulation added in October 2014, Syrian refugees were granted temporary protection status, granting all registered Syrian nationals and stateless persons from Syria access to health, education, the labor market, and social assistance programs.²⁴

The Feminist Policy Analysis Framework and Transnational Feminism

The authors selected feminist social work academic Beverly McPhail’s 2003 *Feminist Policy Analysis* to analyze Turkey’s Temporary Protection Regulation in an attempt to understand the ways the TPR affects female asylum seekers in the country

²² Elizabeth Collett, “The Paradox of the EU-Turkey Refugee Deal,” *Migration Policy Institute*, March 2016. <http://www.migrationpolicy.org/news/paradox-eu-turkey-refugee-deal>.

²³ N. Asli Sirin Oner and Deniz Genc, “Continuity or Change in Turkey’s Mass Migration Policy: from 1989 emigres to Syrian ‘guests’,” in *Turkish Migration Conference 2015 Selected Proceedings* (Transnational Press London 2015).

²⁴ *Ibid.*, 8.

today. The framework offers a series of questions for policy analysts to systematically examine a given policy from a transnational feminist standpoint.

Transnational feminism undergirds the chosen policy analysis framework as a way of evaluating the needs of women with regards to policy and the effects these policies can have on women. Transnational feminism is focused on the intersection of global and local inequalities, while considering the intersection of inequality, culture, power, and knowledge.²⁵ However, transnational feminism moves away from the idea of a global feminism. It is not meant to speak for everyone and is cautious to avoid a “rescue agenda.”²⁶ Traditional policy frameworks, in remaining gender neutral or overlooking the specific effects of policy on women, do not fully analyze the intricacies of policy and the role they play in society. From the standpoint of transnational feminists, oppressive conditions for women result in the diminished status of women. Around the world, women face poverty, limited access to education or economic opportunity, and restrictive gender roles. Transnational feminists seek equality for women by addressing these structural inequities; encouraging the development of resources that allow women to extricate themselves from oppression and poverty. The focus of transnational feminism is on the social structural factors that give rise to the oppressive conditions women face. While global feminism, which is closely aligned with post-colonial theory, is most concerned with advancing women’s rights unilaterally around the world, transnational feminism recognizes the multiple realities of women around the world.²⁷

Syrian refugee women in Turkey face innumerable oppressive social structures under Turkey’s TPR which create an inequitable and dangerous environment for them in refugee camps and urban resettlements. Female refugees face an increased risk of sexual and physical assault, trouble accessing the labor market and other vital economic opportunities, and difficulty accessing sufficient healthcare.²⁸ The assumed gender neutrality of refugee issues under TPR has created a dangerous environment for female refugees in Turkey. While many have evaluated refugee policy in Turkey as well as around the Middle East and Europe in response to the Syrian refugee crisis, little attention has been paid to the transnational feminist perspective on these policies or to the affect these policies have on women in particular. By failing to consider gender in policy analysis, policy analysts have overlooked a critical piece of evidence in the systematic evaluation of Turkey’s refugee policy.

The specific goals of feminist policy analysis vary from analyst to analyst, but most often center on making women visible in policy. As the framework author Beverly McPhail puts it, “making women visible has many facets, including how men and women are treated differently or the same; the underlying assumptions and stereotypes of women embedded in policy; and how women’s lives and roles are regulated and constrained by policy.”²⁹ The authors, in analyzing Turkey’s TPR, were guided in particular by three overarching themes of McPhail’s feminist policy analysis framework: (1) Equality: Does the policy achieve gender equality? Is there equality of results or disparate impacts? Does the policy treat people differently in order to treat them equally well? Does the policy

²⁵ Vrinda Narain, “Rethinking Transnational Feminism,” *Canadian Journal of Women and the Law* 27 (2015):355.

²⁶ Leela Fernandes, *Transnational Feminism in the United States: Knowledge, Ethics, and Power* (New York: New York University Press, 2013).

²⁷ Tamara Hunt and Michelline Lessard, *Women and the Colonial Gaze* (Palgrave Macmillan UK, 2002).

²⁸ Goleen Samari, “The Response to Syrian Refugee Women’s Health Needs in Lebanon, Turkey and Jordan and Recommendations for Improved Practice,” *Humanity in Action*, 2015. <http://www.humanityinaction.org/knowledgebase/583-the-response-to-syrian-refugee-women-s-health-needs-in-lebanon-turkey-and-jordan-and-recommendations-for-improved-practice>.

²⁹ McPhail, “Feminist Policy Analysis Framework,” 44.

consider gender differences in order to create more equality? (2) Gender Neutrality: Does presumed gender neutrality hide the reality of the gendered nature of the problem or solution? and (3) Equality/Rights and Care/Responsibility: Is there a balance of rights and responsibilities for women and men in this policy? Are women penalized either for their roles as wives, mothers, or caregivers or their refusal to adopt these roles?³⁰ The authors prioritized these themes because they examine the gendered nature of refugee issues despite the common perception that refugee policy is gender neutral. In evaluating these themes, the authors hoped to examine the effects of purported gender neutrality in transnational refugee policies.

Application of the Three Policy Analytic Themes

Gender Neutrality

Nowhere in the Temporary Protection Regulation are policies and protections specifically targeted at women ever enumerated except in the case of medical care for pregnant women. While at first it may seem that the equal treatment of men and women throughout the policy is a merit of the legislation, in fact this erasure of gender differences endangers refugee women by failing to protect them from the specific challenges they face during irregular migratory periods. Dr. Margaret Conway, Dr. David Ahern, and Dr. Gertrude Steuernagel, academics focused on the topic of women and public policy, assert that gender neutrality can harm women in two ways: eliminating policies that specifically advantage women such as alimony following a divorce, and diverting attention away from women who cannot or will not adopt the lifestyle ascribed to the middle-class, white, heterosexual man.³¹ In the case of refugee women, it is critical that successful refugee policy ensures their security and access to services in the face of dangers that disproportionately affect women. Unfortunately, by not addressing the disproportionate effects of these dangers or the role of gender in the lives of refugees, the TPR fails to provide gender equality to refugees, leaving women vulnerable to sexual and gender based violence and lapses in healthcare.

The erasure of gender can be seen in even the foundations of the TPR with the repeated use of “foreigner” to refer to all refugees as a means to glaze over the specific challenges female refugees face that are different from men. The only references to women are all paired with their masculine counterpart: “single mother or father,” “his/her,” and “he/she.” By discussing issues that disproportionately affect women without using gendered language and by never stating that there are, in fact, refugee issues which plague women excessively, the TPR ignores the gendered nature of the issues. Within the TPR, gender-neutral language and gender-neutral approaches to all refugee issues serve to solidify the erasure of women’s issues within the policy, a problem that permeates the whole policy and is apparent in the outcomes today of the policy in Turkey.

Equality

Women are erased from the policy even more concretely in that there are no enumerated policies to assist women in particular besides expedited medical service for pregnant women. Though it has been shown statistically and qualitatively that refugee women face pervasive sexual and gender based violence (SGBV), Turkey’s TPR does little of substance to establish any system for prevention, punishment, or support for

³⁰ Ibid.

³¹ M. Conway, D.W. Ahern, and G.A. Steuernagel, *Women in Public Policy: A Revolution in Progress* (Washington D.C.: CQ Press, 1995).

victims of SGBV.³² The only verbiage TPR offers with regards to the gender-based violence women face in refugee camps is vague and does not offer genuine protections outside of the laws previously in place to protect traditional Turkish citizens living in permanent housing: “preventative and protective measures shall immediately be taken for foreigners who are identified to be victims of violence pursuant to Law No. 6284 on Protection of the Family and Prevention of Violence Against Women.”³³ While extending the existing protections written for Turks living in permanent settings does offer an avenue for protection for some women, it is not sufficient to protect Syrian refugee women. Refugee women often face numerous additional or different obstacles in preventing and punishing SGBV as compared to permanent residents: rapists and perpetrators in positions of authority, even perpetrators who hold official and/or military positions; different cultural backgrounds and norms with regards to reporting incidents of SGBV; and language barriers or other logistical obstacles that must be taken into account by successful policies.³⁴

Refugee women face incredibly high rates of SGBV: rape, early or coerced marriage, forced prostitution, and physical abuse. These gender-based forms of violence may be exacerbated especially by the dissolution of social order as well as physical and economic security during displacement. The perpetrators of these attacks can be other refugees, family members, spouses, camp guards, government officials, or NGO workers, among others.³⁵ A study of refugees and internally displaced peoples across fourteen countries in 2013 found that twenty-one percent of refugee women interviewed admitted experiencing some form of sexual violence during their displacement.³⁶ In 2012, eighteen percent of all marriages of Syrians registered in Jordan were “early marriages.”³⁷ While men also face rape, domestic violence, physical abuse, and early marriage, these issues overwhelm plague female refugees.^{38,39} How then, can Turkey’s omission of gender-based and gender-sensitive protections specifically for female refugees in the TPR be defensible?

Though concrete statistics on rates of SGBV in Turkey among Syrian refugees are hard to come by, due in part to the strict control Turkey maintains over data collection and information with regards to the refugee crisis there, many interviews by NGOs and international organizations point to the consequences of the shortcomings of the TPR. One woman working at the International Rescue Committee, an NGO in Turkey, reported that seventy percent of women visiting the center have disclosed violence by an intimate partner, noting additionally that the longer the conflict continues the higher these rates are likely to climb. Furthermore, many note that non-reporting of incidents of SGBV is a huge problem among refugees who cite pressure from family members and the risk of separation from family members as reasons driving them to protect their aggressors.⁴⁰ In

³² Alexander Vu, et al. “The Prevalence of Sexual Violence among Female Refugees in Complex Humanitarian Emergencies: a Systematic Review and Meta-analysis,” *PLoS Currents* 8, March 18, 2014.

³³ Republic of Turkey, Law No. 6284, 48, 3, Protection of the Family and Prevention of Violence against Women, March 8, 2012.

³⁴ *Ibid.*

³⁵ UNHCR, “Sexual and gender-based violence against refugees,” 20.

³⁶ Alexander Vu, “The Prevalence of Sexual Violence among Female Refugees.”

³⁷ Ana Belen Anguita Arjona, “Sexual and Gender-Based Violence: Syrian Refugees in Jordan,” *Sexual and Gender-Based Violence Sub-Working Group*, March 2014. file:///C:/Users/Shelby/Downloads/SGBVBriefingNote_finalMarch.pdf.

³⁸ Alexander Vu, “The Prevalence of Sexual Violence among Female Refugees.”

³⁹ UNHCR, “Sexual and gender-based violence against refugees,” 12.

⁴⁰ Stephanie Parker, “Hidden Crisis: violence against Syrian female refugees,” *The Lancet*, June 13, 2015. [http://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(15\)61091-1/fulltext?rss%3Dyes](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(15)61091-1/fulltext?rss%3Dyes).

this sense, it is apparent that extending the same legislation to Syrian refugees as to Turkish nationals pre-refugee crisis is not effective because of the numerous cultural factors and lifestyle differences at play. Even if those policies are effective at helping Turkish women, the TPR will not be able to effectively serve Syrian refugee women until their specific needs are considered in policy construction; for instance, by creating specific anonymous SGBV reporting systems sensitive to the various cultural norms of different Syrian refugee groups in Turkey or by adequately regulating marriages of young refugees.

On the issue of youth marriages and other coerced marriages and prostitution agreements, refugee women divulged details of numerous dubious matchmakers at work within the refugee camps to journalists in 2014, pimps working in the camps to arrange marriages or prostitution of vulnerable Syrian women to older Turkish men in exchange for citizenship or money.⁴¹ Because the TPR only includes protections for women from previously established laws targeted at non-refugee populations the regulations do not effectively protect against situations like this. Therefore, even though the TPR makes efforts to support those who fall victim to SGBV, by not considering the specific needs of refugee women the policy fails to protect women from the atrocities of rape, physical and sexual abuse.

Health services afforded to refugee women in Turkey, while also subject to numerous flaws, are slightly better devised to protect refugee women today than the aforementioned SGBV protections. Refugees in all settings, all around the world face challenges in accessing healthcare services, including emergency services, care for chronic conditions, reproductive healthcare, and other primary care services. The most common obstacles restricting access to appropriate healthcare include language barriers, varying cultural attitudes towards health and healing, cost, and mental health problems.⁴² The case of Syrian refugees is unique because before the Syrian civil war, Syria had one of the best healthcare systems in the region, meaning many Syrian refugees are plagued more by lapses in care for chronic conditions than by infectious diseases as is often expected of refugee populations.⁴³ In order to meet the anticipated healthcare needs of incoming refugees, Turkey included numerous protections and services in the TPR including provisions for immediate emergency health services, family planning resources, examinations for incoming refugees to prevent public health crises, and vaccination services among other benefits. The primary problem with the protections afforded under the TPR is that they are not geared towards the needs of the numerous urban refugees in Turkey who are far less centralized and connected to resources than refugees living in camps, nor are they entirely culturally competent.⁴⁴ The resulting lapses in healthcare can have extremely serious consequences for women: complications during pregnancy, unplanned pregnancies, and insufficient control of chronic and life-threatening conditions.

⁴¹ Dominique Soguel, "In Turkey, Syrian Women and Girls Increasingly Vulnerable to Exploitation," *Christian Science Monitor*, October 26, 2014. <http://www.csmonitor.com/World/Middle-East/2014/1026/In-Turkey-Syrian-women-and-girls-increasingly-vulnerable-to-exploitation>.

⁴² R. Asgary, "Barriers to Healthcare Access among Refugees," *Project Muse* 22, no. 2 (2011).

⁴³ Caroline Abu Sa'Da and Micaela Serafini, "Humanitarian and medical challenges of assisting new refugees in Lebanon and Iraq," *Forced Migration Review* 44 (2013). <http://www.fmreview.org/detention/abusada-serafini.html>

⁴⁴ Sevil Erkus, "Turkey Failed on Urban Refugee Policies: Expert," *Hurriyet Daily News*, August 9, 2014. <http://www.hurriyetdailynews.com/turkey-failed-on-urban-refugee-policies-expert.aspx?pageID=238&nID=70178&NewsCatID=339>.

An estimated five-hundred thousand refugees in Turkey are women of reproductive age. It is further estimated that thirty thousand are pregnant.⁴⁵ This influx of women and especially pregnant women is a huge challenge for Turkish health systems and refugee services in place in Turkey. From a transnational feminist perspective, reproductive healthcare is of paramount importance to refugee women. Protections which allow women to have bodily autonomy and good health are foundational to all other protections which can be afforded to women. In general, women have traditionally borne the numerous burdens associated with reproduction: those which are obvious like pregnancy and childbirth, and those which are often undervalued and forgotten like childcare and maintaining the domestic sphere.⁴⁶ This uneven burden is reflected in healthcare settings, wherein women face additional challenges, particularly as refugees, in obtaining the appropriate healthcare including reproductive care from family planning to post-natal care and everything in between. Lapses in healthcare can be viewed as an important feminist issue because they make women in particular vulnerable to loss of bodily autonomy and good health by compromising access to gynecological and family-planning services in addition to key primary care needs.

Within the TPR, Turkey classifies pregnancy as an emergency condition, meaning pregnant refugees are allowed immediate treatment. Furthermore, the TPR does include provisions specifically for reproductive healthcare, albeit brief and not well delimited, stating simply, “competent personnel shall provide information and conduct support activities about reproductive health.”⁴⁷ In spite of these protections in the TPR, urban refugees (a status more than one million Syrian refugees in Turkey have adopted) cite extremely limited access to healthcare. A 2014 Disaster and Emergency Management Authority (AFAD) report found that forty percent of Syrian living outside camps had limited or no access to healthcare.^{48, 49} While ninety percent of refugees in camps have used health services in Turkey, only sixty percent living outside camps have.⁵⁰ While protections for women still in traditional refugee camps are better because of the more centralized nature of camps, it is apparent many female refugees are not receiving the care they need. Therefore, it is critical that Turkey further develop and delimit protections for healthcare within the TPR to accommodate the increasingly urban nature of this refugee crisis.

Mental healthcare is another key issue for refugees in Turkey. More than half of surveyed refugees in Turkey reported that they or their families required psychosocial support in a 2014 AFAD report.⁵¹ Traumatic experiences in combat zones, stress from disruptions in family structure, sexual violence, physical violence, and stress from displacement and relocation can all contribute to the development or worsening of mental conditions such as anxiety, depression, and post-traumatic stress disorder. Furthermore, disrupted access to healthcare can have dire consequences for women already treating their mental illness. While the TPR does provide for psychosocial services for refugees including strict cost maximums for services and prescriptions, it is especially difficult for urban refugees to access these services as needed.⁵² Women are faced with specific vulnerabilities. The UNHCR reports that a quarter of Syrian refugee households are now headed by women: “Life in exile for these women has meant becoming the main

⁴⁵ Athina Gkouti, “Women at Risk.”

⁴⁶ K.J. Swift, *Manufacturing ‘bad mothers’: A critical perspective on child neglect* (Toronto: Toronto University Press, 1995).

⁴⁷ Republic of Turkey Ministry of Interior, Law No.: 6458, 27f.

⁴⁸ *Ibid.*, Article 27.

⁴⁹ Prime Ministry Disaster and Emergency Management Authority, “Syrian Women in Turkey,” *AFAD*, 2014.

⁵⁰ Samari, “The Response to Syrian Women’s Health Needs in Lebanon.”

⁵¹ Gkouti, “Women at Risk.”

⁵² Samari, “The Response to Syrian Women’s Health Needs in Lebanon.”

breadwinner and caregiver, fending for themselves and their families, away from their communities and traditional sources of support. For most, the burden is overwhelming.⁵³ Providing care to urban refugees is further complicated by the fact that more than one-third of urban refugees are not registered like they would be in a camp setting.⁵⁴ Furthermore, within mental healthcare, the language barrier is especially apparent and must be bridged by providing translators and allowing Syrian doctors to practice more freely within Turkey.⁵⁵ It is critical that Turkish policies be tailored to meet the needs of the large populations of urban refugees: improving refugee registration efforts, starting more clinics in urban locations, improving communication of benefits to refugees, and ensuring appropriate cultural and gender sensitivity among care providers and healthcare settings.

By ignoring the specific needs of Syrian-refugee women in constructing the TPR, policymakers have fueled gender-based inequality among refugees, leaving women especially vulnerable to the threats associated with refugee status like SGBV, lapses in necessary healthcare, and restricted access to family planning resources. Although the policy does make critical resources available, by not delimiting the policy appropriately, not considering the urban nature of the Syrian-refugee crisis in Turkey, and recycling policies written for permanent Turkish citizens the TPR cannot effectively ensure the safety of refugees, especially women. Because men and women face different challenges during the refugee and irregular migration process, it is critical that effective policy treat people differently in order to treat them equally well.⁵⁶

Equality/Rights and Care/Responsibility

Access to the labor market is critical because it is a key part of integration into Turkish society, a necessary next step for refugees to avoid becoming alienated from the rest of society. As the conflict in Syria rages on, many in Turkey are turning away from their initial generosity towards increased xenophobia.⁵⁷ Increased integration among refugees will calm this xenophobia and hatred by reducing the financial burden of refugees on the government. Within the TPR, Turkey establishes that anyone with a Temporary Protection Identification document will be granted entry to the labor market. In this sense, the regulation does challenge the dichotomization of men as public actors and women as private actors because it grants both genders equal access to economic opportunity and equal rights in the economic sector under the law. This is an important factor in minimizing structural inequality between men and women by allowing women the power to work and maintain independence from men.

However, due to the large proportion of unregistered urban refugees in Turkey, the protections afforded by the TPR are often not realized, leaving refugees vulnerable in the labor market, even starving or homeless alone in the city. Unregistered refugees are left to work almost exclusively in the informal labor market, begging and working as street vendors earning extremely low wages.⁵⁸ Unregistered women in financial distress may turn to prostitution or even be lured into selling their children into human trafficking or forced marriages as a means of survival. Interviews with lawyers at human rights organizations in Turkey reveal that many women even accept payment in food and other daily necessities because conditions are so dire at times.⁵⁹ If Turkey is to

⁵³ Omer Karasapan, "Syria's Mental Health Crisis," *Brookings*, April 25, 2016. <https://www.brookings.edu/blog/future-development/2016/04/25/syrias-mental-health-crisis/>.

⁵⁴ "Syrian Refugees in Turkey 2013" in *Field Survey Results*, 21" AFAD.

⁵⁵ Karasapan, "Syria's Mental Health Crisis."

⁵⁶ *Ibid.*

⁵⁷ McPhail, "Feminist Policy Analysis Framework," 48.

⁵⁸ İçduygu, "Syrian Refugees in Turkey," 11.

⁵⁹ Bulut, "Turkey: The Business of Refugee Smuggling."

protect refugees from the dangers of the informal labor market, it is critical that they improve the system of registration for urban refugees. Doing so would lessen the risk of child labor, child marriage, and forced sex work by allowing all refugees to access the protections put in place by the TPR in Turkey. While the protections afforded are functional and equitable, they cannot be considered successful until all of the most vulnerable populations can access them. Until then, women will unjustly be left vulnerable in Turkey.

Furthermore, recent reports estimate that less than one-third of school age children in Turkey have access to schooling, meaning long-term integration through participation in the labor market may be slowed by poorly qualified applicants. Even more worrisome, children out of school are prime recruits for crime and terrorism networks who lure some in with radical Islamist education. Education is one of the biggest structural stumbling blocks to gender equality because without equitable access to education, women cannot hope to attain equality economically or politically later in life. Therefore, limiting refugees' access to education will seriously hinder their integration and opportunity in Turkey and back in Syria if they choose to return.⁶⁰ While the TPR does state that refugees will be granted access to education services, with particular age groups receiving priority status, the execution of the policy in the light of the current reality of the refugee situation in the country is clearly flawed. It is imperative that once again Turkey doubles down on their efforts to register all refugees in the country, particularly those in urban settings who have slipped through the cracks, so that everyone in need will be able to access necessary services. Additionally, officials should collect data from urban refugees and adjust their systems accordingly so that logistical barriers do not block children from educational services.

The TPR fails to recognize the challenges of single mothers and is by not being responsive to the needs of the many single mothers in need of assistance in Turkey, Turkey is inadvertently punishing women for their role as mothers, a problem that has persisted for women around the world for centuries. Single mothers, particularly those living alone outside of camps, must provide for their family, a task made more challenging in light of difficulties obtaining sufficient childcare services in particular. Even though the TPR does provide some support to those who are registered, it is often not enough, and those who are not registered cannot access any benefits.⁶¹ While the TPR does provide education services, as many as two-thirds of school-aged children in Turkey do not attend school. Plus, childcare for younger children is not available under the TPR.⁶² Earning a living then, is nearly impossible for single mothers, who cannot leave the home to work a traditional job even if they are qualified due to their childcare responsibilities. Alternatively, some single mothers may respond to the financial hardships of being a refugee and single parent by selling their child into forced marriages or human trafficking networks to survive.⁶³ By not including protections for single mothers, the TPR is once again gender neutral to a fault, ignoring the gendered reality of refugee issues to the detriment of many Syrian women and children in Turkey today.

⁶⁰ UNICEF, "Girls' education and gender equality," last updated July 23, 2015. https://www.unicef.org/education/bege_70640.html.

⁶¹ Renate van der Zee, "Syrian refugees: Single mothers' daily fight for survival," Aljazeera <http://interactive.aljazeera.com/aje/2016/syrian-refugees-single-women-fight-survival/#top>.

⁶² UNICEF "Girls' education and gender equality."

⁶³ "Syrian Refugee Crisis FAQ: What you need to know," *World Vision*, last updated November 15, 2016. <https://www.worldvision.org/refugees-news-stories/syria-refugee-crisis-faq-war-affecting-children>.

Recommendations for the Future

In order to better protect refugee women in Turkey, policymakers should refine policies like the TPR with greater sensitivity for the ways in which gender and culture shape the refugee experience. This can be done principally by replacing recycled policies within the TPR with policies written based on research and statistics from current refugee populations in Turkey. This means Turkey must first loosen their restrictions on freedom of press in the country to allow for collection of more data from refugees in the country. The Committee to Protect Journalists (CPJ) has stated that freedom of the press in Turkey is under siege, “with increasing numbers of journalists in jail, violence against journalists on the rise, and critical news outlets officially harassed or obstructed.”⁶⁴ If Turkey is to understand the shortcomings of their current policy and improve it effectively moving forward, they must first understand the needs of refugees through reporting and data collection by journalists and researchers that is not fully possible today with such an authoritarian approach to press freedom. Deporting foreigners reporting on the refugee crisis and political situation in Turkey is not acceptable if Turkey is truly interested in protecting refugees in their nation.⁶⁵ Understanding the needs of refugees is critical to constructing effective policy but cannot be accomplished without input and data from the populations in question. While some data has been gathered and is included in this analysis, more data would improve the efficiency of future refugee policy in Turkey. Based on this data, Turkey can adjust their existing policies to accommodate the needs of urban refugees, of female refugees, of single mothers, of victims of SGBV, etc. The current policy erases gender-based issues among refugee populations, but it is critical that refugee policy in Turkey moving forward be especially attentive to the unique vulnerabilities of women in refugee settings as detailed earlier.

Beyond increasing cultural and gender sensitivity throughout the policy, it is of the utmost importance that the refugee-registration system be expanded to prevent refugees, particularly urban refugees, from falling through the cracks. Given the increasingly urban nature of this crisis, it is critical, first and foremost, that urban refugees be registered so that they qualify for all necessary services and have a means of accessing them. Protections provided within the TPR cannot be considered successful if the neediest cannot access them. More than one million Syrian refugees live in urban settings following overfull camps and promises of more opportunity in urban settings.⁶⁶ More than one-third of these refugees are unregistered. Because the TPR only provides entry to the labor market for registered refugees with a formal identification card, many urban refugees are left to fend for themselves in the informal labor market, causing many women to turn to sex work or trafficking in the face of pressure to provide for their family financially. To limit activity in this informal labor market and ensure economic opportunity for Syrian refugees, ensuring all refugees, regardless of setting within Turkey, have proper registration and identification documents is extremely important.

The urban nature of the Syrian refugee crisis also makes the logistics of delivering benefits to those who are registered more difficult. The TPR largely overlooks the needs of these urban refugees. Living outside a camp makes it easier to slip through the cracks: urban refugees are further from centralized government services, making it more difficult to know about and effectively utilize benefits and protections available to

⁶⁴ Roy Greenslade, “Press freedom group in Turkey is under siege,” *The Guardian*, March 8, 2016. <https://www.theguardian.com/media/greenslade/2016/mar/08/press-freedom-group-in-turkey-is-under-siege-says-cpj>.

⁶⁵ “Turkey: Events of 2015,” *Human Rights Watch*, accessed October 5, 2016. <https://www.hrw.org/world-report/2016/country-chapters/turkey>.

⁶⁶ İcduygu, “Syrian Refugees in Turkey” 8.

them, leaving them vulnerable to economic distress, health crises, violence, and lapses in education. For this reason, policymakers must tailor the TPR to the needs of this urban population as well as the traditional refugees for which the current TPR seems to have been written.

Furthermore, it is imperative that policymakers further delimit the TPR in order to better guide effective implementation of benefits and protections for refugees. Such delimitation should be focused on tailoring the policy to the current and predicted needs of refugees in Turkey based on data collected, and will go hand in hand with the above recommendation of increasing the specificity and sensitivity of the policy to the current situation. It is not enough to say, for instance, that “competent personnel shall provide information and conduct support activities about reproductive health” without supportive public health campaigns or policy on the details of the availability and logistics of this support.⁶⁷ This is especially important for urban refugees who do not necessarily have consistent contact with other refugees or Turkish officials from which to learn about such services. Elaborating on services and protections available for refugees, whether within policies like the TPR or through better developed public health campaigns, is critical for improving access to key refugee services.

On the issue of health services in particular, it is important, once again, that Turkish refugee policy is responsive to the specific needs of Syrian women. Though every woman is different, the majority of Syrian refugee women surveyed noted a preference for same sex healthcare providers.⁶⁸ It is important to accommodate such cultural differences as much as possible because ignorance of them will drive Syrians to neglect available services, leaving them vulnerable. As stated above, the best way to be aware of these cultural preferences is to collect more data from incoming refugees. Additionally, the TPR could improve its treatment of healthcare issues by improving access to emergency contraception and counseling services for victims of sexual violence. While there are a number of complicating social and cultural factors, providing anonymity and security as well as publicizing availability of services well will be critical to improving mental health and reproductive health for refugees.

Limited access to education also contributes to economic hardships among refugees, especially as their stay in Turkey continues on while conflict continues to rage in Syria. The economic burden of providing schooling for all incoming refugees is enormous, but with the cooperation of NGOs and international organizations, Turkish policymakers must improve access to education and expand services in this sector to improve integration of Syrian refugees. Policymakers must take care that access to education is equitable across the genders and is in fact accessible to all refugees, regardless of urban or camp location. Doing so will require data-analysis and collection during the policy development process. Providing education, though, will be necessary for the effective integration of refugees.

Despite all these flaws, Turkey’s sacrifices financially and politically to take in refugees deserve recognition and appreciation. While the policies can and should be improved in order to protect refugees as much as possible, Turkey’s initial response of generosity and solidarity should not be overlooked. Improving their policies to better meet the needs of vulnerable women now will be another way for Turkey to show their solidarity and support for populations in need.

Conclusion

Although Turkey’s Temporary Protection is certainly a step in the right direction towards protecting female Syrian refugees from the deluge of problems that irregular migration and displacement cause, it does not do enough to consider the specific

⁶⁷ Republic of Turkey Ministry of Interior, Law No.: 6458, 27.

⁶⁸ Samari, “The Response to Syrian Refugee Womens’ Health Needs.”

circumstances many women face, leaving many Syrian refugees unduly vulnerable to violence, poor health, and extreme economic woes. Syrian refugee women and girls face elevated rates of SGBV, restricted or difficult access to healthcare services, limited access to economic opportunity, and poor access to available social services in general. Some of the barriers to access are logistical: many of the regulations and services implemented under the TPR were developed with traditional refugee camp settings in mind. While a portion of Syrian refugees do live in camps, the majority live in urban settings. This makes it much more difficult to disseminate information and resources about support services for refugees, while also making the physical task of reaching government buildings and healthcare centers more difficult in some cases.

Furthermore, many of the policies implemented under the TPR are recycled policies, originally written for permanent residents and Turkish citizens then applied to refugees. This is problematic and impedes successful care for refugees by ignoring the cultural differences and situational differences associated with being displaced, foreign, and transient. While there are provisions to provide Syrians with translators as needed in official and healthcare settings, other barriers may be harder to see and harder to overcome. Many Syrian women prefer to see healthcare providers of the same gender, while Turkish women often do not hold this same preference.⁶⁹ Also, Syrians may hold different attitudes towards seeking government or official assistance. Lastly, Syrian women often

Limitations on female refugees' access to labor markets and economic opportunity further endanger women in Turkey. The large number of unregistered refugees in urban settings in Turkey makes it difficult for many in need to access the services and protections granted under the TPR in the labor market, forcing them to turn to exploitative and low paying jobs within the informal labor market, including, in some cases, sex work or human trafficking. In order to better protect refugees, Turkish officials must improve the reach of the registration process in order to be able to extend the protections of the TPR to all who need them. By registering more refugees, fewer people will need to turn to the informal labor market.

