



# BC JOURNAL OF INTERNATIONAL AFFAIRS

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## THE END OF THE ENLIGHTENMENT?

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IDENTITY, IMMIGRATION, AND  
LIBERAL DEMOCRACY

FRANCIS FUKUYAMA

THE ENLIGHTENMENT AND  
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Dear Readers,

This year the Journal staff decided to put forth a bold question to students and scholars: Is it the end of the Enlightenment? While previous editions made policy concerns their focus, this year we broke new ground by asking a broader and more theoretical question. In this context, the Enlightenment represents a set of Western ideals which promised to release politics from religion, replace faith with science, and elevate the individual over the community. Though abstract, our question is both significant and pressing as we attempt to interpret the resurgence of religion in twenty-first century politics, the perpetuation of terrorism backed by extremist ideology, and the challenges posed to Western worldviews given the rise of non-Western powers. Were the ideals of the Enlightenment ever destined to triumph worldwide? If not, what comes next?

The eleventh edition of the *Bologna Center Journal of International Affairs* brings together a set of articles that insightfully address these questions. The Journal begins with an article by SAIS Professor Francis Fukuyama on the challenges facing liberal democracies in the twenty-first century, one of the most serious being the integration of Muslim immigrants into European societies. The focus then shifts to Africa with an article considering the prospects of an African Enlightenment and its impact on economic development, and another addressing religion's influence in the evolution of the African state. The role of religion is further examined in the cases of Afghanistan and Pakistan, specifically on the factors that have led to radical Islam's rise along the Afghan-Pakistani border and how this has contributed to current instability. A final theme-related article asserts that multiple "enlightened" worldviews can coexist and that Enlightenment principles and notions of modernity are misinterpreted as overly Western concepts.

In addition to articles pertaining to this year's theme, the Journal is also pleased to include works on the application of international law to humanitarian intervention, the case of Japanese comfort women, the question of why nuclear states disarm, and the challenges for EU energy security with respect to Algeria.

While this year's Journal has undoubtedly continued the tradition of providing high-quality discussion on topics in international affairs, I also believe that we have contributed something new. Encouraged to take a risk, we chose to depart from the everyday questions of foreign affairs and to ask something fresh, and the result is a more compact yet highly insightful collection of articles. I would like to thank the Journal staff, the Bologna Center faculty, and the authors for making this possible.

Emily A. Harter  
Editor-in-Chief  
March 2008

## THE END OF THE ENLIGHTENMENT?

Some years ago, writing about Stonehenge, archaeologist Jacquetta Hawkes said that “every age gets the Stonehenge it desires, and,” she added, “deserves.” The subject may be different here, but the paraphrase is worth thinking about: every age gets the “Enlightenment” it wants. As the ambitious undertaking of this issue of the *Bologna Center Journal of International Affairs* has shown, it is not easy to agree on precisely what we should think of when we think of the Enlightenment.

And that is no small matter. If we are to answer the question of whether we have reached the end of the Enlightenment, we have to know what to look for. If we are to answer the implied question, “Is it a good or bad thing?” it will surely depend on what we may believe were—or are—the defining characteristics of that era.

For most of us, our first introduction to the Enlightenment came in our undergraduate exposure to the writings of the eighteenth century philosophers who, motivated by the scientific successes of the seventeenth century—the empiricism of the English tradition and the logic of the French tradition (with many cross-Channel contributions)—argued that the “methods” of science could and should be extended to other aspects of life and to its social and political organization.

It was, of course, a reaction to what had gone before: religious wars, corruption, serfdom, and mysticism, with its attendant sense of helplessness to control one’s own destiny. But there was no inexorable logic to its consequences. Many view the American constitution, the development of our form of government, and the origins of religious freedom as natural outcomes of the Age of Enlightenment. So too, however, were the failed utopias of the nineteenth century. We recall that Karl Marx described his goal as “scientific socialism.” Indeed, the social problems of the industrial revolution gave rise to a nineteenth century push-back against “science” and its worldview, whether in the form of the Luddite protests or back-to-nature movements such as Thoreau’s. Moreover, even the powerful reasoning of René Descartes did not save him from propounding quaintly wrong science as well as failing to prove convincingly the existence of God.

So we are left to decide whether the Enlightenment refers to the triumph of reason, the declaration of the rights of man, the birth of democracy, the separation of church and state, the market economy, some combination of these developments, or some additional virtuous ideal. If I may ask, purely for the sake of argument, how would one distinguish a triumph of reason from a tyranny of reason? I recall a colleague of mine responding to what I thought was my reasoned dissection of the antagonistic questioning I had received while testifying before a state legislative

committee by observing that I seemed to be approaching things from a “rational bias.”

And, of course, I do. But in the twenty-first century, subtle and troubling questions are being raised. Even in science, there is a serious discussion about the relative reliability of empiricism versus thought experiments—the latter really referring to intuition, though informed intuition. In the arena of political organization, we find it necessary to look more closely at what we may mean or *should* mean by separation of church and state, as evidenced by the great differences we find even within such similar societies as France, the United Kingdom, and the United States. Some of the developments in Asia force us to think about how closely success in a market economy depends upon political democracy. Some of the advances in science lead us to question how best to integrate reason, culture, aesthetics, ethical beliefs, and religious convictions in our legal and political structures.

The essays in this issue of the Journal, linked under the thematic question, “The End of the Enlightenment?” address a number, though certainly not all, of these issues: culture and group identity, economic development, religion, the meaning of modernity, and the ethical obligations of nations. The aim is not to answer the question, but to explore it, and to use the question to structure the exploration. These essays attest to the value of this approach, each related to the theme, each a contribution on its own.

It is notable, but not surprising, that the student staff of the *Bologna Center Journal of International Affairs* has presented to us, in this collection of essays, a stimulating and valuable contribution. In the process the staff has engaged many of us in the Bologna Center community, myself included, in a dialogue about these issues. And if, in my earlier comments, there was a hint of skepticism about the slightly question-begging term “enlightenment,” let me admit to my own bias. For it is institutional structures and systems of belief that allow for open and questioning discourse, driven by curiosity about other people and other ways of thinking, constantly testing ideas, sometimes refining beliefs. That, after all, is what draws many of us to the study of international affairs. Without question, this issue of the *Bologna Center Journal of International Affairs* enriches that dialogue.

Kenneth H. Keller  
Director of the Bologna Center  
March 2008





# IDENTITY, IMMIGRATION, AND LIBERAL DEMOCRACY

FRANCIS FUKUYAMA

Seymour Martin Lipset was a colleague of mine at George Mason University, and for the years I was there we taught a course together on comparative politics that was originally based on his book *American Exceptionalism*. I learned an extraordinary amount from talking to him, reading his books, and listening to his lectures, and I appreciate the opportunity to apply some of his thinking to our current situation.

Marty Lipset is, of course, a great student of liberal democracy. As the twenty-first century unfolds, it seems unfortunately clear that liberal democracy continues to face multiple challenges. One challenge particularly apparent to Americans since the attacks of September 11 is that of jihadist terrorism. The radical Islamist ideology motivating such terrorism is profoundly antiliberal and, when combined with the destructive possibilities of modern technology, poses a tremendous security challenge.

Most Americans have tended to regard the jihadist problem as something that has been bred and nurtured in profoundly dysfunctional areas of the world like Saudi Arabia, Pakistan, Afghanistan, and other parts of the Middle East. Since jihadism is something that is happening “over there,” the solution lies either in

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Dr. Fukuyama spoke on “Identity and Immigration” at the Bologna Center in January 2008 and he delivered the Seymour Martin Lipset Lecture on Democracy in the World in October 2005. This article first appeared in the April 2006 issue of the *Journal of Democracy* and is being reprinted with permission.

walling off the United States and other target countries, or else, as the Bush administration would have it, going over there to fix the problem at its root by deposing dictators and promoting democracy.

There is no doubt, of course, that the Muslim world is dysfunctional in many ways, and that Saudi Arabia and Pakistan have been the sources of an extremist and hateful ideology. I would contend, however, that the more serious longer-term challenge facing liberal democracies today concerns the integration of immigrant minorities—particularly those from Muslim countries—as citizens of pluralistic democracies. Culturally diverse immigrants create problems for all countries, yet Europe has become and will continue to be a critical breeding ground and battlefield in the struggle between radical Islamism and liberal democracy. This is because radical Islamism itself does not come out of traditional Muslim societies, but rather is a manifestation of modern identity politics, a byproduct of the modernization process itself. In this respect, it is unfortunately a familiar challenge, one that we have seen earlier in the extremist politics of the twentieth century.

There have been signs of trouble across Europe: the Madrid bombings of 11 March 2004, the murder of Dutch filmmaker Theo van Gogh by Mohammed Bouyeri in Amsterdam on 2 November 2004, the London bombings of 7 July 2005, and the riots that consumed the French *banlieues* in November 2005.<sup>1</sup> Muslims constitute 7 to 8 percent of the population in France and upwards of 6 percent in the Netherlands, and in cities like Rotterdam they come close to being a majority (see Table). Even with no new net immigration—which most European countries by now have cut off—higher birth rates among minority communities will increase their overall proportion in the population in the next generation.

Most European countries have right-wing populist parties opposed to immigration and increasingly mobilized around the issue of Muslim minorities; these include the National Front in France, the Vlaams Belag (formerly the Vlaams Blok) in Belgium, the People's parties in Denmark and Switzerland, and the Freedom Party in Austria. Nonetheless, mainstream European academics, journalists, and politicians have been very reluctant to address the problem of Muslim integration openly until very recently, though there is by now a growing—and in some cases very alarmist—literature on the emergence of “Eurabia.”<sup>2</sup>

## IDENTITY AND THE HOLE IN LIBERAL THEORY

Modern identity politics springs from a hole in the political theory underlying modern liberal democracy. That hole is related to the degree of political deference that liberal societies owe groups rather than individuals. The line of modern political theory that begins in some sense with Machiavelli and continues through Thomas Hobbes, John Locke, Jean-Jacques Rousseau, and the American Founding Fathers, understands the issue of political freedom as one that pits the state against individuals rather than groups. Hobbes and Locke, for example, argue that human beings possess natural rights as individuals in the state of nature—rights that can only be secured through a social contract that prevents one individual's pursuit of self-interest from harming the rights of others.

TABLE—MUSLIM POPULATIONS IN EUROPE

COUNTRY	NUMBER (MILLIONS)	PERCENT OF POPULATION
France	4.5	7.5
Germany	3.0	3.6
Britain	2.5	2.5
Italy	1.0	1.7
Netherlands	1.0	6.2
Spain	0.5	1.2
EU Total	13.0	3.2

Source: Economist, 6 March 2004; and Bassam Tibi figure based on figures from the EU Parliament. Many European countries did not keep official statistics on people by religious affiliation so these are simply estimates, and probably on the low side.

Modern liberalism arose in good measure in reaction to the wars of religion that raged in Europe following the Protestant Reformation. Liberalism established the principle of religious toleration—that is, the idea that religious goals could not be pursued in the public sphere in a way that restricted the religious freedom of other sects or churches. As we will see below, however, the actual separation of church and state was never fully achieved in many modern liberal democracies. Moreover, while modern liberalism clearly established the principle that state power should not be used to impose religious belief on individuals, it left unanswered the question of the exact degree to which the free exercise of religion by private individuals would be allowed to impinge on the rights of people within a religious community or tradition. Freedom

understood not as the freedom of individuals but of cultural groups to protect their own group identities was not seen as a central issue by the American founders, perhaps because the new settlers of North America were relatively homogenous culturally. In the words of John Jay writing in *Federalist* No. 2, “Providence has been pleased to give this one connected country to one united people—a people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles.”

The question of group identities might not have been such a problem but for the parallel development of identity politics in modern societies. In the West, identity politics began in an important way with the Protestant Reformation. Martin Luther argued that salvation could be achieved only through an inner state of faith, and attacked the Catholic emphasis on works—that is, exterior conformity to a set of social rules established by the Church. The Reformation thus identified true religiosity as an individual’s subjective state, thereby dissociating inner identity from existing social practice.

The Canadian philosopher Charles Taylor has written quite helpfully about the subsequent historical development of identity politics.<sup>3</sup> Jean-Jacques Rousseau, in both the *Second Discourse* and the *Promenades*, argued that there was a huge disjuncture between our outward selves, which were the accretion of social customs and habits acquired over historical time, and our true inner natures. Happiness lay in the recovery of inner authenticity, *le sentiment de l’existence*, which had been covered over by the passions generated by social dependence. This idea was developed further by Johann Gottfried von Herder, who argued that inner authenticity lay not just in individuals but in peoples, in the recovery of what we today call folk culture. In Taylor’s words, “This is the powerful moral ideal that has come down to us. It accords moral importance to a kind of contact with myself, with my own inner nature, which it sees as in danger of being lost . . . through the pressures toward outward social conformity.”<sup>4</sup>

The disjuncture between one’s inner and outer selves comes not merely out of the realm of ideas, but is something produced by the social reality of modern democratic societies with free-market economies. After the American and French revolutions, the ideal of *la carrière ouverte aux talents* was increasingly put into practice as traditional barriers to social mobility were removed. One’s social status was achieved rather than ascribed; it was the product of one’s natural talents, work, and effort rather than an accident of one’s birth. One’s life story was the search for fulfillment of an inner plan, rather

than conformity to the expectations of one's parents, kin, village, or priest.

Taylor points out that modern identity is inherently political, because it ultimately demands *recognition*. One's inner self is not just a matter of inward contemplation; it must be intersubjectively recognized if it is to have value. The idea that modern politics is based on the principle of universal recognition comes from Hegel. Increasingly, however, it appears that universal recognition based on a shared humanity is not enough, particularly on the part of groups that have been discriminated against in the past. Hence modern identity politics revolves around demands for recognition of group identities—that is, public affirmations of the equal dignity of formerly marginalized groups, from the Québécois to African-Americans to women to indigenous peoples to homosexuals.

It is no accident that Charles Taylor is Canadian, since contemporary multiculturalism and identity politics were in many ways born in Canada with the demands of the Francophone community for recognition of its rights as a “distinct society.” The latter's codification in the Meech Lake amendment to the Canadian Charter of Rights and Freedoms violates the liberal principle of equal individual rights: French speakers enjoy linguistic rights not shared by English speakers. It is illegal, for example, for Francophones or immigrants to send their children to an English-speaking school in Quebec, while a similar law singling out Anglophones would not be permitted in Alberta or British Columbia.<sup>5</sup>

Multiculturalism, understood not just as tolerance of cultural diversity in de facto multicultural societies but as the demand for legal recognition of the rights of ethnic, racial, religious, or cultural groups, has now become established in virtually all modern liberal democracies. U.S. politics over the past generation has been consumed with controversies over affirmative action, bilingualism, and gay marriage, driven by formerly marginalized groups that demand recognition not just of their rights as individuals, but of their rights as members of groups. The United States' Lockean tradition of individual rights has meant that these efforts to assert group rights have been tremendously controversial. As we will see, there is a tremendous divergence between the United States and other advanced democracies in the way that group rights are treated.

#### RADICAL ISLAMISM AND IDENTITY POLITICS

The radical Islamist ideology that has motivated many of the terror attacks over the past decade must be seen in large measure as

a manifestation of modern identity politics rather than as an assertion of traditional Muslim culture. As such, it is something quintessentially modern, and thus familiar to us from earlier extremist political movements. The fact that it is modern does not make it less dangerous, but it helps to clarify the problem and its possible solutions.

The argument that contemporary radical Islamism is a form of identity politics has been made most forcefully by the French scholar Olivier Roy in his book *Globalized Islam*.<sup>6</sup> According to Roy, the root of radical Islamism is not cultural—that is, it is not a byproduct of something inherent in or deeply essential to Islam or the cultural system that this religion has produced. Rather, he argues, radical Islamism has emerged because Islam has become *detrterritorialized* in such a way as to throw open the whole question of Muslim identity.

The question of identity does not come up at all in traditional Muslim societies, as it did not in traditional Christian societies. In a traditional Muslim society, an individual's identity is given by that person's parents and social environment; everything, from one's tribe and kin to the local imam to the political structure of the state, anchors one's identity in a particular branch of Islamic faith. It is not a matter of personal choice. Like Judaism, Islam is a highly legalistic religion, meaning that religious belief consists of conformity to a set of externally determined social rules. These rules are highly localized in accordance with the traditions, customs, saints, and practices of specific places. Traditional religiosity is not universalistic despite Islam's doctrinal universalism.

According to Roy, identity becomes problematic precisely when Muslims leave traditional Muslim societies by, for example, emigrating to Western Europe. One's identity as a Muslim is no longer supported by the outside society; indeed, there is strong pressure to conform to the Western society's prevailing cultural norms. The question of authenticity arises in a way that it never did in the traditional society, since there is now a gap between one's inner identity as a member of a Muslim cultural community and one's behavior vis-à-vis the surrounding society. This explains the constant questioning of imams on Islamist Web sites about what is *haram* (prohibited) or *hallal* (permitted): The question of whether, for example, it is *haram* to shake hands with a female professor never comes up in Saudi Arabia because such a social category does not exist.

Radical Islamism and jihadism arise precisely in response to the resulting quest for identity. It is Osama bin Laden who can answer the question of "Who am I?" posed by a young Muslim in Holland or France: You are a member of a global *umma* defined by adherence to

a universal Islamic doctrine that has been stripped of all of its local customs, saints, traditions, and the like. Muslim identity thus becomes a matter of inner belief rather than outward conformity to social practice. Roy points out that this constitutes the “Protestantization” of Muslim belief, where salvation lies in a subjective state that is at odds with one’s outward behavior. Thus could Mohamed Atta and several of the other September 11 conspirators drink alcohol and visit a strip club in the days before carrying out their attacks.