There are no signs of the Syrian refugee crisis slowing any time soon. Especially given the new Refugee deal between Turkey and the European Union, Turkey is likely to continue receiving new refugees, many still exceptionally vulnerable to exploitation and violence. It is critical that Turkish policymakers take steps to better protect refugee women in their country. The consequences of inaction are grave: coerced marriage, forced prostitution, inadequate healthcare, inability to access even basic education services, domestic violence, and sexual assault. While the TPR does take steps to protect refugees, it is not doing enough because it was not designed with the specific needs of Syrian refugees in mind, particularly the masses of people living in urban refugee settings. Applying existing policies written with permanent Turkish citizens in mind while maintaining a mindset of refugees as "guests" is dangerous and ineffective as evidenced by the elevated rates of violence, hunger, and poverty cited among refugees in Turkey. Effective transnational feminist policy for refugees must consider the specific needs of women, although they are certainly diverse, in crafting legislation, rather than assuming complete homogeneity within refugee populations. The TPR falls short because it does not delve into the differences between the experiences of refugee men and refugee women, and the needs of urban Syrian refugee women in particular.

Implications

In order to improve the TPR and better care for Syrian refugee women, Turkey must reconsider their application of pre-existing policies to the current situation. Instead, they must adjust policy to fit the cultural norms of Syrian women. This will be

⁶⁹ Samari, "The Response to Syrian Refugee Women's Health Needs."

difficult to do, admittedly. It will require research and communication with women and refugees, but it is imperative that the specific needs of refugee women not be overlooked or ignored if the policy is to be successful. Undoubtedly, refugees must be protected. Refugee crises are, without exception, dangerous and taxing times, but each is unique and policymakers must recognize this to do their job of protecting refugees and permanent citizens effectively. An effective policy within one culture may not be an apt solution for all cultures; a policy for permanent citizens may not adequately protect irregular migrants. The only way policymakers can know how best to protect refugees is to understand their needs through data collection and genuine communication.

In order to protect women from the atrocities they face as refugees and to dismantle systematic gender inequality, policymakers must not overlook gender in policy construction. Gender is central to identity, and, as such, it must be central to successful policy as well. Gender equality is absolutely essential in the management of a refugee crisis, and oftentimes achieving it requires treating the genders differently in order to achieve real equality. This is an especially pertinent reminder in the case of the TPR. Refugee women are disproportionately vulnerable to many atrocities during their time in Turkey such as sexual and gender based violence; restricted access to social services, healthcare, education, and labor markets; and forced marriages among other issues. However, Turkish officials can protect them if they are sensitive to these systematic inequalities and construct a policy with the reality of today's refugee crisis in mind.

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History and Economics

The Original Exception: The *Originaires* in Senegal, 1848–1960

Nicole Smith

Abstract

When French colonialists governed parts of Africa, they partitioned Africans into groups of unique, individual statuses: *sujets*, *métis*, *originaires*, *tirailleurs*, and *assimilés*. These statuses contributed to uneven access to French goods and services within the French Empire, and the effects of such privilege help to explain the variation in success in Francophone West Africa. Senegal, specifically, included four privileged cities known as the Four Communes. Daily life in these four cities—Saint-Louis, Gorée, Rufisque, and Dakar—resembled Parisian life, in terms of both architecture and economic structure. The number of French settlers in the Communes increased access to education and administrative positions for Africans, primarily those belonging to the *métis* or *originaires* categories. This paper focuses on the lives of *originaires*, who were granted citizenship rights in the early twentieth century, attended French schools, and often worked for the French empire or as wealthy businessmen. *Originaires* gained the right to vote in 1833, although most other African groups did not gain this political right until 1946. This earlier access to political rights helped to establish the place of *originaires* and the Four Communes in the greater French Empire, which in turn led to a more active role in the French Union and better post-independence relationships. Furthermore, the success of these individuals contributed to Senegal's economic success in a post-colonial world.

Introduction

Originaires in colonial French West Africa were an exceptional group within the hierarchical structure of Senegal, as they represented a “crossroad between European, African and Muslim institutions and values.”¹ This hierarchal structure was based on both citizenship and race, and *originaires* were distinct within this categorization. The French began their exploitation of the Senegalese peoples in 1659 with the establishment of a trade port in Saint-Louis, though they were not the first to be attracted by the natural resources of the Senegal River. France was the third largest exploiter in the transatlantic slave trade, removed Africans from the continent, sent them to the Americas, and shipped sugarcane and coffee and other plantation crops to wealthy Europeans. Although later viewed as more civilized than interior Senegal, Saint-Louis and Gorée were the first point

¹ Francesca Bruschi, “Military Collaboration, Conscription and Citizenship Rights in the Four Communes of Senegal and in French West Africa (1912-1946),” in *The World in World Wars: Experiences, Perceptions and Perspectives from Africa and Asia*, ed. Heike Liebau et al. (Leiden, NL: Brill Publishing, 2010): 429.

of contact with Europeans and consequently lost nearly 300,000 Africans to the transatlantic slave trade.²

Nearly two centuries after such harsh interactions with Africans, France prohibited the slave trade and freed all former slaves living in French colonies following the February Revolution in France (1848) and the increased emphasis on the Rights of Man. In addition to freeing Africans from bondage, France also granted Senegal a seat as a representative in the French National Assembly and subsequently extended voting rights to anyone living in the two cities of Saint-Louis and Gorée. As the coastal cities of Dakar and Rufisque gained both economic and political importance, they too were granted the unique status as French voters, regardless of their personal status, or *statut personnel*. The status of French citizen was fully extended to *originaires* in 1916, nearly thirty years before the rest of the French Empire. Together, Saint-Louis, Gorée, Rufisque, and Dakar constituted the *Quatre Communes* (Four Communes).³ Because of their exceptional positions, both the unique geographic location and citizenship within the broader French Empire, the Four Communes have had greater economic success and more political clout than the former Protectorate in the interior regions of Senegal.

Based on existing economic literature investigating the long-term impacts of historical institutions, both colonial history and colonial rulers—Belgium, France, Great Britain, or Portugal—have significant consequences for economic growth in the present.⁴ Furthermore, these institutions and histories are “persistent,” meaning that they have long-term ramifications.⁵ Particularly, this persistence of history can be easily observed in considering how education has a lasting effect on development and institutions. Because education provides individuals with agency and opportunity for a more prosperous future, it continues to impact generations long after the initial school is built.⁶ Relative to French colonial history in Senegal and French West Africa, the Four Communes have had a significant impact the current economic and political state of Dakar in particular, as well as the country as a whole. This paper argues that the unique status of *originaires* in the Four Communes created during French colonization has resulted in greater economic success in these cities, Saint-Louis, Rufisque, Gorée, and Dakar. The *originaires* were considered as exceptional among Africans and special privileges among this unique group have continued despite the end of colonialism in Senegal.

² Nathan Nunn, “The Long-Term Effects of Africa’s Slave Trades,” *The Quarterly Journal of Economics* 123, no. 1 (2008): 139–176.

³ *Quatre Communes* will be referred to as both the Four Communes and Communes throughout this essay to be consistent with the literature.

⁴ Daron Acemoglu, Simon Johnson, and James A. Robinson, “The Colonial Origins of Comparative Development: An Empirical Investigation,” *American Economic Review* 91 (2001): 1369–1401; Acemoglu, Johnson, and Robinson, “The Reversal of Fortune: Geography and Institutions in the Making of Modern World Income Distribution,” *Quarterly Journal of Economics* 117 (2002): 1231–1294; Graziella Bertocchi and Fabio Canova, “Did Colonization Matter for Growth? An Empirical Exploration into the Historical Causes of Africa’s Underdevelopment,” *European Economic Review* 46 (2002): 1851–1871; Robert E. Hall and Charles I. Jones, “Why do Some Countries Produce So Much More Output Per Worker than Others?” *Quarterly Journal of Economics* 114, no. 1 (1999): 83–116; Nunn, “Historical Legacies: A Model Linking Africa’s Past to its Current Underdevelopment,” *Journal of Development Economics* 83, no. 1 (2007): 157–175; Nunn, “The Long Term Effects of Africa’s Slave Trades.”

⁵ Melissa Dell, “The Persistent Effects of Peru’s Mining *Mita*,” *Econometrica* 78, no. 6 (2010): 1863–1903.

⁶ Acemoglu, Johnson, Robinson, and Pierre Yared, “From Education to Democracy?” *National Bureau of Economic Research, Working Paper 11204* (2005): 1–11.

Colonial Senegal

The Four Communes were the first places in Senegal to be colonized by the French, and this history has set these areas apart from the interior. After the partial colonization along the coastal area by France in the mid-seventeenth century, Senegal was fully colonized in the late nineteenth century after the Berlin Conference in 1884. This conference outlined the agreed-upon rules among Europeans for dividing up the vast continent in what is known as the “Scramble for Africa.” Due to both a delay in interaction between the French and the African “savages” as well as the difference in statuses, the Four Communes have a distinct history compared to the interior or protectorate of Senegal. Much of this distinction is rooted in the varying terms of economic production that each region held. Senegal was a consistent economic powerhouse for France due to a constant supply of slaves until the mid-nineteenth century, a mass export of peanuts and groundnuts, and a coastal location providing quick access to France and to interior Africa as necessary.

Granted status several years apart—Saint-Louis and Gorée in 1872, followed by Rufisque and Gorée in 1880 and 1887, respectively—the Communes allowed Africans living in each city for at least five years to obtain rights as voters in French elections as a “blood tax”⁷ for their defense of the French Empire. Additionally, “black and *métis* residents of Senegal’s towns claimed citizenship rights because of their long history of loyalty to France and their engagement with republican political institutions.”⁸ These rights were granted regardless of personal status, meaning that a person could still be Muslim and practice polygamy while possessing a French political and economic identity.⁹ The decree that granted voting rights to Africans in Saint-Louis in 1872 also “created municipal councils responsible for deciding the local tax rate, collecting commune revenues, and reviewing the annual commune budget and presenting it to the governor for approval,” further distinguishing the specific role of *originaires* within French Senegal.¹⁰

Citizenship to freed slaves in the old colonies was granted in 1794 under the decree of *16 Pluviose Year II*, which proclaimed “Any person born free or having legally acquired his liberty enjoys in the French colonies: (1) civil rights [and] (2) political rights under conditions prescribed by law.”¹¹ This right and abolishment of slavery was extended to Saint-Louis in 1797 and Gorée in 1848. Because this legal action freed African slaves, nearly 12,000 mostly illiterate Africans obtained political rights equal to those of a French citizen.¹² This is exceptional because a later policy of *assimilation* required that Africans be well-educated and fluent in the French language; however, the

⁷ Mamadou Diouf, “The French Colonial Policy of Assimilation and the Civility of the Originaires of the Four Communes (Senegal): A Nineteenth Century Globalization Project,” *Development and Change* 29 (1998): 672; Bruschi, “Military Collaboration, Conscription and Citizenship Rights,” 429.

⁸ *Métis* are of mixed blood, meaning one French and one African parent, as will be discussed in subsequent sections. Hillary Jones, “Rethinking Politics in the Colony: The *Métis* of Senegal and Urban Politics in the Late Nineteenth and Early Twentieth Century,” *Journal of African History* 53 (2012): 344.

⁹ This issue of personal status would prove to be an issue in upcoming battles with *assimilés*, Algerian Muslims, and eventually for Africans gaining citizenship under the umbrella of the French Union. Frederick Cooper, *Citizenship between Empire and Nation: Remaking France and French Africa, 1945-1960* (Princeton: Princeton University Press, 2014), 16–17.

¹⁰ Jones, “Rethinking Politics in the Colony,” 334.

¹¹ Michael Crowder, *Senegal: A Study in French Assimilation Policy* (New York: Oxford University Press, 1962), 10.

¹² *Ibid.*

originaires gained French citizenship simply due to their geographic location and despite their complete unfamiliarity with the French language. Additionally, this origin of political rights was not distinguished based on socioeconomic class, except for owning land, but rather by proximity to and interaction with the French.

The Four Communes not only possessed unique citizenship rights compared to that of interior Senegal, but each city also had a distinct responsibility in the quotidian and long-term operations of the colony and frequently greater French West Africa. For example, Saint-Louis was the colonial capital city until 1902 and contained the largest population of *métis*; Gorée served as the headquarters for colonial naval operations; Rufisque was the commercial center for the southern markets, especially for peanuts due to its proximity to the inland areas growing crops; and Dakar was the administrative powerhouse, containing the Governor General's palace and administration for all of French West Africa.¹³ Furthermore, in terms of geographic location, Saint-Louis was unique as it was a combination of both Islamic culture, influenced primarily by the nearby city of Médine, and the presence of French colonial administrators as well as *métis* traders.¹⁴

The Communes maintained an advantage over other African cities and were better adjusted to living communities composed of diverse peoples and backgrounds because they underwent urbanization in the nineteenth century, nearly a century earlier than interior Senegal.¹⁵ Much of the urbanization efforts in the Four Communes included a telecommunications network and an efficient transportation for goods and peoples in the construction of railroads, as is evident Figure 1. Although often economically beneficial to the colonies and France, the railroads were not without their problems, and African workers frequently protested railroad labor through strikes, as is phenomenally depicted in the African literature, *God's Bits of Wood*.¹⁶

¹³ Diouf, "The French Colonial Policy of Assimilation," 674; G. Wesley Johnson, Jr., *The Emergence of Black Politics in Senegal: The Struggle for Power in the Four Communes, 1900-1920* (Stanford: Stanford University Press, 1971), 34.

¹⁴ Diouf, "Islam, the 'Originaires,' and the Making of Public Space in a Colonial City: Saint-Louis of Senegal," in *Tolerance, Democracy, and Sufis in Senegal*, ed. Mamadou Diouf (New York: Columbia University Press, 2013), 183.

¹⁵ Crowder, *Senegal*, 83.

¹⁶ Ousmane Sèmbène, *God's Bits of Wood* (Johannesburg: Heinemann Publishers, 1960).

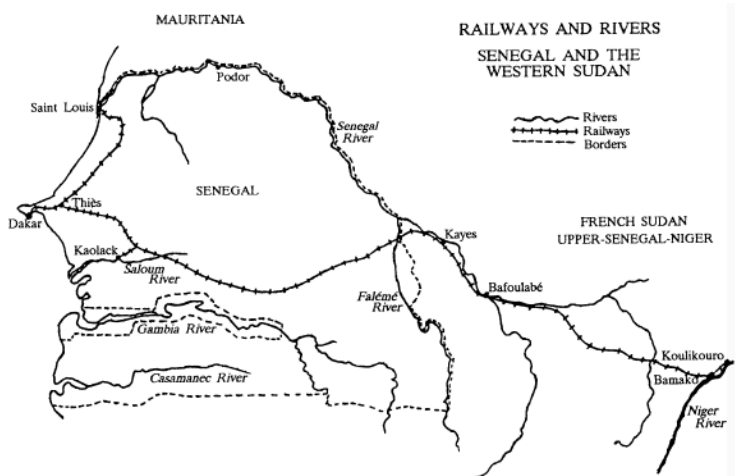


Figure 1. Railways and Waterways in French Senegal¹⁷

Because of the economic opportunities the Four Communes provided, as well as their status as French citizens, these cities underwent remarkable population growth during the mass expansion of French colonies, as illustrated in Table 1. Not all of the Africans residing in the Four Communes possessed *originaires* status. Specifically, “in 1878-79, there were 5,000 originaires qualified to vote out of 30,000 Africans living in the Four Communes; there were 7,000 out of 65,000 in 1910, and 18,000 out of 66,000 in 1922.”¹⁸ The rapid change in the population of *originaires* during the early twentieth century is attributed to three things: (1) “rural African women who were expecting children now made a practice of moving to a Commune temporarily so that their children would be born as *originaires*,” (2) the extension of *originaires* status based on *judgment suppletif* (judicial ruling), and (3) high population growth among *originaire* families.¹⁹ Non-citizens residing in the Communes had better access to state services but were still at a disadvantage when compared to the *originaires*, particularly in terms of education and political activism.

Table 1. Growth of the Four Communes 1865-1921²⁰

^a Estimated figures.

Commune	1865 ^a	1878	1910	1921
Saint-Louis	15,000	15,980	22,093	17,493
Gorée	3,000	3,243	1,306	917
Rufisque	300	1,173	12,457	11,106
Dakar	300	1,566	24,914	30,037

¹⁷ Margaret O. McLane, “Railroads and Waterways: The Dakar Railway Network and the Senegal River in the ‘mise en valeur’ of French West Africa,” *Proceedings of the Meeting of the Colonial Historical Society* 16 (1992): 98.

¹⁸ Johnson, *The Emergence of Black Politics in Senegal*, 88.

¹⁹ *Ibid.*, 196.

²⁰ Reprinted from Johnson, *The Emergence of Black Politics in Senegal*, 35.

The Four Communes resembled metropolitan French in terms of architecture and paved roads, with Dakar being referred to as the “little Paris” in Africa, mostly due to the presence of French settlers and bolstering trade in the urban areas.²¹ They were ruled under direct administration—perhaps even an overseas department—as opposed to a protectorate, and in 1946,²² they were “given full municipal status as equivalent to French towns.”²³ Although the Four Communes were strong urban centers, they were not the only urban areas in Senegal as places, like Thiès, were economically urban but lacked the distinct political status of both *originaires* and Communes. This further solidified their place in the Empire as different from interior Senegal. However, the French Communes were not intended to be distinct but were the first places to be under French control. By the time the rest of Senegal was under French rule, the local administration refused to extend citizenship rights despite the imposition of the French government in the early 1880s advocating for continuous inclusion of Africans within the French Empire.²⁴

Statutes in French Senegal

Although the *originaires* occupied a unique space with the colonial empire, these individuals were not the only exceptional group among Africans living in French Senegal or even the first to gain a distinct status. This section will briefly describe the various identities of French West Africa and how the *originaires* continued to represent a unique category. It is important to understand the special status of *originaires* in the Four Communes in order to analyze how this status has contributed to the region’s overall success. The most basic sorting of the colonized only distinguishes between citizenships and subjects, or *sujets*. However, this would combine *originaires*, *métis*, and Frenchmen into one classification, which obscures the diversity and privilege within each group and also disregards the special place of African soldiers, or *tirailleurs*, within the French Empire. Because Frenchmen, who were simply citizens from France living in Senegal, were most likely businessmen or working for the colonial administration, it is not necessary to analyze their place of privilege or their access to education and welfare programs considering they represented the highest status by directly belonging to the French race.

Métis

French colonial administrators were required to live in Senegal for several yearlong periods because of their need to be close to the African *sujets* in order to provide stability and enforce labor. Oftentimes, these men would marry *signares*, or the elite African women. Because Frenchwomen were lacking in the colonies, France originally encouraged interracial marriages “to produce a more stable community.”²⁵ However, these marriages were often not official in terms of Catholic rites and frequently dissolved when men returned back to France. The women, as well as their children, possessed certain privileges in colonial Senegal including inheritance of property and trade, which provided them with greater economic security and capacity.²⁶ Offspring of a Frenchman and a native woman resulted in children of mixed parentage, referred to as

²¹ Johnson, *The Emergence of Black Politics in Senegal*, 34.

²² Oludare H. Idowu, “The Establishment of Protectorate Administration in Senegal, 1890-1904,” *Journal of Historical Society of Nigeria* 4, no. 2 (1968): 248

²³ Crowder, *Senegal*, 34.

²⁴ Idowu, “Assimilation in 19th Century Senegal,” *Cahiers d’Études Africaines* 9, no. 34 (1969): 216.

²⁵ John D. Hargreaves, “Assimilation in Eighteenth-Century Senegal,” *The Journal of African History* 6, no. 2 (1965): 178.

²⁶ *Ibid.*, 179.

métis in French.²⁷ The status of *métis* was unique because they were considered to be French—unlike the principle of hypodescent of mulattos in the Americas—and were granted French political rights and social benefits at birth.

Métis were often educated in French schools, either in the colonies or mainland France. Because they “blurred the dividing line between colonizers and colonies,” *métis* existed as go-betweens among the French and the *sujets*.²⁸ They were educated in French institutions but were acclimated to the somewhat hostile African environment and resistant to many African diseases.²⁹ This intermediary position and dual identity resulted in an elite status that allowed and encouraged *métis* to serve in positions of power, such as lower administrative positions and eventually mayors of the Communes and deputies representing Senegal to the French National Assembly.³⁰ Although the classification of *métis* would later present a challenge to the authority of both *originaires* and *sujets*, their position in the French colonial society may have helped to pave the way for other Africans to become administrators and government officials.

Métis were a representation of the potential success that the policy of assimilation could have in Africa. *Assimilation* was based on the philosophy of the French Revolution and Declaration of the Rights of Man, which were considered as “applicable everywhere, since it was thought that if men were given the opportunity they would become civilized, rational, and free.”³¹ This ideology also “assumed that what was good for themselves [the French] as rational beings would also be good for other people of whatever colour, race or cultural heritage,” which motivated the French to pursue the “civilization” of natives, especially through the spread of the French language and education.³² Nearly the entire *métis* population had converted to Catholicism, which eliminated the issues of *statut personnel* that plagued other groups within French Senegal.³³ Although *métis* had French blood, they were also African and when granted citizenship status they were a symbol of success that men could become civilized with education. Because of their achievements and unique place in society, *métis* viewed themselves as distinct and often superior to Africans because of their French association and successful *assimilation*.³⁴ Further accentuating their unique status in the French Empire, two important and powerful *métis* families, the Devès and Carpots, held several prestigious administrative positions and influenced much of the colonial policy in Senegal. Despite their prestige in the early years of French colonization, the *métis* power began to dissolve as Frenchmen began to bring their wives to the colony beginning in 1914, and their numbers were slowly reduced.³⁵

Sujets

Unlike the *originaires* and the *métis*, this group of native Africans lacked any conceivable form of citizenship or political representation. Their place in the French Empire was constructed through *mise en valeur* (development or improvement), and they

²⁷ *Métis* are also referred to as mulattos or Creoles with respect to the literature on French West Africa, depending on the author and the time period in which it was written.

²⁸ Emmanuelle Saada, *Empire's Children: Race, Filiation, and Citizenship in the French Colonies* (Chicago: University of Chicago Press, 2012), 81; Jones, “Rethinking Politics in the Colony,” 328.

²⁹ Saada, *Empire's Children*, 212.

³⁰ Jones, “Rethinking Politics in the Colony,” 330; Johnson, *The Emergence of Black Politics*, 107.

³¹ Johnson, *The Emergence of Black Politics*, 75.

³² Idowu, “Assimilation in 19th Century Senegal,” 210.

³³ Johnson, *The Emergence of Black Politics*, 23.

³⁴ Jones, “Rethinking Politics in the Colony,” 343.

³⁵ Johnson, *The Emergence of Black Politics*, 106.

possessed “duties” to the French Republic rather than rights within it.³⁶ *Mise en valeur* was the rational development of both natural and human resources, which shifted from construction of railroads and telecommunications to education, agricultural, health, and trade throughout the French colonial period.³⁷ The purpose of *mise en valeur* was threefold: (1) to increase France’s population in terms of manpower against Germany; (2) to raise Africa’s “financial contribution to France”; (3) to supply greater France with additional raw materials.³⁸ *Sujets* were compelled by both *mise en valeur* and the policy of *assimilation* as their primary place within the rest of the colony. They lacked access to higher levels of education and were also more likely to be educated by African teachers in an indigenous or Arabic language. Education, which will later be discussed in terms of modern-day Senegal, was used as a tool for upward mobility, increases in political rights, and representation within the French Empire as well as further justification for the success of assimilation.

In addition to this discrimination, *sujets* were under the authority of the native courts, *indigénat*, instead of the French or Muslim courts. The *indigénat*

consisted of regulations that allowed colonial administrators to inflict punishment on African subjects without obtaining a court judgment or approval from the metropolis. It allowed the colonial officers to jail any Africans for up to two years without trial, to impose heavy taxes and punitive fines, or to burn villages of those who refused to pay.³⁹

This court was also responsible for the “administrative sanctions applied colonial subjects,” which greatly contributed to the psychological colonization of the “native.”⁴⁰ Despite the severity and discrimination of the native courts on colonial subjects, France continued to justify the use of the *indigénat* as “a function of the lack of advancement of the populations that they sought to govern,” arguing that natives were still lesser members of the rational societal structure and could only be brought to civilization through harsh punishments rather than education.⁴¹ Although the *indigénat* technically applied to non-citizens living in Dakar—some 40,000 in 1922—the native courts were never implemented in practice, and those living in the Communes, regardless of their specific status, were under the jurisdiction of French or Muslims courts of law.⁴²

Sujets were not given citizenship rights within the French Empire, later referred to as the French Union post-World War II, until the Lamine Guèye law of 1946. Lamine Guèye served as an African representative on the French Assembly and was the primary advocate of extended citizenship status to all French status. However, this law was poorly implemented as French representatives of the National Assembly continued their attempts to deny citizenship based on the *statut personnel*. Because of these disagreements at the legislative level, *sujets* were given citizenship of the French Union but not necessarily of France itself. Specifically, Africans were given passports distinguishing their belonging to the greater French Community in efforts to accommodate the issue of *statut personnel*.⁴³ Subsequently, this citizenship did not necessarily imply voting rights for all *sujets*; only 1.5 million out of the entire overseas

³⁶ Alice Conklin, *A Mission to Civilize: The Republican Idea of Empire in France and West Africa, 1895-1930* (Stanford: Stanford University Press, 1997), 166.

³⁷ *Ibid.*, 6.

³⁸ Crowder, *Senegal*, 27.

³⁹ George B. N. Ayittey, *Africa Betrayed* (New York: St. Martin’s Press, 1992), 83.

⁴⁰ Gregory Mann, “What was the *Indigénat*? The ‘Empire of Law’ in French West Africa,” *Journal of African History* 50 (2009): 331.

⁴¹ *Ibid.*, 340.

⁴² *Ibid.*, 346.

⁴³ Cooper, *Citizenship between Empire and Nation*, 113; Crowder, *Senegal*, 31.

population were granted voting rights and the remaining constituents were represented indirectly.⁴⁴

Tirailleurs

Tirailleurs Sénégalaise were originally men recruited from the Four Communes who were responsible for pacification in French colonies, including Algeria, French Indochina, and interior Senegal. As the need for African troops intensified throughout the World Wars of the early twentieth century, men were recruited from outside the Communes with the help of *chefs de canton*—African chiefs in charge of villages under the jurisdiction of a French administrator. These chiefs provided troops in exchange for lower taxes and slightly more power in their respective villages.⁴⁵ Additionally, thanks to the legislative work of Senegalese deputy Blaise Diagne in August 1915, *tirailleurs* specifically from the Communes were prevented from joining the African troops and allowed to fight in the French regiments due to their distinct status as French citizens and protest of the military’s previous intolerance.⁴⁶ *Originaires* belonging to the regular French army had access to goods and services equal to that of the French military, as Table 2 clearly reveals.

Table 2. Comparative service conditions for *originaires* and protectorate Africans, ca. 1915⁴⁷

Condition	Originaires in regular army	Colonial troops
Service liability	Initial three-year enlistment	Same
Pay	Same as French soldiers	One-half <i>originaires</i> ’ pay
Quarters	Barracks, with bed	No provision for beds; sleep on ground or floor; blankets issued
Food	European food; food allowance 3.76 francs per ration	Traditional African food prepared by Senegalese women accompanying the troops; allowance 1.68 francs per ration
Promotion	Same as Frenchmen; can become officers in regular army	No promotion beyond noncommissioned rank; authority over African troops only
Pension (25 years service)	1,500 to 1,800 francs	437 to 572 francs

Despite the discrimination between regiments, African soldiers with *sujet* status were awarded with specific rights after their service. In exchange for defending greater France, all *tirailleurs* claimed a “blood debt” which included a social pension for

⁴⁴ Crowder, *Senegal*, 32–33.

⁴⁵ Mann, *Native Sons: West African Veterans and France in the Twentieth Century* (Durham: Duke University Press, 2006), 15; Bruschi, “Military Collaboration, Conscription and Citizenship Rights,” 441.

⁴⁶ Johnson, *The Emergence of Black Politics*, 183, 187.

⁴⁷ Reprinted from Johnson, *The Emergence of Black Politics*, 190.

the soldier and his family, and exclusion from the harsh *indigénat*. Furthermore several former soldiers successfully petitioned for French citizenship.⁴⁸ Upon returning from the wars, *tirailleurs* cited that “the war experience had changed their perception of themselves and of their role in society,” which resulted in their demand for more political representation and greater social benefits.⁴⁹ This increase in privilege within the French community may have motivated soldiers to become politically active in advocating for rights as citizens under colonialism and pushing for independence during the formation of the French Union. However, Gregory Mann, a historian at Columbia University, claims that the evidence for soldiers fighting for independence is “rarely substantiated,” rather “political independence arose from the intersection of variety of factors most of which were beyond veteran’s control...veterans in Soudan Français were engaged in a complex struggle to secure and maintain the privileges and material perks of their relationship with France.”⁵⁰ Regardless of their role in the independence movements, *tirailleurs* represented a unique part of French-African society that allotted certain privileges and prestige because of their service to maintaining greater France.

Originaires

With an improved understanding of the alternative categories within French West Africa, it is easier to observe the extraordinary status of the *originaires*. The Four Communes—Dakar, Gorée, Rufisque, and Saint-Louis—were the first cities colonized in France and therefore had the longest standing relationship with French citizens and institutions, aside from brief periods under the British during the Seven Years War and the Napoleonic Wars or under Vichy France during World War II.⁵¹ Consequently, in spite of or perhaps due to these brief interruptions in French rule, the *originaires* continued to possess their unique status as Africans with French citizenship. *Originaires* formed both hybridization and acculturation of French society as they possessed “a free and subversive relationship with the French language; a strong claim and a supreme affirmation of equality with the metropolitans; rights to defend and promote; political rights that express identity connected with a special status that safeguards a unique civility,” as well as their intersecting identities as Muslims.⁵²

The most exceptional status is in regards to the *statut personnel*, which meant that *originaires* were allowed to continue practicing Islam and in some instances polygamy. However, this resulted in further complications concerning the status of children from second and third wives, since these marriages were permitted but not viewed as legitimate under French civil law.⁵³ Apart from the obstacle of polygamy, *originaires* were the only group of Africans who were allowed to retain their full Muslim identity, including the right to trial under Muslim courts. *Originaires* were politically and economically assimilated with the French, but they lacked the absolute cultural assimilation by preserving their Muslim identity.⁵⁴ Because of their unique status, they possessed the agency to refuse French cultural assimilation, as well as the refusal of the French civil code and the ability to argue for a legitimate Muslim court.⁵⁵

⁴⁸ Mann, *Native Sons*, 6; Mann, “What was the *Indigénat*?” 344.