Understanding radical Islamism as a form of identity politics also explains why second- and third-generation European Muslims have turned to it. First-generation immigrants have usually not made a psychological break with the culture of their land of birth and carry traditional practices with them to their new homes. Their children, by contrast, are often contemptuous of their parents’ religiosity, and yet have not become integrated into the culture of the surrounding Western society. Stuck between two cultures with which they cannot identify, they find a strong appeal in the universalist ideology offered by contemporary jihadism.

Olivier Roy overstates the case for viewing radical Islamism as a primarily European phenomenon; there are plenty of other sources for radical ideologies coming out of the Middle East. Saudi Arabia, Pakistan, Iran, and Afghanistan have all exported radical Islamist ideology, and Iraq may do so in the future. But even in Muslim countries, Roy’s analysis remains valid to an important degree because it is these societies’ confrontation with modernity that produces the crisis of identity and radicalization. Globalization, driven by the Internet and tremendous mobility, has blurred the boundaries between the developed world and traditional Muslim societies. It is not an accident that so many of the perpetrators of recent terrorist plots and incidents either were European Muslims radicalized in Europe or came from privileged sectors of Muslim societies with opportunities for contact with the West. Mohamed Atta and the other organizers of the September 11 attacks fall into this category, as do Mohammed Bouyeri (the murderer of Dutch filmmaker Theo van Gogh), the March 11 Madrid bombers, and the July 7 London bombers. In addition, there was an extensive network of mostly Moroccan terrorists, operating out of the Belgian town of Maaseik, which supported the bombings in Casablanca and Madrid before being broken up by the police.<sup>7</sup> It should be noted that al-Qaeda leaders Osama bin Laden and Ayman al-Zawahiri are both highly educated men with plenty of knowledge of and access to the modern world.

If contemporary radical Islamism is properly understood as a product of identity politics and hence a modern phenomenon, then



two implications follow. First, we have seen this problem before in the extremist politics of the twentieth century, among the young people who became anarchists, Bolsheviks, fascists, or members of the Bader-Meinhof gang. As Fritz Stern, Ernest Gellner, and many others have shown, modernization and the transition from *Gemeinschaft* to *Gesellschaft* constitute an intensely alienating process that has been negatively experienced by countless individuals in different societies.<sup>8</sup> It is now the turn of young Muslims to experience this. Whether there is anything specific to the Muslim religion that encourages this radicalization is an open question. Since September 11, a small industry has sprung up trying to show how jihad, violence, and even suicide bombing have deep Koranic or historical roots. It is important to remember, however, that at many periods in history Muslim societies were more tolerant than their Christian counterparts. Maimonides was born in Muslim Cordoba, which was an incredibly diverse center of learning and culture; Baghdad for many generations hosted one of the world's largest Jewish communities. It would make no more sense to see contemporary radical Islamism as an inevitable outgrowth of Islam than to see fascism as somehow the culmination of a Christian European cultural tradition.

Second, the problem of jihadist terrorism will not be solved by bringing modernization and democracy to the Middle East. The Bush administration's view that terrorism is driven by a lack of democracy overlooks the fact that so many terrorists were radicalized in democratic European countries. It is highly naïve to think that radical Islamists hate the West out of ignorance of what the West is. Modernization and democracy are good things in their own right, but in the Muslim world they are likely to increase rather than dampen the terrorist problem in the short run.

#### IDENTITY IN EUROPE AND NORTH AMERICA

If Muslims in the West feel caught between the identity of their parents and the identity of the country in which they live, where does the latter come from? Liberal societies are known for having weak identities; many celebrate their own pluralism and multiculturalism, arguing in effect that their identity is to have no identity. Yet the fact of the matter is that national identity still exists in virtually all contemporary liberal democracies. The nature of national identity, however, is different in North America than it is in Europe, which goes far in explaining why the integration of Muslims is so difficult in countries like the Netherlands, France, and Germany.

American identity was one of Seymour Martin Lipset's chief preoccupations throughout his career, as elucidated in works from *The First New Nation* to *American Exceptionalism*. According to Lipset, American identity was always political in nature and was powerfully influenced by the fact that the United States was born from a revolution against state authority.<sup>9</sup> The American creed was based on five basic values: equality (understood as equality of opportunity rather than outcome), liberty (or anti-statism), individualism (in the sense that individuals could determine their own social station), populism, and *laissez-faire*. Because these qualities were both political and civic, they were in theory accessible to all Americans and have remained remarkably durable over the republic's history. Robert Bellah once described the United States as having a "civic religion," but it is a church that is open to the country's newcomers.<sup>10</sup>

In addition to these aspects of political culture, American identity is also rooted in more narrowly ethnic traditions, what Samuel Huntington has labeled "Anglo-Protestant" culture.<sup>11</sup> Lipset agreed that the religious traditions of America's British settlers—what he described as the sectarian nature of American Protestantism—were very important in the shaping of American culture. The famous Protestant work ethic, the American proclivity for voluntary association (which still today remains rooted in the congregational nature of American religion), and the moralism of American politics are all by-products of this Anglo-Protestant heritage.

But while key aspects of American culture are rooted in particular European cultural traditions, by the beginning of the twenty-first century they had become deracinated from their ethnic origins and were practiced by a host of new Americans. Americans work much harder than do Europeans, and they tend to believe—like Weber's early Protestants—that dignity lies in morally redeeming work rather than in the social solidarity of a welfare state.<sup>12</sup> But who in today's America works hard? It is much more likely to be a Russian cab driver, a Korean shopkeeper, or a Mexican day-laborer than a white Anglo-Saxon Protestant.

There are, of course, many aspects of contemporary American culture that are not so pleasant. The culture of entitlement, consumerism, Hollywood's emphasis on sex and violence, and the underclass gang culture that the United States has reexported to Central America are all distinctively American characteristics that some immigrants come to share. Lipset argued that American exceptionalism was a double-edged sword: The same anti-statist

proclivities that made Americans entrepreneurial also led them to disobey the law to a higher degree than Europeans.

European identity, by contrast, is much more confused. In the period following the Second World War, there has been a strong commitment throughout most of Europe to creating the same kind of tolerant and pluralist political identity that characterizes the United States—the “post-national” ideal promoted by intellectuals like Jürgen Habermas and embodied in the European project. But despite the progress that has been made in forging a strong European Union, European identity remains something that comes from the head rather than the heart. While there is thin layer of mobile, cosmopolitan Europeans, few think of themselves as generic Europeans or swell with pride at the playing of the European anthem. With the defeat of the European constitution in referenda in France and the Netherlands in 2005, core European publics seemed to be telling elites that they were not yet ready to give up on the nation-state and sovereignty.

National identity—that is, identity at the member-state level—has been officially frowned upon since the beginning of the European project. The most formative experience for contemporary European consciousness was the First World War, which Europeans tend to blame on nationalism and out-of-control sovereignty. The fascist past of many European countries and its association with nationalism make it inconceivable that a German or a Spaniard would wave the national flag the way that Americans did after September 11.

Yet Europe’s old national identities continue to hang around like unwanted ghosts. In each member state, people still have a strong sense of what it means to be French or Dutch or Italian, even if it is not politically correct to affirm these identities too strongly or to engage in public discussions of what they mean. And national identities in Europe, compared to those in the Americas, remain far more blood-and-soil based, accessible only to those ethnic groups who initially populated the country.

Germany, for example, had a citizenship law that, until it was changed in 2000, was based on *jus sanguinis* rather than *jus solis*, meaning that one had to have a German mother to qualify for citizenship.<sup>13</sup> A second or third-generation Turk who spoke only German had a harder time achieving naturalization than a recent ethnic German refugee from Russia who spoke not a word of German. Germans often would say that theirs was not a land of immigration like the United States, despite the fact that their cities were filling up with hordes of non-European guest workers and refugees.<sup>14</sup>

The Dutch, by contrast, are famous for their pluralism and tolerance and do not share the Germans' nationalist legacy. Yet in the privacy of their own homes, the Dutch remain quite socially conservative: It is much easier for them to tolerate cultural difference when it is practiced in other, parallel communities rather than in their own. Dutch society has been multicultural without being assimilative, something that fit well into a consociational society that was traditionally organized into separate Protestant, Catholic, and socialist *verzuilungen*, or pillars.<sup>15</sup>

While other European countries do not formalize the corporatist organization of society in pillars, most tend to conceive of multiculturalism in a similar manner—as a framework for the coexistence of separate cultures rather than a transitional mechanism for integrating newcomers into the dominant culture. Many Europeans express skepticism about whether Muslim immigrants want to integrate, yet those who do are not always eagerly welcomed, even if they have acquired the language and basic cultural knowledge of the dominant society. In the United States by contrast, first-generation Guatemalan or Vietnamese immigrants can say proudly after taking the oath of citizenship that they are Americans, and no one will laugh at them for that.<sup>16</sup>

It is important not to overstate the differences between the United States and Europe in this regard. Europeans argue with some justice that they face a harder problem in integrating their immigrants—the majority of whom are Muslim—than does the United States, where the vast bulk of newcomers are Hispanic and share the Christian heritage of the dominant native cultural group. Numbers also matter: In the United States there are between two and three million Muslims in a country numbering nearly 300 million; were this Muslim population proportionally the same size as in France, there would be over 20 million.

#### WHAT IS THE SOLUTION?

Europe's failure to better integrate its Muslims is a ticking time bomb that has already resulted in terrorism and violence. It is bound to provoke an even sharper backlash from nativist or populist groups and may in time threaten European democracy itself. Resolution of this problem will require a two-pronged approach, involving changes in behavior by immigrant minorities and their descendants as well as by members of the dominant national communities.

The first prong of the solution is to recognize that the old multicultural model was a failure in such countries as the Netherlands and Britain, and that it needs to be replaced by more energetic efforts to integrate non-Western populations into a common liberal culture. The old multicultural model was based on group recognition and group rights. Out of a misplaced sense of respect for cultural differences, it ceded entirely too much authority to cultural communities to define rules of behavior for their own members. Liberalism cannot ultimately be based on group rights, because not all groups uphold liberal values. The civilization of the European Enlightenment, of which contemporary liberal democracy is the heir, cannot be culturally neutral, since liberal societies have their own values regarding the equal worth and dignity of individuals. Cultures that do not accept these basic premises do not deserve equal protection in a modern liberal democracy. Members of immigrant communities and their offspring deserve to be treated equally as *individuals*, not as members of cultural communities. Thus, there is no reason for a Muslim girl to be treated differently under the law from a Christian or Jewish one, whatever the feelings of her relatives.

Multiculturalism, as it was originally conceived in Canada, the United States, and Europe, was in some sense a “game at the end of history.” That is, cultural diversity was seen as a kind of ornament to liberal pluralism that would provide ethnic restaurants, colorful dress, and traces of distinctive historical traditions to societies often seen as numbingly conformist and homogeneous. Cultural diversity was something to be practiced largely in the private sphere, where it would not lead to any serious violations of individual rights or otherwise challenge the essentially liberal social order. Where it did intrude into the public sphere, as in the case of language policy in Quebec, the deviation from liberal principle was seen by the dominant community more as an irritant than as a fundamental threat to liberal democracy itself.<sup>17</sup>

By contrast, some contemporary Muslim communities are making demands for group rights that simply cannot be squared with liberal principles of individual equality. These demands include special exemptions from the family law that applies to everyone else in the society, the right to set up special religious schools with state support, and the right to exclude non-Muslims from certain types of public events. In some more extreme cases, Muslim communities have even expressed ambitions to challenge the secular character of the political order as a whole. These types of group rights clearly intrude on the rights of other individuals in the society and push cultural autonomy well beyond the private sphere.<sup>18</sup>

Asking Muslims to give up group rights is much more difficult in Europe than in the United States, however, because many European countries have corporatist traditions that continue to respect communal rights and fail decisively to separate church and state.<sup>19</sup> We have already mentioned the “pillarization” that exists in the Netherlands and Belgium. The publicly funded Protestant and Catholic schools in those countries have by now been largely emptied of religious content, but the same is not true for Muslim schools, and the existence of the former makes it hard to argue in principle against state-supported religious education for Muslims. In Germany, the state collects taxes on behalf of the Protestant and Catholic churches and distributes revenues to church-related schools. This was a legacy of Bismarck’s *Kulturkampf* in the late nineteenth century, when the newly unified German state tried to subdue the Catholic Church as an independent political force, but managed only partially to digest it. Even France, with its strong republican tradition, has not been consistent on this issue. After the French revolution’s anti-clerical campaign, Napoleon’s 1805 Concordat restored the role of religion in education and used a corporatist approach to manage church-state relations. The state’s relationship with France’s Jewish community, for example, was managed by the *Ministre de Cultes* through the *Consistoire Israelite*, which in many ways served as the model for Nicolas Sarkozy’s recent efforts to create an authoritative Muslim interlocutor to speak for (and to control) the French Muslim community. Even the 1905 law enshrining the principle of *laïcité* had exceptions, as in Alsace, where the French state still supports church-related schools.

These islands of corporatism where European states continue to officially recognize communal rights were not controversial prior to the arrival of large Muslim communities. Most European societies had become thoroughly secular, so these religious holdovers seemed quite harmless. But they set important precedents for the Muslim communities, and they will be obstacles to the maintenance of a wall of separation between church and state. If Europe is to establish the liberal principle of a pluralism based on individuals rather than communities, then it must address these corporatist institutions inherited from the past.

The other prong of the solution to the problem of Muslim integration concerns the expectations and behavior of the majority communities in each European country. National identity has not disappeared, and it often continues to be understood in ways that make it inaccessible to newcomers who do not share the ethnicity and religious background of the native-born. As a first step, rules for

naturalization and legal citizenship need to be put on a non-ethnic basis and the conditions made less onerous. Beyond this, however, each European nation-state needs to create a more inclusive sense of national identity that can better promote a common sense of citizenship. National identity has always been socially constructed; it revolves around history, symbols, heroes, and the stories that a community tells about itself. The history of twentieth-century nationalism has put discussions of national identity off-limits for many Europeans, but this is a dialogue that needs to be reopened in light of the de facto diversity of contemporary European societies.

Germany's Christian Democrats gingerly broached this subject after the revision of the citizenship law in 2000 by floating the idea of *Leitkultur*, the notion that German citizenship entails certain obligations to observe standards of tolerance and equal respect. The term *Leitkultur* (a term that can be translated as a "guiding" or "reference culture") was invented by Bassam Tibi, a Syrian academic living in Germany, precisely as a nonethnic, universalist conception of citizenship that would open up national identity to nonethnic Germans.<sup>20</sup> Despite these origins, the idea was immediately denounced by the Left as racist and a throwback to Germany's unhappy past, and the Christian Democrats quickly distanced themselves from it.<sup>21</sup> But Tibi's original notion was exactly on the mark, and its short shelf-life only serves to indicate how big an obstacle political correctness is to open discussion of national identity.

Many Europeans insist that the American "melting pot" approach to national identity is unique and cannot be replicated in Europe. This may well be the case, but if so, Europe is heading for a social explosion. There are, however, some European precedents for creating national identities that are more open and less based on ethnicity or religion. The most obvious example is French republicanism, which in its classic form refused to recognize separate communal identities and indeed used the power of the state to homogenize French society.<sup>22</sup> With the growth of terrorism and domestic violence, an intense discussion has emerged in France about why this form of integration has failed. Part of the reason may be that the French themselves gave up their old concept of citizenship in favor of the trendier approach of multiculturalism. The headscarf ban of 2004 was a sudden reassertion of an older republican tradition that had been allowed to lapse.

Americans may indeed have something to teach Europeans with regard to the creation of an open national identity. Observers like Robert Bellah have long noted that national identity has become a kind of civic religion for Americans.<sup>23</sup>

American life is full of quasi-religious ceremonies and rituals meant to celebrate the country's democratic political institutions: flag-raising ceremonies, the naturalization oath, Thanksgiving, and the Fourth of July. Europeans, by contrast, have for the most part deritualized their political lives. No European country has a naturalization ceremony comparable to that of the United States, and Europeans tend to be cynical or dismissive of American displays of patriotism. But such ceremonies play a critical role in the assimilation of new immigrants into American political and social life.

Even more important is the role of the welfare state and economic policy. Europeans continue to cling tenaciously to the postwar welfare state and denounce the United States for its supposedly heartless social model. But the European welfare state is doing active harm to the ability of European societies to integrate culturally distinct immigrants. The flexibility of U.S. labor markets means that there is an abundance of low-skill jobs for immigrants to take, and most foreigners come to the United States in search of work. In Europe, a combination of inflexible work rules and generous benefits means that immigrants come in search not of work but of welfare.

Europeans claim that the less generous welfare state in the United States robs the poor of dignity. But the opposite is true: Dignity comes through work and the contributions one makes through one's labor to the larger society. In many Muslim communities in Europe, as much as half the population subsists on welfare, directly contributing to the sense of alienation and hopelessness. Europeans have not been able to address honestly and openly the problem of Muslim integration—either what immigrants owe their adoptive society or what that society owes its immigrants—due to a pervasive political correctness surrounding this whole set of issues. The rapid shutting down of any discussion of *Leitkultur* in Germany is but one example of this. Those political parties on the center-right that should drive such a discussion have been intimidated by the left through accusations of racism and old-style nationalism; they fear above all being tarred by the far right. This is a huge mistake. The far right will make a big comeback if mainstream parties fail to take up this issue in a serious way. Unfortunately, it has taken acts of violence to open up a more honest discussion of these issues in the Netherlands, Britain, and France. The Netherlands has come the furthest in this regard since the van Gogh murder in 2004. While the rhetoric has often taken on populist and racist overtones, the discussion is at least taking place.<sup>24</sup>



The dilemma of immigration and identity ultimately converges with the larger problem of the valuelessness of postmodernity. That is, the rise of relativism has made it impossible for postmodern people to assert positive values for which they stand, and therefore the kinds of shared beliefs they demand as a condition for citizenship. Postmodern societies, particularly those in Europe, feel that they have evolved past identities defined by religion and nation and have arrived at a superior place. But aside from their celebration of endless diversity and tolerance, postmodern people find it difficult to agree on the substance of the good life to which they aspire in common.