⁴⁹ Bruschi, “Military Collaboration, Conscription and Citizenship Rights,” 446.

⁵⁰ Mann, *Native Sons*, 22–23.

⁵¹ Johnson, *The Emergence of Black Politics*, 22, 25; Diouf, “The French Colonial Policy of Assimilation,” 672.

⁵² Diouf, “The French Colonial Policy of Assimilation,” 685; Johnson, *The Emergence of Black Politics*, 42.

⁵³ Johnson, *The Emergence of Black Politics*, 200.

⁵⁴ Diouf, “The French Colonial Policy of Assimilation,” 675; Idowu, “Assimilation in 19th Century Senegal,” 212.

⁵⁵ Diouf, “The French Colonial Policy of Assimilation,” 671.

Assimilés, a group of Africans who were assimilated to French culture, were forced to abandon polygamy and prove their identity as French with regard to the registration of life events, such as marriages, births, and deaths of all family members, as well as confirmation of French education and fluency in the French language.⁵⁶ The *statut personnel* was the central problem in extending citizenship to Algerian Muslims. When France finally extended citizenship to all Africans under the Lamine Guèye law in 1946, the debate of *statut personnel* emerged once again, with the resulting compromise being citizenship of the French Union.

Political Rights

Although *originaires* were never officially excluded from citizenship based on their Muslim identity, several governor-generals attempted to lessen their claims to French citizenship, which was primarily granted as a result of the legislative work of Blaise Diagne. Diagne belonged to the educated class (*évolué*) and was instrumental in gaining political rights for Senegalese and other West Africans. In 1910, only *originaires* physically located in the communes could participate in voting, since “the French government did not consider the *originaires* as true citizens.”⁵⁷ This was a deliberative reaction to *originaires* outnumbering Frenchmen living in Senegal, in an attempt to restrict their ability to further influence legislation and French politics. Additional benefits of *originaires*’ status included exemption from the *indigénat* and the ability to choose trials under either French or Muslim courts in agreement with the teachings of the Qur’an. Under Governor General William Ponty, who passed a reform in 1912, *originaires* living outside the communes were placed under the responsibility of the *indigénat*.⁵⁸ However, Diagne was successful in repealing this law and reinforcing the special privileges of the *originaires* both within and outside the Communes.

Originaires gained further influence in the colonies with the deputy election of Blaise Diagne to the French National Assembly in 1914. He was the first black African to serve at the legislative level of government. In 1916, based off of his campaign platform for deputy, Diagne pushed the Assembly to confirm that the *originaires* “did not simply have certain rights of a citizen but *were* French citizens” and further restated that they could keep their *statut personnel* (personal status, i.e. Muslim).⁵⁹ Furthermore, it extended *originaires* status to those born in the Four Communes but residing outside the four cities, as well as to their offspring. This was confirmed through *judgment suppletif*, in which “the petitioner brought two friends to court to swear that he had been either born in the Communes or born of *originaires* parents.”⁶⁰ Alongside *métis* and Frenchmen, who felt empowered after the successful election of Blaise Diagne, *originaires* were allowed to and frequently elected to local government positions. As further proof of their political influence, the elections in 1919 led to “all Africans in charge of the local governments of the Four Communes,” as many Frenchmen were occupied with fighting in the First World War.⁶¹

Other exceptions that accompanied the *originaires*’ identity were the effectiveness of their political objections, both inside and outside the Communes. Historian Rebecca Shereikis examines *originaires* who left the Four Communes for the nearby cities of Kayes or Medine and how their identity as Muslims and voters influenced their political protestation of rights to trial under Muslim Courts outside the

⁵⁶ Conklin, *A Mission to Civilize*, 168.

⁵⁷ Crowder, *Senegal*, 19.

⁵⁸ Rebecca Shereikis, “From Law to Custom: The Shifting Legal Status of Muslim *Originaires* in Kayes and Medina, 1903-1913,” *The Journal of African History* 42 (2001): 275.

⁵⁹ Cooper, *Citizenship between Empire and Nation*, 16.

⁶⁰ Johnson, *The Emergence of Black Politics*, 196.

⁶¹ *Ibid.*, 202.

Communes. They petitioned the French administration to obtain such rights to a Muslim court, but it was subsequently prohibited in 1913 and *originaires* living in these two cities suddenly found themselves under the jurisdiction of the hostile *indigénat*.⁶² However, this did not discourage *originaires* from demanding their political rights. They continued to be politically active in their communities and continuously protest legislation that they deemed to be unfair or contradictory to their Islamic culture. Furthermore, some *originaires* refused to pay capitation taxes in the interior and other colonies because of the special privileges they previously held in the Communes.⁶³

When the General Council was dissolved in 1920 to create the Colonial Council, the *originaires* were once again favored compared to autochthonous Africans, as the newly formed council “consisted of forty members; half were elected by citizens of the communes and half, nominated by French-appointed canton chiefs of the protectorate,” meaning that natives only possessed indirect representation.⁶⁴ *Originaires* were permitted to both directly elect their representative and run for political office. They were able to influence the shape of colonial France and eventually the French Union with the help of Leopold Senghor—a deputy from the interior elected in 1946—and Lamine Guèye. African historian Mamadou Diouf best explains the unique status of the *originaires*:

By constantly making claims based on their citizenship rights, they [the *originaires*] initiated a twofold process, inserting themselves in the colonial narrative and fabricating a world of their own through a daily engagement with colonial policy and knowledge as well as with traditional moral and social prescriptions.⁶⁵

The *originaires*’ ability to insert themselves as somewhat powerful individuals and achieve many of their political goals can be attributed to their substantial access to education.

Education

Specifically in terms of education, “Senegal was the only territory with an educational system in any way compatible with the policy of assimilation,” particularly due to the major education efforts and reforms supported by France throughout colonization, which resulted in a substantial African elite compared to the rest of French West Africa.⁶⁶ Beginning with Louis Faidherbe as Governor of Senegal in 1854—who has been compared to the British Lord Lugard due to Faidherbe’s success in his conquest of Senegal and economic consolidation of the colony—primary education was granted for citizens in Saint-Louis with the opportunity for scholarships for secondary education in France.⁶⁷ Additionally during this period, there were small technical schools established in Dakar, which eventually became the central driver of education policy throughout colonization.⁶⁸ The exception once again occurred in the Four Communes, as formal education was not extended into the interior of Senegal until 1905. Furthermore, education in the protectorate was in few ways similar to that of the communes.

Throughout French Senegal, there were three levels of schools that possessed separate curricula with a specific purpose.⁶⁹ The most basic level of education was for

⁶² Shereikis, “From Law to Custom,” 262.

⁶³ Idowu, “Assimilation in 19th Century Senegal,” 217.

⁶⁴ Jones, “Rethinking Politics in the Colony,” 342.

⁶⁵ Diouf, “Islam, the ‘*Originaires*,’” 180.

⁶⁶ Crowder, *Senegal*, 4–5, 27.

⁶⁷ Diouf, “The French Colonial Policy of Assimilation,” 673.

⁶⁸ Crowder, *Senegal*, 13.

⁶⁹ Kelly Duke Bryant, “‘The Color of the Pupils’: Schooling and Race in Senegal’s Cities, 1900–10,” *Journal of African History* 52 (2011): 299.

autochthonous Africans, who were able to attend village schools for two to three years of rudimentary instruction from African teachers. The purpose of village schools was to create loyal subjects or civilized peoples rather than patriotic citizens, which was the motivation behind education in the metropole.⁷⁰ A slightly improved version of the village school was the regional school. Students were selected to attend such schools in order to further *mise en valeur*, as these institutions trained Africans in practical skills, like agriculture and trade. Upon completion of the curricula and proof of some French fluency, students received certificates of their professional studies instead of degrees. In addition to supporting the constant need for African workers in the colonies, France believed that education could also “engender support for French rule” and prevent rebellions.⁷¹

The most prestigious school in colonial Senegal was the urban school, which closely resembled schooling in mainland France. Urban schools were primarily available to children of French administrators, *métis*, and *originaires*. The curricula followed that of France, and students were taught primarily by Europeans in only the French language.⁷² Despite such privilege, many black students were still excluded from urban schooling on the basis of their race. However, when a student was not permitted to attend an urban school because he was “native,” his father exercised his political rights by protesting such discrimination and won his claim with the lieutenant governor.⁷³ Some Africans argued that urban schools should discriminate based on individual status, like *métis* or *originaires*, and one’s ability to speak the French language in an attempt to further exclude native Africans living in the Four Communes.

French education was especially important for *originaires* because “French-style schooling prepared Africans for political participation and citizenship, especially when, in urban schools, they received the same civic education as their French peers... [which] blur[red] the lines between themselves and their rulers.”⁷⁴ Continued access to superior education, as well as interaction with French elites, further distinguished the *originaires* as belonging to a specific space within the colonial period. Because of this space, “*originaires*, proud of their citizenship, their education, and their urban culture, saw themselves as different from and better than colonial subjects.”⁷⁵

Post-Independence Senegal

After the collapse of the Vichy regime towards the end of World War II, France regained power over metropolitan France and all of its colonial possessions. Due to the global motifs of institutionalism, combined with the foundation of both the United Nations and the International Bank for Reconstruction and Development (World Bank), France was pressured by the international community to abide by the declarations from the Atlantic Charter, which advocated for self-determination of all peoples. However, self-determination for Africans would not be fully realized until the “year of independence” in 1960, after several years of reform attempting to appease both African and French demands for equality. Under pressure from Lamine Guèye, Léopold Senghor, and other prominent Africans, the Fourth Republic granted a limited form of citizenship to all of its colonies and attempted to restructure the French Empire into the French Union. As aforementioned, this form of citizenship clarified that the colonized belonged to the French Union rather than the French Republic, and remained as a form of

⁷⁰ Bryant, *Education as Politics: Colonial Schooling and Political Debate in Senegal, 1850s-1914* (Madison: University of Wisconsin Press, 2015), 9.

⁷¹ Bryant, *Education as Politics*, 15.

⁷² Bryant, “The Color of the Pupils,” 304.

⁷³ *Ibid.*, 307.

⁷⁴ *Ibid.*, 318.

⁷⁵ Bryant, *Education as Politics*, 157–158.

discrimination. Under the rationalist umbrella of the French Union, many Africans, especially Senghor, used this ideology to their advantage in efforts to gain more autonomy for African territories. Because of its special relationship with France, Senegal retained the single college electorate under the Fourth Republic, whereas all other territories had to operate under a dual college system.⁷⁶

Despite the dominant theme that all Africans wanted independence, Senghor advocated for a federation of African nations and France in an attempt to bind its relations and gain more equality for Africans. Representatives' successes in advocating for more evenly applied citizenship "is one of the main reasons why the activities of French Africans, particularly in Senegal, were channelled [sic] not towards the attainment of independence but the assertion of their fundamental equality with the French."⁷⁷ However, such equality proved unattainable when France failed to fully grant Senegal and its other African colonies the autonomous rule within the French Union that they demanded. Citing these injustices, as well as the internal protests from its citizens, Senegal gained its independence in 1960 and elected Senghor as president—who ruled until 1980. Yet independence would not hold the end of the Franco-Senegal network nor bring about a less exceptional Senegal.

Senegal is the Exception

Although surrounded by failed states and military regimes, Senegal has constantly risen above the negative trends frequently associated with Africa.⁷⁸ As has been argued throughout this paper, one possible explanation for Senegal's political success is the status of the *originaires*. However, there are additional explanations based on various historical analyses of French colonization. Political scientist Alfred Stepan argues that mutual respect between religions and cultures, rooted in the colonial history, has been a key driver of Senegal's success in modern times. In addition to the mutual respect between various Senegalese backgrounds, Senegal lacks the harsh ethnic divides because the French did not put chiefs in power based on their ethnicity (like the divide and rule style of the British), and the French limited the traditional authority of chiefs with direct rule.⁷⁹ Furthermore, inter-marriages between tribes and ethnic groups helped to create a Senegalese identity rather than Wolof or Mandinka or Lebou identities.⁸⁰ The cooperation between the citizens of Senegal, combined with their exceptional engagement in French politics, may provide an explanation for their success today.

For better or worse, France continues to engage with Senegalese politicians, especially through *Françafrique*, which is the interconnectedness of foreign aid (Official Development Assistance) and French corporations, combined with several military operations in West Africa, including a permanent base in Senegal. Perceptions of *Françafrique* are further intensified by the number of French citizens living in Senegal. Immediately following independence, it was estimated that nearly 40,000 Frenchmen were living and working in Senegal with nearly three-quarters of this population residing in Dakar.⁸¹ Today, the number of French resettling in Dakar, for various economic and personal reasons, is around 56,000. Although a minority of the population, the French residing in Senegal create awareness around certain issues and further France's soft diplomacy.

⁷⁶ Crowder, *Senegal*, 34.

⁷⁷ *Ibid.*, 15.

⁷⁸ Alfred Stepan, "Stateness, Democracy, and Respect: Senegal in a Comparative Perspective," in *Tolerance, Democracy, and Sufis in Senegal*, ed. Mamadou Diouf (New York: Columbia University Press, 2013): 209.

⁷⁹ Crowder, *Senegal*, 78.

⁸⁰ *Ibid.*, 80.

⁸¹ *Ibid.*, 64.

Development Indicators

Due to the lasting economic effects of colonial institutions as well as the early urbanization of the Four Communes, Dakar, Saint-Louis, and Rufisque have remained economically vital to Senegal and can be distinguished by their success in measures of overall well-being, including high completion rates of primary education, lower infant mortality rates, and more consistent access to electricity than other urban areas and rural Senegal (Figures 2 and 3). Although we cannot distinguish between correlation and causation without sufficient data from the archives in Dakar, it is possible to draw limited conclusions that the uniqueness of the *originaires*' status and the urbanization of the Four Communes have contributed to the broader economic and political success of Senegal.

The Four Communes are located on the western coast, with Dakar in the Dakar Department.⁸² From the figures below, we can see that these coastal regions are the most successful in lower infant mortality rates and more consistent access to electricity, including the coastal regions in Casamance, which also had early interaction with the French colonizers, yet a completely different experience compared to the *originaires* and *métis* in the Four Communes.

⁸² Departments are regions or provinces in Senegal.

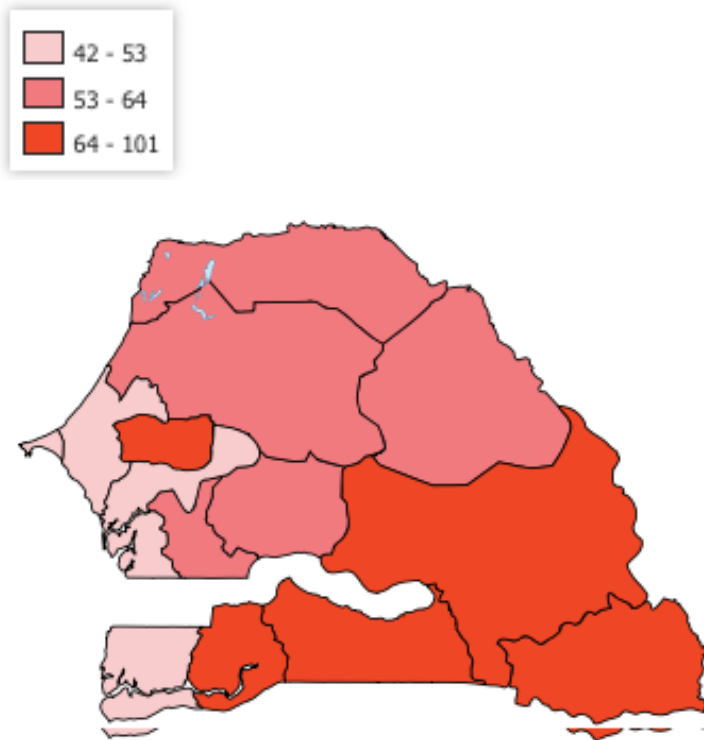


Figure 2. Infant mortality, per 1000 (2013)⁸³

⁸³ "Infant Mortality," Sénégal: Le Portail de Données, 2013, accessed November 30, 2016, <http://senegal.opendataforafrica.org/tamoiee/infant-mortality>.

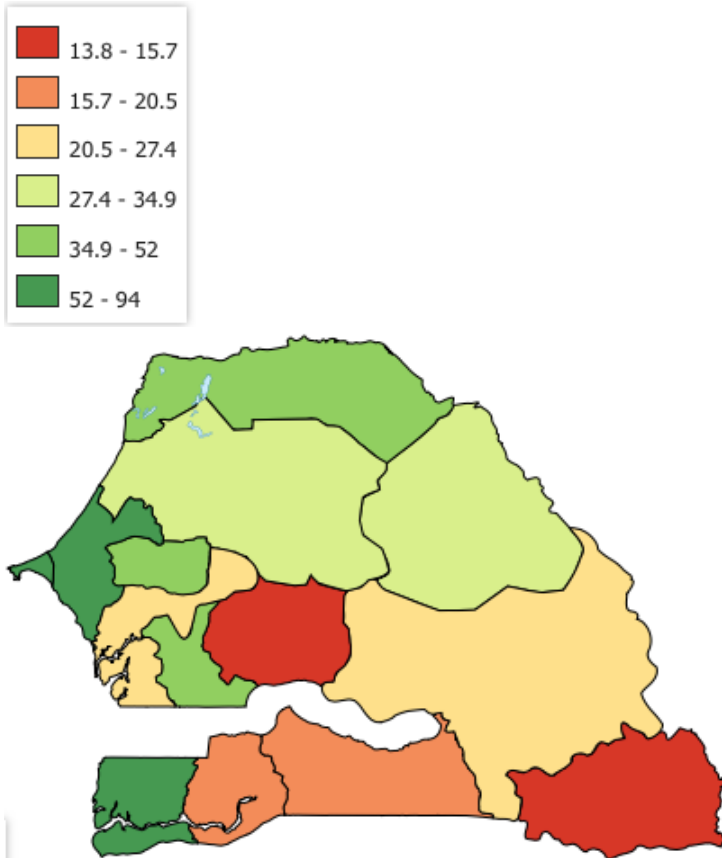


Figure 3. Consistent access to electricity (2013)⁸⁴

Education

Because of its historic involvement with education under the French Empire, Senegal has continued to focus on primary education for all, in accordance with the United Nations Millennium Development Goals and the Sustainable Development Goals proposed in 2015. Although far from full attendance, Senegal has been successful in educating most of the schoolchildren living in urban areas and is shifting focus to urban regions. According to the World Bank, Senegal has consistently spent more expenditure on education as a percentage of total government fees, which helps to explain the constant rise in primary school enrollment, as illustrated in Figure 4. However, Senegal still falls behind in primary school completion compared to the rest of Sub-Saharan Africa and has much room for improvement in the coming decades in order to achieve the objectives outlined by the UN Sustainable Development Goals.

⁸⁴ “Senegal Census Data, 2013,” Sénégal: Le Portail de Données, 2013, accessed November 30, 2016, <http://senegal.opendataforafrica.org/SNCD2015/senegal-census-data-2013?location=1000010-dakar>.

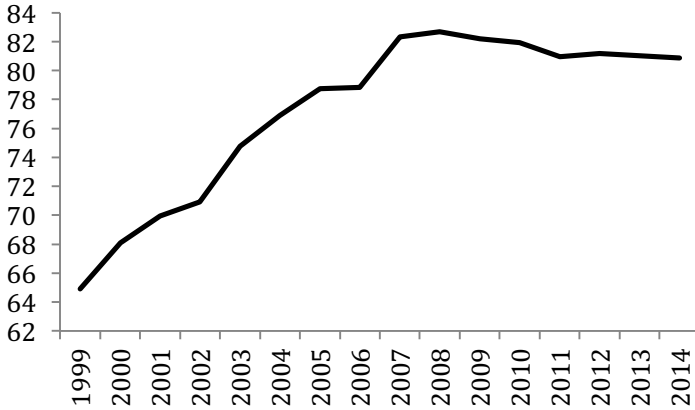


Figure 4. Gross enrollment in primary school (1999–2014)⁸⁵

Conclusion

Originaires' prominence challenges the discriminatory French *assimilation* policies as they constantly battled the status quo for political rights and representation. Even more remarkable was their overall success in their primary endeavors, such as full citizenship rights and access to French education despite the color of their skin. Furthermore, they were successful despite their identities as Muslim. Historian Mamadou Diouf best illustrates the uniqueness of *originaires*:

By collaborating with the colonial administration, and adeptly using French legislation and their civil rights, they managed to create an autonomous civic space for themselves. Educated in the arts and sciences as well as the Islamic court system, they also had a perfect knowledge of the arcane colonial administrative system and a mastery of the professional rules that governed commercial activities. Their very respectable level of education predisposed them to an active participation in the moral, theological, and political debates that outlined the civil and political culture of both the Senegalese colony and Saint-Louis civil society.⁸⁶

The prestige of the *originaires* during the colonial period resulted in preferential treatment, as they existed in a space that was not fully African or fully French, but a mix of assimilationist ideals. These advantages persisted in Senegal both immediately after independence and in modern times, notably in the number of presidents and prime ministers who have origins in the Four Communes or ancestors of *originaires* status. It is critical to further understand and continue to evaluate how the discrepancies in colonial policies have affected politics, economics, and society in modern-day Senegal. Likewise, this history is vital for understanding Franco-Senegal relations in the present, especially with respect to the policy of *Françafrique* and cooperation in international institutions like the United Nations and World Bank.

⁸⁵ “Education: Gross Enrolment Ratio, Primary, Both Sexes (%)” UNESCO, 1999–2014, accessed November 30, 2016, http://data.uis.unesco.org/Index.aspx?DataSetCode=EDULIT_DS#.

⁸⁶ Diouf, “Islam, the ‘*Originaires*,’” 181.

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Politics

Disjointed Action: Conflicting Collective Action in Ukraine's 2014 Euromaidan Revolution

Luke Bartz

Abstract

Though the motivations for unrest were similar across Ukraine during the 2014 Euromaidan Revolution, the means of expressing unhappiness contrasted dramatically between eastern and western Ukraine. In the west of the country protests were centered in the nation's capital, Kiev, and barring a few violent outbursts, were generally peaceful. They consisted of demonstrations, the occupation of public spaces, and innovative uses of new information and communication technologies (ICTs). In the east, on the other hand, conditions were more violent. While these protesters did employ blockages and occupation as tools of their cause, they did so armed and with more aggressive intentions. After driving the previous government officials out of power, these groups took control of the local governments. Using the theories of political scientist Fox Piven and sociologist Richard Fields to analyze the case study of Ukraine, the author seeks in this essay to examine how and why the methods of collective action varied between eastern and western Ukraine during the 2014 Euromaidan Revolution and how these variations may have influenced the eventual outcomes of the each region.

Introduction

In 1978 political scientist Frances Fox Piven and sociologist Richard Cloward wrote that “there is general agreement that extraordinary disturbances in the larger society are required to transform the poor from apathy to hope, from acquiescence to indignation.”¹ The Euromaidan Revolution—the massive public protests that shook Ukraine in late 2013 and early 2014—did just that, fundamentally transforming the country's political and cultural landscapes.² In just a few short months, over two decades of political and economic discontent were released, and the aftershocks are still being felt today. Frustration with corruption, unhappiness with the economic state of the country, and general fear of the unknown catalyzed the citizens of Ukraine to rise up and force a tumultuous regime change. Unfortunately, the process was not smooth, and the clean up afterwards has been contentious. Nevertheless, thanks to the use of new information and communication technologies (ICTs) in western Ukraine, aggressive Russian-backed tactics in the east of the country, and widespread allusions to historical ideals across the state, the oppressive government of Viktor Yanukovich was driven from power as a direct result of the collective action of the Ukrainian people.

¹ Frances Fox Piven and Richard Cloward, *Poor People's Movements: Why They Succeed, How They Fail* (New York: Random House, 1978), 14.

² Andriy Liubarets, “The Politics of Memory in Ukraine in 2014: Removal of the Soviet Cultural Legacy and Euromaidan Commemorations,” *Kyiv-Mohyla Humanities Journal* (2016): 199.

Background

The land of modern-day Ukraine has been under the rule of various empires and states since the late ninth century. Kievan Rus, the Ottoman Empire, the Austrian-Hungarian Empire, the Golden Horde, the Polish-Lithuanian Commonwealth, the Russian Empire, Nazi Germany, and the Soviet Union have all laid claim to different parts of the country for various lengths of time. It was not until the collapse of the Soviet Union in 1991 that Ukraine gained full sovereignty over its territory. Since that point, enormous debate has occurred over how the state should be organized politically and economically, what the relationship between the citizen and the state should look like, and how the government should deal with internal problems.

Upon gaining its independence in 1991, Ukraine was not prepared economically or politically to deal with the transformations ahead, especially considering the proposed pace of the coming reform. Although the country did transition from a socialist command economy to a capitalist market economy in under a decade, the process did not go smoothly. The difficulty Ukraine experienced in the transition period was caused primarily by widespread and systematic corruption and by disagreements over state organization. As the state relinquished control of its businesses and enterprises, Soviet-era politicians and criminals colluded to use their wealth, power, and influence to gain control of these newly privatized entities. Known as oligarchs, these individuals accumulated both wealth and political power through the transition. According to political scientists Valerie Bunce and Sharon Wolchik, “The political evolution of Ukraine after the breakup of the Soviet Union in 1991 reflected the continued influence of communist-era politicians as well as of the newly empowered but often severely divided opposition.”³ Ukraine did not experience a clean break from its communist past. On the contrary, many of the political figures from the Soviet Union maintained power throughout the transition.

Indeed, throughout the 1990s, political representation was scattered and convoluted. Bunce and Wolchik argue that “as in many other post-communist states, strong political parties were slow to develop in Ukraine. Parties tended to be centered around powerful individuals and served more to protect the fortunes of their founders than to advance any consistent ideology or political platform.”⁴ Citizens of the new Ukraine identified themselves in myriad ways (e.g. Ukrainian, Russian, Soviet, Capitalist, Socialist, or with a number of other terms), and it was not clear which party represented which interests and how. To make matters more complicated, whereas many post-Soviet states organized themselves around ethnic or national identities, the heavy manipulation of the Ukrainian population during the Soviet years made this impossible. As political scientists Makeyev and Oksamytna point out, “Ukraine’s social and cultural heterogeneity is the result of the capricious and free-ranging play of historical circumstances” and has had an enormous impact on the politics and society of the country.⁵ The combination of the country’s uncertain transition, poor political representation, and dramatic economic upheaval created the conditions for collective action and social uprising.

The first major manifestation of this accumulated tension came in 2004 with the Orange Revolution. By 2004 the economic and political transformations were, at least on the surface, largely complete. The majority of the privatization had come to pass, and most of the laws designed to ease the country into its new systems had been

³ Valerie Bunce and Sharon Wolchik, *Defeating Authoritarian Leaders in Postcommunist Countries* (Cambridge: Cambridge University Press, 2011), 115.

⁴ *Ibid.*, 116.

⁵ Serhiy Makeyev and Svitlana Oksamytna, “Problems of Internal Political Geography: The Ukrainian Example,” in *The Political Analysis of Postcommunism: Understanding Postcommunist Ukraine*, ed. Volodymyr Polokhalo (College Station: Texas A&M University Press, 1997), 205.

implemented, with many having even expired. Along with the economic and political stabilization came the stabilization of corruption. When the 2004 presidential election occurred, however, international observers recognized and strongly criticized this corruption. Frustration and discontent welled up, and the second-place candidate Viktor Yushchenko organized a political uprising with the help of his political allies and the disenfranchised public. This largely peaceful movement was dubbed “the Orange Revolution,” and in the end, the fraudulently elected candidate, Viktor Yanukovich, was driven from power and a new regime put in place.

Unfortunately, this new government, though ambitious in its declarations, was ultimately unable to placate the public and solve the structural issues that plagued the country. During the next presidential election in Ukraine in 2010, voters ejected Yushchenko’s administration from office and elected the formerly-deposed Yanukovich, along with his allies, to replace it. Yanukovich’s term was far from uneventful, however, and after another popular uprising in late 2013 and early 2014, he was driven from office a second time. Dubbed by many as the Euromaidan Revolution, this series of protests led to considerable change in the country. Notably, during this period, protests drove Yanukovich from power, Russia annexed Crimea, and a number of oppositional groups arose in the east of the country to counter the protesters in the west and to fight for closer ties with Russia.

The Euromaidan Revolution

The protests of 2014 came as a surprise to nearly everyone, pro-government parties and dissenters alike. Indeed, according to Ukraine expert Tetyana Bohdanova, “Only five months earlier, the leading opposition parties—including the All-Ukrainian Union ‘Fatherland’ (‘Batkivshchyna’), the All-Ukrainian Union ‘Freedom’ (‘Svoboda’) and Klitschko’s Ukrainian Democratic Alliance for Reform (UDAR)—had attempted to organize a series of regional protests against the Yanukovich government.”⁶ Despite a strong push from anti-government groups, these efforts were defeated decisively. The boldly named “Rise Up, Ukraine!” aimed to gather as many as 100,000 participants, but failing to incite the outrage seen in 2004 during the Orange Revolution, the rallies proved ineffectual, drawing only 20,000–30,000 supporters in opposition strongholds and even smaller numbers across the rest of Ukraine. In the end, they failed to pressure the government into making any significant changes.⁷ The reasons these attempts fell short are still debated among political scientists, but it is commonly agreed that these efforts lacked an effective catalyst to compel citizens to take to the streets with their frustrations.

According to most academic writing on the Euromaidan Revolution, the catalyst that finally drove disgruntled citizens to the street was combined frustration with the poor economic state of the country and the continued corruption of the government. Yanukovich’s regime abandoned its economic and political reforms shortly after gaining power, choosing instead to focus on amassing personal wealth. One of the major political changes they did push through, however, was the removal of the 2004 political reforms produced from the Orange Revolution and the rollback of the constitution to its pre-2004 form. Most of the politicians appointed between 2004 and 2010 were also replaced. While many point to the sudden reversal of the Yanukovich’s policy on the European Union, particularly his administration’s refusal to sign a planned Association Agreement with the EU, “popular dissatisfaction with the corrupt regime had been mounting for years, and the sudden diplomatic turn from Europe to Russia was simply the last straw.”⁸

⁶ Tetyana Bohdanova, “Unexpected Revolution: the Role of Social Media in Ukraine’s Euromaidan Uprising,” *European View* (Jun 2014): 134, doi:10.1007/s12290-014-0296-4.

⁷ *Ibid.*

⁸ Serhy Yekelchuk, *The Conflict in Ukraine: What Everyone Needs to Know* (Oxford: Oxford University Press, 2015), 102.

In retrospect, given the political and social conditions of the time, the sudden popular uprising appears to have been almost inevitable. Despite this, even a few months before it occurred, almost nobody predicted the revolution and absolutely no one knew what to expect after it began.