Immigration forces upon us in a particularly acute way discussion of the question “Who are we?” posed by Samuel Huntington. It is easy to agree on things like football and beer-drinking as elements of a common culture, but it is much harder to say which aspects of national history are important. If postmodern societies are to move toward a more serious discussion of identity, they will need to uncover those positive virtues that define what it means to be a member of the larger community. If they do not, they will indeed be overwhelmed by people who are more sure about who they are.

#### NOTES:

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1. For an overview, see Ian Johnson and John Carreyrou, “As Muslims Call Europe Home, Dangerous Isolation Takes Root,” *Wall Street Journal*, 11 July 2005.
2. See for example Bassam Tibi, “Les Conditions d’un Euro-Islam,” in Robert Bistolfi and Francois Zabbal, ed., *Islams d’Europe: Intégration ou Insertion Communautaire* (Paris: Editions de l’Aube, 1995); Olivier Roy, “EuroIslam: The Jihad Within?” *The National Interest* (Spring 2003): 63–74; Unni Wikan, *Generous Betrayal: Politics of Culture in the New Europe* (Chicago: University of Chicago Press, 2002); Patrick Buchanan, *The Death of the West: How Dying Populations and Immigrant Invasion Imperil Our Country and Civilization* (New York: Thomas Dunne, 2002); Bruce Bawer, *While Europe Slept: How Radical Islam Is Destroying the West from Within* (New York: Doubleday, 2006); and Tony Blankley, *The West’s Last Chance: Will We Win the Clash of Civilizations?* (New York: Regnery, 2005).
3. See Charles Taylor, *Multiculturalism: Examining the Politics of Recognition* (Princeton: Princeton University Press, 1994); and *Sources of the Self: The Making of the Modern Identity* (Cambridge: Harvard University Press, 1989).
4. Charles Taylor, *Multiculturalism*, 30.
5. See the discussion in Charles Taylor, *Multiculturalism*, 53.
6. Olivier Roy, *Globalized Islam: The Search for a New Ummah* (New York: Columbia University Press, 2004).

7. See Craig Whitlock, "How a Town Became a Terror Hub," *Washington Post*, 24 November 2005, A1.
8. Fritz Stern, *The Politics of Cultural Despair: A Study in the Rise of German Ideology* (Berkeley, Calif.: University of California Press, 1974); and Ernest Gellner, *Nations and Nationalism* (Ithaca, N.Y.: Cornell University Press, 1983).
9. Seymour Martin Lipset, *The First New Nation* (New York: Basic Books, 1963); *American Exceptionalism: A Double-Edged Sword* (New York: W. W. Norton, 1995).
10. Robert N. Bellah and Phillip Hammond, *Varieties of Civil Religion* (San Francisco: Harper and Row, 1980).
11. Samuel P. Huntington, *Who Are We? The Challenges to America's National Identity* (New York: Simon and Schuster, 2004).
12. The average American works 25.9 hours per week, versus 19.3 for Germans and 17.5 for the French. See Edward C. Prescott, "Why Do Americans Work So Much More Than Europeans?" Federal Reserve Bank of Minneapolis Research Department Staff Report 321 (November 2003). The difference in attitudes toward work is nowhere more evident than in the case of the 35 hour work week, mandated by the Socialist government of Lionel Jospin and now widely considered to be a social "acquis" in France. A similar national restriction on the length of the work week would be regarded as an absurdity in the United States.
13. See William R. Brubaker, "Immigration, Citizenship, and the Nation-State in France and Germany: A Comparative Historical Analysis," *International Sociology* 5 (December 1990): 379–407.
14. Nergis Canefe, "Citizens versus Permanent Guests: Cultural Memory and Citizenship Laws in a Reunified Germany," *Citizenship Studies* 2 (November 1998): 519–44.
15. For an overview of "pillarization" in the Netherlands, see Arend Lijphart, "The Evolution of Consociational Theory and Consociational Practices, 1965– 2000," *Acta Politica* 37 (Spring–Summer 2002): 11–22.
16. This is not simply an American characteristic. Naturalization and cultural assimilation are far easier in all lands of new settlement, not just English-speaking former colonies like Canada and Australia, but also in Latin America, where political leaders have names like Menem, Bucaram, and Fujimori.
17. For a less positive assessment of Quebec's attachment to democracy, see Pierre Elliott Trudeau, "Some Obstacles to Democracy in Quebec," *Canadian Journal of Economics and Political Science* 24 (August 1958): 297–311.
18. Katherine P. Ewing, "Legislating Religious Freedom: Muslim Challenges to the Relationship between 'Church' and 'State' in Germany and France," *Daedalus* 129 (Fall 2000): 31–54.
19. John T.S. Madeley, "European Liberal Democracy and the Principle of State Religious Neutrality," *West European Politics* 26 (January 2003): 1–22.
20. See Bassam Tibi, *Europa ohne Identität? Die Krise der multikulturellen Gesellschaft* (Munich: Bertelsmann, 1998).
21. For an unsympathetic interpretation of *Leitkultur* that illustrates the difficulties of discussing this issue honestly, see Hartwig Pautz, "The Politics of Identity in Germany: The Leitkultur Debate," *Race and Class* 46 (April 2005): 39–52.
22. Jane Freedman, "Secularism as a Barrier to Integration? The French Dilemma," *International Migration* 42 (August 2004): 5–27; and Michel Troper, "Religion and Constitutional Rights: French Secularism, or *Laïcité*," *Cardozo Law Review* 21 (February 2000): 1267–84.
23. See Robert N. Bellah and Phillip Hammond, *Varieties of Civil Religion*.
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# THE ENLIGHTENMENT AND ECONOMIC DEVELOPMENT: THE ROOTS OF GROWTH IN EUROPE AND ITS PROSPECTS IN AFRICA

MATTHEW SCHARF

*Sustained economic growth is a uniquely modern concept. World per capita incomes, after millennia of stagnation, only rose significantly at the end of the eighteenth century. This development first took off in Western Europe, and it has largely not taken place in sub-Saharan Africa. This divergence is due, in part, to an interconnected series of Enlightenment-era cultural trends in Europe epitomized by the rise of the developmental state based on a social contract, the increasing influence of rationality and applied science within the economy, and the encouragement of economic development by religion. These trends represented a cultural shift toward individualism in the political, economic, and religious spheres of the Western world during the Enlightenment and stand in stark contrast to Sub-Saharan Africa's postcolonial culture of collectivism and ineffective development strategies based on Pan-Africanism and statism. As such, the prospect of future economic development in Africa along a Western path would require a cultural transformation.*

The call for Africa's renewal, for an African Renaissance, is a call to rebellion. We must rebel against the tyrants and the dictators, those who seek to corrupt our societies and steal the wealth that belongs to the people.

~Thabo Mbeki, Deputy President of South Africa, 1994-1999, President, 1999-present<sup>1</sup>

On the whole, the school which owed its origin to Locke, and which preached enlightened self-interest, did more to increase human happiness, and less to increase human misery, than was

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done by the schools which despised it in the name of heroism and self-sacrifice. I do not forget the horrors of early industrialism, but these, after all, were mitigated within the system. And I set against them Russian serfdom, the evils of war and its aftermath of fear and hatred, and the inevitable obscurantism of those who attempt to preserve ancient systems when they have lost their vitality.

~Bertrand Russell<sup>2</sup>

The country that is more developed industrially only shows, to the less developed, the image of its own future.

~Karl Marx<sup>3</sup>

## INTRODUCTION

On April 27, 1994, Nelson Mandela's presidential election crowned the birth of multi-racial democracy in South Africa and the death of apartheid, a remnant of Africa's long history of violent racial oppression. Earlier that same month, the assassination of Rwanda's president, Juvenal Habyarimana, sparked ethnic conflict and the massacre of 800,000 people. This pattern of simultaneous gains and losses may appear unique to Africa, but in fact, it has been the world's pattern for almost the entire history of humanity. Maddison's research data shows that growth in per capita income in every region of the world was static until the end of the eighteenth century, slowly accelerated in the nineteenth, and exploded in the twentieth.<sup>4</sup> Yet this growth in per capita income largely did not occur in sub-Saharan Africa.<sup>5</sup> In 1820, Western Europe's per capita income was four times that of sub-Saharan Africa; currently, the gap is more than twenty to one.<sup>6</sup>

Politicians and theorists have proposed numerous panaceas to rectify this disparity since the end of the Second World War: investment, independence, education, socialism, capitalism, property rights, microfinance, etc. Some strategies have been abandoned, others have been modified, still others have yet to be tried. In large part, Africa's schizophrenic development strategies can be traced to three essential questions without definitive answers: First, *What causes economic growth?* Second, *Why did it begin in Western Europe?* And third, *Why hasn't it occurred in Africa?*<sup>7</sup> A brief survey of attempts to answer these questions would take many volumes, but one prominent obstacle can be summarized succinctly: the role of culture in development is poorly understood. As much as increased technology or a change in economic strategy, the cultural shift Europe

underwent from 1688 to 1789 known as the Enlightenment made the first period of sustained economic growth possible.

In speeches and conferences, Thabo Mbeki has said that reform and the pursuit of economic development are part of an African Renaissance, a renewal of African culture and civilization similar to Europe's resurrection from the depths of the Middle Ages.<sup>8</sup> The historical parallels, however, do not fit. In order to achieve economic growth along a path similar to Western Europe, Africa must draw more from Europe's Enlightenment period than from its Renaissance. In order to examine this notion, this paper includes five sections, analyzing: 1) the mechanisms of economic development; 2) the importance and definition of culture; 3) the way in which the Enlightenment in Europe fostered processes leading to a path of economic growth; 4) the cultural roots of postcolonial Africa's divergent economic path; and 5) a conclusion outlining the challenges Africa faces in seeking economic growth in lieu of its cultural variation with the West.<sup>9</sup>

#### ECONOMIC DEVELOPMENT

The mechanisms for achieving growth in world per capita income fit into four broad and often overlapping categories, each based on increasing aggregate supply per unit of labor.<sup>10</sup> The first economic mechanism for achieving growth is the exploitation of economies of scale based on the size of the firm or the market. This process lowers the average cost of producing a good. Growing cities such as Florence during the thirteenth century and London during the nineteenth century created economies of scale by providing a larger local market for a wide variety of professionals and tradesmen as well as generating larger businesses by which more workers were hired.<sup>11</sup>

The second mechanism, increased productivity per worker, results from increased resources per worker, or the more efficient use of current resources. The logic behind this growth in productivity (combined with economies of scale) explains the trajectory from village foundries in the middle ages to multi-national steel corporations today. Smith's famous "division of labor" framework, however, is not the only means of increasing productivity. Gains from "learning by doing" as well as increased amounts and efficiency of capital each make individuals more productive.

The third mechanism, increased gains due to non-zero sum economic interactions—sometimes called cooperation or synergy—produces the overall gains that arise when any two people, villages, countries, or continents conduct mutually agreed upon transactions

rather than remaining isolated or sending a raiding party the other's way. The possibility of non-zero sum gains, which have risen inversely to the decreasing cost of information, inherently incentivizes the growth of trust-creating institutions from political unions to property rights.<sup>12</sup>

Increased incorporation of production factors into the economy, the final mechanism of development, is partially a statistical phenomenon. For example, it includes counting "traditional" labor such as child-rearing in the formal economy. Nevertheless, it also refers to growth that results from incentivizing laborers to work longer by paying them according to product or time spent. The incorporation of production factors such as gold from Africa or North America by colonial powers resulted in a mix of statistical and real economic gains.

Each of these endogenous mechanisms for growth must be considered in the context of two exogenous factors: technology and culture. The exogeneity of technology is imperfect but based on the inability of most people in the world, as well as most nations, to advance the level of world technology. Whereas most countries have a leader or government that can change trade policy, labor restrictions, or even entire national economic system, few countries have the means, nor is the path clear, to plan and achieve a technological breakthrough. Additionally, it is difficult to keep new technology from spreading beyond state boundaries over a medium time horizon. This means that the potential supply of technological products and knowledge is roughly level among countries, and that this relationship cannot be easily modified. Nonetheless, the level of technology is directly relevant to each of the four mechanisms, as economic history shows.<sup>13</sup>

#### CULTURE MATTERS

While the importance of technology is almost universally recognized, the vital role of culture in the process of development has received less support and has frequently resulted in confusion rather than feasible growth strategies. It is difficult to disentangle culture from economic growth because of the difficulty in measuring it using reductionist variables. Oftentimes, culture is used as a *deus ex machina* to explain problems which otherwise exhaustive works cannot clarify. At the end of *The Wealth and Poverty of Nations*, David Landes writes, "If we learn anything from the history of economic development, it is that culture makes all the difference."<sup>14</sup> He then notes that both the effects of culture and the magnitude of its effects

vary across time and space, and that cultures are dynamic, thus leaving development theorists in the unenviable position of knowing that culture is important but not knowing exactly why or how important, or what can be done about it. Lawrence Harrison sums up the situation: “Most economists are uncomfortable dealing with culture, particularly since it presents definitional problems, is difficult to quantify, and operates in a highly complex context with psychological, institutional, political, geographic, and other factors.”<sup>15</sup>

The difficulty of defining culture has not stopped many from trying. Modern political scientists have defined culture as durable, “relatively coherent clusters of attitudes” shared to a certain degree by individuals within a society and driving other outcomes.<sup>16</sup> When culture is used generically in this paper, it will refer to the attitudes, rules, and mores which influence interpersonal and social interactions as well as the institutionalization of these attitudes, rules, and mores in governmental and societal constructs. This definition is meant to capture elements that exist independent of technology and geography yet differ among societies either across space or time.

#### THE EUROPEAN ENLIGHTENMENT

The European Renaissance, which began in Italy during the fourteenth century and subsequently spread throughout Europe, was most notable for the revitalization of art as epitomized by Michelangelo’s *David* and for the re-discovery of works by scholars such as Plato, Cicero, and numerous Muslim natural philosophers. Roughly speaking, the Renaissance ended with the descent of the Catholic-Protestant conflict into full-fledged European war in 1618. The Peace of Westphalia resolved the Thirty Years’ War in 1648, re-affirming each ruler’s right to choose an official religion yet mandating tolerance for individual religious choice. In this way, the religious wars of the seventeenth century fatally wounded the premise of compulsory religious belief in Europe by leading to the general insulation of religion from politics.<sup>17</sup>

The Enlightenment era in Europe began with William III’s ousting of James II as King of England in 1688 and consequent acceptance of the throne subject to increased parliamentary power and lasted until the French revolution in 1789. Demarcating the temporal boundaries of the Renaissance and the Enlightenment is important for grounding the political and cultural acceptance, though not always the origin, of certain ideas.



The importance of the Enlightenment, defined by Dorinda Outram as “a *capsule* containing sets of debates, stresses and concerns,”<sup>18</sup> for the economic development of Europe rests on the trend affirmed by society regarding the popular roots of political legitimacy, the developmental purpose of government, and the sympathetic attitude of religion to wealth. Though these answers remain in flux, the fundamental premises underpinning each changed during the Enlightenment. In each case, these changes fostered economic growth. On the whole, both religion and the compulsion of religious groups to act in concert, discredited during the religious wars of the seventeenth century, were replaced by a cultural shift toward rationality, progress, and the agency of individuals in an era of increasing technology and scientific knowledge. By the end of the eighteenth century, the role of the individual had been fundamentally strengthened in the political, religious, and economic spheres.

Prior to the Enlightenment, the legitimacy of Western governments rested on the patriarchal role of the ruler to his subjects: like a father, the ruler defends his children from danger and requires obedience in return. St. Augustine (354-430), writing *The City of God* after the sack of Rome in 410 A.D., reconciled the co-existence of a pre-eminent Church and secular states run by earthly princes provided they were submissive to the Church.<sup>19</sup> This premise, held throughout the Middle Ages, was still dominant in the 1640s when Robert Filmer (1588-1653) wrote *Patriarch: or The Natural Power of Kings* in response to nascent claims that subjects had the right to resist tyrannical kings.<sup>20</sup>

The works of Thomas Hobbes (1588-1679) and John Locke (1632-1704), together with the failure of governments during the seventeenth century to provide peace by reconciling the schism among Lutheranism, Calvinism and Catholicism, tore down the model of government built on paternalistic religion and replaced it with a model built on a “social contract” through which the governed bestowed legitimacy on the government. Locke advocated a “liberal” parliamentary system through which the will of the majority would be transmitted.<sup>21</sup> Because he finished his important writings “just at the moment when the government of his country fell into the hands of men who shared his political opinions,” his influence on the cultural shift toward liberalism is evidenced by William III’s acceptance of increased parliamentary power in England.<sup>22</sup> Locke’s writings were also a direct inspiration for the American constitution in 1783 and the French Revolution of 1789.