One of the most shocking byproducts of the political upheaval was Russia's intense aggression against the protests and its seizure of the Ukrainian territory of Crimea. Despite the fact that the peninsula is primarily populated by ethnic Russians who voted in support of a popular referendum for the territory transfer, the process of the referendum was questionable. The day before the passage of legislation that initiated the referendum, sixty armed men wearing unmarked uniforms and carrying Russian military equipment seized parliament.⁹ Men with the same unmarked uniforms and Russian weaponry then began to appear across eastern Ukraine, particularly in the Donbass Basin, where pro-Russian sentiment was strong.

Much of the frustration that led to protests on Maidan Nezalezhnosti in Kiev was felt in the east of Ukraine as well, but popular conceptions of how these problems should have been handled varied greatly. While the western region clamored for further integration into the rest of Europe, citizens of the eastern oblasts preferred to build closer ties with Russia. When Russian-backed President Yanukovich was driven from power, many in the east were upset with the government that replaced him, expressing fears that their culture and language, which were inextricably linked to Russia, would be subsumed by aggressive Ukrainian nationalism. As a result, an anti-Maidan movement arose in opposition to the changes that occurred in the east. Although the new government quelled the unrest in many places, the provinces of Donetsk, home to Yanukovich, and Luhansk, remained contested and in the hand of Russian-backed rebels.

Before discussing the specifics of the revolution's collective action, it is important to note that, while drawing connections between the revolutions of 2004 and 2014 is tempting, the comparison is largely fruitless. According to Bohdanova: "While some observers have pointed out that Euromaidan began as Ukraine approached the ninth anniversary of the Orange Revolution, this was perhaps the only link to 2004. This time there were no election results to contest, no clear organisational structure behind the protesters and popularly recognised political leaders."¹⁰ On the whole, the two revolutions were compelled by different actors, unfolded along different lines, and, though they were founded on similar frustrations, were fought over different issues.

Methods of Collective Action

Naturally, the forms of collective action in the Euromaidan Revolution and their intensity varied greatly. Three dimensions in particular, however, deserve special attention as particularly prominent: the use of social media, utilized more strongly in the western and central oblasts; the application of violence and physical coercion, more prominent in the eastern and southern oblasts; and the reliance on historical allusions, prevalent in demonstrations across the country.

Continued improvements in communication technologies have increased the capacity of citizens to organize political demonstrations throughout human history. While the Euromaidan Revolution and the Orange Revolution differed significantly, according to Bohdanova, "perhaps the main difference between 2004 and 2013, however, was the availability of new information and communication technologies (ICTs), which activists used for organising and sustaining Euromaidan."¹¹ Across Ukraine, the Internet and specifically social media usage was higher in 2014 than in 2004, and participants in the Euromaidan demonstrations took advantage of this expanded audience and increase in

⁹ Ibid., 128.

¹⁰ Bohdanova, "Unexpected Revolution," 134.

¹¹ Ibid., 134.

tools. Indeed, for Ukrainian social media, the 2014 revolution was a record-setting affair. “Euromaidan’s newly established Facebook page set a record in Ukraine by having attracted more than 76,000 followers in just 8 days, and reaching more than 200,000 followers within the first 10 weeks of the protests.”¹² However, this successful mobilization cannot be attributed to social media alone.

Traditional media, utilizing new ICTs, played a significant role in amplifying the online presence of protesters. While it was then a common practice for media outlets to self-censor and follow government orders to refrain from reporting on certain events, these conventions were abandoned as the revolution unfolded, and reports of the protest were common both within Ukraine and internationally. *Ukrainska Pravda* served as one of the most-used sites for updates and analysis on Euromaidan, while Radio Svoboda, *Hromadske.TV*, and several other outlets live-streamed large segments of the protests.¹³ This reporting further allowed citizens not present in the capital city of Kiev to closely track the progress of events and at the outset encouraged many to examine the protests more closely, often driving traffic to the protest’s social media page as a result.

Though social media strategies were employed by pro-Russian demonstrators in the east, their use was much more pronounced in the demonstrations in Kiev and in the west. Pro-EU activists employed social media strategies for most aspects of organizing. For instance, to generate foreign press coverage of the protests, participants organized “‘Twitter storms,’ the use of a single hashtag by large numbers of Twitter users in a short timeframe in order to make that hashtag trend globally on Twitter and thereby draw attention to events,” and crowdsourced English-language translations of Ukrainian and Russian websites and reports, thus making that information available to Western observers. Protesters also used ICTs to provide legal support to other participants, creating the initiative Euromaydan SOS, which “filled the continuous need for legal assistance and accumulated information about victims of government repression.”¹⁴ According to the group’s website, which is published in Ukrainian, Russian, and English: “the main purpose of Initiative group Euromaydan SOS is to provide operative and legal assistance to Euromaidan victims not only in Kyiv, but also in [other] Ukrainian regions. The Initiative group collects and analyzes information to protect peaceful protesters and to provide temporary assessments of the situation.”¹⁵ This initiative spurred a number of other efforts to organize and catalogue information online. “Following Euromaidan SOS, a number of other pages and websites have been set up to track the detained, find those [who have] gone missing during the protests, or offer legal advice.”¹⁶ In addition to legal aid, ICTs were used to organize medical brigades which evolved over the course of the protests and saved lives on both sides of the conflicts.

The use of ICTs was eventually self-propelling, as seen through the creation of the IT Tent, “a physical tent originally set up to offer free Internet access and computer equipment to protesters, which later evolved into a space where technology specialists met and collaborated with professional activists on a number of ICT-enabled social projects.”¹⁷ Thus, a virtuous loop was created in which the protesters used technology to organize and call for support, which in turn allowed them to gather more technologically-savvy supporters who then used their own knowledge and equipment to help the movement more effectively organize.

ICTs provided enormous benefits to protesters. Thanks to the widespread availability of the technology, the cost of communicating and organizing was dramatically reduced compared to those during the Orange Revolution, and

¹² *Ibid.*, 136.

¹³ *Ibid.*, 137.

¹⁴ *Ibid.*, 137.

¹⁵ As noted on <http://euromaidansos.org/en/who-we-are>.

¹⁶ Bohdanova, “Unexpected Revolution,” 137–138.

¹⁷ *Ibid.*, 138.

underrepresented groups were better able to participate in the movement. To be sure, social media alone is not sufficient to drive a protest. In fact, “when it comes to protests, online social networks mobilise people in the same way that offline social networks do: users are most motivated to join when someone from their own circle of friends decides to participate.”¹⁸ As such, the existence of strong offline social circles was a requirement for the movement’s success. When the first protesters began to emerge during the Euromaidan protests, their friends and family were the first to hear. Thanks to social media, everyone in Ukraine was able to inform those close to them of their intentions and motivations. This personal connection led to a greater turnout than the previous opposition efforts to mobilize less than half a year earlier.

Whereas innovative usage of ICTs was a major hallmark of the western protests, eastern efforts were marred by more physical and violent tactics. Fearing a crackdown from the new pro-Western government after the ousting of Yanukovich, pro-Russian protesters in the east took up arms to defend themselves. They began by seizing key government buildings and driving the politicians from power, replacing them at gunpoint with their own supporters. Then, using Russian-supplied weaponry and with the help of Russian “volunteers,” the protesters began to set up roadblocks, organize militias, and enforce newly instituted laws. In one of the most dramatic displays of aggression, Malaysian Airlines Flight 17 (MH17) was shot down, killing all 283 passengers and fifteen crew members on board.¹⁹ Though Russia and protesters in the east contest its findings, a Joint Investigation Team with members from Denmark, Belgium, Ukraine, Australia, and Malaysia found that the aircraft was shot down with a Russian missile that was transported across the border from the Russian Federation and was fired from rebel-controlled territory.²⁰

Protesters in eastern Ukraine employed such extreme means of collective organizing because they simply felt they had no choice. The uprising in the western half of the country was largely peaceful and succeeded in installing an administration that the eastern protesters largely opposed. Feeling disenfranchised and fearing for the future of their cultures, these protesters happily accepted Russian support in the form of money, equipment, personnel, information, and propaganda. As the movement grew, eastern protesters dug their heels in deeper. With the destruction of MH17, there was no turning back. The protesters were by that point labeled as terrorists and faced imprisonment if they were to lay down their arms. As such, their resistance continued, leading to the continued stalemate in Ukraine today.

While ICT use prevailed in the west and more aggressive tactics dominated the east, appeals to history were employed across the country. In his article “The Politics of Memory in Ukraine in 2014,” Political scientist Andriy Liubarets asserts, “Public appeals to history accompanied most political processes in 2014 and were always used for self-legitimization by both sides of the conflict.”²¹ The divergence in tactics came in which aspects of history were cited. Overall, the western protesters spoke about European and Ukrainian history, while the eastern protesters relied on references to the Soviet Union and the Russian Empire.

Though major cultural shifts did occur throughout Ukraine in the two decades following the dissolution of the Soviet Union, the cultural divide between the east and west has largely persisted. “The historically conditioned ‘nationalization’ of the western part and ‘internationalization’ of the eastern part have been important, yet distinct, trends. They have formed mutually different ‘ways to feel, to think, and to act.’”²² These

¹⁸ *Ibid.*, 135.

¹⁹ “MH17 Missile ‘Came from Russia,’ Dutch-led Investigators Say,” *BBC News*, September 28, 2016, <http://www.bbc.com/news/world-europe-37495067>.

²⁰ *Ibid.*

²¹ Liubarets, “The Politics of Memory,” 197.

²² Makeyev, “Problems of Internal Political Geography,” 206.

variations are shown through the ways in which each side of the country characterizes the other: “The Galicians of Western Ukraine see themselves as the only ‘real’ Ukrainians and look upon their compatriots of the Dnipro basin as denationalized ‘Little Russians.’ Ukrainians of Central and Eastern Ukraine view Galatians as ultra-nationalistic ‘Banderites,’ ‘Westerners,’ and in the East one often hears that even the Ukrainian language and national symbols are not ‘ours’ but ‘Galician’ and thus somehow ‘foreign.’”²³ This negative stereotyping has led to increased animosity and stoked fears that both sides want to wipe out the cultural presence of the other.

Despite these cultural divisions, prior to the Euromaidan Revolution support for Soviet imagery and history was rarely called into question. Even as recently as 2013, the Communist Party of Ukraine received 13% of the parliamentary election vote. At the time “passage of anti-Communist laws was not seen as a near-future possibility.”²⁴ With over a tenth of the country voting for the Communist Party two years prior to the revolution, it came as a great surprise to many when the newly installed post-revolution government began to legislate against Soviet imagery. The Law “On Condemnation of the Communist and National-Socialist (Nazi) Totalitarian Regimes in Ukraine and Prohibition of Their Propaganda and Symbols,” passed by the Ukrainian parliament on April 9, 2015, “prohibited the use of Soviet symbols, monuments and street names, and made denial of the criminal nature of the Soviet and Nazi regimes a crime.”²⁵ This change came about mainly through the western protesters who backed the new government and largely opposed glorifying their country’s Soviet past in favor of emphasizing the country’s potential ties to the European Union. Many scholars agree that the “cultural and political changes brought to Ukrainian society by Euromaidan (including the emergence of Euromaidan commemorations) acted as decisive factors in changing the attitude towards the Soviet cultural legacy’s objects in Ukraine.”²⁶

The most dramatic manifestation of this opposition came in the destruction of physical monuments constructed during the Soviet Union. Of these, monuments to Lenin were the most common targets., with 504 being destroyed in 2014 alone, according to the Ukraine Institute of National Remembrance.²⁷ Despite this destruction, eastern support for continued memorialization of Soviet-era figures is prevalent in their evocation of figures, events, and folk tales commonly promoted by the Soviet government. Liubarets notes this point, writing that “the war in eastern Ukraine also influenced changes in the politics of memory in Ukraine. Pro-Russian separatists actively relied on the Soviet cultural legacy (especially the memory of World War II) for legitimization of their actions.”²⁸ Western protesters consistently appealed to positive images of the Soviet Union, framing all of the corruption, unrest, and discontentment experienced in the last twenty-five years against the ‘glory days’ of the Soviet Union.

Most scholars explain this divergence between the eastern and western protesters’ uses of historic allusions by citing history itself and the ethnic composition of Ukraine. As the territory of Ukraine passed between empires over the last 1,200 years, the western half most often belonged to Central European empires, while the eastern half of the country typically fell under control of the various forms of the Russian empire. This division only intensified during the Soviet Union, when dramatic death tolls and massive population resettlement programs heavily manipulated the ethnic distribution of the country and led the eastern half to be primarily populated by ethnic Russians.

When the Soviet Union collapsed, many of these ethnic Russians found their identities challenged. No longer Soviet citizens, many were conflicted as to whether they

²³ *Ibid.*, 206.

²⁴ Liubarets, “The Politics of Memory,” 197.

²⁵ *Ibid.*, 197.

²⁶ *Ibid.*, 197–198.

²⁷ *Ibid.*, 200.

²⁸ *Ibid.*, 202.

should now identify as Russian or Ukrainian. In her article “Changing Fields, Changing Habituses,” political scientist Anastasiya Ryabchuk discusses this phenomenon, noting that in academic literature “very little is said about the symbolic (discursive or ideological) transformations in the context of structural changes.”²⁹ She goes on to note that “in post-socialist societies symbolic transformations accompany structural ones, causing a great deal of social suffering for the people who struggle to affirm their social positions in a changing society but are unable to construct a satisfactory life narrative.”³⁰ While many ethnic Ukrainians in the western Ukraine were able to easily transition into identifying as national Ukrainians instead of Soviet citizens, this was not so easy in the east and led to a much stronger identification with the country’s Soviet past among many individuals. This in turn led to the great schism of identification between the two primary groups of protesters, and heavily influenced how they employed historical allusions in their efforts. This is not to say, however, that this is simply a case of one culture subsuming another in the creation of a state. Anthropologist Anna Fournier argues quite the opposite, saying, “We may wish to view change in the region not as the gradual replacement of Soviet by Western modernity, but rather as a constant engagement between Western and Soviet modernities.”³¹ Rather than one culture replacing another, it is more useful to view these cultural clashes as the process of reconciling and repairing clashing values and identities.

Theories of Collective Action

In examining the different tools of collective action employed in the Euromaidan Revolution, it pays to examine the scholarly work which has been conducted on theories of collective action. By definition, collective action occurs within civil society and entirely outside of the framework of the government. Civil society cannot be defined by the government or the economy, but rather only by the nation and people within it. On this, political scientist Kothari argues that “as the State in effect withdraws from its responsibility and surrenders its autonomy, civil society in these lands is thrown on its own resources,” and collective action is needed to express political, social, or economic discontent.³²

Collective action generally occurs when traditional means of expressing political discontent, such as when elections fail, as they did in Ukraine in both 2004 and in 2014. The effects of the protests are different depending on which side of the country one examines. In the west, protesters used ICTs and sustained pressure to bring about changes in political power structures, policy, and the distribution of privilege. In the east, the opposing protesters employed more violent tactics in response to the changes in western Ukraine with the hope of forcing similar localized changes which conformed with their ideology. At the time of publishing, however, their efforts have stagnated into a ceasefire, while the western protesters succeeded in installing a new government into power.

The ideas of Frances Fox Piven and Richard Cloward expressed in *Poor People’s Movements: Why They Succeed, How They Fail* can be usefully applied to the case of Ukraine. In their book, Piven and Cloward lay out a comprehensive analysis of movements based on collective action that still holds relevance today, beginning by

²⁹ Anastasiya Ryabchuk, “Changing Fields, Changing Habituses: Symbolic Transformations in the Field of Public Service in Post-Soviet Ukraine,” in *Culture & Social Change*, ed. Brady Wagoner et al. (Charlotte, NC: Information Age, 2012), 277.

³⁰ Ibid.

³¹ Anna Fournier, *Forging Rights in a New Democracy: Ukrainian Students between Freedom and Justice* (Philadelphia: University of Pennsylvania Press, 2012), 22.

³² Rajni Kothari, “Masses, Classes, and the State,” *Economic and Political Weekly* 21, no. 5 (Feb 1986): 211.

identifying the three dimensions of the transformation of consciousness and behavior that spur protest movements.³³ In Ukraine this was the loss of faith in the political system, the assertion of political rights of the exploited Ukrainian populace, and a belief, inspired in part from the Orange Revolution, that change was possible through protest. Some aspects of Piven and Cloward's arguments have become even more relevant today. For instance, they assert that even individual acts of defiance can be connected to collective action because the perpetrators of this defiance may view themselves as part of a larger cause. In Ukraine, this happened frequently as citizens took to social media to express their discontent.

The authors also highlight the differences between organized social movements and mass movements, stating that "formalized organizations do put forward articulated and agreed-upon social change goals, as suggested by these definitions, but such goals may not be apparent in mass uprisings (although others, including ourselves as observers and analysts, may well impute goals to uprisings)."³⁴ Though scholars have already dedicated reams of paper to explaining the reasons for the Euromaidan Revolution, such explanations remain contested because there was no formal organization of the revolution and thus no clear agreed-upon goals, as seen clearly through the clash of ideals of eastern and western protesters. According to Piven and Cloward's theories, this lack of formal structure actually aided the movement. They criticize resource mobilization theory as too reliant on current systems and bureaucracy, arguing instead that decentralized protest movements, like that of the Euromaidan Revolution, are better at disrupting social structures and achieving meaningful change. This fits with political scientist Rajni Kothari's argument that the transformation of the state cannot occur through traditional channels, but rather requires the fundamental transformation of civil society.³⁵ Piven and Cloward also note collective defiance as a key component of collective action. In Ukraine this was seen in myriad ways, from the initial occupation of Maidan Nezalezhnosti to the refusal of the media to conform to the government's demands and the violence that occurred in eastern Ukraine.

Though the specific causes of the Euromaidan Revolution are debated, the general consensus fits with Piven and Cloward's belief that collective action stems from a welling-up of dissatisfaction:

For a protest movement to arise out of these traumas of daily life, people have to perceive the deprivation and disorganization they experience as both wrong and subject to redress. The social arrangements that are ordinarily perceived as just and immutable must come to seem both unjust and mutable [...] at times when the dominant institutional arrangements of the society, as people understand them, are self-evidently not functioning.³⁶

More than twenty years after the collapse of the Soviet Union, faith in the political system of Ukraine had not yet been restored, and continued examples of blatant corruption in government stoked discontent in Ukraine's citizens until the citizenry's collective patience finally broke. Thanks to the help of ICTs in the west of the country, aggressive tactics in the east, and the use of historical allusions in both areas, this discontent morphed into a revolution that changed the nature of Ukraine's politics and society forever.

³³ Piven, *Poor People's Movements*, 4.

³⁴ *Ibid.*, 5.

³⁵ Kothari, "Masses, Classes, and the State," 216.

³⁶ Piven, *Poor People's Movements*, 12.

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Compromising Refugeehood: Access to Asylum and *Non-Refoulement* in the European Union

Discrepancies between International and European Refugee and Human Rights Law

Stefanie Neumeier

Abstract

This paper explores the intersection of European and international refugee and human rights law. While numerous treaties incorporate the rights of forced migrants, the Refugee Convention with the 1967 Protocol represents the most important instrument in regards to refugee protection. The European Union (EU) has established its own regional refugee and human rights regime with the European Convention of Human Rights and the Charter of Fundamental Rights of the European Union as centerpieces. Although the Court of Justice of the European Union and the European Court of Human Rights have applied more progressive interpretations of refugee and asylum law, they have at times defaulted to conservative rulings, thereby compromising refugee protection. EU legislation, specifically the CEAS with the Dublin Regulation, has qualified the access to asylum and the principle of *non-refoulement*. The restrictive European visa regime and the various control mechanisms limit the right to seek asylum, the right to leave one's country, and access to an asylum procedure. The "safe country" concept further compromises refugee protection as it homogenizes asylum seekers and decreases the quality of asylum procedures. The EU is likely to continue and expand its conservative asylum system, which will come at the expense of overall refugee security and protection.

Introduction

In the wake of World War I the international community recognized, for the first time in documented history, a responsibility to help refugees and began to construct a legal framework for their protection. Between 1921 and 1951, a number of international entities concerned with granting refugee rights and assistance emerged and ultimately paved the way for the International Refugee Organization (IRO) and the United Nations High Commissioner for Refugees (UNHCR).¹ Along with such, international refugee and human rights laws have evolved. However, refugee flows did not subside following the end of the First and Second World Wars and continue to shape the international refugee regime. With the intensification of conflict, economic instability, and environmental suffering, the number of people mobilizing and migrating will likely continue. The

¹ Karen Musalo, Jennifer Moore, and Richard A. Boswell, *Refugee Law and Policy: A Comparative and International Approach* (Durham, NC: Carolina Academic Press Law Casebook Series, 2011), 19.

UNHCR just recently estimated the number of displaced people at 65.3 million worldwide.²

The current migrant crisis and the mass influx of refugees not only challenged individual European states but also revealed the European Union's (EU) overall deficient asylum system. A result of this is Europe's reaffirmation and revival of deterrent refugee policies as pronounced by European Commission President Jean Claude Juncker in his 2016 State of the Union address.³ However, the securitization of migration and asylum in the EU is not a new phenomenon. Ever since the Schengen Agreement, which abolished internal border checks and enabled passport-free movement, Europe has been pressing for increasingly conservative immigration and asylum measures. The Dublin system, the visa regime, and the Common European Asylum System (CEAS) have created a regional refugee regime to harmonize procedures, but also, at least in part, to restrict access to protection.⁴ Of even greater concern are Europe's recent efforts to outsource and offshore migration and asylum control, which could compromise the quality of protection and increase the risk of *refoulement*.⁵ While the European jurisprudence reflects the core principles of international refugee and human rights law, its narrow interpretations of such have carved out legal routes for the continuation of restrictive asylum and refugee practices.

This paper investigates the discrepancies between international and European refugee and human rights law. EU legislation is problematic in two aspects of international refugee protection: (1) access to asylum and (2) *non-refoulement*.⁶ A person's access to asylum is limited due to the EU's territorial interpretation and the continuous trend of outsourcing and offshoring migration control and protection. Furthermore, the core principle of refugee protection, non-refoulement, is compromised as a result of the "safe third country" notion.

The first section of this paper will offer a detailed discussion of international and European refugee law to illustrate the legal foundations and instruments for refugee protection and their relationship. This will be followed by an assessment of how access of asylum is restricted in the EU. The last section of the paper will address to what extent the principle of non-refoulement is threatened by the various versions of the "safe third country" concept.

International Refugee Law and Instruments of Refugee Protection

The main source for international refugee protection is the 1951 Convention Relating to the Status of Refugees (Refugee Convention)⁷ and the 1967 Protocol⁸

² Adrian Edwards, "Global forced displacement hits record high," The UN Refugee Agency (UNHCR), last modified June 20, 2016, <http://www.unhcr.org/en-us/news/latest/2016/6/5763b65a4/global-forced-displacement-hits-record-high.html>.

³ Jean-Claude Juncker, "State of the Union 2016: Towards a Better Europe—a Europe that Protects, Empowers and Defends," (speech to European Parliament, Strasbourg, September 14, 2016).

⁴ Thomas Gammeltoft-Hansen and Hans Gammeltoft-Hansen, "The Right to Seek – Revisited. On the UN Human Rights Declaration Article 14 and Access to Asylum Procedures in the EU," *European Journal of Migration and Law* 10, no. 4 (2008): 439–445.

⁵ Refoulement refers to the practice of sending refugees or asylum seekers their country or to another country where they are likely to suffer bad treatment.

⁶ Non-Refoulement is a fundamental principle of international law which prohibits states to return asylum seekers or refugees to a country in which their lives and freedoms could be endangered.

⁷ UN General Assembly, *Convention Relating to the Status of Refugees*, United Nations, July 28, 1951.

eliminating temporal and geographic limitations. The key elements of the Refugee Convention are (1) the refugee definition and (2) the principle of non-refoulement. Article 1A (2) defines a refugee to be a person outside his or her country of origin with a “well-founded fear of persecution” due to his or her race, religion, nationality, social group membership, or political opinion.⁹ The individual also needs to be “unable or [...] unwilling” to receive protection within the country or to return.¹⁰ Furthermore, under Article 33 all contracting states are obliged to the principle of non-refoulement which prohibits forced return of an individual to the home country, or a transfer to any country “where his life or freedom would be threatened.”¹¹ While non-refoulement is most closely associated with refugee protection and rights, it is applicable to aliens in general. This is crucial, as it ensures protection beyond the refugee status and includes individuals whose asylum claim has failed. Non-refoulement is arguably the most important and most referred-to principle within international refugee law. While there is an ongoing debate about the legal status of the principle and whether it qualifies as *jus dispositivum*¹² or *jus cogens*¹³, most recent scholarship and interpretation suggest the latter.¹⁴ Due to their superiority and their tendency to infringe on state sovereignty, there are only few *jus cogens* norms. As the principle of non-refoulement allows for no derogation¹⁵ and is universally accepted and followed, it has indeed acquired status of a peremptory norm.

Most countries of the international community, including the EU, have ratified the refugee treaty.¹⁶ The discussed key elements are also reflected in other sources of international refugee and human rights law. These include the Universal Declaration of Human Rights (UDHR),¹⁷ the International Covenant on Civil and Political Rights (ICCPR),¹⁸ and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT).¹⁹

The UDHR, which was adopted by the UN General Assembly in 1948, is the fundamental document of universal human rights. While it is not legally binding, its core

⁸ *Protocol Relating to the Status of Refugees*, opened for signature January 31, 1967, 606 UNTS 267 (entered into force October 4, 1967).

⁹ *Convention Relating to the Status of Refugees*, art. 1 A (2), July 1951, United Nations Treaty Series, vol. 189, 152.

¹⁰ *Ibid.*

¹¹ *Convention Relating to the Status of Refugees*, art. 33, 176.

¹² This term refers to internal law adopted by consent.

¹³ This refers to fundamental principles of international law from which no derogation is permitted

¹⁴ See for example Cathryn Costello and Michelle Foster, “Non-Refoulement as Custom and *Jus Cogens*? Putting the Prohibition to the Test,” in *Netherlands Yearbook of International Law 2015: Jus Cogens: Quo Vadis?* ed. Maarten den Heijer and Harmen van der Wilt (The Hague: Asser Press, 2016); Guy S. Goodwin-Gill and Jane McAdam, *The Refugee in International Law*, 3rd ed. (Oxford: Oxford University Press, 2007); Jean Allain, “The jus cogens Nature of Non-Refoulement,” *International Journal of Refugee Law* 13 (2001): 533-558; James C. Hathaway, “What’s in a Label,” *European Journal of Migration and Law* 5, no. 1 (2003): 1–21.

¹⁵ UNHCR, above n 45, 1996, Conclusion No 79(i).

¹⁶ There are countries that have only ratified either the first or the second part of the treaty.

¹⁷ The United Nations General Assembly, *Universal Declaration of Human Rights*, December 10, 1948, 217 A (III).

¹⁸ The United Nations General Assembly, *International Covenant on Civil and Political Rights*, December 1966, United Nations Treaty Series, vol. 999, 171.

¹⁹ The United Nations General Assembly, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, December 10, 1984, United Nations Treaty Series, vol. 1465, 85.

principles appear throughout a number of subsequent conventions.²⁰ Article 14 (1) specifically addresses the “right to seek and to enjoy in other countries asylum,” which refers to the access to the asylum application and procedure.²¹ This serves as the basis for non-refoulement and sets limits to state sovereignty. While states usually enjoy full control over who is allowed to enter their territory, this is subordinate to the right to seek asylum. In Article 7a, the ICCPR forbids torture or cruel, inhuman, or degrading treatment or punishment.²² This is directly related to non-refoulement, the right to seek asylum, and the refugee definition. States must refrain from expelling individuals to territories or to the frontiers of territories where they could be exposed to such circumstances. Furthermore, facing such treatment gives them the right to leave their country and to apply for asylum and receive refugee status. Similarly, Article 3a of the UNCAT prohibits the return or repatriation of an individual to a country where there are substantial grounds for believing that he or she would be tortured.²³

When it comes to monitoring state practices and whether or not they align with international protection obligations, the office of the UNHCR is the single most important instrument. Contracting states are required to cooperate with the UNHCR and acknowledge its authority with regards to ensuring the provisions of the Refugee Convention.²⁴ Additionally, the Human Rights Committee is in charge of overseeing the ICCPR and is able to investigate state practices that might contradict Article 7. Under Article 22 of the UNCAT, the UN Committee of Torture is given jurisdiction to receive petitions and complaints from persons seeking international protection whose asylum claim was denied.²⁵ The International Court of Justice (ICJ) may be asked to settle disputes with regards to “interpretation or application” of the Refugee Convention, however, the ICJ’s jurisdiction has never been invoked in such a circumstance.²⁶ This is also problematic because only states or the UNHCR would be able to do so as the court cannot adjudicate individual claims. However, other legal bodies such as the Court of Justice of the European Union (CJEU) or the European Court of Human Rights (ECtHR) have regional jurisdiction and confer national courts and evaluate individual asylum claims.

European Refugee Law and Instruments of Refugee Protection

Europe’s refugee and human rights instruments are (1) the European Convention on Human Rights 1950 (ECHR) and (2) the Charter of Fundamental Rights of the European Union (CFR). As part of the Council of Europe system, the ECHR has been ratified by all of its members. In Article 6 (2) of the Treaty on European Union (TEU), it is established that the EU accedes to the ECHR.²⁷ With regards to refugee law, Article 3 does not only refer to a general prohibition of torture, degrading or inhuman

²⁰ *The Convention on the Elimination of All Forms of Racial Discrimination* (ICERD 1965); the ICCPR (1966), especially art. 7, 9, and 13; the CAT (1984), especially art. 3; the CRC (1989); the *European Convention on Human Rights* (ECHR 1950), especially art. 3, 5, 8, and 13.

²¹ *Universal Declaration of Human Rights*, art. 14, December 10, 1948, 217 A (III).

²² *International Covenant on Civil and Political Rights*, art. 7a, December 16, 1966, United Nations.

²³ *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, art. 3a.

²⁴ *Convention Relating to the Status of Refugees*, art. 35.

²⁵ *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, art. 22.

²⁶ Hathaway, Anthony M. North, and Jason Pobjoy, “Supervising the Refugee Convention,” *Journal of Refugee Studies* 26, no. 3 (September 2013): 323–324.

²⁷ *Consolidated Version of the Treaty on European Union*, art. 6.

treatment and punishment, but also includes non-refoulement to areas where such might occur.²⁸ It is to be noted that the ECHR is a human rights treaty rather than a central instrument of refugee or asylum protection. Therefore, the ECHR only provides minimum standards and limited protection of asylum seekers and refugees. However, the CFR, which is based upon the ECHR, directly addresses refugee issues. Article 4 condemns any form of ill treatment, Article 18 ensures the right to asylum, and Article 19 prohibits the return to a country where there is a risk of the inhuman or degrading treatment, punishment, torture, or the death penalty.²⁹ With the Lisbon Treaty the CFR became binding and requires EU institutions and member states to respect its provisions when implementing EU and national legislation.³⁰

As aforementioned, the CJEU and the ECtHR are charged to ensure adherence to international and European refugee and human rights provisions. The CJEU is responsible for correct interpretation and application of the CFR.³¹ National courts might request a preliminary ruling with regards to questions on asylum.³² Furthermore, the court holds institutions as well as member states accountable for violations of EU law. While individuals and international/civil society organizations are also able to file a complaint with the court, such inquiries are rather complicated.³³ When it comes to protection of human rights and fundamental freedoms as laid out in the European Convention, the ECtHR is the main legal body to judge state violations. Though the court has shown a “dynamic style of interpretation”³⁴ in some areas and has safeguarded against state attempts to curtail refugee protection, it has nevertheless been reluctant to appeal unsatisfactory asylum decisions. As expressed in the rulings of *Cruz Varas*³⁵ and *Vilvarajah*,³⁶ the court believes member states to be responsible and best suited to accurately assess the risk of return and expulsion. It is not an easy task to balance human rights/refugee law and European integration. The CJEU and the ECtHR have been trying to advance both simultaneously rather than sequentially, however discrepancies and compromise are difficult to avoid.

The European legal system has played a crucial role in the establishment of the European refugee and asylum system. Besides the above discussed conventions and courts, the two main mechanisms for migration are (1) the Schengen Agreement and (2) the Common European Asylum System (CEAS) with the Dublin Regulation.

With the signing of the Schengen Agreement in 1985 and its implementation five years later, the EU realized the abolition of internal and application of external border controls. This introduced the Schengen visa regime with a “four-tier access control model”³⁷ that included migration control and surveillance within and outside the

²⁸ *European Convention on Human Rights*, art. 3.

²⁹ *Charter of Fundamental Rights of the European Union*, art. 4, 18, and 19.

³⁰ Elspeth Guild and Violeta Moreno-Lax, *Current Challenges for International Refugee Law, with a Focus on EU Policies and EU Co-Operation with the UNHCR* (Brussels: European Union, 2013), 9, [http://www.europarl.europa.eu/RegData/etudes/note/join/2013/433711/EXPO-DROI_NT\(2013\)433711_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/note/join/2013/433711/EXPO-DROI_NT(2013)433711_EN.pdf).

³¹ *Consolidated Version of the Treaty on European Union*, art. 19.

³² *Consolidated Version of the Treaty of the Functioning of the European Union*, art. 267.

³³ *Plaumann v. Commission*, Case 25/62, ECR 199, (CJEU 1963).

³⁴ Gammeltoft-Hansen and Gammeltoft-Hansen, “The Right to Seek – Revisited,” 440.

³⁵ *Cruz Varas and Others v. Sweden*, no. 46/1990/237/307 (ECtHR 1991).

³⁶ *Vilvarajah and Others v. The United Kingdom*, no. 45/1990/236/302-306 (ECtHR 1991).

³⁷ EU Finnish Presidency, “Council Conclusions of December 4–5, 2006,” press release, 2006, https://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/9199.pdf.

union as well as faster deportation and expulsion mechanisms.³⁸ It aims to prevent unauthorized entry and enables entry bans. The centerpiece for managing asylum in the EU is the CEAS. It harmonizes European asylum procedures with the goal to ensure the same treatment in every member state. It consists of the Dublin regulation and numerous directives, which are all binding to members. The Dublin system is essential in this regard as it determines which state is responsible for an asylum application. The system foresees that asylum claims are to be lodged and evaluated in the first European country of arrival. Refugees who do not follow the Dublin provisions may be returned to the initial country that is responsible for their asylum application. This does not only entail expulsion to a different European country, but might include removal to another “safe” third country. While the CEAS has been created in accordance with international law and is intended to provide “an adequate level of protection” to individuals who “genuinely” need protection, it compromises refugee rights to free movement and the quality of protection.³⁹ Its main objective is not necessarily to ensure access to asylum, but to counter irregular movements and control the flow of migrants. This is reflected in the fact that the system fails to provide any legal route of entry for asylum seekers—all persons claiming to be refugees are forced to arrive illegally. How this affects access to asylum will be discussed in more detail later in this paper.

Relationship between International and European Refugee and Human Rights Law

While it is often assumed that there is a certain hierarchy in international law, this is not necessarily a helpful assessment. It is true that most regional law is informed by the principles of international law and that some hold the status of *jus cogens*, however, international law, especially in the case of refugee law, is not always an up-to-date reflection of the dynamic developments. On the other hand, European jurisprudence has been flexible enough to adjust to the many changing circumstances. It has created a progressive case law framework, which has aided a more liberal reading of overall international law. Therefore, assuming that international law is always superior and that the relationship is one-directional is not accurate.⁴⁰ In many instances, European law has helped advance the understanding of international law.

However, just as European law has offered more progressive interpretations in some areas, it has occasionally defaulted to conservative rulings that benefit member states and the European asylum regime overall, but come at the price of overall refugee protection. The next section will explore how EU legislation has compromised refugeehood, and how European case law has aided or limited refugee protection.

Discrepancies between International and European Refugee and Human Rights Law

As discussed earlier, the EU has established a uniform asylum system, which is legal under international and European law. However, this legislation only guarantees minimum standards of protection, and in some cases even limits rather than enables the security of asylum seekers. The overall access to asylum in the EU is fairly restricted and will be evaluated first. This is followed by a discussion on how the principle of non-refoulement is threatened by the practice of repatriating or returning refugees to “safe third countries.”

³⁸ The Hague Programme, [2005] OJ C 53/1, para. 1.7.2.

³⁹ Guild and Moreno-Lax, *Current Challenges for International Refugee Law*, 20.

⁴⁰ Gregor Noll, *Negotiating Asylum: The EU Acquis, Extraterritorial Protection and the Common Market of Deflection* (The Hague: Nijhoff, 2000), 53.

Access to Asylum

Access to asylum can be broadly defined as having the right to seek asylum and access to an asylum procedure. Though the right to seek asylum appears in Article 14 of the UDHR, it has no binding legal meaning in international law. It is not mentioned in any treaty or the Refugee Convention. However, the EU has recognized this right in the 1999 Tampere Programme and incorporated it in Article 18 of the CFR out of “respect for the rules of the Geneva Convention [...] and in accordance with the Treaty establishing the European Community.”⁴¹ Though such legal discourse seems to pave the way for above average refugee protection, the EU’s practices suggests otherwise. The right to seek asylum is understood as a “procedural right” and the instruments of the European asylum system focus on “asylum and immigration control” and “prevent[ing] access to asylum procedures.”⁴² The EU relies on a very narrow interpretation of the “refugee.” Only individuals outside of their home country are able to apply for asylum. There is no refugee visa or any other resettlement process available in order to gain legal access to the EU.⁴³ Absent a legal route, the EU’s asylum system greatly qualifies the right to leave one’s country and to seek asylum. Even if outside the country of origin, access to asylum depends on another country’s immigration and border control due to the “undeniable sovereign right to control aliens”⁴⁴ entry as established in the court case *Saadi v. the United Kingdom*.⁴⁵ The EU’s control mechanisms are multi-layered, which decreases the chances of seeking asylum and starting an asylum procedure. In fact, extraterritorial measures are so sophisticated that they control migration flows “at all their stages, from the moment in which the person attempts to leave his or her country of origin up to his or her arrival to the external frontiers of the country of destination concerned.”⁴⁶ In this regard, the trend of outsourcing and offshoring migration control and protection in an effort to diffuse Europe’s responsibility is concerning.⁴⁶

Offshoring refers to externalizing a state’s own migration authorities and outsourcing includes transferring migration responsibilities to private actors or third states.⁴⁷ The EU has invested a raft of resources in order to offshore migration control. This includes the establishment of the visa regime.⁴⁸ The EU requires visas from individuals coming from “all countries in Africa, the Caribbean and Asia as well as a number of countries in Eastern Europe, Central America and the Pacific Rim.”⁴⁹ Individuals with a visa requirement are subject to additional background checks and might be denied entry at any time. Embassies and consulates are encouraged to categorize individuals into “special risk categories” such as “the unemployed, persons without regular income, etc.”⁵⁰ This has negative effects on individuals wishing to claim asylum and seeking protection, as they most likely come from one of these countries and fall into one of the risk groups. In addition to offshoring, the EU tries to shift its responsibility by

⁴¹ *Charter of Fundamental Rights of the European Union*, art. 18.

⁴² Gammeltoft-Hansen and Gammeltoft-Hansen, “The Right to Seek – Revisited,” 448.

⁴³ *Ibid.*, 449 and 457.

⁴⁴ *Saadi v. the United Kingdom* [GC], no. 13229/03, para. 65 (ECtHR 2008). The court ruled that an entry remained unauthorized until it had been formally authorized by national authorities. This includes asylum claims. During the time of authorization or even throughout the asylum procedure, aliens are allowed to be detained in suitable conditions.

⁴⁵ Guild and Moreno-Lax, *Current Challenges for International Refugee Law*, 10.

⁴⁶ Such mechanisms have multiplied in recent decades. See European Parliament Briefing Paper, 10.

⁴⁷ T. Gammeltoft-Hansen, *Access to Asylum: International Refugee Law and the Globalisation of Migration Control* (Cambridge: Cambridge University Press, 2011), 16.

⁴⁸ *Ibid.*, 126.

⁴⁹ Gammeltoft-Hansen and Gammeltoft-Hansen, “The Right to Seek – Revisited,” 448.

⁵⁰ *Ibid.* See also *Common Consular Instructions on Visas*, 2005/C 326/01, section V.

outsourcing migration control and protection to third countries or private actors. The EU has entered into agreements with various other countries and diffused migration and protection duties to authorities of respective states. The deployment of immigration liaison officers (ILOs) plays a central part in this practice. While ILOs supposedly only assist but do not influence third country authorities, they often exercise direct control.⁵¹ Furthermore, the EU increasingly delegates migration control and protection to private actors. Carrier sanctions against airlines and other transport companies are highly common and successful.⁵² The EU's restrictive migration regime has created a lucrative private security industry, including a large number of companies hiring security personnel and border guards to carry out deportation and control services. Privatization is therefore problematic in two ways. First, as a preventive measure it creates additional obstacles to asylum and protection. It is the "most explicit blocking mechanism for asylum flows."⁵³ And secondly, it misconstrues the EU's responsibility to provide protection and access to asylum.

As mentioned above, the EU maintains a very conservative, territorial reading of international law in order to justify the development of its restrictive refugee and asylum regime. The union has stressed the importance of jurisdiction when it comes to the responsibility for refugee protection. The most important principle in this regard is ensuring non-refoulement. The EU only considers individuals for protection who are (1) at the border or inside of a member state or (2) not able to seek refuge in another country.⁵⁴ Member states have been trying to argue that their overall responsibility to protect and provide services to asylum seekers is limited at the high seas, in third countries, as well as in transit zones. In the court case *Hirsi Jamaa and Others v. Italy*,⁵⁵ the legality of the Italian coastguard's decision to return a boat with potential refugees to Libya without acknowledging individuals' claim for asylum was evaluated. This practice violates international as well as European law in several accounts. Not only does it eliminate asylum as an individual right, but it also presents an account of refoulement. While Italian authorities claimed that jurisdiction is not in effect on the high seas, the ECtHR ruled otherwise and established that jurisdiction on the high seas is within the meaning of Article 1 of the ECHR. The court concluded that Italy had violated Article 3 and exposed the returned individuals to the risk of refoulement. Similarly in the court case *Amuur v. France*, French authorities argued that applicants held in the transit zone of a Paris airport had not "entered" France and therefore did not fall within the country's jurisdiction.⁵⁶ The ECtHR disagreed and decided that France was not only restricting the applicants' right to liberty under Article 5 (1), but also denying access to asylum.⁵⁷

Overall, the EU legislation has greatly compromised access to asylum by creating an almost impenetrable control system. Furthermore, the rather narrow interpretation of jurisdiction has redirected the EU's responsibility to third or private actors, which has led to a decrease in refugee protection. The section below will expand on how the principle of non-refoulement has been qualified.

⁵¹ Gammeltoft-Hansen and Gammeltoft-Hansen, "The Right to Seek – Revisited," 452.

⁵² *Ibid.*, 450.

⁵³ J. Morrison and B. Crosland, "Trafficking and Smuggling of Refugees: The End Game in European Asylum Policy," *New Issues in Refugee Research*, Working Paper No. 39, (Geneva: UNHCR, 2001).

⁵⁴ Guild and Moreno-Lax, *Current Challenges for International Refugee Law*, 9.

⁵⁵ *Hirsi Jamaa and Others v. Italy* [GC], no. 27765/09, (ECtHR 2012).

⁵⁶ *Amuur v. France*, no. 19776/92, paras. 52–54 (ECtHR 1996).

⁵⁷ Similar rulings include *Nolan and K v. Russia*, no. 2512/04 (ECtHR 2009); *Riad and Idiab v. Belgium*, nos. 29787/03 and 29810/03 (ECtHR 2008).

Non-Refoulement

I have introduced the principle of non-refoulement as the most important provision of international refugee law. It is universally accepted by states, including the EU, and has therefore *jus cogens* status. Under international law, both direct and indirect refoulement are prohibited. Direct refoulement refers to an individual's return to his or her country of origin where there is a risk of serious human rights abuses, punishment, torture, or even death. Indirect refoulement is the expulsion of a person to another country where he or she might be at risk for direct refoulement. The notion of the "safe third country" is closely connected to the principle of non-refoulement. The CEAS is built upon this notion and uses it in order to categorize and manage refugee flows. With it, the EU aims to accelerate asylum procedures and avoid multiple asylum applications. The safe country notion is not mentioned in the Refugee Convention and considered legal as long as it does not jeopardize the non-refoulement principle. However, EU legislation has undermined this fundamental principle in various instances because it more readily exposes failed asylum seekers and potential refugees to both indirect and direct refoulement. There are various ways of framing safe countries including "safe country of first asylum" or "safe third neighboring country."⁵⁸ However, for the sake of simplicity we can broadly distinguish between "safe third country" (STC) and "safe country of origin" (SCO).

STCs include all European member states as well as non-European countries that have been labeled safe by member states.⁵⁹ Article 38 (1) of the Procedures Directive outlines the requirements a country needs to meet in order to qualify as a STC, however, member states individually evaluate the "safety" criteria. Consequently, which countries are considered safe varies substantively from one member state to another. Individuals who have passed through a STC on their journey to Europe can be returned, as their asylum application is "unfounded" and "must be declared inadmissible."⁶⁰ This is further reinforced in Article 25 of the Procedures Directive because members "are not required to examine whether the applicant qualifies as a refugee."⁶¹ The Dublin Regulation further reinforces the "right to send an asylum seeker to a third country."⁶²

SCOs are countries that are safe or have become safe again. Not only is the risk of prosecution, punishment, or other human rights abuses minimal there, but these countries also do not produce refugees.⁶³ All EU member states are considered SCOs. Annex 1 of the Procedures Directive provides a list of all SCOs outside the EU.⁶⁴ Similarly to the STCs, these countries are different depending on how the security has been evaluated by individual member states. The problem is that even if certain countries are presumed safe in theory, this might not actually be the case in practice. The SCO concept is static and fails to keep pace with internal state dynamics. Nevertheless, EU

⁵⁸ Hemme Battjes, *European Asylum Law and International Law* (Leiden: Brill Academic Publishers, 2006), 397.

⁵⁹ *Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on Common Procedures for Granting and Withdrawing International Protection*, art. 38 (1), OJ L 180, 29.6.2013.

⁶⁰ See summary of *Criteria for Rejecting Unfounded Applications for Asylum*, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3A133102>; *Asylum Procedures: Reforming the Common European Asylum System* (Brussels: European Commission, 2016), http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/20160713/factsheet_asylum_procedures_reforming_the_common_european_asylum_system_en.pdf.

⁶¹ *Directive 2013/32/EU of the European Parliament and of the Council*, art. 25.

⁶² Dublin II Regulation, art. 3 (3).

⁶³ UNHCR 1991: para. 3.

⁶⁴ Annex I in conjunction with Article 37 (1), Procedures Directive.

members are able to repatriate individuals from SCOs, terminate the refugee statuses, or deny an asylum claim without investigating individual circumstances.

Routine-like transfers of refugees, especially within the EU, are questionable under the international legal framework. As stated above, all EU members are considered both STCs and SCOs, meaning that they do not produce refugees and are safe to return asylum seekers to. The underlying reasoning for this is based on the concept of mutual recognition.⁶⁵ Every member state is assumed to meet all requirements and standards set out in EU law. Consequently, there is no risk associated with returning a potential refugee to the first European country, as asylum procedures and services are supposedly harmonized and the same everywhere. This reasoning has also been confirmed by the CJEU in the court case *N.S. v. Secretary of State for the Home Department*.⁶⁶ The court ruled that member states are to follow the measures laid out in the CEAS as they are in compliance with international refugee law. In this regard, mutual recognition is to be assumed in the realm of asylum and refugee policies. While the court acknowledged that human rights abuses might still occur in member states, such are individual, isolated cases and not of structural nature. However, the flaws of mutual recognition and the decreased quality of protection become clear in numerous court cases. In the court case *M.S.S. v. Belgium and Greece*, the ECtHR found Belgium responsible for violating Articles 3 and 13 of the ECHR because authorities had transferred an Afghan asylum seeker to Greece even though the living conditions clearly did not meet EU standards, and therefore exposed him to a risk of non-refoulement.⁶⁷ The applicant was first kept in a detention center with poor sanitary conditions and then forced to live on the streets. The court ruled that a Dublin transfer was not justifiable in the light of such structural grievances. At the same time, Greece violated Article 3 of the ECHR for failing to meet obligations for sufficient refugee protection under EU law. In the court case *K.R.S. v. UK*, though the circumstances were quite similar to *M.S.S. v. Belgium and Greece*, the ECtHR did not find a violation of Articles 3 and 13. Regardless of the fact that several NGO reports and a position paper from the UNHCR confirmed Greece's poor conditions and requested the transfer be stopped, the Iranian applicant was returned.

In addition to internal EU transfers as part of the CEAS and the Dublin Regulation, individuals have also been removed to non-EU safe countries. In the court case *Čonka v. Belgium*, the ECtHR found that the expulsion of a group of Roma asylum seekers violated Article 4 of the ECHR.⁶⁸ The applicants were returned to Slovakia, which at the time was a non-EU country, and therefore protection could not be automatically assumed. The collective deportations without consideration of individual circumstances compromised fundamental principles granted in EU as well as international refugee law. The court ruling of *M.E. v. Sweden*⁶⁹ is even more concerning, as it arguably might qualify as direct refoulement. The ECtHR decided that Sweden did not violate EU law by deporting a homosexual Libyan whose asylum claim had failed to his home country, notwithstanding the fact that same-sex relations are criminalized and punishable in Libya.

To summarize, both access to asylum and the principle of non-refoulement are compromised by the European asylum system. The EU has installed so many pre-entry

⁶⁵ Mutual recognition was first established in the *Cassis de Dijon* case. See *Rewe-Zentral AG v. Bundesmonopolverwaltung für Branntwein (C-120/78) ECR 649 (CJEU 1979)*. While this concept usually applies for the trade of economic goods amongst member states, it has been politicized onto the social arena.

⁶⁶ *N.S. v. Secretary of State for the Home Department and M.E. and others v. Refugee Applications Commissioner and Minister for Justice, Equality and Law Reform* (joined cases C-411/10 and C-493/10) ECR 102 (CJEU 2011).

⁶⁷ *M.S.S. v. Belgium and Greece* [GC], No. 30696/09 (ECtHR 2011).

⁶⁸ *Čonka v. Belgium*, No. 51564/99 (ECtHR 2002).

⁶⁹ *M.E. v. Sweden*, No. 71398/12 (ECtHR 2014).

measures and control functions that asylum seekers have no other choice than to arrive illegally at European frontiers. The trend of outsourcing and offshoring migration control and protection has limited the right to seek asylum as well as the right to leave one's country. Additionally, the non-refoulement principle is threatened by the CEAS "safe country" concept. The main problem is that it fails to review individual cases and human rights abuses of European as well as non-European states. These cases are often difficult to identify. Therefore, even if a country is labeled as a STC or SCO, there remains a risk of direct or indirect refoulement.

Conclusion

This paper investigates how European refugee and human rights law as well as corresponding legislation reflect the fundamental principles of international refugee and human rights law. While there are numerous treaties, the Refugee Convention with the 1967 Protocol is the most important instrument for refugee protection. The principle of non-refoulement is universally accepted and can be considered *jus cogens*. When it comes to European refugee and human rights law, the ECHR and the CFR have incorporated the core principles of the international protection framework. Both the CJEU and the ECtHR are responsible to adjudicate violations that threaten non-refoulement and the overall safety of refugees. EU legislation, specifically the CEAS with the Dublin Regulation, is problematic as it qualifies access to asylum and the principle of non-refoulement. The restrictive European visa regime and the various control mechanisms limit the right to seek asylum, the right to leave one's country, and access to an asylum procedure. Even more concerning is the "safe country" concept, as it results in the homogenization of asylum seekers and decreased quality of asylum procedures. Consequently, protection against refoulement is circumscribed. Unfortunately, the EU does not seem willing to change their restrictive asylum and refugee practices in the near future. While the European legal system has tried to prevent the gravest human rights abuses, it has not been able to fully ensure consistent and satisfying protection for refugees. Hence, the continuation of the conservative European asylum regime will most likely come at the expense of overall refugee security and protection.

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Communal Identity and Sectarian Division in Lebanon: A Comparative Analysis of The National Pact of 1943 and the Ta'if Agreement

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Abstract

Throughout its history, Lebanon has faced an identity crisis that has been exacerbated by two fundamental documents—the National Pact of 1943 and the Ta'if Agreement. These documents worked to ingrain identity into Lebanese politics and created a power-sharing system that was intended to equally represent all of Lebanon's religious groups. However, these documents failed to create a balance and only created tensions as minority Christian Maronites often had control over majority Sunni Muslims. These two documents have had a lasting impact on the Lebanese state and society and provide important lessons for other Middle Eastern states regarding the implementation of confessional or consociational systems.

Since declaring independence in 1943, Lebanon has faced an identity crisis. Lebanon was created by the French mandate system that has resulted in profound religious divisions, a violent civil war, and state instability. This identity crisis and communal rift has been worsened by two fundamental agreements—the National Pact of 1943, an informal agreement that led to the creation of the Lebanese government, and the Ta'if Agreement of 1989, the accord that ended fifteen years of Lebanese Civil War. These two agreements established a power-sharing system that aimed to divide power amongst Lebanon's seventeen different religious sects, including Maronites, Sunnis, Shias, Greek Orthodox, and Druze. But the agreements failed to create a cohesive, Lebanese national identity in a region dominated by Arab nationalism because they enforced the idea that one's loyalty is primarily to their religious community.¹ The aim of these two agreements was to help Lebanon's many religious groups coexist and to avoid violent conflict. Instead they created an intense competition for power and gave Lebanon a unique identity, in the midst of a region dominated by Arab nationalism, by reinforcing the importance of communal identity.

This paper will briefly discuss the history of communal identity in Lebanon, and then compare the two major documents that shaped identity politics in Lebanon: the National Pact of 1943 and the Ta'if Agreement of 1989. Finally, the impact these documents will have on Lebanon's future will be discussed.

¹ Brenda M. Seaver, "The Regional Sources of Power-Sharing Failure: The Case of Lebanon," *Political Science Quarterly* 115, no. 2 (Summer 2000): 254.

Lebanese Independence and the Emergence of Communal Identity

Since the nineteenth century, communal identity has been key to understanding Lebanon because it is “the core of political representation and part of the fabric of the ‘modern’ central state.”² The use of communal identity in Lebanese politics dates back to its time as an Ottoman state. Because of the prominent presence of communal identity, Middle East scholar Hanna Ziadeh argues, Lebanon is the last remaining Ottoman state because communal identity was a basis for the autonomy system during the Ottoman period.³ The confessional political system places Lebanon uniquely among the Arab states that have tended to be dominated by Arab nationalism and sometimes Pan-Islamism, because Lebanese identity places loyalty to community before loyalty to the state. This identity has created complicated dynamics in the Lebanese government since independence.

Prior to becoming modern Lebanon, the Lebanese state was confined to Mount Lebanon and the religious demographics were balanced between the Maronites and Druze.⁴ However, following World War I, the French drastically altered the demographics of Lebanon during the mandate period. France created a mandate area larger than that of Mount Lebanon that made Sunni Muslims the majority and placed the Maronites in the minority category in order to ensure Lebanon’s future ties to the French.⁵ By shaping Lebanon in this fashion, the French ensured that “competition for power [in the Lebanese government] would be based on sectarian affiliations.”⁶ The French felt that they needed to manipulate various groups in Lebanon in this way because if Maronites remained the majority, it would have been much more difficult to maintain influence over Lebanon and the Christian Maronite elite and as a minority, the Maronites would need protecting and therefore turn to the French for that protection. The Maronites benefited from this relationship with France and viewed the alliance “as a protective weapon to wield against the Muslims who surrounded them.”⁷ Maronite leaders envisioned that Lebanon would be a Christian state, while the French, who ignored pre-existing communal tensions in the region, hoped that the Christians would accept Lebanon as an Arab state and that the Muslims would accept that Lebanon would continue to have cultural ties to the West.⁸ This, however, would not be the case. France’s goals were far too optimistic and the French ended up creating a state that was “a precariously balanced collective of economically and politically linked autonomous societies living in a weak, schizophrenic state” that would be consistently unstable in the future.⁹ Lebanon, despite its weakness, was unique in that it had a much easier path to

² Hanna Ziadeh, *Sectarianism and Intercommunal Nation-Building in Lebanon* (London: Hurst, 2006), 8.

³ *Ibid.*

⁴ Kemal A. Faruki, “The National Covenant of Lebanon: Its Genesis,” *Pakistan Horizon* 27, no. 3 (1974): 24.

⁵ *Ibid.*

⁶ William L. Cleveland and Martin Bunton, *A History of the Modern Middle East*, 6th ed. (Boulder: Westview Press, 2016), 214.

⁷ Sandra Mackey, *Mirror of the Arab World: Lebanon in Conflict* (New York: W. W. Norton & Co., 2009), 48.

⁸ *Ibid.*

⁹ *Ibid.*

achieving autonomy than the other French mandate, Syria, because the Maronites were more amenable to mandate rule.¹⁰

The National Pact of 1943 was not the first inception of communal representation in the Lebanese political system. It was first implemented in the beginning of the nineteenth century in the Ottoman Empire, then was introduced as a temporary system in the 1926 Constitution prior to independence, and then “became *de facto* sanctified in the National Pact of 1943.”¹¹ After the establishment of the National Pact, communal identity became ingrained in Lebanese state and society. Communal identity was then used to establish the government and determine government representation proportionally based on the various religious communities, which created a confessional system. The confessional system established by the National Pact remained in place until the end of the Lebanese Civil War in 1989.

The 1950s ushered in a period of Arab nationalism in the Middle East. In Lebanon, the ideas of Arab unity and economic equality “threatened to tip the critical balance of power in Lebanese politics... [and the] heaviest weights on the scale were the Sunnis and the Christian Maronites.”¹² The period of Arab nationalism caused many Sunnis to question “why they should continue to accept a secondary position in a state dominated by Christians,” while Christians viewed the popularity of Arab nationalism as a threat to their political and economic position.¹³ In the 1957 parliamentary elections, President Camille Chamoun created a network of new alliances that caused several key leaders to lose their seats. The result was violent attacks on both Christians and Muslims.¹⁴ In 1958, General Fuad Shihab became president and attempted to reshape Lebanon so that each citizen would be “an integral part of a single people committed to a nation rather than a confessional.”¹⁵ Shihab’s efforts failed as tensions between confessional groups persisted.

Despite having a variety of internal and external causes, such as economic inequality and instability created by the Israeli-Palestinian conflict, the Lebanese Civil War marked the failure of the confessional system in Lebanon.¹⁶ The Lebanese Civil War brought an end to a system based on a very flawed and antiquated census, creating communal tensions by failing to address pre-existing tensions. What followed the Civil War was another flawed attempt to reconcile differences and create power-sharing—the Ta’if Agreement. However, that agreement has failed to resolve communal tensions and has left Lebanon in a constant state of instability.

Power-sharing systems like the confessional system in Lebanon are designed to activate “mechanisms that allow parties to credibly commit to a bargain, thus reducing conflict.”¹⁷ Lebanon’s case indicates that power-sharing political systems do not always alleviate tensions between communities. Power-sharing systems and institutions can be flawed because they are often defined by the conflict they were designed to address and they

¹⁰ Cleveland and Bunton, *A History of the Modern Middle East*, 214.

¹¹ Ziadeh, *Sectarianism and Intercommunal Nation-Building in Lebanon*, 8.

¹² Mackey, *Mirror of the Arab World*, 61.

¹³ *Ibid.*

¹⁴ *Ibid.*, 62.

¹⁵ *Ibid.*

¹⁶ Faten Ghosn and Amal Khoury, “Lebanon after the Civil War: Peace or the Illusion of Peace?” *The Middle East Journal* 65, no. 3 (2011): 383.

¹⁷ Scott Gates et al., “Power Sharing, Protection, and Peace,” *The Journal of Politics* 78, no. 2 (2016): 512.

focus on the elite ruling class.¹⁸ As the National Pact and Ta'if Agreement will demonstrate, these are two of the main flaws of the Lebanese system.

The National Pact

Understanding the National Pact of 1943, or *Al-Mithaq Al-Watani*, is essential to understanding Lebanon today, as it established Lebanese sovereignty and the system of government.¹⁹ The National Pact is an informal and unwritten agreement that was negotiated between Maronite President Bishara Khouri and Sunni Prime Minister Riad Solh.²⁰ Using the 1932 census to determine the state's demographics, it was established that there was a ratio of six Christians to five Muslims in Lebanon, thus guaranteeing Christians a dominant role in Lebanese government.²¹ This ratio was used to establish "the formula of parliamentary seats, cabinet offices, and positions in the bureaucracy."²² The major leadership positions were divided among the religious groups as follows: (1) the president would be a Maronite, (2) the prime minister would be a Sunni Muslim, and (3) the president of the parliament would be a Shia Muslim.²³ Additionally, the National Pact established that Lebanon would be an Arab state.²⁴ This system was imposed in order to handle hostility between Christians and Muslims, but as can be seen throughout Lebanese history, the system created more divides and an imbalance in power.²⁵

This type of confessional system is referred to as inclusive power-sharing. Inclusive power-sharing is often considered a good way to maintain peace, but it is flawed in that the institutions generally benefit elites and fail to protect ordinary citizens, which "may leave them vulnerable to government repression and thus can lead to an unstable peace."²⁶ This will be evident in the period following the agreement of the National Pact and also in the Ta'if Agreement, as both were agreements between elites that did not solve deeper issues.

The issue of Lebanon as an Arab state was extremely concerning for the Maronites. The Maronites were "anxious to dissociate themselves from Arabism and its Islamic connections."²⁷ In response to the push for Arab identity by the Muslim majority, Christian Maronite writers such as Said Aql wrote about Phoenician identity in Lebanon. These writers argued that Lebanese and Arab identities were connected by accident and that it was time for Lebanon to return to its Phoenician identity.²⁸ Phoenician identity was appealing to Maronites for several reasons. The identity promoted the idea of

¹⁸ Ibid., 514.