If the purpose of government was no longer to reflect the will of God or to demand unquestioned obedience to laws, a new role for

the state was necessary. Locke believed that this role was the protection of property; this view, largely adopted in England, fostered economic growth among the land-owning class.<sup>23</sup> The illiberal nature of this role was mitigated by increasing property ownership and made consistent with modern liberalism through the redefinition of an individual's labor as property to be bought and sold.<sup>24</sup> Perceiving the need for an even broader goal, government officials such as Seckendorff (1673-1763) in Prussia and theorists such as Voltaire (1694-1778) in France claimed that progress and social reform were the function of the state.<sup>25</sup> Justi (1717-1771), a German political economist, wrote, "A properly constituted state must be exactly analogous to a machine...and the ruler must be the foreman."<sup>26</sup> The idea that the state exists not just to maintain peace, but to promote progress, became a cultural premise adopted by state leaders in addition to political theorists. Joseph II (1741-1790) of Austria compared himself to a bureaucrat compiling information, and Frederick the Great (1712-1786) of Prussia described himself as the "First Servant of the State."<sup>27</sup> During this time, the state intervened in the lives of citizens to provide programs of public hygiene and elementary education.<sup>28</sup> The dual legitimating strands of state protection for an increasingly large group of property owners and a state responsibility for progress resulted in the modern developmental state.

The changing role of the State during the Enlightenment corresponded to a similarly sweeping cultural shift in the position of Christianity toward the accumulation of wealth. Throughout the Middle Ages, Christians such as St. Jerome and St. Augustine held that holding wealth was unjust<sup>29</sup>; Benedictine and Franciscan monks took vows of poverty based on Biblical passages such as, "It is easier for a camel to go through the eye of a needle than for a rich man to enter the Kingdom of God."<sup>30</sup> Calvin, the Puritans, and the Reformed Protestants of America's Great Awakening in the 1730s explicitly rejected this doctrine. Calvin wrote, "It is even a great blasphemy against God to disapprove of riches...For where do riches come from, if not from God?"<sup>31</sup> By the eighteenth century, Protestant men were free, almost compelled, to make money.<sup>32</sup> This shift, according to Weber, transformed Western civilization. He writes, "The Puritan wanted to work in a calling; we are forced to do so. For when asceticism was carried out of monastic cells into everyday life, and began to dominate worldly morality, it did its part in building the tremendous cosmos of the modern economic sector."<sup>33</sup>

The 'cosmos' of the modern economic sector, in which a vital feature is growth, was built on the premise of increasing knowledge and the authority of rationality and science over religion. This

represented a reverse of the Augustinian bargain, with a re-separation of the Church and State, this time based on the submission of the Church to the secularization of science and the economy. One result, the acceleration of technological innovation which occurred between 1760 and 1770—applied rather than theoretical science—truly upended society.

This period of rapid technological change, coming on the heels of massive political, societal, and religious change, led to three intersecting revolutions at the end of the eighteenth century: the American Revolution, beginning in 1776 and culminating with the ratification of the American Constitution in 1788 and Bill of Rights in 1791; the Industrial Revolution whose shape was both described and prescribed by Adam Smith in 1776; and the French Revolution, which began in 1789 and ultimately plunged Europe into war. These revolutions took different forms and followed different paths, but they shared common cultural premises and lack of historical antecedents. They were caused by societal shifts unique to the beginning of the first sustained period of economic growth in history.

#### AFRICA'S POSTCOLONIAL ECONOMY AND CULTURE

Many politicians and academics have attributed the differences between Western and African development to colonialism and slavery, but this assertion oversimplifies distinct ends and outcomes. European growth was not dependent on colonialism. First, it was almost entirely self-sufficient in foodstuffs, raw materials, and capital in the nineteenth century; second, non-colonial countries developed more rapidly than colonizers; and finally, the slave trade from East Africa to Arabia was just as devastating, if not moreso, than the West African trade, yet no similar development occurred.<sup>34</sup> Slavery and colonialism did, however, undermine African culture and constrain its economic development. It was not a development strategy for colonizers, but rather a strategy to prevent the colonies from developing. Sandra Halpern states, "Colonialism was, first and foremost, a form of protection for dominant groups seeking...to preserve their monopoly position at home."<sup>35</sup> Erik Reinert adds, "Colonies were regions where...synergetic interaction was *not* intended to take place...The prohibition of manufacturing industries—whether explicit or de facto—is the key element in any colonial and neo-colonial policy."<sup>36</sup> These limits to the growth of Africa were successfully enforced during the colonial era. Like the rest of the world, Africa experienced negligible growth during the Middle

Ages; the processes of colonialism and slavery helped ensure that this continued even as sustained Western growth began.

Europe's domination of the African continent, epitomized by the Berlin Conference's (1884-1885) formal decision to partition Africa into rigid colonies, stunted potential developments in indigenous political, religious, and technological change like those that emerged in Europe during the Enlightenment. However, since the wave of successful African struggles for independence in the 1950s and 60s, Africa's leaders and its people share responsibility with neo-colonial<sup>37</sup> factions in the Western world for the continent's economic mismanagement and political stasis. The result is a culture conscious that its governments are often illegitimate and that the modernization of its economic system is failing. African states face large gaps in overall development and the availability of domestic finance; they have been largely unable to diversify and remain primary product exporters; and they continue to suffer from debilitating ethnic conflict.

Many Western countries faced similar structural problems on their development path. Some—including Germany, Italy, and Poland—were late developers and long-suffering subjects of economic and cultural colonialism; development in Europe was most often financed by foreign banks; current members of the capitalist core, including Denmark, Sweden, the U.S., Canada, and Australia, began as primary product exporters; and finally, European states were also the product of great power domination and partition rather than ethnic or linguistic uniformity.<sup>38</sup> These similarities suggest that optimism in Africa is not misplaced. It should not, however, be overstated. As Samuel Huntington warns, "It is not the absence of modernity but the efforts to achieve it which produce political disorder."<sup>39</sup> The process of development in Japan, the lone high-population, non-Western state to reach the highest stratum of per capita income, involved a revolution, decades of wages and work conditions rivaling the worst of England's Industrial Revolution, and major wars with Russia, China, and the U.S.<sup>40</sup>

Africa's postcolonial culture has been based on a number of fundamental concepts repeatedly stated by theorists and politicians, including two which have played a vital role in its development strategies: first, that it is correct to speak broadly of an "African" culture rather than a collection of national cultures; and second, that this culture places the community before the individual. When, in his 1996 "I am an African" speech, Mbeki claimed, "My mind and my knowledge is formed by the...victories we earned from Isandhlwana to Khartoum, as Ethiopians and as the Ashanti of Ghana, as the

Berbers of the desert,” he was following in the philosophical tradition of Ghana’s first president, Kwame Nkrumah, who called for the “revival and development of the African Personality.”<sup>41</sup> Etounga-Manguelle, in response to claims that there are “50 Africas” or “as many cultures in Africa as there are tribes,” says, “There is a foundation of shared values, attitudes, and institutions that binds together the nations south of the Sahara.”<sup>42</sup>

Whereas the foundation of Western liberal culture is the individual, the foundation of African culture is the collective. Touré claimed, “Society and social organizations, with their spatial advantage, stand a better chance than individuals of uncovering truth.”<sup>43</sup> This principle was consistent with Nkrumah’s cardinal ethical principle of “collectivism” and Julius Nyerere’s political philosophy. Nyerere, the president of Tanzania from 1964 to 1985, believed that the “traditional African family” is the principle unit through which Africans understood life and could achieve development.<sup>44</sup> Etounga-Manguelle posits a nine-part systematization of African culture, but concludes, “If we had to cite a single characteristic of the African culture, the subordination of the individual by the community would surely be the reference point to remember.”<sup>45</sup>

These cultural touchstones—a sense of African unity and the primacy of the collective—manifested themselves in a three-part African post colonial development agenda incorporating a mixture of Pan-Africanism, socialism, and statism. As early as 1958, Nkrumah was convinced that the struggle for African independence and the struggle for African unity should not be separated. He predicted that without unity, African countries would be “too small to affect massive development programs...too poor and landlocked,” and would fall prey to a new colonialism by international organizations and the implicit interests of foreign governments.<sup>46</sup> Though many leaders agreed, they were unwilling to cede recently-won independence. In 1963, Nkrumah was forced to compromise; in order to secure the foundation of the Organization of African Unity (OAU), he signed an agreement to freeze colonial borders in place.<sup>47</sup> This organization, however, was unable to either effectively maintain peace or promote development. In 2002, Mbeki presided over the launch of the African Union, another attempt at broader government, but fruitless, incoherent attempts to resolve crises in Zimbabwe and Sudan suggest that Nkrumah’s Pan-African goal remains far from realization. This continued division has encouraged ethnic conflict throughout the continent and dependence for Africa’s numerous landlocked countries.<sup>48</sup>

Africa's historical underdevelopment during European colonization and its collective culture made socialism a natural development strategy after independence. For Nkrumah, capitalism denied the "African Personality" and was contrary to African society and its conscience.<sup>49</sup> Even African versions of capitalism, however, were often statist public enterprises. Ayittey notes, for example, the prevalence of price controls, state-owned industries, and state-organized collective farms throughout post colonial Africa.<sup>50</sup> This strategy was condoned—often encouraged—by Western governments, development institutions, and non-governmental organizations (NGOs) in the belief that only strong governments, even military governments, could accelerate development and maintain security in Africa.<sup>51</sup> Faith in African governments dissipated after most of these strategies, having produced little or negative growth throughout Africa, were discarded during the debt crisis of the 1980s. In one representative case, the failure of Nyerere's development strategy based on settlement villages led him to resign in 1985; his successor adopted the IMF's structural adjustment policies calling for a "meaner, leaner" state shorn of many traditional welfare provisions.<sup>52</sup>

The coherence and durability of African culture, and its progress toward economic development, fell apart in the 1980s and remains fragmented. Foreign governments, international financial institutions, and NGOs make key policy decisions; socialism and the state have been discredited but capitalist reforms have been inadequately and unsuccessfully adopted; the state has become something citizens often try to avoid. According to Ayittey, the very existence of a government that "cares about its people, represents their interests, and is responsive to their needs...is delusion on a grand scale. In many African countries, the institution of government has been corrupted and transformed into a criminal enterprise."<sup>53</sup> Ethnic conflict within Africa, often encouraged by Africa's leaders and sometimes promoted by foreign governments, has been both a cause and result of economic failure.<sup>54</sup> It is possible that tolerance will follow Africa's ethnic conflicts of the past half century in a manner analogous to Europe's response to religious conflict of the sixteenth and seventeenth century.<sup>55</sup> The European process, however, was protracted, violent, and unpredictable. In Africa, Francis Fukuyama and others have cautioned that international efforts to impose peace settlements may have unintended consequences for long-term development by freezing unresolved conflicts in place.<sup>56</sup>

Africa's development failure resulted in economies that, with a few exceptions, have grown slowly if at all. In 18 countries, per capita incomes were lower in 1999 than they were in 1975.<sup>57</sup> This

trend, however, is reversing. Annual per capita income growth has averaged 3 percent since 2000 and the World Bank expects this figure to rise modestly in subsequent decades.<sup>58</sup> These growth expectations, however, are based in part on continuing high commodity prices and also on the tenuous expectation of relative peace. The first assumption is a function of global economic trends, but the second requires an African culture capable of encouraging and sustaining growth.

#### PROSPECTS FOR AN AFRICAN ENLIGHTENMENT

While the return of independence to Africa after centuries of brutal domination does represent a sort of renaissance, there has been, to date, no African parallel to the European Enlightenment. In the Western world, this period established a liberal framework for states consisting of governments legitimated by the governed through security and development, religious tolerance, and the primacy of rationality and individualism in the economy. These fundamental cultural changes led to societies capable of history's first era of massive increases in per capita income. However, neither economic growth nor Enlightenment-era cultural principles are universally sought in modern Africa. As Zizwe Poe states clearly: "The ultimate philosophy for Africa in the twenty-first century...has to bolster the collective agency of the African People. This collective agency, performing optimally, is the only guarantor of cultural renaissance and stability... 'Growth and development' is not meant to indicate a mere vulgar accumulation or global economic integration but insinuates a higher valued human self-consciousness, a more humane social order, and socially responsible individual."<sup>59</sup>

Despite, and sometimes because of, decades of recent advice from Western politicians and economists, African leaders and societies often chose development strategies after independence that did not seek to emulate Europe's path. This was due to confusion (in both the West and Africa) about which processes lead to economic growth, to fundamental differences between African and Western culture and circumstances, and to the need for Africa to break from its colonial past. Africa's strategies, however, have not produced growth in per capita income. The rest of the world developed rapidly over the past two centuries while Africa's growth mostly remained stagnant, and this trend has continued since its independence.

An economic assessment of postcolonial Africa with respect to the cultural preconditions and accelerators for the mechanisms of growth provides insight regarding Africa's economic past and future. Africa's population has grown exponentially in the past century, but

its statist policies have not led to the exploitation of potential economies of scale. Industrial policies insistent on the oversupply of national monopolies and the collectivization of farms exemplify this failure. Similarly, productivity growth in Africa has been hampered by low levels of education and ineffective governments characterized by the discouragement of investment and entrepreneurship due to institutional corruption and weak rule of law.

These problems and policies, manifested by the constant threat of state failure and conflict among competing ethnic groups and other factions, have kept societal trust in Africa relatively low, the cost of information high, and the economic gains from non-zero sum interactions low. In addition, the incorporation of underutilized factors of production has been discouraged by underinvestment and poor public health, and even reversed in some cases due to HIV/AIDS. Faced with this tragic disease, African governments have often been unwilling to adopt strategies that violate religious and cultural norms. With respect to each of the four growth mechanisms, Africa's collective culture has failed to provide the necessary incentives for economic development.

Looking forward, development strategies that consciously seek to emulate Enlightenment-era cultural transformations would likely lead to social disruptions, instability, and even violence. Substantial cultural changes can be catalyzed by current strategies such as democratization, microfinance, increased education, new technologies, and female empowerment. However, such strategies, as they become more successful, will stimulate effective resistance by current elites or lead to a revolution. Huntington states: "A revolution is a rapid, fundamental, and violent domestic change in the dominant values and myths of a society, in its political institutions, social structure, leadership, and government activity and policies."<sup>60</sup>

The Enlightenment in Europe engendered the American, Industrial, and the French Revolutions. These paroxysms of change reflected the emergence of deep-seated cultural shifts and re-organized societies along an individual, rational, and liberal framework that fostered sustained economic growth in Europe. These changes however, have not spread throughout the world. Such a dispersion has been limited by culture, geopolitics, and circumstances unique to states, regions, and continents. Indeed, the prospects for an African Enlightenment along a European path seem dim. The development strategies and policies chosen by African governments since independence appear to confirm this verdict. Nevertheless, though significant parts of Africa are mired in conflict and underdevelopment much like Europe during the Thirty Years' War,



cultural changes and, ultimately, even revolutions are possible. The changes wrought during the eighteenth century in Europe provide one map for modernization, and many countries and leaders aspire to the wealth and relative peace Western societies have achieved. The roots of the Enlightenment may yet take hold in Africa.

NOTES:

<sup>1</sup> <http://www.anc.org.za/ancdocs/history/mbeki/1998/tm0813.htm>, 01 March 2008.

<sup>2</sup> Bertrand Russell, *History of Western Philosophy*, Rutledge Classics: London, 1946, 588.

<sup>3</sup> From the preface to *Das Kapital* as quoted in Francis Fukuyama, *The End of History and the Last Man*, Penguin Books: London, 1992, p. 68.

<sup>4</sup> World population followed a similar trajectory in the nineteenth and twentieth centuries, but the acceleration of world population growth was already notable in the sixteenth century. See charts from Jeffrey Sachs, *The End of Poverty*, Penguin Books: New York, 2005, pp. 27-28, and data from <http://www.theworldeconomy.org/publications/worldconomy/statistics.htm>. See Brian Snowdon, "The Enduring Elixir of Economic Growth," *World Economics*, Vol. 7, No. 1, (Jan-March, 2006), pp. 73-130, p. 76 for more detail.

<sup>5</sup> "Africa" will often be used throughout this paper for sub-Saharan Africa. The utility of this traditional distinction is discussed in Stephen Chan, *Grasping Africa*, I.B. Tauris: London, 2007, p. 1.

<sup>6</sup> Sachs, 2005, p. 28.

<sup>7</sup> This final question can be asked about other regions as well, but by and large, these regions have made significantly greater progress than sub-Saharan Africa toward convergence with Europe per capita incomes in the twentieth century.

<sup>8</sup> <http://www.au2002.gov.za/docs/speeches/mbeki991011.htm>, 01 March 2008.

<sup>9</sup> The use of "Western" and the "West" throughout this paper refers to the cultural tradition that spread from Western Europe to colonies such as the U.S., Canada, and Australia, among others. The primary difference between these colonies and colonies in Africa, Asia, Latin America, and the Indian subcontinent is the degree to which indigenous people either did not exist or were wiped out through disease and warfare.

<sup>10</sup> This focus on supply rather than demand is both intuitive and bolstered by highly technical arguments. Intuitively, demanding more may be related to, but cannot substitute for, the actual capacity to produce more. See works by Jean Baptiste Say (1767-1832), John Maynard Keynes, and Milton Friedman among others for a far more comprehensive treatment.

<sup>11</sup> Erik S. Reinert, *How Rich Countries Got Rich...And Why Poor Countries Stay Poor*, Constable: London, 2007, p. 73, and Benjamin M. Friedman, *The Moral Consequences of Economic Growth*, Vintage Books: New York, 2005, p. 54.

<sup>12</sup> Robert Wright, *Nonzero*, Vintage Books: New York, 2000, p. 6 provides a brief summary of this process in a book dedicated to the concept as a whole. On pp. 337-343, he explains why using "non-zero sum gains," the language of game theory, is preferable to "cooperation" or "synergy."

<sup>13</sup> An interesting three-part typology of the inventions that mattered for the Industrial Revolution can be found in David Landes, *The Wealth and Poverty of Nations*, Abacus: London, 1998, p. 186 and a three-part explanation for the technological breakthrough in Europe can be found in the same place on p. 201.

<sup>14</sup> Landes, 1998, p. 516.