¹⁹ Farid El-Khazen, *The Communal Pact of National Identities: The Making and Politics of the 1943 National Pact*, Papers on Lebanon 12 (Oxford: Centre for Lebanese Studies, 1991), 3.

²⁰ Mackey, *Mirror of the Arab World*, 53.

²¹ Ibid.

²² Ibid.

²³ Faruki, "The National Covenant of Lebanon," 28.

²⁴ Ibid.

²⁵ Michael C. Hudson, "The Lebanese Crisis: The Limits of Consociational Democracy," *Journal of Palestine Studies* 5, no. 3/4 (1976): 114.

²⁶ Gates et al., "Power Sharing, Protection, and Peace," 519.

²⁷ Kamal S. Salibi, "The Lebanese Identity," *Journal of Contemporary History* 6, no. 1 (1971): 83.

²⁸ Ibid.

Lebanese as traders, and therefore appealed to the Maronite working class. Aql also pushed for the use of the Latin alphabet instead of the Arabic script, but this had little impact.²⁹ Muslims had a negative view of the popularity of the Phoenician identity because they, primarily Sunnis, viewed Phoenician identity as “part of a French imperialist conspiracy against Arab nationalism.”³⁰ Muslim Lebanese writers countered the idea of Phoenician identity by insisting that Lebanese and Arab identity are intertwined, and that the Phoenicians were Canaanites who came to Lebanon from the Arabian peninsula, and therefore are also Arabs. This appeared to be an attempt at reconciling two competing identities. A third identity was the idea of Lebanon as country of freedom, or *l’aisle de Liban*. Both Christians and Muslims viewed this identity as more acceptable because it was an attempt to unite religious groups under a different non-Arab and non-religious identity.³¹ However, this identity also indirectly excluded Muslims because it painted Lebanon as a home for the oppressed and persecuted at a time when Sunnis were viewed as the oppressors throughout the Middle East.³² The third identity reflected a desire for religious communities to have equality and share power in Lebanon.

Despite the declaration of Lebanon as an Arab state, Lebanon continues to have difficult relations with its Arab neighbors due to the prominence of Christians in government roles, and this has contributed to communal tensions.³³ As the National Pact of 1943 shows, Lebanese identified themselves primarily by religious community and second by their Arab identity.³⁴ Lebanon struggled to fit into the narrative of Arab nationalism that was extremely popular in the post-World War I Middle East. However, despite this Arab identity, Lebanese foreign policy was neither in line with that of the West or the Arab world.³⁵ The state often reacted in a passive manner towards the Israel-Palestine conflict; however, the external conflict would later work as fuel to the sectarian divide within Lebanon.³⁶

Aside from the National Pact, one of the most controversial documents in Lebanese history is the 1932 census, which established the demographic proportions that were used in the National Pact. The 1932 census was Lebanon’s only official census and was antiquated by the time it was used for the National Pact.³⁷ The 1932 census was the “cementation of the political elite’s perception of Lebanon as a Christian nation” and shaped the view of who was Lebanese and who was not.³⁸ The census was extremely inaccurate because many people were not counted and were “rendered stateless and legally undocumented.”³⁹ Rania Maktabi, a Lebanese journalist, argues that

²⁹ Ibid., 84.

³⁰ Ibid.

³¹ Ibid., 85.

³² Ibid.

³³ Cleveland and Bunton, *A History of the Modern Middle East*, 214.

³⁴ Ibid.

³⁵ Hudson, “The Lebanese Crisis,” 115.

³⁶ Ibid., 116.

³⁷ Marie-Joëlle Zahar, “Power Sharing in Lebanon: Foreign Protectors, Domestic Peace, and Democratic Failure,” in *Sustainable Peace: Power and Democracy After Civil Wars*, ed. Philip G. Roeder and Donald S. Rothchild (Ithaca: Cornell University Press, 2005), 220.

³⁸ Rania Maktabi. “The Lebanese Census of 1932 Revisited: Who Are the Lebanese?” *British Journal of Middle Eastern Studies* 26, no. 2 (1999): 224.

³⁹ Ibid., 229.

the failure to count people was, at first, simply an aftereffect of ignorance because the state structure and centralization of power was new and not yet developed, but the failure to count people soon became a politically motivated effort to exclude certain groups of people over time.⁴⁰ To maintain Christian control, those who were excluded from Lebanese citizenship tended to be immigrants with a Muslim background.⁴¹

The 1932 census was an inaccurate representation of Lebanese people at the time because there had been profound demographic changes between the time the census was taken and the establishment of the National Pact.⁴² The proportions in the National Pact might have been different if an updated census had been taken. However, it is clear that the 1932 census was used because it ensured Christian control and an updated census would have likely placed Sunni Muslims in power, threatening the interests of the French and the Maronite Christian community.

Many felt that the “National Pact would prove workable precisely because it acknowledged that Lebanon was a country of deep religious antagonisms.”⁴³ However, it fueled religious antagonisms by creating an imbalance in which the Christian Maronite minority would have a majority of the power, despite other religious communities, such as the Shia, making up a large portion of the population.⁴⁴ Prior to the outbreak of the civil war in 1975, many called for a change in the power-sharing structure in order to make it more equal.⁴⁵ At this point in Lebanese history, it is evident that the National Pact was not an attempt at equal power-sharing, but rather a hierarchical system used to prevent certain communities from gaining power.

After years of discussion on a potential reinterpretation of the National Pact, Lebanese President Sulayman Faranjiyya announced a revision of the National Pact in February 1976, shortly after the outbreak of civil war.⁴⁶ The revision of the National Pact abolished the confessional distribution of civil service positions and divided parliamentary seats equally between Christians and Muslims, among other changes.⁴⁷ Several Arab groups wanted the National Pact to be re-interpreted to “give a new definition to the notions of Lebanese nationality and Lebanese sovereignty,” which would clearly define the relationship between Lebanon and Arab nationalism.⁴⁸ A redefined Arab identity and the rise of Arab nationalism threatened Maronite claims of Lebanese identity due to the idea that Arab and Muslim identity are intertwined. Sunni Arab nationalism, a dominant form of nationalism, was considered unappealing to the Maronites because it was woven with Muslim identity and therefore excluded Christian identity.⁴⁹ The new interpretations of the National Pact were a feeble and far-too-late attempt at reshaping the Lebanese political system; and just like the National Pact, the changes failed to address underlying issues.

⁴⁰ Ibid.

⁴¹ Ibid., 230.

⁴² Cleveland and Bunton, *A History of the Modern Middle East*, 218.

⁴³ Mackey, *Mirror of the Arab World*, 54.

⁴⁴ Cleveland and Bunton, *A History of the Modern Middle East*, 218.

⁴⁵ Ghosn and Khoury, “Lebanon after the Civil War,” 383.

⁴⁶ Kamal S. Salibi, *Crossroads to Civil War: Lebanon, 1958-1976* (Delmar, NY: Caravan Books, 1988), 163–164.

⁴⁷ Ibid.

⁴⁸ Ibid., 145.

⁴⁹ Salibi, “The Lebanese Identity,” 85.

The Ta'if Agreement

Sectarian tensions, corruption, social inequality, and the state's tendency to not align with Arab or with Western states on foreign policy issues created the ideal conditions for civil war in 1975.⁵⁰ The elite "were in open conflict with one another" and they were inciting their communities instead of trying to ease the tensions. The military, once an impartial party to communal tensions, was now a part of the conflict.⁵¹ At the beginning of the war, no foreign power intervened. However, Syrian President Hafiz al-Asad soon became aware that Israel might invade Lebanon and began to act. In 1976, Asad approached the Lebanese with a peace plan to balance power between Muslims and Christians, but the Muslims rejected the plan.⁵² In an attempt to ensure Maronite success, Asad sent 13,000 troops into Lebanon.⁵³ In 1982, Israel sent tanks into Lebanon in order to protect their relationship with the Maronites and to eliminate the Palestinian presence in Lebanon.⁵⁴ Both countries invaded Lebanon in order to protect their own regional interests.

The Ta'if Agreement, also known as the Document of National Reconciliation, came after fourteen years of brutal civil war and numerous failed attempts at creating a plan for peace that worked for all communities.⁵⁵ The Ta'if Agreement differs from the National Pact of 1943 in that it did not establish the government of Lebanon. It instead ended a violent civil war and reshaped the power-sharing system in Lebanon in another attempt to weaken the Maronite elite and allow for other religious communities to have power in governance. Additionally, the Ta'if Agreement was an official written document, whereas the National Pact was an informal spoken agreement.⁵⁶ Despite the different purposes and formality of the document, the Ta'if Agreement shares many features of the National Pact: it still worked to institutionalize sectarian divide in the country, because confessional models like the Ta'if Agreement and National Pact are static and cannot account for changing demographics.⁵⁷

In some respects, the Ta'if Agreement acknowledged the limits of the National Pact by stating:

Lebanon's soil is united and it belongs to all the Lebanese. Every Lebanese is entitled to live in and enjoy any part of the country under the supremacy of the law. The people may not be categorized on the basis of any affiliation whatsoever and there shall be no fragmentation, no partition, and no repatriation [of Palestinians in Lebanon].⁵⁸

This segment of the Ta'if Agreement established that all Lebanese are equal, no matter what religious community they belong to. However, the Ta'if Agreement kept the framework of the National Pact, which stated that the

⁵⁰ Hudson, "The Lebanese Crisis," 115–117.

⁵¹ *Ibid.*, 117.

⁵² Mackey, *Mirror of the Arab World*, 108–109.

⁵³ *Ibid.*, 109.

⁵⁴ *Ibid.*, 116.

⁵⁵ Ghosn and Khoury, "Lebanon after the Civil War," 383.

⁵⁶ Mackey, *Mirror of the Arab World*, 54.

⁵⁷ Hudson, "The Lebanese Crisis," 113.

⁵⁸ Taif Accords, Taif, Saudi Arabia, October 22, 1989, accessed November 1, 2016, <http://peacemaker.un.org/lebanon-taifaccords89>.

major political offices would still be held by Maronites, Sunnis, and so on. The Ta'if Agreement did succeed at transferring some of the power of the president to the prime minister and the cabinet in order to limit the power of the Christians.⁵⁹ The goal of the agreement was not to eliminate the confessional system, but to create a system in which religious communities would share power. A reduction in Maronite power may have eased some of the tensions, but it did not provide a long-term solution for communal tensions.

The Ta'if Agreement and the National Pact both affirm the Arab identity of the Lebanese state that the French had pushed for at the time of independence. The Ta'if Agreement states "Lebanon is Arab in belonging and identity."⁶⁰ This aspect of the Ta'if Agreement fails to address an underlying external cause of the communal tensions in Lebanon—the Israel-Palestine conflict. This alienated religious communities that did not associate with Arab identity. The Israel-Palestine conflict has made Lebanon vulnerable to extremist groups such as Hezbollah and has spurred divisions because of the tendency for Muslims to support the Palestinian cause.⁶¹ Maronites viewed the operations of the Palestinian Liberation Organization in the country as a national security threat because it allowed for the possibility of attack by Israel.⁶² The Israel-Palestine conflict was an extremely divisive issue for religious communities in Lebanon and it worked to violate Lebanese sovereignty and the government's legitimacy with the subsequent invasion by Syria and occupation by Israel. These events weakened the confessional government's legitimacy in the eyes of the Lebanese.

The Ta'if Agreement addressed the Syrian intervention and Israeli occupation by stating that Lebanon had sovereignty over all Lebanese territories.⁶³ The Agreement stated that Syria and Lebanon must mutually recognize the independence and sovereignty of each other, but also that the two states share "a special relationship" that allowed Lebanon and Syria to cooperate with one another.⁶⁴ This relationship is tied to Arab identity, which once again excludes Christian identity from the official framework of Lebanese identity.

Whereas the National Pact of 1943 sought to create a power-sharing system that ended up consolidating power in the hands of one religious community, the Ta'if Agreement worked to eliminate the hierarchal communal system created by the National Pact and to create a confessional system that would not give the upper hand to the Maronites or any religious group, and instead create a partnership between communities.⁶⁵ The National Pact divided parliament seats based on a six-to-five ratio, and the Ta'if Agreement amended this so that seats would be divided "(a) equally between Christians and Muslims, (b) proportionately between the denominations of each sect, [and] (c) proportionately between the districts."⁶⁶

Distributing power equally did not resolve communal tensions, because as Middle East scholars Faten Ghosn and Amal Khoury argue, power-

⁵⁹ Cleveland and Bunton, *A History of the Modern Middle East*, 396.

⁶⁰ Taif Accords.

⁶¹ Seaver, "The Regional Sources of Power-Sharing Failure," 270–271.

⁶² Zahar, "Power Sharing in Lebanon," 231.

⁶³ *Ibid.*, 233.

⁶⁴ Taif Accords.

⁶⁵ Ziadeh, *Sectarianism and Intercommunal Nation-Building in Lebanon*, 140.

⁶⁶ Taif Accords.

sharing emphasized loyalty to religious identity and not to the state.⁶⁷ In this regard, the Ta'if Agreement failed to make progress towards creating a united Lebanon in the same ways that the National Pact failed. The two agreements failed to create a cohesive Lebanese national identity due to the emphasis on Arab national identity because it alienated religious communities that felt their religious identity was incompatible with Arab identity. It has been argued by many scholars that the confessional form of government more accurately represents the dynamics of the Middle East than the nation-state system.⁶⁸ While this may be the case, the Lebanese Civil War demonstrates that confessional or consociational political systems can exploit pre-existing communal tensions and that national identity, while it can have a negative impact on the state, can help to unite communities under one identity.

Despite the fact that the Ta'if Agreement was an attempt at resolving communal tensions, it failed to do so. Lebanon has not witnessed civil war since the signing of the Ta'if Agreement, but some have argued that there is still a political war occurring in the country.⁶⁹ This is because the Ta'if Agreement was not meant to be a long-term solution to the violence and “was not inclusive in the sense that it did not truly represent the Lebanese people and their concerns; rather, it was mainly an instrument by which political leaders agreed to ‘coexist’.”⁷⁰

The Ta'if Agreement, like the National Pact benefited the elite ruling class more than it did the ordinary Lebanese citizen. The Lebanese had more concerns that needed to be addressed other than communal division, thus a cursory agreement to address communal tensions would not suffice. The Ta'if Agreement did not address the socioeconomic disparities or the government's inability to address regional problems, two major factors that led to instability.⁷¹ Socioeconomic divisions will most likely continue to contribute to communal tensions as long as power-sharing agreements only benefit the elite classes.

Looking to the Future

Lebanon's history of communal identity and confessional political system is important for understanding present and future instability in Lebanon. After analyzing the National Pact and the Ta'if Agreement, it is clear that the confessional model “is inappropriate to [apply to] the Lebanese situation because of its static characteristic it was unlikely to bring real stability, political normality, and above all political legitimacy back to the Lebanese political system.”⁷² Both the National Pact of 1943 and the Ta'if Agreement worked to reconcile differences among the elite or to appease a certain elite religious group, but failed to address the underlying causes of communal tensions in the rest of Lebanese society. It is evident that both the National Pact and the Ta'if Agreement are crucial to understanding why Lebanon's history has been filled with instability, and that the future will contain continued fragmentation in society and government unless the structure of the political system is altered.

⁶⁷ Ghosn and Khoury, “Lebanon after the Civil War,” 388.

⁶⁸ Richard Hrair Dekmejian, “Consociational Democracy in Crisis: The Case of Lebanon,” *Comparative Politics* 10, no. 2 (1978): 252.

⁶⁹ Ghosn and Khoury, “Lebanon after the Civil War,” 388.

⁷⁰ *Ibid.*, 389.

⁷¹ Seaver, “The Regional Sources of Power-Sharing Failure,” 257.

⁷² Hudson, “The Lebanese Crisis,” 119.

As these agreements demonstrate, communal identity plays a major role in how historians and the Lebanese interpret their history and in “‘extracting’ meaning from past events.”⁷³ The National Pact and the Ta’if Agreement reinforced loyalty to religious community above the state. These agreements have had an enormous impact on how the different Lebanese communities view their identity and perceive each other. It will be extremely challenging for Lebanese citizens to make a shift away from understanding themselves and others based on communal identity, because it has been embedded in Lebanese identity since the creation of the Lebanese state.

Lebanon’s future is extremely uncertain as the state balances on the edge of failure and potential collapse. The Ta’if Agreement failed to truly reconcile deep communal tensions and has not prevented mistrust between religious communities. The post-Ta’if era of Lebanon has been marred by communal violence. It appears that Lebanon may need to shift away from a confessional political system and instead establish a system that does not institutionalize sectarian identity. Lebanon will continue to be a complex state without a cohesive national identity if the confessional system persists. This is evident in Lebanon’s recent struggles to elect a president from 2014 to 2016: the divided parliament took over forty rounds of failing to elect a president before finally electing Michel Auon in October 2016.

One issue with shifting away from the confessional system is the concept of Lebanon as an Arab state. Communities such as the Maronites may continue to reject Arab identity, which will only continue to create sectarian divide. Lebanon must create a national identity that encompasses all religious communities. Therefore, if Lebanon chooses to adopt a new political system, the concept of Lebanon as an Arab state must be altered.

Unless the root of communal tensions is addressed, which appears to be the confessional system itself, Lebanon will continue to experience a major identity crisis that will cripple its ability to progress as a state due to continued communal violence. The country will still witness instability in other forms and implementing a political system that is not based on communal identity may not immediately bring stability to the country.⁷⁴ Other political legitimacy issues, such as the prominence of Hezbollah in the Lebanese government, will need to be addressed in order to bring stability to Lebanon. It is, however, apparent that communal identity will continue to be a fundamental element in Lebanese politics and identity for years to come, unless Lebanon moves away from a consociational system.

The history of Lebanon’s consociational, or power-sharing, system also provides lessons for other Middle Eastern states. The Ta’if Agreement and its aftermath demonstrate that the creation of a consociational system after a conflict may not resolve underlying communal tensions. This lesson could be applied to the post-conflict Syrian state because Syria is comprised of many different ethnic and religious groups. The Syrian conflict has not been nearly as long as the Lebanese Civil War, but it has been far more violent and the groups involved are even more divided. There has been hesitation to apply the Lebanese model to Syria “because sectarian power-sharing is widely held responsible for galvanizing Lebanon’s ongoing sectarian fragmentation.”⁷⁵ The consociational model might be even less effective in Syria because the

⁷³ Ziadeh, *Sectarianism and Intercommunal Nation-Building in Lebanon*, 29.

⁷⁴ Seaver, “The Regional Sources of Power-Sharing Failure,” 272.

⁷⁵ Stephan Rosiny, “Power Sharing in Syria: Lessons from Lebanon’s Experience,” IDEAS Working Paper Series from RePEc, 2013, 17.

religious groups are not ethnically homogenous as they are comprised of both Arabs and Kurds. Sunni Muslims constitute a large majority of the population, meaning that Sunnis would be able to obtain more power than many of the minority groups.

As both the Lebanese and Syria cases demonstrate, power-sharing systems, or systems in which one religious or ethnic group holds a majority of the power, can contribute to a decrease in government legitimacy. In Lebanon's case, Hezbollah was able to gain legitimacy and even become a part of Lebanese government. In a similar manner, groups such as the Islamic State of Iraq and Syria and Jabhat Fatah-al Sham (formerly Jabhat al-Nusra) have been able to gain legitimacy and receive support from Syrians. Power-sharing systems work to institutionalize sectarian divide and create instability, thus it may be an ineffective model for states in an already unstable region.

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Society

Millennials and the Putin Cult

Shelby Ranger

Abstract

Much literature about the unique qualities of particular generations exists, as does literature examining the cult of personality surrounding Russian President Vladimir Putin. This article situates itself within the study of the Putin cult, taking a perspective based in generational theory that distinguishes millennials as a unique group, and seeks to examine the ways in which millennials in particular engage with the Putin cult. The Putin cult is not a uniquely millennial phenomenon and cults of personality have existed for ages. However, millennials engage with the Putin cult in an interesting and unique way due to the digital era within which they grew up and live, along with the spread of activist ideas into Russia. This examination uses qualitative methods and finds that millennials use tactics related to these peculiarities to engage with the Putin cult in a manner that is tongue-in-cheek, while preserving an image that would retain favorability with the Kremlin. This is of particular importance given the increasing spotlight on US-Russian relations as well as the presence of cyber-issues and the Putin cult within this subject.

Introduction

Cults of personality are not new to Russia. Vladimir Lenin and Josef Stalin both had powerful cults of personality in the Soviet Union. Russian President Vladimir Putin's cult comes about in a time of increased western influence and Internet/meme culture, which gives the cult a different character from those of Lenin and Stalin. The Putin cult seems to embody more public engagement and less direct government control, but the element that really makes it unique is millennial involvement. In *Generations*, scholars William Strauss and Neil Howe examine patterns in history and determine sets of people in time who have shared characteristics as a result of shared experiences. Generations, they explain, are "people moving through time, each group or generation of people possessing a distinctive sense of self."¹ Every generation includes unique individuals and particular "age locations" in history and collective mindsets link them to others in that group. This creates a generation.² Millennials, like prior generations, have certain characteristics, some of which are effects of previous generations' influence, and others due to environmental factors like technological advances.³

Generational theory allows for the examination of millennial engagement with the Putin cult separately from the overarching Russian involvement with the cult. In particular, millennials' Internet/meme culture, activism, and use of humor in their

¹ William Strauss and Neil Howe, *Generations: The History of America's Future, 1584 to 2069* (New York: William Morrow and Company, Inc., 1991), 32.

² *Ibid.*, 9.

³ Michael Wilson and Leslie Gerber, "How Generational Theory Can Improve Teaching: Strategies for Working with the 'Millennials,'" *Currents in Teaching and Learning* 1, no. 1 (Fall 2008); Lindsey Gibson and William Sodeman, "Millennials and Technology: Addressing the Communication Gap in Education and Practice," *Organization Development Journal* 32, no. 4 (Winter 2014).

engagement with the cult makes Putin's cult of personality distinct from other personality cults of the past, and even creates a distinction along generational lines within the Putin cult's following. The Internet/meme culture and activist types of millennial engagement with the Putin cult are two distinct types of engagement, but millennials engage in both, though not always together. These digital natives interact with Putin's personality cult in a tongue-in-cheek manner while maintaining certain standards. For example, targeting Putin's masculinity is off limits, and embracing and enforcing it through jokes is instead the acceptable norm within Internet/meme culture. This shows how millennials—even beyond the more blatantly pro-Putin youth groups like Nashi—are engaging with the cult.

Defining Millennials and Memes

Generational Theory, as discussed in the introduction, places people into groups according to similar historical experiences and mindset features that occur within people born within a certain period of time.⁴ These generational distinctions help to explain why certain patterns emerge in history and why living groups sharing a similar age tend to possess a particular identity.⁵ It is difficult to create an exact date that determines membership in the generation of “millennials.” Strauss and Howe suggest in their 1991 book *Generations* that millennials are those born after 1982. For the cut-off date, we may look to the US President's Council of Economic Advisers definition of millennials as those born between 1980 and mid-2000, which bases this date choice on the theory of social generations Howe and Strauss have proposed.⁶ The council then states that the millennial generation is significant in that it is the first to have had Internet access in its formative years.⁷ This paper examines millennial involvement with the Putin cult and in part how it relates to the Internet/meme culture of millennials. For this reason, Strauss and Howe's beginning date and the Council of Economic Advisers end date for defining millennials is the most suitable for grouping the generation for the purposes of this discussion, as it focuses on the Internet element of what it means to be a millennial, as these dates place the coming of age and development of millennials in the realm of the technological boom.

Although millennials are digital natives who grew accustomed to using technology in their everyday lives from a young age, some modes of digital communication have decreased in popularity while others have increased, just within a span of a few years. A study published in 2010 by Lenhart et al. that began tracking data in 2006 showed that fewer teens and young adults blogged in 2009 than in 2006, while the trend was the opposite for older adults.⁸ Increasingly, youths use “microblogging” methods like status updates, rather than “macroblogging” through blog sites like Wordpress.⁹ Memes are good example of a microblogging method that appeals more to youths than to older adults. Adults have increased their creation of shared content somewhat, but they produced less shared content than teens in either 2006 or 2009.¹⁰ Memes appeal to the microblogging sensibilities of a millennial more than to those of older adults, but as the Internet becomes more accessible, the involvement of older generations in meme culture may become even more prevalent. Researchers Michele

⁴ Strauss and Howe, *Generations*, 9.

⁵ *Ibid.*, 16, 32.

⁶ The Council of Economic Advisers, “15 Economic Facts About Millennials” (Washington, DC: Executive Office of the President of the United States, 2014), 3.

⁷ *Ibid.*

⁸ Amanda Lenhart et al., *Social Media & Mobile Internet Use among Teens and Young Adults: Millennials*, Pew Internet & American Life Project (Washington, DC: Pew Research Center, 2010), 2–4.

⁹ *Ibid.*

¹⁰ *Ibid.*, 23.

Knobel and Colin Lankshear define memes in their chapter “Online Memes, Affinities, and Cultural Production” in their publication *A New Literacies Sampler* as “contagious patterns of ‘cultural information’ that get passed from mind to mind and directly generate and shape the mindsets and significant forms of behavior and actions of a social group,” including a broad range of physical and non-physical pop-culture items such as songs, catchphrases, “ways of doing things,” and clothing fashions.¹¹ In the general study of memetics, “meme” carries this highly generalized definition.¹²

Knobel and Lankshear write of Internet memes more specifically as “the concept of a ‘meme’ itself has become something of a meme online. Among Internet insiders, ‘meme’ is a popular term for describing the rapid uptake and spread of a particular idea presented as a written text, image, language ‘move,’ or some other unit of cultural ‘stuff.’”¹³ In Internet culture, the term “meme” can refer to a particular type of image that holds meaning and is circulated around the cybersphere in order to connote a particular meaning. An example of this narrow definition would be the “but that’s none of my business” aka “Kermit drinking tea” meme, which is a picture of Kermit the Frog drinking Lipton tea with a changeable sentence of text, often using slang words to point out a negative irony in everyday life or popular culture and the line “but that’s none of my business” or some variant of the phrase at the bottom of the image.¹⁴ In common Internet-slang usage, meme connotes this specific image-communication method. However, as Knobel and Lankshear point out, meme can include text, images, or any other cultural stuff circulated in mass quantity around the Internet that carries some meaning. This can also include viral videos and gifs, not just the picture-text combination that holds the name “meme.” In this paper, meme will generally take the broader definition, in order to encompass aspects of Internet culture that do not meet the narrower definition of meme. This paper will examine the ways that memes are used in Putin’s personality cult. A cult of personality can be defined as “the deliberate fixation of individual dedication and loyalty on the all-powerful leader” who embodies values and goals of a particular society.¹⁵ Major personality cults have existed surrounding leaders like Chinese Chairman Mao Zedong, Lenin, and Stalin in the past. In order to better understand Putin’s personality cult within the Russian cultural context, it is helpful to examine prior cults of personality in Russia.

Cults of Personality in the Soviet Union: Lenin and Stalin

Russia, and its predecessor the Soviet Union, has a history of involvement with cults of personality. Lenin and Stalin each had a cult of personality in the Soviet Union, and Putin similarly has one in modern Russia. Cults surrounding leaders are not a new phenomenon. Monarchies and religions dating back to ancient times had cult followings, and religious and political power were connected in that the monarch’s claim to the throne was based on the belief that God placed him in that position of power.¹⁶

¹¹ Michele Knobel and Colin Lankshear, “Online Memes, Affinities, and Cultural Production,” in *A New Literacies Sampler*, eds. Michele Knobel and Colin Lankshear (New York: Peter Lang Publishing, 2006), 199.

¹² *Ibid.*, 200.

¹³ *Ibid.*, 202.

¹⁴ “Kermit the Frog Drinking Tea Memes,” *imgur*, accessed April 10, 2016. <http://imgur.com/gallery/ULRor>.

¹⁵ Steven Kreis, “Stalin and the *Cult of Personality*,” *The History Guide*, 2000, accessed April 22, 2016. <http://www.historyguide.org/europe/cult.html>.

¹⁶ E. A. Rees, “Leader Cults: Varieties, Preconditions and Functions,” in *The Leader Cult in Communist Dictatorships: Stalin and the Eastern Bloc*, eds. Balazs Apor et al. (New York: Palgrave MacMillan, 2004), 5.

Cults of the twentieth century in Russia resembled monarchial and religious cults of old.¹⁷ Both ancient and modern personality cults connect the leader with the people and the nation.¹⁸ Power-hungry leaders enjoy the sense of security in their post that comes from having a cult following and the godlike power it bestows upon them.¹⁹ The people follow the cult, as it gives them a sense of purpose in life, treating leaders like Lenin as deities.²⁰ Lenin and Stalin's cults of personality involved Russians both old and young, and although the government created policies to bolster the power of the cult, the movement was not one-sided and required the support of the people, which it gained.

The cults of Stalin and Lenin resembled one another. Just as with religious cults, cults of personality involve certain beliefs and rituals.²¹ Russian culture prior to the revolution of 1917 was highly intertwined with Russian Orthodox Christianity.²² Russian culture sanctified its heroes, seeing them as more than human, with an air of divinity.²³ The Bolsheviks, the communist party that gained power following the 1917 Russian revolution, recognized this highly religious element of Russian culture and used this in its creation of the cult. Because legitimate political and religious power had been intertwined for so long in Russian culture, the Bolsheviks recognized the challenge of establishing the legitimacy of their own rule without a religious element. Creating a cult of personality around Lenin would satisfy this hunger for a religious icon for the people and encourage the image of the Bolsheviks, headed by Lenin and his ideals, as a secure and stable leadership. Lenin's administration used the Russian populace's religious sentiments in order to establish the legitimacy of their own political power. Although Lenin hated religion, his government placed him as a cult figure who could be worshipped in a sense; just as saints in the pre-revolutionary era had a place for their icons in the "beautiful corner" of a room, suddenly images of Lenin arose in their place.²⁴ Both the Lenin and Stalin governments set up education systems that taught children to respect and admire the leaders as family to be loved more dearly than one's own parents—ensuring maximum loyalty to the state.²⁵ Icons showed images of the leader with children, much like religious icons of the past, and schools taught children to love the leader through ritual practices.²⁶ This method was highly effective, so that children even continued to feel the same devotion to the leader after maturation.²⁷

The Soviet personality cults of Stalin and Lenin consecrated their leaders like religious cults in the past. One example of this that lives on is Lenin's tomb.²⁸ The tomb sits in Red Square and resembles a shrine to a saint, which people visit as though on a pilgrimage.²⁹ Lenin did not want to be deified.³⁰ His cult began after his death and did not portray his true personality.³¹ Lenin had no children, but he identified closely with the

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid., 12.

²⁰ Ibid.

²¹ Nina Tumarkin, *Lenin Lives!: The Lenin Cult in Soviet Russia* (Cambridge, MA: Harvard University Press, 1983), 2.

²² Ibid., 4.

²³ Ibid., 14.

²⁴ Ibid., 23.

²⁵ Catriona Kelly, "Grandpa Lenin and Uncle Stalin: Soviet Leader Cults for Little Children," in *The Leader Cult in Communist Dictatorships: Stalin and the Eastern Bloc*, eds. Balazs Apor et al. (New York: Palgrave MacMillan, 2004), 103.

²⁶ Ibid., 102.

²⁷ Ibid., 102-103.

²⁸ Rees, "Leader Cults," 6.

²⁹ Ibid.

³⁰ Tumarkin, *Lenin Lives!*, 24.

³¹ Ibid.

Communist Party and in speeches referred to Russia as “child,” as if to claim fatherhood over the nation.³² The Bolshevik government created a cult of personality surrounding Lenin because his strong leadership qualities were attractive to the people and the party required symbols and images favorable to the people for use in propaganda to bolster the government’s power and legitimacy.³³ The Lenin cult began as a result of many factors, including Russian religious culture, as previously mentioned, and the Bolshevik government’s search for legitimacy. At first, Stalin and his government used the Lenin cult to bolster their own legitimacy and Stalin made a point of emphasizing his close relationship with Lenin.³⁴ The same aspects of Russian culture, its religious and monarchical historical ties, which gave Lenin’s cult power, also gave power to Stalin’s cult.³⁵ The Stalin cult used propaganda to differentiate between the culture of the capitalist west and that of the Soviet Union.³⁶ His pipe became a symbol of communism in contrast with British Prime Minister Winston Churchill’s cigar, which represented capitalism.³⁷

Putin’s cult is similar to Lenin and Stalin’s cults of personality in that it uses visual and physical tools to propagate Putin’s image as an ideal Russian super-deity, similar to the way Stalin’s strong communist symbolism in propaganda emphasized his strength and communist leadership, and Lenin became a sort of “Holy Father” through the education system and his tomb. Putin’s cult engages with youths in a way that is somewhat different from the Lenin and Stalin cults. Putin’s cult engages with youths in a more voluntary nature, as with the Nashi Youth Movement, which the Kremlin finances and advertises, unlike the youth movements under Stalin and Lenin’s cults where a departure from the organization could devastate one’s career. Like Stalin and Lenin’s propaganda posters, Putin uses photos to enhance his image as a strong leader. Unlike Stalin’s pipe and Lenin’s tomb, Putin’s associated objects can also exist in the digital realm in the form of memes. Before delving deeper into the heart of the Putin cult meme world, it is helpful to examine the general development of the Putin cult.

Overview of the Putin Cult

This account of the Putin cult draws heavily upon the work of scholars Julie A. Cassiday and Emily D. Johnson. The Putin cult was born in 2000 when Putin came to power as the first strong national leader in the post-Soviet era. Prior to 1999 when he took over the presidency from Russian President Boris Yeltsin, Putin was almost unknown, but by early 2000 journalists already talked of his cult of personality. Soon after he won the March 2000 elections, bookstores began to sell portraits of him and professional, well-known artists used his image. By 2006 schools already had Putin’s portrait on the wall, and by 2007 journalist Susan Glasser, a founding editor of *Politico* and Russian expert, pointed out that Putin’s image could be found all over Russia.³⁸

In the beginning of the cult, just after Putin came to power in 2000, the Kremlin involved itself in shaping the Putin cult. Putin “wrote” a book, based on interview answers, that sought to introduce Russians to their leader, portraying him as a humble, intelligent family man with an interesting and exciting past and promise for the

³² Ibid., 59.

³³ Ibid., 65.

³⁴ Rees, “Leader Cults,” 9.

³⁵ Jan Plamper, *The Stalin Cult: A Study in the Alchemy of Power* (New Haven: Yale University Press, 2012), 1–2.

³⁶ Ibid., 17.

³⁷ Ibid.

³⁸ Julie Cassiday and Emily Johnson, “Putin, Putiniana and the Question of a Post-Soviet Cult of Personality,” *The Slavonic and East European Review* 88, no. 4. (October 2010).

future. This book, entitled *First Person: An Astonishingly Frank Self Portrait by Russia's President*, was published in 2000 as Putin was taking on the role of president, and consists of questions posed by three Russian interviewers and answers by Putin. The preface says they talked to Putin in an informal setting, usually around the dinner table, meeting a total of six times for four hours each.³⁹ Putin's agreement to participate in the making of this book shows his involvement in the creation of his own public image. The interviewers published the book in 2000, just as Putin was taking on the role of president for the first time after Yeltsin's sudden resignation. The timing is surely not random. The book provides a flattering image of a family man who has an interesting history filled with incredible adventure, but remains humble. Of course, no biography would cover a world leader and allow him/her to sound uninteresting. It introduces the Russian people to their new president, humanizes him, and sets up his public image so that the people see him as a transparent, positive figure at the very beginning of his ascension to power. Even into the late 1990s, Russians felt fear and distrust toward the Komitet gosudarstvennoi bezopasnosti (KGB).⁴⁰ This book helped to distance Putin from negative associations with the KGB, turning his spy background into a more glamorous one, but ultimately focusing more heavily on his family-man image. Given the subject of this paper, a biographical representation most helpful for understanding the Putin cult is one intertwined with the cult itself. Putin's own brief autobiographical summary, which the interviewers placed at the beginning of the book, provides the basic facts:

In fact, I have had a very simple life. Everything is an open book.
I finished school and went to university.
I graduated from university and went to the KGB.
I finished the KGB and went back to university.
After university, I went to work for Sobchak.
From Sobchak, to Moscow and to the General Department.
Then to the Presidential Administration.
From there, to the FSB.⁴¹
Then I was appointed Prime Minister.
Now I'm Acting President. That's it!⁴²

This simple autobiographical summary provides us with a brief overview of the major successes in Putin's career as he moved further up rungs in the power ladder. It also shows some level of real or feigned humility with "I have had a very simple life" and the "that's it!" at the end of his statement. His humble words help to make him seem more human, and, throughout this book, his humble, family-oriented nature turns the focus away from his KGB involvement. This book helped to distance Putin a bit from the negative connotations of the KGB, in favor of the positives of a family-centric lifestyle with a glamorous past.

The Putin cult uses different parts of Putin's history—his school years, home life, etc.—in order to achieve a particular image that connects the ruler to the people. This connection comes about by allowing the reader to experience life with Putin starting in his earliest years and moving chronologically through his growth. Autobiographies sometimes jump between the issues that the subject finds most important or briefly touches upon his/her childhood, only for the purpose of explaining the context for the

³⁹ Vladimir Putin, *First Person: An Astonishingly Frank Self Portrait by Russia's President*, eds. Nataliya Gevorkyan, Natalya Timakova, and Andrei Kolesnikov, trans. Catherine A. Fitzpatrick (London: Hutchinson, 2000), VII-VIII.

⁴⁰ Martin Ebon, *KGB: Death and Rebirth* (Westport, CT: Praeger Publishers, 1994), 121.

⁴¹ Federal'naiia sluzhba bezopasnosti Rossiiskoi Federatsii (FSB)—the Russian Federal Security Service—is the main successor agency to the USSR's KGB.

⁴² Putin, *First Person*, 1.

following chapters detailing his/her success. *First Person's* chronological and highly detailed structure makes Putin seem more accessible, as though the reader is witnessing a family member grow up, rather than a distant celebrity. The content within this structure, however, maintains a sense of adventure and excitement that keeps the reader engaged even after Putin has begun to grow up, and upholds the image of Putin as a sort of superhero family man who fits the description of the most interesting, perfect Russian man. The chapters split his life into sections: "The Son," "The Schoolboy," "The University Student," "The Young Specialist," "The Spy," "The Democrat," "The Bureaucrat," "The Family Man," "The Politician," and "Russia At The Turn Of The Millennium," and include subheadings that sound more like the intro to a serial than the summary of a president's autobiographical interview. These chapter titles show the diversity of the identities that Putin's image holds. On one hand, he is a family man with a loving wife—who takes part in the interviews and lauds Putin's balance of family and work—and daughters, while on the other hand he is a spy, who serves his country with an aura of intrigue and adventure about him.

One excerpt from "The Bureaucrat" chapter reads, "Meanwhile, tension in the Caucasus is rising as Chechen rebels demand independence. Fearing a potential domino effect, Putin takes a hard line. He is willing to sacrifice his own political career to crush the Chechens and thereby avoid what he sees as a devastating, large-scale war."⁴³ This subheading reads almost like the prelude to a Star Wars film, keeping the reader highly engaged in the action and adventure aspect of Putin's life. The fact that these subheadings are not Putin's words, but the words of the interviewers maintains the image of Putin as a humble man, the kind who would never say braggingly about himself that "he is willing to sacrifice his own political career to crush the Chechens." Instead, the chapter subheadings give an exciting, exoticizing spin to the interview answers that follow. The first page in "The Bureaucrat," for example, starts:

[Interviewer:] What did you do for work after leaving Yakovlev's office, when no ambassadorial post materialized?

[Putin:] After we lost the elections in Peter, a few months passed and I was still without a job. It really wasn't very good. I had a family, you know. The situation had to be resolved, one way or another. But the signals from Moscow were mixed; first they were asking me to come to work, and then they weren't.

[Interviewer:] But who did make you an offer?

[Putin:] Borodin, as odd as it may seem.

Chief of staff Pavel Borodin brought me into the presidential administration. I don't know why. We had met several times. That was essentially the extent of our relationship...⁴⁴

The excitement of the preceding chapter subheading contrasts mightily with Putin's humble admission of unemployment. His concern for his family and his humble downplaying of reasons for getting the offer of employment with the government make it easier for the reader to connect with him and see him as one of the people—just another man who wants nothing more than to provide for his family, who does not brag about his merits, and in fact seems so saintly that he is even unaware of them. However, to be sure that this connectivity does not make the reader question his qualifications for being the leader, the interviewers assist him in a "humble-brag" so that in their choice of questions and his careful answer the reader learns about this interesting, amazing, and impressive man who is also humble about his own image. A few pages later in "The Bureaucrat," the reader finds an example of this careful literary choreography:

⁴³ *Ibid.*, 123.

⁴⁴ *Ibid.*, 125.

[Interviewer:] How did they greet you at the FSB? There you were, a former KGB colonel...

[Putin:] I was greeted cautiously. Then things got better. As for being a colonel... Let's take a closer look... First of all, I was a colonel in the reserves. I had completed my service as a lieutenant colonel, ten years earlier. During those ten years, I had had a different life. And when I came to work at the FSB, it was not as a colonel but as a civilian who held the position of first deputy to the chief of the presidential administration.

[Interviewer:] That is, you in fact became the first civilian leader of the security agencies?⁴⁵

The interviewers' choice to leave in ellipses indicating hesitation shows the deliberate nature of the image production. Generally in interviews, people hesitate, pause, and use filler words, sometimes creating sentences that do not make sense or are fragmented. Putin's responses all appear perfectly phrased, so that the only time he does not complete a thought, the ellipses that follow indicate his pointed thinking about the topic at hand. In this example, the interviewers plop an impressive title within the question immediately after discussing the FSB, which carries its own exciting spy-based connotations. Putin's answer presents him as both humble and extremely impressive, but without seeming to try to be so. Then the interviewers follow up with a question that in fact is pointing out his accomplishments, which does not seem to be bragging because it does not come from him.

Putin's cult of personality means that every element of his life is carefully shaped for public consumption. Putin became the father of the nation as Boris Yeltsin said to him, "Take care of Russia." Putin also became a family man, a sex symbol, the manliest of men, and anything else the people desired.⁴⁶ The peppering of photos within *First Person* featuring Putin with his wife, daughter, and pets, dressed in everyday "dad-wear," sought to ensure at the beginning of his first presidency that Russians saw him as one of the people, with family values just like them. Even in the start of the Putin cult, the government sought to propagate this multifaceted image of Putin, where he seems to be nearly all things—certainly anything that Russia could need, and it continues this shape-shifting into the present with some constant features like Putin's masculinity.

Unlike leaders like North Korean Chairman Kim Jong-un, who regularly sing their own praises in their attempt to create a positive image, Putin uses a subtler method. He surrounds himself with others who point out his accomplishments, like in the book *First Person*. He does not stand at a stage bragging about living an exciting life. Instead, the book interacts with the Putin cult using these subtler methods in order to propagate an image the people will respond positively to: a family man, exciting former spy, and intelligent government leader. Russian-American, Moscow-based Journalist Anna Arutunyan wrote of Putin, "what I saw when he stared at me for a few moments ... was a reflection of whatever I wanted to see."⁴⁷ This real-life observation is transferable to the texts of the Putin cult, in which Putin takes on many positive, masculine identities ranging from family man to adventurer. The shape-shifting nature of Putin's image that he and his government produce, and which the people embrace in the back and forth of the personality cult, is evident even in the presentation of his history that emerged with the cult's beginnings as Putin rose to power.

After the publishing of *First Person*, Putin's approval ratings increased as his "all-embracing image" continued to morph like a chameleon. He seemed to be a blank

⁴⁵ Ibid., 133.

⁴⁶ Ibid., 112–113.

⁴⁷ Anna Arutunyan, *The Putin Mystique: Inside Russia's Power Cult* (Northampton: Olive Branch Press, 2015), 57.

slate upon which any image might be projected as needed. By 2004 there were definite traits that resurfaced within every representation of Putin. He was always attributed with, according to Cassidy and Johnson, “sobriety, intelligence, competence, vigorous physical and psychological health, and, above all, his manliness.”⁴⁸ Putin has become the perfect man since the beginning of his ascendance to power with his initially “blank slate” persona, so that he now embodies the ideal version of a Russian man—the highly masculine, sexy, adventurous outdoorsman who also has wholesome values of being a family man and not a drunk or a smoker.

Putin’s popularity extends beyond the realm of politics and into a hyper-celebrity zone, which the Kremlin propagates. His regime sets up photo shoots and events with which to spread his masculine Russian image. Some of these include photos that show him playing hockey with children, Russian officials, and NHL hockey stars before a youth tournament and again on his 63rd birthday; exercising; fishing in Siberia; flying a hang-glider for a project aiming to save a rare crane species; riding a Harley Davidson motorcycle to a biker convention in southern Ukraine; diving to archeological sites; beating opponents in judo competitions; and piloting a jet.⁴⁹

A photo book was published in 2008 that included at least 220 pages filled with photos from his time in power, many of which show his engagement with his people, and two CDs containing more photos and speeches of his.⁵⁰ These photos include images of him riding a white stallion, being kissed by a small babushka, swimming with dolphins, and listening to a cell phone with an expression that looks more like a fictional spy than a president, with a giant, white helicopter in the background.⁵¹ His regime uses these images to present Putin as a mix between a philanthropist who helps children and is beloved by the elderly, an environmentalist who is trying to save endangered species, an everyday man who enjoys the simpler bits of country life like fishing, and a James Bond/Indiana Jones-esque adventurer. These images allow the public to pick and choose which most resonate with them.

Although the images his regime is propagating might seem over the top, the public engages eagerly with these portrayals of Putin. All demographics of Russians interact with Putin’s cult of personality, as this image of Putin as a sort of perfect Russian man-deity appeals to various societal groups. He can be father, son, brother, husband, boyfriend, and mentor. Sites like *Celebrity Mound* include biographies of Putin which emphasize his spy career, his perfect German fluency, his martial arts skills, and his chic fashion tastes.⁵² Putin has had various products named after him, including kebab houses, milkshakes, vodkas, lollipops, ice cream, and carpets to name a few.⁵³

The sex-god image has been particularly popular, especially with middle-aged women, though not exclusively.⁵⁴ Rumors have circulated linking Putin with various young, attractive women, and a tabloid in 2008 alleged that Putin had secretly divorced his wife and married Alina Kabaeva, a former Russian Olympic gymnast and deputy in

⁴⁸ Cassidy and Johnson, “Putin, Putiniana,” 686.

⁴⁹ “21 Photos: Cult of Putin,” *CNN*, December 25, 2015, <http://www.cnn.com/2012/03/02/europe/gallery/cult-of-vladimir-putin/>.

⁵⁰ Vladimir Viktorov, *Vladimir Putin: luchshie raboty 33 fotografov, rabotavshih s Prezidentom Rossii v 2000-2008* (Moscow: Khudozhestvennaia Literatura, 2008).

⁵¹ *Ibid.*

⁵² Brian James Baer and Nadezhda Korchagina, “Akunin’s Secret and Fandorin’s Luck,” *Celebrity and Glamour in Contemporary Russia*, eds. Helena Goscilo and Vlad Strukov (New York: Routledge, 2011), 86.

⁵³ Hannah Goscilo, “The Ultimate Celebrity: VVP as VIP Objet d’Art,” *Celebrity and Glamour in Contemporary Russia*, eds. Helena Goscilo and Vlad Strukov (New York: Routledge, 2011), 30.

⁵⁴ *Ibid.*

the State Duma, the lower house of the Russian legislature.⁵⁵ Putin's regime shut down the tabloid after this allegation.⁵⁶ The existence of such a demand for Putin-romance gossip shows a sexual deification of Putin that is lacking in other world-leader celebrities. In 2007 the "Obama Girl" viral video showed that a bit of tongue-in-cheek sexualized support of a political figure is not a purely Russian phenomenon.⁵⁷ But the sexual deification of Putin goes beyond the level expressed in "Obama Girl." In 2003 Russian confectioner Konfael created a \$700 chocolate portrait of Putin that weighed over three pounds.⁵⁸ When surveyed about what they would do with this portrait, "men claimed that they probably would hang it in their offices, whereas young women wished to kiss it while their middle-aged counterparts dreamed of eating a chocolate Putin ear."⁵⁹ The bare-chested fishing photo that showcases Putin's religiousness with his Orthodox cross necklace, his muscular physique, and his crotch-level fishing rod became so popular with women that one fan created a needlework pattern of the image that was published in the *Komsomol'skaia pravda* newspaper for others to use.⁶⁰

Women are not the only demographic that are fans of Putin. Latvian author Alexander Olbik wrote a spy thriller starring Putin called *The President*, which has sold well to men.⁶¹ In 2001 Russian artist Aleksandr Palmin sculpted a bronze bust of Putin and in 2004 he sculpted Putin in his judo clothing, which became the centerpiece in his art gallery.⁶² Putin's government released photos of him doing interesting and masculine things, and these images became capitalized and sold to an interested public, signaling a male fan base that connects with his embodiment of masculinity. In 2001, a Moscow gallery held an exhibition of his portraits called "Our Putin," a 2002 calendar was sold with a different expression of his for each month, and men's watches with his image on the face sold in a kiosk in the Federation Council Building in Moscow for fifty-six dollars.⁶³

Putin's personality cult interacts with the capitalist environment of contemporary Russia, which spreads his image in non-directly government controlled ways amidst the public, both with men and women. The Kremlin uses photo campaigns to propagate a particular set of images he seeks to embody—images which portray him as a loving father, a powerful leader, and a sports and philosophy guru—and in return the public engages with these images, showing their adoration for their leader.⁶⁴ This exchange embodies the Putin cult.

Engagement with the cult continues into the present. Putin's approval ratings skyrocketed to 89 percent as of July 2015, increasing from 65 percent before the Ukraine crisis.⁶⁵ His popularity does not match the much lower approval ratings given to the

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ "Obama Girl" was a fan-produced music video depicting a model singing she "had a crush" on him and expressed her support for his policy options with humorous phrases like "Barack me tonight." Leah Kauffman and Ben Relles, "Crush on Obama," YouTube video, 3:19, produced by Rick Friedrich for BarelyPolitical.com, posted by "The Key of Awesome," June 13, 2007, accessed March 19, 2016, <https://www.youtube.com/watch?v=wKsoXHYICqU>.

⁵⁸ Goscilo, "The Ultimate Celebrity," 31.

⁵⁹ Ibid.

⁶⁰ Ibid., 31–32.

⁶¹ Ibid., 32.

⁶² Ibid., 34.

⁶³ Ibid.

⁶⁴ Putin, *First Person*.

⁶⁵ Dimitri Alexander Simes, "5 Things You Need to Know about Putin's Popularity in Russia," *The National Interest*, July 21, 2015, <http://nationalinterest.org/feature/5-things-you-need-know-about-putins-popularity-russia-13380>.

government itself—58 percent of Russians think that government officials in general are just seeking to gain power and 60 percent lament that society cannot hold officials accountable for their actions.⁶⁶ This discrepancy shows the power of the Putin cult in Russian society. Putin's government has also increased its control of mass media and cracked down on opposition media campaigns—measures that have certainly allowed for an improvement of image, but do not entirely explain his popularity, which arose before these and manifests itself in many creative forms beyond those created by the government.⁶⁷

The term “cult of personality” connotes a link with the Soviet personality cults of Lenin and especially Stalin, but the contemporary cult has some unique elements that distinguish it from those of the Soviet Union.⁶⁸ Putin's personality cult goes beyond those classical images of leadership which are propagated by his government through the media and mirror the Soviet cults.⁶⁹ Putin's image and related paraphernalia flood Russian markets and the Internet world, without the government's constant control.⁷⁰ Putin's government interacts with and encourages this public engagement with Putin, so the cult cannot be split clearly between government-propagated images and public-created images, but it also cannot be said that the government has absolute control over the Putin cult.⁷¹ Instead Putin's cult of personality is a mix between the manufactured and the organic, each side feeding off of one another in a way that Soviet personality cults did not experience.

Millennials and the Putin Cult

Millennials, like other generations of Russians, also interact with the Putin cult. There are two major ways that millennials engage with the Putin cult. Some openly involve themselves in pro-Putin organizations and movements in the real world, while others interact with the Putin cult through humorous memes and videos in the digital world. This section will first examine the physical involvement in Putin cult organizations. Putin's government sponsors various youth camps and groups aimed at increasing patriotic involvement. One such example of this is the youth organization Nashi and their summer camp in the Russian countryside, the largest of a few government-sponsored, pro-Kremlin camps, where youths can stay for free up to two weeks.⁷² Nashi youths are a particularly good set of millennials to focus on, due to their clear ties to the government and the opportunities available for their engagement, like the Nashi camp, although they are not the only pro-Putin organization that attracts youth involvement. Nashi youths are overtly pro-Putin and sincere in their belief that what the organization is promoting is good.⁷³ Through the organization many millennials work on civil society projects such as ones to improve children's homes and general living conditions for disadvantaged children.⁷⁴

Within the Nashi Youth Movement, which the Kremlin sponsors, millennials have the opportunity to attend a Nashi camp, with all expenses paid by the government. The Russian national anthem serves as a wake-up call for attendees of the camp, who

⁶⁶ Ibid.

⁶⁷ Cassidy and Johnson, “Putin, Putiniana,” 684.

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² “Putin's Patriotic Youth Camp,” *Time*, accessed March 20, 2016, photo gallery, slides 4–5, http://content.time.com/time/photogallery/0,29307,1646809_1416341,00.html.

⁷³ Julie Hemment, “Nashi, Youth Voluntarism, and Potemkin NGOs: Making Sense of Civil Society in Post-Soviet Russia,” *Slavic Review* 71, no. 2 (Summer 2012): 236.

⁷⁴ Ibid.

have activities available to them such as working out, social mixers, canoeing, military drills and martial arts training to encourage young men not to dodge conscription, political education classes, and hiking. No smoking or drinking is allowed.⁷⁵ The camp also encourages young patriotic men and women to become couples, and many members get married during their stay—sometimes in large groups of multiple couples at one time. Attendees can sometimes talk to special guests like Dmitry Medvedev or Vladimir Putin himself when they visit the camp.⁷⁶

While the activity list may make the event sound more like a Boy Scout and Girl Scout summer camp than a government-run propaganda machine, certain aspects betray the more serious purpose. Camp lectures are mandatory and attendee nametags each contain an electronic tracking chip that allows the organization to tell if anyone has skipped an activity.⁷⁷ A giant poster of Putin and another with the picture of a large group of Nashi youth and the words “Forward, Putin Generation! The 7th of May! We have been with the President for 7 years” overlook the tents in which campers sleep.⁷⁸ The camp also displays larger than life posters featuring opposition leaders like former Prime Minister Mikhail Kasyanov and former chess champion Garry Kasparov, whose faces have been photoshopped onto the bodies of female prostitutes wearing lingerie.⁷⁹ The organization is government-funded and has said that its purpose is to prevent a pro-Western revolution like that which occurred in Ukraine in 2004.⁸⁰ The Nashi youth camp, and the movement in general, exemplify the strong efforts of Putin’s government in trying to increase youth support for the leader and patriotism/nationalism. The movement’s popularity and voluntary nature, in contrast with “voluntary” involvement in the Soviet period, prove that it is not a purely one-sided propaganda feeding-tube, like the Stalin and Lenin cults’ childhood education curriculum that taught young children to love the leader. Instead there is a youth population that actively engages with the government’s pro-Putin programs, which gives these organizations more than the title of “camp” or “organization” and instead allows them to become “movements,” which implies a level of eager and willing involvement as well as belief from millennials that goes beyond tracked mandatory class attendance.

Why do millennials take part in these sorts of nationalist camps and pro-Kremlin youth movements? In Scholar Julie Hemment’s research on Nashi, she interviewed one twenty-one-year-old Nashi member in 2009 who talked about how the group wanted to fix a broken society and replace corrupt officials—the same things on which Putin’s speeches focused.⁸¹ Hemment argues that Nashi and Putin’s civil-society project came out of the foreign democratizing influences of non-governmental organizations (NGOs) of the 1990s, which Putin and his supporters saw as motivated more by foreign self-interest than a genuine wish to help the Russian people.⁸² Nashi arose as a response to the perception that the US was involving itself too highly in Russian affairs and it seeks to “maintain Russia’s sovereignty and values.”⁸³ It taps into a fear that Russian youths are being seduced by Western materialism and offers millennials a way to keep in touch with their Russian identity and meet others in their generation who do the same.⁸⁴ Putin’s government funds these organizations and maintains a level of fun

⁷⁵ “Putin’s Patriotic Youth Camp,” 1–14.

⁷⁶ *Ibid.*, 7, 11.

⁷⁷ *Ibid.*, 12.

⁷⁸ *Ibid.*, 5, 3.

⁷⁹ *Ibid.*, 8.

⁸⁰ *Ibid.*, 14.

⁸¹ *Ibid.*

⁸² *Ibid.*, 234.

⁸³ *Ibid.*, 248.

⁸⁴ *Ibid.*, 249.

in the interaction with the Putin cult.⁸⁵ This ensures that youths are not turned off by a presidential image that seems to take itself too seriously and instead allows millennials an opportunity to have fun while supporting the Putin regime.⁸⁶ Nashi also involves some carnivalesque elements in its campaigns: for one campaign, 60,000 Nashi youths wore Santa suits and congregated in the streets of Moscow.⁸⁷

Not only are there pro-Putin groups, but also anti-Putin youth activist groups, though generally with fewer members.⁸⁸ The large number of youths involved in political organizations regardless of the side shows the tendency for millennials to become involved—a trend that seems to be true in other parts of the world as well, like in the United States. Arguably, these trends are connected, as Western democratizing influences brought a millennial spirit of activism to Russia through NGOs, which groups like Nashi officially renounced, while modeling their own organizational tactics and structure after these NGOs. The youth involvement in groups like Nashi shows the activist element of Russian millennial identity, which seeks to promote a better Russia created by Russians—a nationalist take on the Western model. Putin’s regime recognized the millennial activist spirit, creating the Nashi group and others like it in order to harness this element and increase support for Putin through Putin cult engagement.

Millennial activism does help to explain why youths are involved in openly pro-Putin movements like Nashi, as they publicly display their activist mindset in order to do what they see as helping Russia. However, activism cannot entirely explain the more humorous online presence of the Putin cult, where digital natives can sometimes post memes and gifs of Putin anonymously. An even larger portion of the millennial population, compared to those who take part in Nashi, engages with the Putin cult through online means—which take an increasingly tongue-in-cheek form. The humorous element helps to soften the appearance of the Putin cult and make it much more palatable for newer converts. Much of what exists online is far more independent from government control than the Nashi movement, although not everything in the digital realm is completely lacking in government involvement and nothing is without government influence, as the cult remains a give-and-take/call-and-response between Putin’s regime and the people—youths in this case—in the digital world as well. YouTube videos, songs, memes, gifs, and fake Twitter accounts are just some of the online manifestations of the Putin cult.

One example of a government-involved, though not controlled, Internet hit with millennials was Russian rappers Sasha Chest and Timati’s music video “Luchshii drug,” which translates as “Best Friend” released in celebration of Putin’s 63rd birthday with #MoiLuchshiiDrugEtoPrezidentPutin, which translates to “my best friend is President Putin,” written in the information section of the YouTube video.⁸⁹ The video features a set of athletic, acrobatic, break-dancing millennials, some of whom are wearing Putin masks, dancing in Red Square, riding speedboats down the Moscow River with the Kremlin in the background, skateboarding and doing bicycle tricks in a stake park, and dancing in a nightclub.⁹⁰ These youth culture elements, along with the use of Putin masks on athletic, breakdancing men, helps to establish a connection between millennials and the leader. It brings the adventurous Russified James Bond version of Putin that is popular with middle-aged and older Russians, as previously discussed, into the millennial

⁸⁵ *Ibid.*, 251.

⁸⁶ *Ibid.*

⁸⁷ *Ibid.*

⁸⁸ Valerie Sperling, “Nashi Devushki: Gender and Political Youth Activism in Putin’s and Medvedev’s Russia,” *Post-Soviet Affairs* 28, no. 2 (2012): 238–239.

⁸⁹ Sasha Chest and Timati, “Luchshii Drug,” YouTube video, 3:21, dir. Pavel Khudiakov, posted by “TimatiOfficial,” October 6, 2015, accessed March 20, 2016,

<https://www.youtube.com/watch?v=jp9pfvneKf4>.

⁹⁰ *Ibid.*

context with influences of hip-hop and skater culture evident in the video. There's a sense of jest in the video that keeps the tone lighthearted, so that it does not seem to actually suggest that Putin is indeed Chest and Timati's best friend. It also shows a gymnast dancing in front of a giant mural of Putin's face, which is obscured in shadow. This woman is meant to look like Kabaeva, the former Russian Olympic gymnast and a rumored mistress of Putin's. The director shot the scene well enough to cause debate among fans regarding the likelihood that the woman is indeed Kabaeva.⁹¹

It is unclear how much government involvement went into this music video. This music video was not produced by the government, nor was it a fan-made, low-budget video. Instead this video seems to ride somewhere in between these tiers of society, as it is in the upper echelons of pop culture where the rappers sit. Producer and director Pavel Khudiakov's website lists this video alongside Timati's other music videos and does not explicitly mention any production information for the music video.⁹² In fact, the production company's "about" page focuses more on ties to the US music video industry than the Russian one.⁹³ It is unclear whether this was actually filmed in Red Square and on the Moscow River. Tourists are visible in the background of Red Square visiting St. Basil's Cathedral, but no barriers are visible that would prevent those tourists from walking into this video, so it may have been filmed using advanced digital techniques. *The Guardian* claims this video was indeed filmed in Red Square in front of the Kremlin, although it is difficult to find any other sources that either support or challenge this claim in both Russian and Western media.⁹⁴ Professional camera use in Red Square is prohibited without a permit.⁹⁵ Any sort of event or gathering in Red Square that might inhibit public access to the square requires permission from the Kremlin.⁹⁶ If it was filmed in these places, the production team would have needed to acquire permits for the space, especially given that they kept tourists in the far background, taking the majority of the square for themselves. Even if the music video was created entirely independently of Putin's government, however, its commercial existence and popularity shows the depth of the Putin cult within the Russian millennial online culture that already exists. Timati is a successful Russian rapper who would not produce a video about a sixty-three-year-old world leader if there were not a receptive audience. Although the cult itself is widespread across generations, rap music is more popular with millennials than with their grandmothers, so the target audience is quite clear. Also interesting to note are the lyrics to the rap. Some of it focuses on his sex appeal, saying that girls beg for and go crazy for him, and he could take any he wishes.⁹⁷ It also talks about his love for country and calls him a superhero, emphasizing that he is Russia's "son" and that "we are all, with the whole country, for him."⁹⁸ The patriotic fervor glossed over with a cool, catchy hip-hop song is a prime example of the Putin cult's engagement with millennials.