<sup>15</sup> Lawrence E. Harrison and Samuel P. Huntington, (eds.), *Culture Matters*, Basic Books: New York, 2000, p. xxv.

- <sup>16</sup> Robert W. Jackman, and Ross A. Miller, "A Renaissance of Political Culture," *American Journal of Political Science*, Vol. 40, No. 3 (August 1996), pp. 634-635.
- <sup>17</sup> Stephen Krasner, (Goldstein, Judith and Keohane, Robert O., eds.), *Ideas and Foreign Policy*, Cornell University Press: Ithaca, 1993.), p. 242. See also Outram, Dorinda, *The Enlightenment*, Cambridge University Press: Cambridge, 1995, p. 36-39. Growing tolerance was not a simple process, as demonstrated by England's Toleration Act (1689) and France's Edict of Fontainebleau (1685, a revocation of the Edict of Nantes from 1598), two laws that had nearly opposite effects.
- <sup>18</sup> Outram, 1995, p. 13.
- <sup>19</sup> Russell, 1946, p. 337.
- <sup>20</sup> Russell, 1946, p. 563.
- <sup>21</sup> Fukuyama, 1992, pp. 156-158. See also Russell, 1946, pp. 502, 573-574. Locke is referring here to a majority of property owners.
- <sup>22</sup> Russell, 1946, p. 552.
- <sup>23</sup> Russell, 1946, p. 571. See also Landes, 1998, p. 214 and further information regarding the Enclosure Acts passed between 1750 and 1860.
- <sup>24</sup> Paul Hyland, Olga Gomez,, and Francesca Greensides, (eds.), *The Enlightenment*, Routledge: London, 2003, p. 193. The full shift to what the West considers modern liberalism only took place after the labor of slaves could not be bought or sold.
- <sup>25</sup> Reinert, 2007, pp. xxi, 97.
- <sup>26</sup> Outram, 1995, p. 96.
- <sup>27</sup> Outram, 1995, p. 111.
- <sup>28</sup> Outram, 1995, p. 112. See also Friedman, p. 58.
- <sup>29</sup> Friedman, 2005, p. 43.
- <sup>30</sup> Matthew 24:19, King James Version.
- <sup>31</sup> Friedman, 2005, pp. 43-45.
- <sup>32</sup> This newfound freedom/compulsion mirrored the Reformation's earlier emphasis on the individual right and necessity to read scripture.
- <sup>33</sup> Max Weber, (translated by Parsons, Talcott), *The Protestant Ethic and the Spirit of Capitalism*, George Allen & Unwin: London, 1930, p. 181.
- <sup>34</sup> Sandra Halpern, *In the Mirror of the Third World*, Cornell University Press: Ithaca, 1997, pp. 13-14 and George B. N. Ayittey, *Africa Unchained*, Palgrave MacMillan: New York, 2005, p. 105. See also Landes, 1998, p. 119-122, for an attempt to decide if the Industrial Revolution would have occurred without the Atlantic slave trade. His answer, in brief, is yes, but at a slower pace.
- <sup>35</sup> Halpern, 1997, p. 13.
- <sup>36</sup> Reinert, 2007, p. 77.
- <sup>37</sup> It is possible that this word cannot be rescued from the divisive rhetoric in which it has often been employed. Here I am referring to Western business interests and international organizations, including non-governmental organizations, dominated by rich world countries. Both these factions can be proponents of both good and bad strategies and outcomes. The outsized influence of foreign countries on African states however, is rightly labeled neo-colonialism.
- <sup>38</sup> Halpern, 1997, pp. 11, 8, 19, and 28-29. The partition of European countries referenced here refers to the Congress of Vienna from 1814-1815 following the defeat of Napoleon.
- <sup>39</sup> Samuel P. Huntington, from *Political Order in Changing Societies* as quoted in Friedman, 2005, p. 297.
- <sup>40</sup> For a description of labor conditions in Japan during its rapid industrialization, see Landes, 1998, pp. 381-391. One difference between Japan and England was the relative importance Japan placed on compulsory education.
- <sup>41</sup> Daryl Zizwe Poe, Ama Mazama (ed.), *in the 21<sup>st</sup> Century*, Routledge: London, 2007, p. 40. A transcript of Mbeki's speech can be found at

<http://www.nathanielturner.com/iamanafrican.htm>, 08 May 1996

<sup>42</sup> Daniel Etounga-Manguelle (Harrison, Huntington, eds.), 2000, pp. 66-67.

<sup>43</sup> Zizwe Poe (Mazama, ed.), 2007, p. 37.

<sup>44</sup> Dani W. Nabudere (David Simon, ed. *Fifty Key Thinkers on Development*, Routledge: New York, 2006), p. 194.

<sup>45</sup> Etounga-Manguelle (Harrison, Huntington, eds.), 2000, p. 71.

<sup>46</sup> John K. Marah (Mazama, ed.), 2007, p. 22.

<sup>47</sup> Marah (Mazama, ed.), 2007, p. 22.

<sup>48</sup> See Paul Collier, *The Bottom Billion*, Oxford University Press: Oxford, 2007, p. 54 regarding landlocked countries in Africa. Collier, p. 25 presents a more nuanced approach to ethnic conflict.

<sup>49</sup> Babatunde Zack-Williams (Simon, ed.), 2006, p. 193.

<sup>50</sup> Ayittey, 2005, p. 177.

<sup>51</sup> Bill Freund, *The Making of Contemporary Africa*, Lynne Rienner Publishers, Inc.: Boulder, CO, 1998, p. 266. Any account of development strategy and funding after WWII is incomplete without reference to Western and Soviet goals. American support of Mobutu Sese Seko in Zaire, as just one example, cannot be explained by theories of development.

<sup>52</sup> Freund, 1998, pp. 257-258 and Nabudere (Simon, ed.), 2006, p. 196.

<sup>53</sup> Ayittey, 2005, p. 50.

<sup>54</sup> Collier, 2007, pp. 18-26.

<sup>55</sup> This possibility is discussed, though not asserted, in Fukuyama, 1992, p. 271.

<sup>56</sup> Fukuyama, 2006, pp. xvii, in foreword written for Huntington, Samuel P., *Political Order in Changing Societies*, Yale University Press: New Haven, 1968.

<sup>57</sup> Ayittey, 2005, p. 3.

<sup>58</sup> *The Economist*, "Booming Africa," January 14, 2008.

<sup>59</sup> Zizwe Poe (Mazama, ed.), 2007, p. 45.

<sup>60</sup> Huntington, 1968, p. 264.

# THE POLITICAL RELEVANCE OF RELIGION IN AFRICA: CASE STUDIES OF NIGERIA AND RWANDA

KRISTINA KEMPKEY

*Religion is a subject academia often overlooks when it considers the origins of the modern African state. This paper aims to analyze religion's role in shaping African society through its complex, political relationship with colonial administrations under indirect rule. In order to understand this historical process, the hegemonic-culture thesis is examined, critiqued, and applied to the case studies of Nigeria and Rwanda. Based on its findings, this study suggests that the hegemonic-culture thesis elucidates the process of state formation as manipulated by colonial rule, but cannot fully explain contemporary conflict because it fails to account for religion's influence on the development of the African state and society.*

## INTRODUCTION

Historically, the study of conflict in Africa has focused too narrowly on the politics of class and ethnicity, while neglecting to examine the link between the spread of religion and the evolution of modern political structures. Consequently, social scientists have downplayed religion by trying to demonstrate that it was apolitical or subsumed by ethnic politics.<sup>1</sup> The legacy of this literature in Nigerian academia, for example, has led some scholars to conclude that religious conflict was a new phenomenon that emerged in Nigeria after the 1980s.<sup>2</sup> By failing to examine the dynamic relationships between religion and society, this literature has failed to fully recognize religion's important role in African history.

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Recent scholarship has shown that struggles for political power in Africa have in fact entailed the manipulation of religious symbols and beliefs of both Islam and Christianity. Actors seeking political influence have used religion to gain legitimacy.<sup>3</sup> The relevance of this point for contemporary African states is important, for when “elites believe that their positions are threatened they fall back on the religious element, emphasizing religious differences in an attempt to draw sympathy from those of their original faith.”<sup>4</sup>

Accordingly, it is the goal of this paper to examine the role of religion in Africa before and during colonial rule. I propose to do this by: a) providing a summary and critique of David Laitin’s hegemonic-culture thesis, b) examining the cases of Nigeria and Rwanda to support my critiques of Laitin’s argument, and c) explaining the implications of Nigeria and Rwanda for those studying Africa or attempting to create policies for Africa.<sup>5</sup>

From this analysis, I will show that religion should be seen as its own institution and as a mechanism for gaining political power, both through the colonial native authority system and as an alternative route to it. In the cases of Nigeria and Rwanda, I will demonstrate how religion helped determine the trajectory of politics and societal relations. Furthermore, I will argue that the hegemonic-culture thesis more clearly elucidates the process of state formation as manipulated by colonial rule, but cannot fully explain the increasing religious polarization in many African societies because it fails to account for religion’s influence.

#### THE HEGEMONIC-CULTURE THESIS

Building upon recent literature, David Laitin makes a significant contribution to the study of religion and politics by considering African society in Yorubaland.<sup>6</sup> Laitin theorizes in *Hegemony and Culture* that tolerance in Yorubaland of religious differences is due to “British colonial rule which politicized one cleavage (between ancestral cities) while depoliticizing another (between religious groups).”<sup>7</sup> In this way, the British privileged the cultural identity of “ancestral city”<sup>8</sup> over religion in their administrative system of indirect rule.<sup>9</sup> The structure of an externally imposed hegemony<sup>10</sup> becomes the decisive factor in society, while political divisions are a function of the conflict within the framework of the privileged subsystem (i.e., ethnicity, race, or religion).<sup>11</sup> According to this theory, for example, political divisions in Northern Nigeria are religious because Islam was the privileged cleavage in Northern Nigeria.

A critical element in Laitin's theory is that in hegemonic theory, the privileged cultural subsystem is maintained because it has embedded in it a commonsensical notion about practical life and political relationships. Therefore, "a new hegemonic bloc, including at least the reinvigorated elites along with the imperial bureaucrats, will have a joint interest in enhancing the role of the chosen cultural subsystem as the framework of 'tradition.'"<sup>12</sup> Which cultural elites are chosen is a function of the degree of their legitimacy within the social structure and the hegemon's perception of the society being ruled.

Finally, according to Laitin, mobilization within "non-privileged cultural subsystems," or what he calls counter-hegemonies, is hard to achieve. According to his counter-hegemony theory, the system in which culture and hegemony operates is "one in which competing social forces with different interests vie to associate themselves with a cultural framework and to make their framework the relevant one to inform political discourse...Ideological competitors appear to be utopian or irrelevant."<sup>13</sup> Only through complete political upheaval can this hegemonic system be overturned and replaced.

By extending Laitin's thesis to Rwanda and Nigeria, however, it becomes clear that by limiting his analysis to "subsystems" privileged by the state, Laitin cannot adequately describe the significant influence of religion when it is not the dominant, hegemonic cleavage. Furthermore, Laitin's "counter-hegemony" theory is not always applicable because he frames the discourse as a contest between hegemony and counter-hegemony, leaving out all other possible gradations of cooperation and contestation both within and between different subsystems. In this way, Laitin's thesis is insufficient because it does not fully appreciate the dynamic role religion plays in forming society.

## NIGERIA

Tensions between religion, the state, and interpretation of religious doctrine for political gain existed for centuries before the advent of colonialism in Nigeria. Relationships between different subsystems were multivariate, rather than simply contested or collaborative. In the precolonial era, religion and the state were intrinsically entwined and formed, in part, the basis for identity construction.<sup>14</sup> Consequently, as argued by Muhammad Umar, "the relevant conclusion here is that, if viewed from both the perspectives of the colonizer and the colonized, colonialism emerges less as a

unilateral imposition by the former over the latter, but more as an historical process of appropriation and counter-appropriation.”<sup>15</sup> These interactions have produced long-lasting ramifications for Nigerian society that are not adequately explained by hegemony or counter-hegemony theory.

The following two sections on Islam and Christianity demonstrate both the strengths and weaknesses of Laitin’s argument. On the one hand, the British had an alliance with the Muslim intelligentsia in the North while alienating the Christian intelligentsia in the South, supporting his theory. On the other hand, Christian missionaries in the South created a system where the Southerners were equipped with resources and skills that would allow them to capture political power through civil positions within the state structure. As Laitin aptly notes, identity became markedly rigid and politicized after the introduction of colonial rule. Limiting his observation to this main point, however, he excludes the crucial and dynamic role that religion played before, during, and after colonialism in each of these cases.

#### *I. ISLAM AND NIGERIA*<sup>16</sup>

Islam in Nigeria has played an influential role by: 1) politically privileging the “more advanced” Muslims over the pagan South according to a revamped Hamitic hypothesis,<sup>17</sup> 2) constraining the Northerners’ access to Western education and resources which ultimately had long-lasting effects on development in the North, 3) creating mistrust and antagonism between the Northern and Southern Nigeria colonial constructs, and 4) framing the politics of rebellion and protest in Northern Nigeria.

Prior to colonialism, Islam had a very close relationship with political power in Northern Nigeria.<sup>18</sup> Islamic identity was very fluid and not characterized by the rigid, static identities created by colonialism. By converting to the Islamic religion of their conquerors, for example, indigenous elites in Northern Nigeria quickly discovered that they could enhance their rank and position in society.<sup>19</sup>

By the seventeenth century, Islam had become well-established and political leaders enhanced their careers and interests by waging *jihad* and building Islamic schools whose education impacted the North’s social and political behavior.<sup>20</sup> During this phase, the *taquia* orders, characterized by a strong political character with sociopolitical and religious motivations, emerged.<sup>21</sup> In the nineteenth century, these orders produced Islamic leaders who used their political power to wage *jihad* to purify Islam and promote *hadith*.<sup>22</sup>

One of the most successful attempts to link political power and religion was the establishment of an Islamic state by Shayhk Uthman B. Fudi. In response to pagan rule, Uthman led a *hijra* (migration) of his followers from the Hausa state of Gobir while declaring *jihad* against the other Hausa states that he claimed were unbelievers. Through his efforts, Uthman created a loose federation of Islamic states, including Northern Nigeria and other non-Hausa lands. Usman's *jihad* had tremendous support from Fulani pastoralists who were discontented with their exclusion from higher levels of government and wanted to establish the political power of the Hausa people.<sup>23</sup> While this new Islamic state entity incorporated many polities into a loose federation, it was by no means a unitary state and its emirs governed with a great degree of autonomy.<sup>24</sup> Thus, some scholars have argued that the political advantage enjoyed by Muslims during the colonial period was not just due to the colonial policy of indirect rule, but also to the "religio-political roles" that Muslim leaders had inherited from the precolonial days.<sup>25</sup>

It was on this federal system that the British introduced their indirect colonial rule. The British thought that the emirate system of the Sokoto Caliphate was the most efficient form of governance, so they co-opted the Caliphate and eventually extended Muslim rule over non-Muslim groups in the North. The North, in contrast to the South, was seen by the British as superior to other ethnic groups. Consequently, the lighter-skinned Fulani race was chosen to lead Nigeria,<sup>26</sup> echoing the Hamitic hypothesis myth prevalent across Africa. Since Islam was the religion of the Fulani, the British viewed it as superior to the paganism in the South. Consequently, the British privileged the North under their colonial political state structure.

Another important interaction between religion and colonial rule was the decision of the British to forbid the incursion of Christian missionaries into Northern Nigeria. The British feared that the attempt to convert Muslims into Christians would create a virulent backlash among the Muslim population and destabilize British rule. Muslims saw Christianity as "aggression and encroachment on Muslims and their religions. Christianity was associated with imperialism and foreigner intervention in the North." This viewpoint has persisted and further polarized<sup>27</sup> Muslims and Christians and was one of the main causes of tension between them in Nigeria.<sup>28</sup> More importantly, this restriction of foreign missionaries in the North meant that while the British privileged the Muslims politically, the same Muslims were put at a disadvantage because they could not enjoy the access to civil service and economic advantages that Christian missionary education could bring them. This educational



gap would later prove to be a source of antagonism between the North and South, as will be discussed later in this paper.

The British approach to Islam in Northern Nigeria, however, was not uniform or consistent, which becomes obvious when the practice of indirect rule is more closely examined.<sup>29</sup> Attitudes towards Islam were, in fact, greatly varied among individual colonial officials.<sup>30</sup> Although Lord Lugard believed that the spread of Christianity caused disorder among African societies, he also believed that Islam was susceptible to fanaticism. As such, it was crucial for the British to support and protect “good” Muslims over “bad” Muslims.<sup>31</sup> Consequently, the relationship between Muslims and the British was dynamic as well as interactive.

Thus, the relationship between Islamists and the British was more contextual than previous scholarship has suggested. According to Umar, there were four main responses of Muslim intellectuals to British rule: 1) invoking *hijra* to avoid armed confrontation with the British, 2) using the Islamic legal doctrine of *maslaha*<sup>32</sup> (among others) to argue that continued Muslim armed resistance to the British would be self-destruction, 3) invoking *shahada* (the belief in the oneness of God and acceptance of Muhammad as his final prophet) and Hausa beliefs of bravery which informed armed Muslim confrontation, and 4) actively seeking alliances with the British to take advantage of their military superiority.<sup>33</sup> Over time, the legacy of these dynamic interactions has been to provide an important ideological base for future resistance movements while framing both postcolonial rebellions and protest politics in the North.<sup>34</sup>

## II. CHRISTIANITY AND NIGERIA

Although Christianity’s history in Nigeria is not as old as Islam’s, its legacy is equally as important in terms of Nigerian state formation. While Laitin’s analysis is important, it proves too narrow and thus largely excludes the impact of religion in the South because Christianity is not the dominant subsystem. As I will demonstrate, this omission is critical to the development of the modern Nigerian state because Christian missionary “education was the most powerful and most influential missionary technique in Nigeria that still has long lasting ramifications for contemporary Nigeria.”<sup>35</sup>

Hence, apart from introducing Christianity to Nigeria, missionaries significantly impacted societal change in the country by creating an educational system that privileged the South over the North. This in turn created a state political structure dominated by Western-educated Southerners that was regarded with mistrust and

trepidation by the North. This perception transformed Nigeria from a religiously peaceable federation to the more religiously polarized federation that exists today.<sup>36</sup>

Prior to colonialism, political and cultural identities in the South were relatively fluid and flexible, similar to those in Northern Nigeria. With the introduction of indirect rule, however, ethnic identities became the “privileged subsystems” in Southern indirect rule, creating more rigid and permanent political identities.

To Africans in the nineteenth century, Christian missionaries were no different from other European traders, officials, and soldiers. Like other Europeans before them, these missionaries became involved in politics and “thus religion was used to manipulate ethnic groups, and to acquire and consolidate political and/or economic positions.”<sup>37</sup> By adapting the “morals” of the colonizer, “one could obtain a guarantee for success and survival.”<sup>38</sup> Thus, religion and politics served as part of the motivation for mass conversions to Christianity.

Christian missionaries also used their influence to introduce the contemporary European idea of nation-building and to train a group of Nigerians who carried out these ideas as the seeds of Nigerian nationalism.<sup>39</sup> The most important consequence from this activity was the “huge historical southern head start over the North in virtually every aspect of modernization, including education, per capita income, urbanization, wage employment, commerce, and industrialization” due in large part to the Christian missionary activities which were modernizing and transforming forces in the southern half of the country, and to a lesser extent in the ‘Middle Belt’ of Nigeria.”<sup>40</sup>

Thus, Christian-educated Southerners dominated Nigeria’s civil service and the “economic arm” of the state while the Northern Muslim elite occupied the “political arm” of the state, due in large part to preferential treatment of Muslim intelligentsia by the British.

Social change in Nigeria initiated by the “Christian missionaries, though less powerful and less extensive in its immediate effects [than Islam], was more far-reaching in its ideas. This was largely because it pointed to the future rather than the past.”<sup>41</sup> As demonstrated earlier, the legacy of Christianity and its institutions created a system privileging the South over the North, thus aggravating the colonially imposed cleavage between the Muslim society of the North and the Christian South. The net result of religion’s influence on society, according to many scholars, has been to encourage political polarization while increasing the threat of religious conflict in Nigeria.<sup>42</sup>

## RWANDA

According to Laitin's hegemonic theory, one would assume that "race" would be the sole determinant of conflict in Rwanda, and religion would play a minor factor. As many scholars and studies indicate, however, Christianity played a crucial role in the Rwandan genocide. Although Christianity was not an official state institution, it was indeed politicized and a means by which groups in Rwanda gained political power. For these reasons, Laitin's theory falls short. His analysis is limited to the hegemony of one cultural system over another and does not fully appreciate how different subsystems interact. Therefore, while an extension of Laitin's analysis to Rwanda succeeds in pointing out that race was privileged by the colonial powers through indirect rule, it fails to capture: 1) the role of religion in racial-identity formation and indirect rule, and 2) the Church's role in providing education and resources that translated into political power for both the Tutsi and Hutu. As Mamdani correctly notes, "After all, but for the army and the Church, the two prime movers, the two organizing and leading forces, one located in the state and the other in society, there would have been no genocide."<sup>43</sup>

Without considering the role of religion in Rwanda, one would miss the historical origins of *why* the Tutsi were deemed to be a superior race to the Hutu. As most scholars have acknowledged, the colonial powers did not institute in a vacuum native authorities and indirect rule throughout Africa.<sup>44</sup> Before colonial rule, however, Hutu and Tutsi identities were very loose constructs in which "the predecessors of the Hutu were simply those from different ethnicities who were subjugated to the power of the state of Rwanda. Tutsi, in contrast, *may* have existed as an ethnic identity before the establishment of the state of Rwanda," while both groups came from a single community of Kinyarwanda speakers.<sup>45</sup> Additionally, before colonialism the Tutsi identity was "sufficiently porous to absorb successful Hutus" and the Hutu/Tutsi distinction could not be considered ethnic or even socioeconomic.<sup>46</sup>

Rather, colonial powers imposed their racial indirect rule on the basis of missionary interpretations of Rwandan societal structure according to the Hamitic hypothesis. As noted by Timothy Longman, "In Rwanda, missionaries played a primary role in creating ethnic myths and interpreting Rwanda social organization—not only for colonial administrators, but also ultimately for the Rwandan population itself. The concepts of ethnicity developed by the missionaries served as a basis for the German and Belgian colonial politics of indirect rule, which helped transform relatively flexible

pre-colonial social categories into clearly defined ethnic groups.”<sup>47</sup>

### *I. CHRISTIANITY AND RWANDA*

In Rwanda, Catholic missionaries had already determined that the Tutsi were a superior race to the Hutu based on the Hamitic hypothesis. In fact, the Church was the original ethnographer of Rwanda and the original author and proponent of the Hamitic hypothesis.<sup>48</sup> “While authority had been complex and diffuse in pre-colonial times, the Church had become the generator and stabilizer of class structures.”<sup>49</sup> Hence, colonial rule solidified identities and race because the “privileged subsystem” was ethnicity as determined by the Hamitic hypothesis. This is predicted by Laitin’s hegemonic theory.

It is important to note that it was the Catholic Church that created the social environment in which colonial indirect rule was superimposed over precolonial Rwandan social order. By working closely with the colonial administration, the Church legitimized and institutionalized the Hamitic myth and ethnic divisions.<sup>50</sup> Leading up to the genocide, the “official political use of the Hamitic Myth—and thereby the legitimating of a society divided along “racial lines”—was still generally supported by the Church of Rwanda.”<sup>51</sup>

Historically, just like the state, the Church was “used by competing indigenous groups as a channel to power, prestige, and wealth” in Rwanda.<sup>52</sup> As in Nigeria, access to the state meant political power and wealth. Therefore, missionary schools in Rwanda provided a significant avenue to power.<sup>53</sup> Additionally, the Church and state were intrinsically entwined as the state set the racial quotas by which the Church had to abide, while the Church controlled the provision of education and health care. Similar to the North-South antagonism in Nigeria, “Catholicism gave the added impetus to this crystallization of a sense of group oppression and resentment [of the Hutu] against the Batutsi [Tutsi] *en masse*.”<sup>54</sup>

Initially, the Tutsi minority enjoyed the benefits of missionary education and power within the Church and state bureaucracy. Just a few decades later, however, a newly sympathetic generation of Belgian missionaries and colonial administrators—spurred by what they perceived as injustice suffered by the Hutu majority<sup>55</sup>—would provide the opening for a Hutu counterelite to gain power and resources. Consequently, the Tutsi minority were unseated as the political elites in Rwanda. Because the Church was such an important actor in Rwanda, however, even though “the Tutsi were driven out of public office, they ‘would not let go of the Church’ as a channel for

influence” as the Hutu dominated the public sphere and the Church became the biggest employer after the state.<sup>56</sup> Thus, most of the lower clergy were Tutsi, while the Hutu comprised the bishop caste.

## CONCLUSION

Through my case analysis of Nigeria and Rwanda, I have argued that religion should be seen as its own institution and as a mechanism for gaining political power, both through the colonial native-authority system and as an alternative route to it. Struggles for political power historically have entailed the manipulation of religious symbols and beliefs in both Islam and Christianity. As such, actors seeking political influence use religion to gain legitimacy.<sup>57</sup>

As David Laitin theorizes, the hegemonic-culture thesis captures the impact of colonial rule on African society when one subsystem is privileged over another. Accordingly, Islam in Northern Nigeria is a major cleavage in society. Laitin’s gains in conceptual simplicity and clarity are offset, however, by the lack of scope and depth of his religious analysis. A closer examination of Islam in Northern Nigeria, for example, shows a dynamic and multidimensional history that is lost in Laitin’s analysis.

Additionally, Laitin’s model lacks the same utility when examining cases in which religion was not the privileged subsystem, such as in Rwanda and Southern Nigeria. The privileged cultural subsystem of Belgian colonial rule in Rwanda was race, not religion. The role of religion, however, was important because it acted as an alternative mechanism for the Hutu and Tutsi to gain access to resources and power outside the native authority structure, ultimately impacting Rwanda’s state and society.

In these two cases, I have shown that religion still plays a crucial role in determining the trajectory of politics and societal relations in both states. Religion and politics cannot be compartmentalized, as Laitin advocates. Consequently, any analysis of postcolonial contemporary Africa should use a multidimensional approach that considers religion.

This last point is of particular importance for both students of Africa and politicians creating policy for Africa. Since the terrorist attacks of Sept. 11, 2001, there has been a tendency to regard religion as a new, modern movement with potentially dangerous implications for the international system, including Africa. This belief is misconceived. The danger lies not in a “resurgence of religion” in twenty-first century African politics, but rather in the radicalization of religion, particularly Islam, on the continent.

Religion in Africa has always been linked to some extent to politics and society, even before the advent of colonial rule. Prior to colonialism, however, religious identities were more fluid and malleable than the strictly defined categories that today's religious extremists subscribe to. By dehistoricizing religion's role in Africa, however, academics and politicians run the risk of seeing only part of the equation—radicalization of religion—while glossing over religion's historical role in forming political structures. This is a risk that carries many critical implications, as radicalization is in part a reaction to these very same political structures. Therefore, as I have argued, it is imperative that any study of postcolonial Africa strive to not artificially decouple politics from religion. As Carl Schmitt cautions, "A religious community which wages wars is already more than a religious community; it is a political entity."<sup>58</sup>

#### NOTES

<sup>1</sup> Iheanyi M. Enwerem. *A Dangerous Awakening: The Politicization of Religion in Nigeria*. IFRA, Ibadan, Nigeria: 1995. p. xi.

<sup>2</sup> Toyin Falola. *Violence in Nigeria: The Crisis of Religious Politics and Secular Ideologies*. University of Rochester Press. Rochester, NY: 1998, p. 7.

<sup>3</sup> Falola, p. 2.

<sup>4</sup> Casimir Chinedu O. Nzeh. *From Clash to Dialogue of Religions: A Socio-Ethical Analysis of the Christian-Islamic Tension in a Pluralistic Nigeria*. Peter Lang Press. Berlin, GER: 2002, p. 176.

<sup>5</sup> Although Laitin limits his analysis primarily to Yorubaland, he suggests that his theory will have explanatory power for other states in Africa. Therefore, his theory has important implications for the entire continent. Additionally, I have chosen Nigeria and Rwanda as my case studies for two important and different reasons. I chose Nigeria because when analyzed as a single unit, it demonstrates the strengths and weaknesses of Laitin's arguments; religion plays a key role in Nigerian society, regardless of its status as the hegemonic culture or not. I chose Rwanda, on the other hand, because religion's role in shaping Rwandan society is largely underestimated when considering significant factors that led to societal breakdown during the 1994 genocide.

<sup>6</sup> The term "Yorubaland" is used to refer to the Yoruba-speaking areas within the present boundaries of Nigeria, specifically the Yoruba living predominately in Lagos, Oyo, Ogun, and Kwara states in southwestern Nigeria. For further elaboration, see David D. Laitin, *Hegemony and Culture: Politics and Religious Change among the Yoruba*. University of Chicago Press. Chicago, IL: 1986 p. 243.

<sup>7</sup> Laitin, p. 154.

<sup>8</sup> An ancestral city is defined as "the city to which a Yoruba traces his family origins after the conquests of today's Yorubaland by the descendants of Oduduwa, the mythical founder of the Yoruba people (Laitin, p. 109). The concept of ancestral city is not limited to the Yoruba, however, and is found in many other African societies as well.

<sup>9</sup> *Direct rule* under colonial administration distinguished between a political minority group (the colonizers) and a political majority (the colonized). Under direct rule, colonial society was separated into two racialized groups under one legal code (however riddled with discrimination it might be), thus turning *race* into the primary legal difference between colonizers and colonized. In contrast to direct rule, *indirect rule* treated colonizers and

colonized as two distinct legal groups. Furthermore, indirect rule legally divided Africans according to *ethnicity* groups as well. Under indirect rule, African legal rights were dependent upon membership to an ethnic group classified as either “indigenous” or “nonnative.” Only those considered ethnically “indigenous” to the state could claim ethnic citizenship and thus a Native Authority as an ethnic home and enjoy both civic and ethnic citizenship; “nonnatives” could not. For further reference and explanation, see Mahmood Mamdani, p. 20-29.

<sup>10</sup> Hegemony is defined as “the political forging—whether through coercion or elite bargaining—and institutionalization of a pattern of group activity in a state and the concurrent idealization of that schema into a dominant symbolic framework that reigns as common sense” (Laitin, p. 183).

<sup>11</sup> Laitin, p. 183.

<sup>12</sup> *Ibid*, p. 164.

<sup>13</sup> *Ibid*, p. 92-93.

<sup>14</sup> Falola, p. 5.

<sup>15</sup> Muhammad S. Umar, *Islam and Colonialism: Intellectual Responses of Muslims of Northern Nigeria to British Colonial Rule*, Koninklijke Brill NV, Leiden, the Netherlands: 2006, p. 255.

<sup>16</sup> For the purpose of this paper, I will discuss Nigeria in regards to a “Muslim North” and a “Christian South.” Even though these categories might be too broad and not completely representative of Nigeria’s diversity—including the West and East—I have decided to use these terms because that is how the debate in most of the literature pertaining to religion and Nigeria is framed. Additionally, Laitin locates the Yorubas in the South (Laitin p. 8).

<sup>17</sup> The Hamitic hypothesis was a “widely held belief in the Western world that everything of value ever found in Africa was brought there by the Hamites, a people inherently superior to the native [African] populations.” For a more detailed historical discussion of the evolution of the Hamitic hypothesis, see Edith R. Sanders. *The Hamitic Hypothesis: Its Origin and Functions in Time Perspective*.

<sup>18</sup> John Hunwick, “An African Case Study of Political Islam: Nigeria,” *Annals of the American Academy of Political and Social Science*. Vol. 524. Political Islam. Nov 1992: p. 143.

<sup>19</sup> Lissi Rasmussen. *Christian-Muslim Relations in Africa: The Cases of Northern Nigeria and Tanzania Compared*. British Academic Press. London, UK: 1993, p. 5.

<sup>20</sup> Falola, p. 25.

<sup>21</sup> Rasmussen, p. 6.

<sup>22</sup> *Hadith* is the term given to a statement, action, example, or affirmation attributed to Muhammad and considered to be an essential clarification and supplement to the Qur’an.

<sup>23</sup> Rasmussen, p. 7.

<sup>24</sup> Hunwick, p. 147.

<sup>25</sup> Rasmussen, p. 42.

<sup>26</sup> Enwerem, p. 24.

<sup>27</sup> Rasmussen, p. 32.

<sup>28</sup> Nzeh, p. 154.

<sup>29</sup> Rasmussen, p. 18.

<sup>30</sup> Jonathan Reynolds, “Good and Bad Muslims: Islam and Indirect Rule in Northern Nigeria,” *The International Journal of African Historical Studies*, Vol. 34, No. 3: 2001, p. 603.

<sup>31</sup> According to the British, the good Muslims were the Qadiriyya brotherhood who maintained a close relationship with the colonial state through indirect rule. This perception led the British to support the Qadiriyya and try to establish it as the basis of a regional Islamic orthodoxy. Many of the early resisters to British rule came from the Qadiriyya, but they were either deposed of their rule or decided that supporting the maintenance of the British rule was in their interests. On the other hand, the Mahdi

- sts, Sanusiyya, and Tijaniyya represented the “bad” Muslims (Reynolds, p. 605).
- <sup>32</sup> *Maslaha*, meaning “public interest,” is a concept in traditional Islamic Law that is closely related to *Istislah*, or the pursuit of the public interest.
- <sup>33</sup> Umar, p. 14-16.
- <sup>34</sup> Rasmussen, p. 18.
- <sup>35</sup> Nzeh, p. 174.
- <sup>36</sup> Rotimi T. Suberu. *Federalism and Ethnic Conflict in Nigeria*. United States Institute of Peace Press. Washington, DC: 2001, p. 133.
- <sup>37</sup> Nzeh, p. 174.
- <sup>38</sup> As quoted in Nzeh, p. 170.
- <sup>39</sup> J. Ade Ajayi. “Nineteenth Century Origins of Nigerian Nationalism.” *Course Reader*, p. 71.
- <sup>40</sup> Suberu, pgs. 22-23.
- <sup>41</sup> Ajayi, pgs. 70-71.
- <sup>42</sup> Falola, p. 5. *Rwanda*. Princeton University Press, Princeton, NJ: 2002, p. 233.
- <sup>43</sup> Mahmood Mamdani. *When Victims Become Killers: Colonialism, Nativism and the Genocide in Rwanda*. Princeton University Press, Princeton, NJ: 2002, p. 233.
- <sup>44</sup> Mahmood Mamdani. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*, Princeton University Press. Princeton, NJ: 1996.
- <sup>45</sup> Mamdani. *When Killers Become Victims*. p. 73-75.
- <sup>46</sup> *Ibid*.
- <sup>47</sup> As quoted in Bjornlund et al. The Christian Churches and the Construction of a Genocidal Mentality in Rwanda. Ch. 10 in *Genocide in Rwanda?: The Complicity of the Churches*. Carol Rittner et al. (eds.) Paragon House. St. Paul, Minnesota: 2004, p. 149.
- <sup>48</sup> Mamdani. *When Victims Become Killers*. p. 232.
- <sup>49</sup> Saskia Van Hoyweghen. The Disintegration of the Catholic Church of Rwanda: A Study of the Fragmentation of Political and Religious Authority. *African Affairs*. 1996, 95: p. 380.
- <sup>50</sup> Matthias Bjornlund, Eric Markusen, Peter Steenberg, Rafiki Ubaldo. The Christian Churches and the Construction of a Genocidal Mentality in Rwanda. Ch. 10 in *Genocide in Rwanda: The Complicity of the Churches?* Paragon House. St. Paul, MI: 2004, p. 151.
- <sup>51</sup> Bjornlund et al., p. 155.
- <sup>52</sup> Van Hoyweghen, p. 380.
- <sup>53</sup> *Ibid*, p. 80.
- <sup>54</sup> Helen Hintjens. Explaining the 1994 Genocide in Rwanda. *The Journal of Modern African Studies*. Vol. 37, No. 2, 1999: p. 253.
- <sup>55</sup> Bjornlund et al., p. 152.
- <sup>56</sup> Van Hoyweghen, p. 382.
- <sup>57</sup> Folala, p. 2.
- <sup>58</sup> As quoted in Mamdani. *When Victims Become Killers*. p. 233.