⁹¹ Alina Woks, Chisty Gorod page discussion, *Odnoklassniki*, October 8, 2015, accessed March 20, 2016, <http://m.ok.ru/profile/570881469350/statuses/64319103658918>.

⁹² "Khudiakov Production: About," Khudiakov Production, accessed March 20, 2016, <http://hoodyakov.com/about/>.

⁹³ Ibid.

⁹⁴ Alec Luhn, "Vladimir Putin Celebrates Birthday on Ice in Celebrity Hockey Match," *The Guardian*, October 7, 2015, accessed April 22, 2016, <http://www.theguardian.com/world/2015/oct/07/vladimir-putin-birthday-ice-hockey-match>.

⁹⁵ "Question: Moscow," *Localyte*, accessed April 22, 2016, <http://www.localyte.com/answers/159590>

⁹⁶ "Tank Triumphs over Trunk! Putin Permits Just Seven Annual Red Square Events," *Russia Today*, December 11, 2013, accessed April 22, 2016, <https://www.rt.com/politics/red-square-vuitton-putin-057/>.

⁹⁷ Chest and Timati, "Luchshii Drug."

⁹⁸ Ibid.

While Chest and Timati's video may have had government involvement, other pop artists have created pro-Putin songs without government approval. In 2002 the female music group Poiushchie vmeste produced a song called "Takogo kak Putin," which translates to "One like Putin" that laments the good-for-nothing nature of the singer's current boyfriend and wishes for a man like Putin who is strong, is not a drunk, will not abuse her, and will not leave her.⁹⁹ The song played on many radio stations when it first came out.¹⁰⁰

More organic, millennial-created, and non-government-funded songs and music videos that are pro-Putin exist as well. In 2012 just before presidential elections in Russia, Tolibdzhon Kurbankhanov, a Tajik immigrant to Russia, posted a song on YouTube called "VVP"—Putin's initials—in which he calls Putin "a godsend."¹⁰¹ This video is obviously far more of a fan production than Chest and Timati's. It features Kurbankhanov standing near the edge of the Moscow River opposite the Kremlin, as cars pass in the background and the camera shakes, while the rest of the video is either a series of photo montages of Putin or a side-view of the singer as he is driven around Moscow.¹⁰² This song exemplifies the way that fan-produced, pro-Putin art interacts with the Putin cult through the Internet.

A more recent pro-Putin song posted to YouTube in early 2015 is called "Moi Putin," or "My Putin," by Mashani, a pop singer from Siberia. It features the singer dressed in a white, blue, and red dress that looks like the Russian flag, as well as a blue and yellow dress to represent Ukraine.¹⁰³ She sings of Putin's strength in facing war on different fronts, his confidence, and says that she is enchanted by him with a chorus that says, "You're Putin / yes you are Putin / I want to be with you / I'm screaming after you / my Putin, my dear Putin / take me with you / I want to be with you."¹⁰⁴ It also features a man on a motorcycle who represents Putin, and she lauds him for returning Crimea and planning to restore their union, wearing her Russian flag outfit, while her Ukrainian-flag self looks pleadingly at the camera and sings the chorus, asking for him to take her with him.¹⁰⁵ It certainly does not have the high production quality that "Best Friend" has, and it has only about a third of the views, at almost 3.5 million in comparison with Chest and Timati's 9 million. These songs show how pro-Putin products contribute to the Putin cult and spread to other millennials through the Internet.

There are also many less serious fan-art productions that millennials produce and circulate via the Internet that contribute to the Putin cult. These fan activities take government-produced and promoted images that already carry some level of tongue-in-cheek humor and add meme-culture flair. One example of this is the "Putin on the Ritz"¹⁰⁶ picture and gif sensation that even spread to regular American millennial Internet

⁹⁹ Nikolai A. Zen'kovich, *Putinskaia entsiklopediia* (Moscow: OLMA Media Grupp, 2008), 165.

¹⁰⁰ *Ibid.*

¹⁰¹ Claire Bigg, "New Pro-Putin Song Gets Panned Online," *Radio Free Europe Radio Liberty*, January 29, 2015. <https://www.rferl.org/a/russia-pro-putin-song-mashani/26820282.html>.

¹⁰² Tolibdzhon Kurbankhanov, "VVP," YouTube video, 3:42, posted by "SergeiRaevskii," February 4, 2012, accessed April 10, 2016, <https://www.youtube.com/watch?v=RcnQ9imDrWk>.

¹⁰³ Mashani, "Moi Putin," YouTube video, 3:31, dir. Igor' Shukshin, posted by "Mashany Music," January 28, 2015, accessed March 20, 2016, <https://www.youtube.com/watch?v=v6Jw9rsWCE>.

¹⁰⁴ *Ibid.*

¹⁰⁵ *Ibid.*

¹⁰⁶ Ellen Houlihan, "Putin on the Ritz," YouTube video, 1:17, from GIF by SadandUseless.com and song by Taco, posted by "Ellen Houlihan," February 10, 2014, accessed March 20, 2016, <https://www.youtube.com/watch?v=jLMTMK-mp7w>.

use. The website *Know Your Meme*, a database for memes, uploaded “Putin on the Ritz” within the last three years, and still no one has claimed authorship.¹⁰⁷ The gif of the “Putin on the Ritz” meme shows a shirtless Putin riding a giant Ritz cracker across a blurred countryside, and various videos playing the song “Puttin’ on the Ritz” over the gif exist on YouTube and other social media platforms. The image of Vladimir Putin riding the cracker shirtless and wearing sunglasses comes from a photo of him riding a horse in the Tuva region of southern Siberia from a photo shoot published August 3, 2009.¹⁰⁸ This meme is just one of many examples of Putin’s macho image circulating the Internet in a lightly humored way, without actually insulting him. His government did not create the meme, obviously, but did produce a series of macho-looking photos that were so over-the-top that they invited fan engagement. On the other side of the coin, the strange fan involvement that Photoshops Putin onto things like Ritz crackers, sharks, and bears, or has created a Tumblr page called “Shirtless Putin Doin’ Things,”¹⁰⁹ shows the extent and unique nature of the Putin cult’s Internet presence. It uses humor to find an increasingly global audience and assert Putin’s place as one of the world’s most powerful leaders, regardless of any realistic support for that position. It also highlights the effectiveness of Internet/meme culture for gaining an audience and engagement with millennials.

There is one more example that is interesting to note. The “Ia drug Putina,” translated as “I am a friend of Putin,” campaign shows an intersection between millennial Internet engagement and real-world Putin paraphernalia. The company Hearts of Russia produces clothing with Russian “patriotic symbols,” and in 2015 released a t-shirt they say celebrates veterans of war, as part of the sale goes to a charity fund for veterans.¹¹⁰ In Russian, the shirt reads “I am a #friend of Putin” and features a headshot photo of Putin winking next to a winking bear. The shirts went on sale along Nevsky Prospect in Saint Petersburg around the celebration of the seventieth anniversary of the Soviet Union’s victory in World War II. The hashtag #iadrugPutina shows up on Twitter with references to the t-shirt, the t-shirt stand, or general support for or disagreement with Vladimir Putin. The t-shirt has sparked an Internet conversation and the use of a hashtag invites the viewer to see this as a physical part of the digital discussion. Not only Russian millennials have engaged in the conversation. Russia’s local News Channel 5 ran a story in June of 2015 that showed a group of Americans who were introducing Russian culture at an event in Times Square and selling the t-shirts to millennial Americans who found the image humorous and unique.¹¹¹

The t-shirt and hashtag campaign definitely has a more serious and meaningful Russian usage as well. The National Liberation Movement is a nationalist organization that is pro-Putin and anti-West, and particularly anti-US.¹¹² In October of 2015, the organization’s website shared a set of photos that one young millennial named

¹⁰⁷ “Vladimir Putin – Putin on the Ritz,” *Know Your Meme*, accessed March 20, 2016, <http://knowyourmeme.com/photos/702078-vladimir-putin>.

¹⁰⁸ Alexei Druzhinin, “Putin’s Macho Image,” *Reuters*, December 5, 2011, accessed March 20, 2016, <http://www.reuters.com/news/picture/putins-macho-image?articleId=USRTR2UVJN>.

¹⁰⁹ “Shirtless Putin Doin’ Things,” Tumblr, 2013, accessed March 20, 2016, <http://shirtlessputindointhings.tumblr.com/>.

¹¹⁰ K. Karavaev, “Hearts of Russia: Drug Putina,” Hearts of Russia, accessed March 20, 2016, <http://www.heartsofrussia.ru/catalog/druzey-ne-brosayu/drug-putina/>.

¹¹¹ “V SSHA prokhozhim razdavali futbolki IA drug Putina 27 06 15 Novosti sevodnya,” YouTube video, 1:16, from a News Channel 5 broadcast, posted by “BabkinKanal,” September 16, 2015, accessed March 20, 2016, <https://www.youtube.com/watch?v=cszXf7EWztl>.

¹¹² “O dvizhenii,” *Natsional’no osvoboditel’noe dvizhenie*, accessed March 20, 2016, <http://www.rusnod.ru/index/o-dvizhenii/>.

Galina Zuikova posted, showing herself, a friend, and random other sets of millennials along with one older woman holding a sign with the hashtag “Ia drug Putina.”¹¹³ The use of the hashtag shows the ability of the Putin cult to connect millennial interest in all things quirky with Twitter campaigns for serious political support. Hearts of Russia, which produced the t-shirt, describes itself as a “young, fast growing company, patriotic clothes and accessories market leader” with a store in GUM, the famous shopping mall on Red Square, close to the heart of Putin’s government.¹¹⁴ The humorous and therefore seemingly unthreatening nature of the artworks that carry the message of the Putin cult, and the ability for these messages to move beyond the physical world and into the cyber-world, give the Putin cult the power to spread among digital natives.

The influence of Internet/meme culture on millennials allows them to engage with the cult differently than any other generation, and so it is important to examine the way that Internet/meme culture impacts the Putin cult. Although millennials are not the only generation of society to use the Internet, this culture includes, but is not limited to, widely understood meaningful contextual images like gifs and memes which are uniquely millennial. The ability to be both serious and playful is an important characteristic of Internet/meme culture.¹¹⁵ It uses irony to express deeper ideas and beliefs of the meme creator.¹¹⁶ The widespread nature of memes indicates collective thought, as the millennials who distribute these images to communicate with other millennials use memes to indicate some understood message that fits within the context of their conversation. Internet/meme culture is an essential part of millennial involvement with the Putin cult because it allows youth of any background to engage in the cult. Memes are a form of participatory digital culture, which has low barriers for engagement and the ability to share one’s ideas and creations.¹¹⁷ Few millennials have the resources to create a music video like “My Putin” and even fewer still could create one as elaborate as “Best Friend.” But the accessibility of Internet creations allows for greater millennial involvement.

Why do millennials post pictures of Putin riding crackers and bears and buy t-shirts with the hashtag “I am a friend of Putin”? Simply put, because Internet/meme culture is all about humor, and Putin’s image can be made funny. The uniting factor between memes is that they use humor to convey serious messages.¹¹⁸ But as always, nothing in the Putin cult is entirely fan driven. Putin’s ridiculous photos doing manly things are no doubt calculated precisely to be absolutely ridiculous. Keeping the cult tongue-in-cheek is not only highly appealing to millennials, whose memes of Putin carry an underlying message about his strength and machismo, but also keeps the cult and Putin from seeming dangerous and authoritarian. Just like the Russian physical world, Putin reigns over Russia’s Internet domain and regulates what memes are and are not acceptable for millennials to spread. In April 2015 Russia’s media agency Roskomnadzor, which acts as an Internet censor, announced that publishing a meme that “depicts a public figure in a way that has nothing to do with his ‘personality’” is illegal, clarifying and reminding Internet users of an existing policy.¹¹⁹ Any meme that might

¹¹³ “Aktzii: #Ia Drug Putina,” *Natsional’no osvoboditel’noe dvizhenie*, accessed March 20, 2016, http://rusnod.ru/aktzii-nod/2015/10/30/aktzii-nod_6418.html.

¹¹⁴ “Hearts of Russia (GUM),” *Moscow Pass*.

¹¹⁵ Jonathan Zittrain, “Reflections on Internet Culture,” *Journal of Visual Culture* 13, no. 3 (2014): 392.

¹¹⁶ *Ibid.*, 393.

¹¹⁷ Bradley Wiggins and G. Bret Bowers, “Memes as Genre: a Structural Analysis of the Memescape,” *New Media & Society* 17, no. 11 (2015): 1891.

¹¹⁸ Zittrain, “Reflections on Internet Culture,” 393.

¹¹⁹ Caitlin Dewey, “Russia Just Made a Ton of Internet Memes Illegal,” *Washington Post*, April 10, 2015, accessed April 22, 2016, <https://www.washingtonpost.com/news/the-intersect/wp/2015/04/10/russiajust-made-a-ton-of-internet-memes-illegal/>.

violate the masculine, strong image that Putin has carefully crafted for himself is illegal. Internet-restriction bills have increased dramatically over the past two years, and the newness of the legislation means that no official reports exist detailing the actual enforcement and efficacy of this legislation.¹²⁰ The legislation passed, however, does give Russian law enforcement agencies the ability to intercept data and block it using various digital instruments including Roskomnadzor queries and SORM interception.¹²¹ Although it is unclear how much the government will enforce these new policies, the tools are certainly in place for the Kremlin to do so. Future research will need to examine the efficacy of the new censorship tools. This allows his regime to assert dominance over the Putin-meme phenomenon and crushes all doubt that the Putin cult is ultimately a government-run operation with which millennials can engage, but only on Putin's terms.

Russia is a member of the Shanghai Cooperation organization, an intergovernmental organization whose members are China, Russia, Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan that supports intelligence sharing and military and counterterrorism cooperation.¹²² Under the general topic of cybersecurity, the organization includes information security, advocating for national sovereignty, and non-interference in cyberspace.¹²³ This includes the prevention of "information and communications technologies which intend to undermine the political, economic and public safety and stability of the Member States, as well as the universal moral foundations of social life."¹²⁴ The organization affirms member states' right to have control of the information that flows through their countries' Internet.¹²⁵ Millennial engagement with the Putin cult from within Russia is not entirely fan driven; Putin's regime may have the ability, at least to some extent, to block images that do not uphold the image that gives Putin strength. These images can be made illegal under the guise that they violate laws of information security—laws with which none can interfere given Putin's agreements with the Shanghai Cooperation Organization to disallow free speech in the Internet in favor of more authoritarian control. On the other hand, the questionable efficacy of Internet censorship enforcement means that images can and do slip through the cracks, which distinguishes the Putin cult from the strongly controlled cults in the past. While Stalin and Lenin's governments could closely control the physical images and force them to be in favor of their cults, the Putin cult's existence in the digital era leaves territory over which Putin does not have complete power. This gives millennials a bit more freedom in their engagement with the Putin cult.

It is also important to recognize Putin's memes as reaching beyond the realm of generic millennial memes, like Kermit drinking tea, and engaging with the Putin cult. Putin's memes are absolutely part of the Putin cult and serves to boost Putin's power.

¹²⁰ Alexandra Kulikova, "What is Really Going on with Russia's New Internet Laws," *Open Democracy*, October 29, 2014, accessed April 22, 2016, <https://www.opendemocracy.net/od-russia/alexandra-kulikova/what-is-really-going-on-with-russia-s-new-internet-laws>.

¹²¹ Roskomnadzor, the Russian Federal Service for Supervision in the Sphere of Telecom, Information Technologies and Mass Communications, oversees communicative cyber issues, and SORM, the System for Operative Investigative Activities, is the technical monitoring system. *Ibid.*

¹²² Eleanor Albert, "The Shanghai Cooperation Organization," *Council on Foreign Relations*, October 14, 2015, <https://www.cfr.org/background/shanghai-cooperation-organization>.

¹²³ "Information Security Discussed at the Dushanbe Summit of the Shanghai Cooperation Organization," *NATO Cooperative Cyber Defense Centre of Excellence*, October 27, 2014, <https://ccdcoe.org/information-security-discussed-dushanbe-summit-shanghai-cooperation-organisation.html>.

¹²⁴ *Ibid.*

¹²⁵ *Ibid.*

Some political culture in the United States seems similar to the Internet presence of Putin. The example of “Obama Girl,” was mentioned previously. Other examples include Hillary Clinton nutcrackers, which have their own website, and the appearance of presidential candidates on Saturday Night Live, often poking a bit of fun at themselves in exchange for a greater television coverage and memorable outreach, connecting to groups who respond positively to humor but negatively to debates and campaign speeches.¹²⁶ This mixing of humor and politics may seem superficially similar to some Putin cult aspects, especially where Internet/meme culture is involved. There are some differences between these American examples and the Putin cult, though: an important one is the lack of any real political control by these candidates over the humorous depictions of themselves that spawn from their engagement with the Internet/meme culture and humor. Putin cannot control all cult phenomena, including everything that appears on the Internet, which is what makes fan engagement with the cult possible. He could, however, disallow a non-flattering image from being posted on a state-run media agency or censor it, which does not mean eliminating it from the Internet, but at least means decreasing its Internet dissemination. The writers of Saturday Night Live can at any moment turn around and write a less-than-supportive sketch about the presidential candidates, and a Hillary Clinton nutcracker could be seen in either a positive or negative context. Putin does not have control over millennial involvement, but does influence it. Through funding and setting up camps and organizations through which millennials can express their activist culture, or by presenting meme-ready material through tongue-in-cheek photo shoots and then crushing any unfavorable meme depictions using harsh Internet control laws, Putin encourages the positive portrayal of the Putin cult.

As memes flood the Internet that depict Putin in a humorous, yet positive light, the Kremlin does nothing to outlaw the memes. Instead, it promotes this image by releasing more pictures and stories with over-the-top themes like Putin riding a horse shirtless through the countryside or Putin with a tranquilizer gun shooting a tiger that was about to attack the photographers. These photos are the Putin regime’s response to the millennial cult engagement online. Then when millennials step too far and post a “Sad Putin” meme with a caption, “U Mad?” obviously making fun of Putin in a way that insults his masculinity and questions his strength, the government can make it illegal and possibly remove it.¹²⁷ Although it may pop up in other places on the web, given that Internet censorship is quite difficult to enforce, the censorship capabilities the Kremlin has could help to at least slow the spread of the image and discourage a sudden popularization of the image among millennials. The Putin cult uses its sense of humor to mask the government’s involvement. This is important to recognize so that one does not mistake the humorous engagement of Internet/meme culture within the Putin cult for the light-hearted, free-Internet-speech invoking humor of American political culture.

Perhaps an even better example for comparison, and one that is timelier, is the meme presence of Senator Bernie Sanders, who ran for the Democratic presidential nomination in 2016. Over 400,000 people joined the Facebook group “Bernie Sanders’ Dank Meme Stash,” where they posted “dank” (i.e. high quality) memes about Sanders, with the only instructions being, “Post dank Bernie Sanders memes... Smash that ‘SHARE’ button. No permission required.”¹²⁸ They shared support for Sanders through their meme language. Although not much meme opposition exists for this, Sanders’s campaign did not have any control whatsoever over the memes. Putin may not be able to control the Internet as much as he might like, but his government does have the power to crack down on negative images in a way that Sanders does not.¹²⁹ Sometimes the meme-

¹²⁶ The Hillary Nutcracker, accessed March 21, 2016, <http://hillarynutcracker.com/>.

¹²⁷ Dewey, “Russia Just Made a Ton of Memes Illegal.”

¹²⁸ “Bernie Sanders’ Dank Meme Stash,” Facebook, accessed March 21, 2016, <https://www.facebook.com/groups/berniesandersmemes/>.

¹²⁹ Dewey, “Russia Just Made a Ton of Memes Illegal.”

posters clashed with Sanders's campaign, particularly when the memes no longer supported Sanders's political ambitions and instead focused on him as a purely comic figure.¹³⁰ The "Bernie Sanders' Dank Meme Stash" Facebook group is less interested in Sanders's politics and more interested in promoting him as a humorous icon because he is "cool."¹³¹

In the 2012 US presidential election cycle, Obama had the "meme advantage," while in the 2016 election Sanders held the most meme support, which did seem to translate into actual voter support, though not necessarily because those voters thought his platform itself was great.¹³² Millennials can become more politically engaged through memes, regardless of the level of political thought behind their support. Some millennials who do not normally pay attention to politics decided to look into Sanders's actual political platform after seeing memes about him across the Internet.¹³³ Memes in the non-cult setting also have the ability to spark political engagement, but the meme process in these cases is uncontrolled, more organic, and sometimes has the opposite effect when millennials just continue to share and create memes as humorous art rather than to spread the political message. Putin's online publishing of ridiculous, meme-ready photos; Internet crackdowns; and allowance of obvious political projects that use a bit of humor in order to widen their audience and diminish their perceived threat, like the #iadrugPutina campaign, show that Russian millennial engagement with memes in a closed Internet society is an entirely different animal than the meme culture celebrity of political figures like Obama and Sanders.

Conclusion

The Putin cult engages with Internet/meme culture and activist culture, broadening its outreach to Russian millennials. It shares many similarities with the Lenin and Stalin cults in the Soviet era, but the advent of the Internet, the breakdown of the Soviet Union, and the resulting increase in Western involvement and influence in Russia gave the Putin cult a different character. The Kremlin releases photos that lend themselves to humorous meme usage by millennials and funds youth organizations with Russian Nationalist rhetoric. The photographs are part of an effort to create the illusion that Putin's popularity in the meme world is an organic stardom created entirely by millennials. Likewise, the Kremlin seeks to give the impression that pro-Putin organizations are actually grassroots movements that have chosen Putin as their idol, not because they must, but because he seems to espouse the pro-Russia ideals that they support. In reality, these organizations are Kremlin-funded and they support Vladimir Putin not because he happens to want the best for Russia, but because the Putin regime has organized the movement around him.

Millennial engagement with the Putin cult is different from the engagement of other generations because of millennial activist spirit and Internet/meme culture. The Westernizing influences and involvement of the 1990s following the collapse of the Soviet Union created in the millennial generation a greater propensity for Western-style activism. Being the first generation to grow up using the Internet—to be digital natives—gives millennials a unique method and culture of communication. Internet/meme culture is part of millennial linguistic-cultural identity in a way that no other Internet-using generation can claim.

¹³⁰ Caitlin Dewey, "How Bernie Sanders Became the Lord of 'Dank Memes,'" *Washington Post*, February 23, 2016, accessed April 22, 2016. <https://www.washingtonpost.com/news/theintersect/wp/2016/02/23/how-bernie-sanders-became-the-lord-of-dank-memes/>.

¹³¹ *Ibid.*

¹³² *Ibid.*

¹³³ *Ibid.*

The Putin cult makes use of the millennial Internet/meme culture, spreading its message of deification of Putin to millennials through the Kremlin's photographs and allowance/support of music videos and Twitter and paraphernalia campaigns that paint the Russian President in a positive light. It also limits millennial Internet/meme culture by using strict Internet censorship laws to try to disallow Internet meme conversation with a negative view of Putin from entering the Russian millennial discourse. The use of humor to make the Kremlin's involvement in Internet/meme culture seem somewhat tongue-in-cheek helps to spread the idea that the cult is unthreatening and Putin is not authoritarian. In reality, however, the Putin cult is a powerful cult of personality with a strong central leader, much like those personality cults in the Soviet past.

The Kremlin faced huge protests in Moscow from 2011 to 2013 as Russians of different political leanings voiced their dissatisfaction with Putin's regime.¹³⁴ Western media quickly dubbed this the "Snow Revolution," as it began in the snowy streets in December 2011, and proclaimed that "Russia woke up."¹³⁵ Mark Beissinger, a scholar at Princeton, suggested that this protest movement was part of a larger trend of an increase in civil activism and volunteer work both in the real and virtual world.¹³⁶ This would suggest that millennials might be swayed against Putin using the same mediums—activism culture and Internet/meme culture—that entice them to engage with the cult. Following the Crimean annexation, however, Putin's approval rating suddenly rose, and then skyrocketed further in October, 2015 to a record 88.9 percent after Russia began bombing Syria.¹³⁷ One might conclude that as much as millennials and Russia as a whole may seem to be taking on activism and Internet cultures like that in the West, Putin's cult of personality is immune to the threat. The argument throughout this paper shows that the Putin cult involves the culture of activism and Internet/meme culture of millennials so that these elements actually strengthen, rather than hurt Putin's power over his people.

¹³⁴ Julie Ioffe, "Snow Revolution," *The New Yorker*, December 11, 2011, <http://www.newyorker.com/news/news-desk/snow-revolution>.

¹³⁵ "Russia's Protests Researched by US Scholars," *Institute of Modern Russia*, February 13, 2013, <http://imrussia.org/en/society/389-russias-protests-researched-by-us-scholars>.

¹³⁶ *Ibid.*

¹³⁷ Scott Rose, "Putin's Approval Rating Rises to 88% in October, Levada Says," *Bloomberg*, October 28, 2015, <http://www.bloomberg.com/news/articles/2015-10-28/putin-s-approval-rating-rises-to-88-in-october-levada-says>.

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About the Contributors

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Adam graduated from the University of Oklahoma in Fall 2016 where he received a Bachelor of Arts in International Security Studies with a minor in Middle Eastern Studies. While attending the University of Oklahoma, Adam was a recipient of the US State Department's Critical Language Scholarship and participated in an 8-week long intensive Urdu language program in Lucknow, India over the summer of 2016. Since graduating, Adam is enrolled in the Middlebury Institute of International Studies where he is pursuing a Master of Arts in nonproliferation and terrorism studies. Adam hopes to work as a Foreign Service Officer in the future and in his spare time enjoys snow skiing, boxing, and rooting for the Oklahoma City Thunder.

Luke Bartz

Graduating with a Master of Arts in Global Security Studies, a Bachelor of Arts in International Studies, and a Bachelor of Arts in Russian, Luke Bartz focused his research on international security and the Russian-speaking world with special emphases on Kazakhstan and Ukraine. Thanks to the support of the College of International Studies and a number of other organizations, he studied and worked abroad in Russia, Kazakhstan, Turkey, the Dominican Republic, South Korea, Austria, and China. After graduation he intends to pursue work with a human-rights-focused international organization or with the US Department of State's Foreign Service.

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Jonah Gellman graduated from the University of Oklahoma with a Bachelor of Arts in International Security Studies and a Bachelor of Arts in Arabic. During his time at OU, Jonah tutored students in Arabic and worked as a Security Practicum Intern. He will be working as a researcher of Middle Eastern studies upon graduation. In his spare time, Jonah enjoys playing racket sports and watching foreign media.

Daniel Holland

Daniel Holland was a senior at the University of Oklahoma pursuing a joint Bachelor of Arts and a Master of Arts in International Studies, as well as a Bachelor of Arts in Letters with a focus on Constitutional Studies. He attended OU on a National Merit scholarship, and was an active participant in campus life, working with organizations such as The Oklahoma Group, The Honors Undergraduate Research Journal, and Crimson Club. Upon graduation, he planned to work as an international correspondent, bringing underreported stories from conflict areas to the general public. He had a strong belief in the responsibilities of media organizations, both to empower their audiences to make educated and empathetic observations about the world around them, and to inspire their audiences to be the change they wish to see in the world.

Mollie Merino

Mollie Merino is a double major in International Area Studies and Public and Nonprofit Administration from Denver, Colorado. She plans to begin an internship in fall 2017 with the College of Arts and Sciences as well as the Center for Children and Families in Norman with each of their Mission Advancement Teams. In the past, Mollie has been a consultant for the Oklahoma Group; an intern for the Office of Technology Development; a Step In, Speak Out Peer Educator; and is also a Resident Advisor in the OU freshmen residence halls.

Shelby Meyer

Shelby Meyer majored in International Studies with a minor in Chemistry. She was a National Merit Scholar and Global Engagement Fellow. During her time as an undergraduate, she studied in Arezzo, Italy, and Alcalá de Henares, Spain. After graduation, Shelby plans to enter medical school to eventually become a pediatrician.

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Stefanie Neumeier received a bachelor's degree in International Studies with a focus on International Relations from the University of Idaho. Recently completing her master's program in International Studies at the University of Oklahoma, and her research interests included Theory of International Relations, International Law, Human Rights, Forced Migration/Refugees, and the European Union. She is interested in further exploring regional and international migration and refugee regimes and the development of security institutions and international law. Previously, Stefanie worked as an intern in the US House of Representatives and in the Bundestag in Berlin, as well as volunteering in refugee camps and serving as a mentor to a Bosnian refugee

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Kaitlin Peach earned her accelerated Bachelor of Arts and Master of Arts in International Studies, with minors in Arabic, French, and Middle East Studies. Her Master's thesis research focused on the Syrian conflict and the potential outcomes of the conflict. During her undergraduate studies, she studied abroad in Turkey and Jordan and completed an internship with The Carter Center's Syria Mapping Project. She plans to pursue a career in the field of conflict resolution in the Middle East.

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Shelby Ranger graduated Summa Cum Laude in May 2017 with a Master of Arts and Bachelor of Arts in International Studies, in addition to a bachelor's in Russian. She is interested in Russian and security topics in particular and studied abroad at the Nevsky Institute in Saint Petersburg, Russia for the 2014- 2015 academic year. She is a National Merit Scholar and a member of Phi Beta Kappa Honors Society. Shelby plans to spend time with her family immediately following graduation.

James Ratcliff

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Nicole Smith earned her Master of Arts in International Studies with a focus on economic development in Africa. Her thesis, "The Dynamics of Identity in Determining French Foreign Aid," investigates how French bilateral aid is determined by colonial relationships and the policy of Fran afrrique. She received her Bachelor of Arts in Economics and Religious studies with honors and a minor in French in May 2015 from the University of Oklahoma. Through summer 2017, she is working as a research assistant for World Neighbors, a nonprofit organization in Oklahoma City focused on sustainable development. Nicole will continue to be a life-long student and pursue a Master of Arts in Quantitative Methods for Social Sciences at Columbia University.



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