# RELIGIOUS EXTREMISM AND MILITANCY IN THE PASHTUN AREAS OF AFGHANISTAN AND PAKISTAN

ROBERT KEMP

*The rise of radical Islam along both sides of the Afghan-Pakistani border has its roots in three major factors. The first is the disintegration of Afghan social structures at both the state and tribal levels, beginning in 1979 with revolts against the communist government and the subsequent Soviet invasion. The second is the increased sway of political Islam, due mostly to outside influences, including Salafist thought from the Middle East, and the more local Deobandi philosophy. The third is the radicalization of the Pashtuns, the dominant ethnic group along the border. This paper will examine how these three converging factors have created the current instability on both sides of the border, and where it might lead.*

## NATURE OF THE AFGHANISTAN-PAKISTAN BORDER AREAS

The Afghanistan-Pakistan border area would still be familiar to Kipling and his contemporaries, with its armed tribes, rugged hills and mountains, charismatic leaders, smuggling, weak central government control, and warfare. Much of the population is rural, subsisting on irrigated crops and livestock, while the towns support small shopkeepers. Overall, poverty is endemic, and even the most well-off towns are far from wealthy. Today, both sides of the border suffer from an active insurgency and significant influence from more radical strains of Islam. The attacks of September 2001 forced events in the area, particularly the heavy engagement of NATO and the U.S.

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along the border, but many of today's headlines from Afghanistan have deep roots in the history and culture of the area.

#### STATE AND SOCIAL DISINTEGRATION

Viewed during the years following the U.S.-led overthrow of the Taliban, Afghanistan had suffered a tremendous amount of physical damage, inflicted by twenty-five years of war on an already minimal infrastructure. Much of Kabul was wrecked, highway bridges on the major routes out of town were destroyed, public services were minimal to non-existent, and the population was generally exhausted. This was the result of five periods of warfare with almost no intervening periods of peace. The first was the Soviet invasion, when uprisings against the government, notably in Herat Province in western Afghanistan and in Konar Province in the east, were followed by the deployment of the Soviet 40<sup>th</sup> Army in December 1979. This war lasted ten years, reaching its height in 1985, when the Soviets made a final major push to win the war—while also devastating the countryside in a counterinsurgency strategy based on forced depopulation.<sup>1</sup> The results of this strategy can be seen to this day, not only in the Afghan refugees still living in Pakistan and Iran, but in destroyed irrigation systems, numerous minefields, and ruined villages.

The second period of warfare pitted the Communist regime of President Najibullah against the mujahedeen groups formed to fight the Soviets, ending in 1992 with the collapse of this regime. Following this was what many Afghans remember as a period worse than the Soviet war: the fighting between the various mujahedeen factions. This civil war resulted in the destruction of much of Kabul, particularly West Kabul, areas of which remain in ruins. Partly in reaction to the resulting anarchy, a fourth period of fighting ensued, with the Pakistani-backed Taliban beginning operations in Kandahar Province in November 1994, advancing from there to capture Herat and eventually Kabul. Finally, the fifth, mercifully quick, period of war began with the U.S.-sponsored defeat of the Taliban and al-Qaeda in late 2001.

Although the physical damage resulting from these wars was what immediately struck any outsider, conversations between the author and Afghans from various social classes during the 2003-2008 period made it clear that the damage to society was more extensive. First was the sheer number of people killed, with more than one million Afghan civilians losing their lives in the war against the Soviets<sup>2</sup> out of an estimated population of sixteen million in 1979.<sup>3</sup>

Equally striking were the masses of refugees, with more than five million displaced,<sup>4</sup> mostly to Iran and Pakistan, but also to Europe, North America, and Australia.

More subtle damages are the cleavages within society, primarily along ethnic lines between Pashtuns, Tajiks, Hazaras, Uzbeks, and Kuchis (Pashtun nomads). These ethnic divisions are evident today in central provinces, such as Ghazni, Kabul, Baghlan, and Oruzgan, which have populations from various ethnic groups. In other areas, such as Khost province in the east, deep divisions exist between those who sided with the Communist regime and those who fought with the mujahedeen. The Taliban years have also left social scars between those who fought with the Taliban and those (particularly in Tajik and Hazara areas) who opposed them. Adding to this is the fundamental disturbance of the tribal system, particularly in the Pashtun areas where it had acted both as a local government and a source of stability. On a larger scale, twenty-five years of Pakistani involvement in Afghan affairs had caused considerable resentment and suspicion on the part of Afghans, which persists to this day.

#### THE INCREASING INFLUENCE OF RADICAL ISLAM IN AFGHANISTAN

Islam influences almost all facets of Afghan life and is a basic foundation of society. Even the smallest towns have mosques, and farmers in their fields stop for prayer wherever they may be standing. Historically, Islam has helped unify Afghanistan and the Afghans. Roughly 85 percent of the country is Sunni; the remainder is Shiite.<sup>5</sup> Tolerance between the two groups and other religions, including Hindus and Jews, was the pre-1979 norm. While heavily influenced by Islam, the State remained separate from religion.

The initial step towards more radical forms of Islam began in the 1970s, when Afghan students returning from Egypt formed an Afghan branch of the Muslim Brotherhood. A much greater influence, however, was the growth of radical mujahedeen groups based in Pakistan during the war against the Soviets.<sup>6</sup> Of the seven major mujahedeen groups, the government of Pakistani President Zia ul-Haq favored those with more radical leanings, particularly the Hizb-i-Islami of Hekmatyar, the Jamaat-e-Islami under Rabbani, and the faction under Abdul Rasul Sayyaf (who was also backed by Saudi Arabia). More moderate elements received less money and arms or were forced to merge with the better-supported groups.

Following an Afghan wartime tradition, mullahs stepped forward to become military commanders during the war against the

Soviets. Almost certainly, the length and intensity of the war, coupled with the destruction of the Afghan state, increased the role of mullahs in society. At the same time, as the war against the Soviets dragged on, the Afghan education system largely ceased to exist; as a result, madrassas in Pakistan began to provide religion-based education to refugees.

This combination of factors – the Pakistani support for mujahedeen factions, the displacement of large numbers of refugees who were then educated in madrassas (and also lost ties with their tribes and communities), and the concept of “jihad” against an atheistic superpower – was a step towards radical Islam gaining influence in Afghanistan. The next major impetus was the rise of the Taliban.

The theology and the philosophy of the Taliban reflects that of the Deobandis, a sect founded in India in 1867. The Deobandis promoted a conservative interpretation of the Koran, rejecting innovations to Sharia law in response to modern factors. They also opposed any hierarchy within the community, excluded Shiites, and restricted the role of women in society. As the Taliban took Kandahar in late 1994 and Kabul in September 1996, they imposed this strict interpretation of Islam on Afghan society, particularly regarding the role of women. These social policies shocked many Afghans who, while being deeply religious, at the same time did not adhere to the Taliban’s extreme views and social mores.

With the return of Osama bin-Laden from Sudan in mid-1996, the conservative Islam of al-Qaeda was added to that of the Taliban. Perhaps more important was the financial and military support provided by al-Qaeda to the Taliban, overlaid with bin-Laden’s call for defense of Muslims worldwide and for jihad against the Western world.

#### POLITICAL ISLAM IN WESTERN PAKISTAN

Because Pakistan was founded as a Muslim state, the impact of Islam on every facet of society should come as no surprise. However, the last thirty years have seen an increase in the influence of radical Islamist movements in Pakistani society, particularly in the North West Frontier Province (NWFP) and the Federally Administered Tribal Area (FATA) bordering Afghanistan. The NWFP also contains much of Pakistan’s Pashtun population.

The increasing influence of radical Islamism in the NWFP in part parallels the events occurring in Afghanistan—the Soviet invasion, followed by the influx of millions of Afghan refugees into camps, and the Pakistani Government’s support of the jihad and

mujahedeen groups. Since the 1950s, the border areas had seen a large increase in the number of madrassas, many reportedly funded by Saudi Arabia. Lacking alternatives, many refugee children, as well as poor Pakistanis, attended these madrassas.

Added to this was the rule of General Zia ul-Haq from 1977 to 1988. The general, a devout Muslim, supported the jihad in Afghanistan while encouraging the Islamization of the economic and legal system in Pakistan, including policies that increased Sunni-Shiite tensions. He also encouraged the growth of the madrassa system. This period also saw a rise in the influence of mullahs and Islamic scholars in society and the increased power of political parties, such as the Jamaat-e-Islami (Islamic Party).

Many analysts believe that following the Taliban's fall in 2001, many of the regime's members and supporters fled across the border into Pakistan, particularly into the ethnically Pashtun areas around Peshawar and in the Federally Administered Tribal Areas. Press reports have also alleged that known Taliban figures took refuge in Quetta, the largest city in Pakistan's Baluchistan province. The Taliban, along with other radical Islamist groups including al-Qaeda, Hesbi-Islami Gulbuddin and the Haqqani network, have attempted to establish themselves and their extremist beliefs in the NWFP.

#### THE RADICALIZATION OF THE PASHTUNS

The Pashtuns are the largest ethnic group in Afghanistan, with an estimated population of seven million in 1979, reaching from Nuristan in the north to Baluchistan in the south.<sup>7</sup> Although mixed with Tajiks, Peshaei, Baluchs, and Nuristanis, the Pashtuns are by far the predominant ethnic group in the Pakistan-Afghanistan border region. Most Pashtuns share a common language (Pashto) and strict codes of social conduct, based on honor, revenge, hospitality, and the provision of asylum. In physical appearance they vary greatly, from those with pale skin and fair hair to others with black hair and darker features.

For reasons similar to those that have changed other parts of Afghan society, Pashtun society has undergone considerable transformations over the last thirty years, and the degree of radicalization perhaps exceeds that of any other Afghan ethnic group. This may reflect in part their heavy involvement, on both sides of the border, in the war against the Soviets. The Taliban, besides being an organization with very conservative religious beliefs, may also be viewed as a Pashtun organization; this connection may have increased the radicalization of society.

The violent reaction underway along the border, to the point of being a Pashtun-based insurgency, may also be tied to the rapid imposition of modernity on what is essentially a rural, traditional, clan-based society. Some Pashtuns may see insurgency as a way to fend off the inroads of foreign movies, liberal thought, drugs, and the relaxation of social restraints on women.

#### THE ADVENT OF SUICIDE BOMBINGS IN AFGHANISTAN

Recently, the border areas of Pakistan and Afghanistan have seen a new and disturbing phenomenon: the suicide bomber. As a recent United Nations Assistance Mission to Afghanistan (UNAMA) paper notes, "Before the assassination of Ahmad Shah Massoud on September 9, 2001, the notion that suicide might be used to kill others was considered alien."<sup>8</sup> Although suicide bombing may have been adapted from tactics used in the war in Iraq, it is worth examining the causes of this phenomenon and its place in society.

In the spring of 2005, a young Afghan lined up to enter the health clinic at the American-led Provincial Reconstruction Team in Khost province, along the border with Pakistan. Later dubbed "Lucky," he lacked one arm, and an empty eye socket was badly infected. Guards, noticing his nervous behavior, approached him. The bomber attempted to detonate the bomb and the grenades strapped to his body, failing in both. Detained, he told soldiers his family would be paid thousands of dollars after his mission was complete, and that he felt, given his poor health, he had little to lose.

Later that year, in neighboring Gardez, Paktia province, security guards allowed a young Afghan to approach Provincial Governor Taniwal's vehicle. When Taniwal opened the car door to speak to the man, the Afghan detonated the bomb on his body, killing the governor. Taniwal, a professional associate of this author and a gentle, professorial man, had returned from exile in Australia to a dangerous and difficult job, in part out of patriotism.

In conversations with the author, Afghans of various social classes said that suicide bombing does not have cultural roots in Afghanistan and that suicide is forbidden under Islam (while often blaming foreigners, particularly Pakistanis, for the attacks). The UNAMA report notes: "The Afghan mujahedeen commanders did not use suicide attacks against the Russians, nor did the Taliban and the Northern Alliance use it against each other."<sup>9</sup> The year 2007 saw more than 140 suicide attacks, with the majority aimed at Afghan and international security forces, along with government officials, although a large number of innocent civilians have also been victims.

As noted in the Khost example, some of these bombers are motivated by financial considerations. Others act out of religious convictions, acquired in the madrassas that teach not only a strict interpretation of the Koran, but also the necessity of holy war against foreigners and Afghans allied with them, combined with the concept of self-sacrifice (*shahadah*). Taught at a young age, this combination can drive young men to view suicide bombing as a noble act of piety. The current state of Pashtun society may contribute to the phenomenon due to the large numbers of refugees disconnected from their social, tribal, and cultural roots (as well as the Pashtun emulation of the mujahedeen who fought against the Soviets). Conversations in 2007-2008 with U.S. and ISAF military officers suggest a third group of suicide bombers are those who are mentally disturbed or mentally deficient and are manipulated or deceived into carrying out bombings, while a fourth group are those who are unwitting—for example, a taxi driver who has explosives hidden in his car, which are then detonated by remote control.

#### SUICIDE BOMBING IN PAKISTAN

While the period of 2004-2005 was characterized by insurgent groups partially based in Pakistan attacking into Afghanistan, by the end of 2007, the insurgents were increasingly aiming at the Pakistani state and security apparatus. One of their tactics was the suicide bombing, as rare in Pakistan as it had been in Afghanistan until the twenty-first century. The most high-profile attacks were against former Prime Minister Benazir Bhutto in Karachi and Rawalpindi and two separate attacks against then-Interior Minister Aftab Sherpao in April and December 2007. There was also a shift in mid-2006 when, after an airstrike against a madrassa in the Bajaur Agency of the FATA, militants began targeting Pakistani security forces in various parts of Pakistan, including a bloody attack on a Special Forces base in September 2007. Following the July 2007 storming of the Red Mosque in Islamabad, held by a group of Islamist militants, the Pakistani Inter-Services Intelligence (ISI) was targeted by militants. In September and again in November 2007, suicide bombers targeted buses carrying ISI personnel. The targeting of Pakistani security organizations represented a shift in the strategy of the militants, who since the war against the Soviets had largely coexisted with them. Militant Sunni groups, including the Taliban, also targeted Shiites in the FATA, particularly in the Kurram Agency. Fighting that



began in December 2007 resulted in a considerable influx of Shiites into Khost and Paktia provinces in Afghanistan.

#### CONCERNS OVER MADRASSAS AND THE EDUCATION SYSTEM

The years of war caused considerable damage to Afghanistan's education system, particularly in the rural areas. The Taliban regime made the situation worse through a combination of inept administration, a focus on religious education to the exclusion of secular subjects, and the policy of denying education to girls. By the time of the overthrow of the Taliban, primary education had nearly ceased to exist in some areas. Some Pashtun areas, such as Paktika province, had almost no functioning schools. The first development priorities for many people in the province were not roads, power, or health clinics, but schools. Coalition forces made a concerted effort to refurbish existing school houses and construct new schools, but reviving the system will take years due to lack of trained teachers, administrators, and money to pay them. As a result, many parents send their children to madrassas, including those across the border in Pakistan, so that they would receive at least some education.

While the Afghan government and the international community are making real progress in rebuilding the state educational system, there are also efforts underway to build a more moderate system of madrassa education. In a January 12, 2008 interview with the BBC, Education Minister Dr. Hanif Atmar said, "We are critical of policies in the past. Actually it was a result of those policies to exclude these madrassas, keep them on the margin of the society, and then entirely hand them over to the fundamentalists." He added, "In Pakistan across the border with Afghanistan there are around 15,000 madrassas, and around 1.5 million students are enrolled there. If we invest adequately, and according to the policy of the government of Afghanistan, in our madrassa system, to a large extent those Afghans who are now being taught in madrassas across the border will come back to their own country." In the same interview, the Speaker of the Upper House of the Afghan parliament, Sibghatullah Mujadidi, said, "In Pakistan some of our students are studying religious subjects and they have been also trained for terrorism. If we have enough madrassas in Afghanistan, there will be no need for students to go to Pakistan. They will study here and real moderate Islam will be taught to them."<sup>10</sup>

## THE FUTURE OF RELIGIOUS EXTREMISM IN THE BORDER AREAS

The struggle for the Pashtun areas lying along the border between Afghanistan and Pakistan will be an important factor for the future of both countries and will have implications for the entire region. Afghanistan has been a geopolitical chessboard, dating back to rivalries between the British and Russian empires and continuing through the wars of the twentieth century. The Afghan wars of the early twenty-first century still have elements of grand strategy, with nations jockeying for influence and security in Afghanistan. Added to this struggle is a modern dimension, with international extremists seeing the border areas as a theater for a proxy war against the International Security Assistance Force (ISAF), the Karzai government, Shiite minorities, and increasingly against the Pakistani government. The Pashtuns, progressively radicalized as a result of the confluence of social dislocation, war, outside extremist influences, and a radicalized religious educational system, have been caught in trends beyond their control. At the same time, they were willing participants in a religious and patriotic war against the Soviets, and many joined the Taliban in its campaigns against secular influences and the other ethnic groups of Afghanistan in the 1990s. The Pashtuns are increasingly aligned against the Pakistani state, as shown by the attacks on the ISI and the Pakistani military in 2007.

The destruction wrought by the Soviets, culminating in the brutal campaigns of 1985, and the civil wars of the early 1990s exhausted the Afghan population, which seemed by 2003 to be suffering something like collective post-traumatic shock. Conversations with Afghans in 2007-2008 often showed a general rejection of both continued war and religious extremism. While Afghanistan is a nation with a remarkable, deeply ingrained religion, the strictures of the Taliban were out of step with much of Afghan society, particularly those of the Ministry of Enforcement of Virtue and Suppression of Vice. In the Pashtun areas, the existing code of “pakhtunwali” based on honor, revenge, and hospitality, makes it difficult for Sharia law to gain a firm foothold. After being subjected to wide swings of political systems – royalist, communist, anarchy, theocracy, and now a veneer of democracy (underlain by a strong grassroots democracy, demonstrated by the “shura” system of community consultations, as well as the elections in 2004 and 2005)—many people seem to desire normalcy, with economic, political, and social stability and progress.

The struggle for the borderlands will continue for years and will be bloody and disruptive for both Afghanistan and Pakistan. On the Afghan side, victory (defined as a stable Afghan state, able to

protect its borders and provide basic government, security, and services to its citizens) will require many more years of ISAF and Operation Enduring Freedom (OEF) involvement on the security front, long-term development assistance from the international community, a solid commitment from the Afghans to provide representative and fair government, and the reduction of the narcotics trade. Pakistan has been caught off guard by the blowback from their support for the Taliban and the more radical mujahedeen groups during the 1980s, with resulting instability in the Pashtun areas of the NWFP. Faced with this threat, the Pakistani military has begun, with U.S. aid, to adopt a counterinsurgency strategy similar to that underway in Afghanistan, based on enhancing the capability of local security forces, improving economic opportunities, and improving governance in the Tribal Areas.

In 2006 the Pakistani government conducted a systematic review of its policies in the Federally Administered Tribal Areas and concluded that, like insurgencies in Afghanistan and Iraq, theirs could not be solved by military means alone. In close consultation with tribal elders from all seven agencies of the Federally Administered Tribal Areas, the Pakistani government developed a nine-year, \$2 billion Sustainable Development Plan designed to extend its writ over un-governed spaces within its sovereign borders. The U.S. has pledged to support this development plan with \$750 million over the next five years. The U.S. is also training, equipping, and expanding the ethnically Pashtun Frontier Corps—the only viable local security force that can defend local towns against militant and extremist infiltration.

In the short-term, Western national security interests will require that these long-term plans and programs are complemented with short-term operations to disrupt radical terrorist groups. Policymakers and analysts alike should pay close attention in the coming years to the balance between the imperatives of counter-terrorism and the wisdom of strategic patience in the Pakistan-Afghanistan border region.

The current insurgency in Afghanistan and Pakistan has complex local roots beyond the ideological and geopolitical factors outlined in this paper, which include more mundane issues such as poverty, unemployment, poor education, and ethnic differences. At the same time, the deep cultural traditions of the border areas (particularly the role of women in society) are colliding daily with the modern world. Radio, television, the internet, cell phones, DVDs, new roads, and returned refugees are bringing new ideas and new customs to what had been a very conservative, traditional, somewhat homogenous culture. This may reflect the struggle ongoing within

the larger world of Islam, as values and beliefs clash with increasingly global culture and morality. The people of the border areas will eventually decide for themselves how to proceed, in spite of outside influences pushing more radical forms of Islam. This will be a long process, taking decades, and one the Western world has only a limited ability to alter.

NOTES:

<sup>1</sup> Barnett Rubin, *The Fragmentation of Afghanistan: State Formation and Collapse in the International System*, Second Edition, (New Haven, CT: Yale University Press, 2002), p. 143.

<sup>2</sup> Martin Ewans, *Afghanistan: A Short History of its People and Politics* (New York: HarperCollins, 2002), p. 235.

<sup>3</sup> United States Government, "Afghanistan: A Country Study," (Washington, DC: Library of Congress), p. 343.

<sup>4</sup> Ralph Magnus and Eden Naby, *Afghanistan: Mullah, Marx and Mujahid*, (Boulder, CO: Westview Press, 2004), p. 147.

<sup>5</sup> Rubin, 2002, p. 38.

<sup>6</sup> Neamatollah Nojumi, *The Rise of the Taliban in Afghanistan* (New York: Palgrave Macmillan, 2002), p. 129.

<sup>7</sup> Rubin, 2002, p. 26.

<sup>8</sup> United Nations Assistance Mission to Afghanistan, "Suicide Attacks in Afghanistan," (Kabul, Afghanistan, 2007), p. 3.

<sup>9</sup> Ibid., p. 38.

<sup>10</sup> David Loyn, BBC Newsnight, January 12, 2008.



# THE MISINTERPRETATION OF MODERNITY

MEHTAB DERE

*The term “modernity” is rooted in ideas that are embodied in the Enlightenment, namely, the triumph of reason, rationality and individuality, and is often associated with a Western worldview. However, to use the term singularly in this sense is to not fully understand its complex constitutive elements. This paper explores how modernity can be interpreted in diverse ways by different actors. It highlights the two main trends followed by various modernity projects, and further illustrates how this divergence in interpretation increases the potential for conflict at various levels.*

## INTRODUCTION

From as far back as the fifth century, people have used the term “modern” to differentiate their present era from past times. Its Latin usage as the word *modernus* was first applied to differentiate the Christian era from the Roman and pagan past.<sup>1</sup> Today, the concept has taken on a special significance. It is seen as rooted in ideas embodied in the Enlightenment, namely, the triumph of reason, rationality and individuality, and is often associated with what is widely regarded as a Western worldview. In common parlance this ideational conception has often been superseded by a more economically-oriented definition of modernity, linking it to the development of a market economy and an increase in material wealth. However, to use the term “modernity” singularly in this sense is to not fully understand its complex constitutive elements, a misconception which in turn leads to further misdiagnoses of certain social and political trends.<sup>2</sup> In other words, modernity can mean

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different things for different people, and it is important to understand the implications of this when dealing with political issues at an inter-state as well as a sub-state level.

In contemporary political discourse, Samuel Huntington's terminology regarding a "clash of civilizations" has achieved widespread usage.<sup>3</sup> While there is merit to the argument that constructed concepts such as identity can play a role in conflict, I disagree with his notion of civilizational identity now being the primary premise of conflict. International conflict will continue to be defined by state interests and actions, but there is an added explanatory dimension which can be utilized at various levels of analysis: the role that diverging conceptions of modernity play in exacerbating the potential of a clash between various actors. The battle lines are therefore made darker at the places where conceptions of modernity diverge.

This paper will explore the thesis that modernity can be interpreted in different ways by different actors, and this divergence in interpretation creates potential for conflict. It begins with an overview of how modernity is conceived, and how it can be constructed in multiple ways. It then dwells on the potential for conflict that is inherent in this phenomenon. It concludes with a brief look at the implications in terms of policy formulation that stem from the previous analysis.

#### WHAT IS MODERNITY?

The term modernity as used in this paper refers to particular conceptions of worldviews, ideas, and identity, which may manifest themselves in the form of political, social and economic institutions and structures. The development of modern thought is rooted in the principle of deconstructing social, economic and political orders that are in existence.<sup>4</sup> Deconstruction is therefore the permissive initial stage; but modernity itself implies a further reconstruction of concepts. This reconstruction is based on a break with the past, as to the ontological premises of ideational and material structures in the social, economic, and political sphere.

The program of modernity, as it evolved from the fifteenth century onwards,<sup>5</sup> gave rise "to the belief in the possibility of bridging the gap between the transcendental and mundane orders—of realizing through conscious human agency, exercised in social life, major utopian and eschatological visions."<sup>6</sup> Therefore, intrinsic to the idea of modernity is the implication that actors attempt to give their ideational programs material shape. However, a common

misconception is to assume that modernity refers principally to the material and economic spheres without recognizing its strong foundation in the ideational realm.

The onset of the current phase of modernity consisted of a shift in the view of human agency: it involved a rising belief in the cognitive power of man to shape what until then were perceived as natural orders.<sup>7</sup> This questioning and breaking down of previous structures applied especially to political orders. Among the ideational structures that are reconstructed in any conception of modernity, collective identity, its nature, and defining boundary conditions are inherent features. There has often been an attempt by actors to appropriate the principles established in the original project of modernity. Furthermore, these actors have attempted to manipulate these principles to influence the boundaries and actions of collective identity groupings. This is clearly seen in projects such as the building of nationalism, trans-national movements (e.g., the pan-Arab movement), and religious identities.

In this regard, modernity is linked to the reconstruction of political and social structures, based on changes in patterns of thought, which are rooted in the principle of deconstructing traditionally accepted notions. The views related to the optimal organization of political and social space derive from the particular conception of modernity held by a specific actor. The Axial Age as elaborated by Karl Jaspers was an epoch of liminal change in the realm of ideas related to transcendental thought;<sup>8</sup> similarly, in its political dimension, the Enlightenment could be considered a period of liminal change with regard to the role of human agency and man's link with structures of governance.<sup>9</sup> Undoubtedly this first occurred in the West. However, the notion of deconstructing the premises of traditional thought, as was seen during the Enlightenment period, has spread outwards from the West.<sup>10</sup> Therefore, as Shmuel Eisenstadt writes, "Western patterns of modernity...enjoy historical precedence," but they are "not the only 'authentic' modernities."<sup>11</sup>

The above statement implies that, depending on the social, political, and cultural flows that an entity has interacted with, modernity can have different interpretations. This fundamental concept, termed "multiple modernities" by Eisenstadt,<sup>12</sup> implies that when actors deconstruct traditional patterns of thought along with the related material structures, the new ideal type structures that each actor seeks to build in the reconstruction process can differ. The concept of multiple modernities is not a retreat into solipsism, but rather a suggestion that each conception of modernity sees itself as being the true vision, differentiated from the rest at a conceptual



level, yet nevertheless associated with the rest in some manner—harmonious or antagonistic.

To use the example of Iran and its revolution of 1979, one could claim that the protagonists of the revolution saw the conflict and the dependent ideas and structures that followed as a conception of modernity. Influential actors questioned the rule of the Shah and deemed it illegitimate and unreasonable. They proceeded to tear it down and replace it with social and political structures which, to the new ruling actors, seemed most optimal. In effect, it was an attempt to give material form, in the mundane world, to a utopian vision based in an eschatological realm, through the power of human agency exercised in social life.<sup>13</sup> In Eisenstadt's words mentioned earlier, this is exactly the principle underlying the original project of modernity.<sup>14</sup> It was an action designed to rearrange the social and political space in line with what was seen as optimal in the eyes of the protagonists. This vision of optimality differs from the widely-accepted one of the West, simply indicating that this notion of modernity is different from the broad Western one.

It is noteworthy that Islamic fundamentalists consciously try to be anti-Western. This is the great paradox of Islamic fundamentalists: even while striving to counteract Western progressive forms of modernity, they are unwittingly being modern, albeit under a "conservative" modernity matrix.

Although multiple modernities may exist, in politically significant terms there are currently two main visible trends, or matrices, to the notion.<sup>15</sup> I term these "progressive modernity matrix" and "conservative modernity matrix." Both trends share the original foundations of the project of modernity—the notion of potent human agency, and the reconstruction of pre-existing structures. However, they tend to diverge after the initial point. Progressive modernity is based on the Enlightenment idea of the importance of reason and rationality. It gives rise to structures which are not dependent on primordial or religious elements in order to derive legitimacy.<sup>16</sup> Although it is born within a specific cultural (i.e., Western) framework, it does not cling to it in order to substantiate itself. Conservative trends of modernity, on the other hand, directly relate their main ideals to a specific cultural premise. They undertake the construction of social and political space primarily within the limits of the traditional matrix to which they attach themselves. Within this inherent difference lies the potential for conflict between the two trends. In much the same way as the self reinforces and builds itself through differentiation from the other, actors identifying with one matrix or the other seek to highlight their intrinsic differences. This

can take place at the level of the individual, a localized community, or even national and transnational entities. If actors identify with differing trends of modernity, and they attempt to give their divergent models actual material form, it creates the potential for antagonism. This potential is proportionally linked to the actors' level of interaction, and the level of sharing of social or political space.

#### THE DIFFERENT LEVELS OF POSSIBLE CONFLICT

The divergence of modernity matrices helps one understand some potential roots of conflict. In international relations theory, there are generally three accepted levels of analysis: the individual, the state, and the systemic-structural level.<sup>17</sup> This paper now examines how divergent modernities could play a role at the first two levels.<sup>18</sup>

##### *I. THE SUB-STATE LEVEL (FIRST LEVEL OF ANALYSIS)*

The first level of analysis includes individuals and local communities. Western Europe provides a good case study for this level as it includes actors holding divergent modernity matrices. Currently, an overarching issue of contention in the region is that of immigration and the question of how to integrate immigrants into the host society.

France and Britain follow two different models in this regard: the French model attempts to subdue the original cultural tendencies of immigrants and superimpose homogeneous and institutionalized social norms that the state deems acceptable. The British model, on the other hand, largely allows each immigrant group to maintain its original cultural-social patterns. Francis Fukuyama recently commented that the French model is more successful.<sup>19</sup> Events such as the 2005 bombing of the London subway carried out by British citizens, albeit of non-Anglo-Saxon parentage, tend to lend empirical credibility to this view. One can, of course, point to the 2005 and 2007 French riots in the *banlieue* as evidence that the French model might not be perfect either. However, as Fukuyama pointed out, one of the primary reasons for the French riots was that the youth were not getting the economic opportunities that they thought they deserved by virtue of being French citizens.<sup>20</sup> This brings out a fundamental difference in the two cases. The French case is arguably a struggle for recognition based on a desire for equal economic opportunities and better living conditions.

In the British case, at least three of the four bombers were from economically privileged families. Bruce Hoffman, a well-known

terrorism expert, has concluded that the bombers perceived their actions as being for the benefit of the *umma* (universal Islamic community), and their allegiance was not to the British state, but to their religious community.<sup>21</sup> This is not to state that the bombers blew themselves up solely because their conception of an ideal society was radically different from the existing one in Britain, but rather that the divergence of modernities acted as a permissive cause, working as one of the factors that allowed them to rationally justify the suicide attacks. Unlike the French case, the British case was not founded in an economic struggle, which would fall under a materially measurable category. Instead, it can be placed in an ideational realm. The British bombers were influenced by radical imams who were preaching in British mosques. The agenda of some of these imams includes a desire to change the way in which their society is organized; they deny the authority of man-made laws and seek to enable the victory of Islam and Islamic law through various means, including the instigation of suicide bombings.<sup>22</sup> The difference in the modernity matrix of the extremists from that of the majority of the population, allows the extremists to rationalize violence as a means to help the spread of their own ideal type of society.

One can make two deductions from the above case study: firstly, the wider the gap between the modernity matrices of two communities, the higher the potential for violence; and secondly, the higher the level of integration of immigrants within the local community, the lesser the likelihood of violent conflict erupting from ideational differences. Real world events, past and present, such as war between the root collective identities of the various communities, could also exacerbate the potential for conflict.<sup>23</sup> It could therefore be hypothesized that modernity matrices play a role in the analysis and understanding of the nature of certain conflicts at the sub-state level. This would include friction between certain immigrant groups and host communities in some Western European countries. It is important to accurately understand the nature of conflict if one is to counter it appropriately.

Looking further at the immigration discourse in the West, one danger is that host societies might come to view entire communities of immigrants as potentially hostile entities, thus creating a sense of conflict even if there is not a solid base for it. It is possible for people from different cultural, religious, or ethnic backgrounds to share the same conceptual matrix of modernity. In the case of Western Europe and certain individual immigrants, this implies that these individuals give credence to progressive trends of modernity rather than traditional ones—this does not mean that they hold exactly the same

vision of modernity, but rather it falls within the same matrix.

The tension in the social fabric would occur primarily due to immigrants holding a different modernity matrix. In Western Europe the host community and the immigrant communities may disagree as to the optimal legitimate punishment for a crime; nonetheless, if they share the view that the state's constitutionally mandated judicial system should be the one to deliver a fair judgment, then one can say that there is not much inherent conflict. However, if the host community views the constitutional legal system as valid, while the immigrant community gives precedence to an external system (such as religious laws and personal revenge killings) as the legitimate form of redress, then there is an innate ideational clash, and the potential for conflict is greater.

Therefore, immigrants willing to let go of previous cultural premises and ideas which are in conflict with basic norms of their host country will give little cause for disharmony. In contrast, those who give preference to traditional habits and norms, even if they are contradictory to those of the host country, are more likely to create tension in the social fabric.

From a policy perspective, one could conclude that if the integration process is to be successful it should lead to the adoption and acceptance, by the immigrants, of the basic conceptions of modernity as they exist in an institutionalized form in the host country. This does not mean that the population should be completely culturally homogenized, but rather, that the immigrants adopt core tenets of the modernity matrix of the host society. Although the diversity of cultures can be recognized, culturally-based practices can still be evaluated from a universalist perspective—this implies cultural relativity rather than cultural relativism.<sup>24</sup>

If one uses Huntington's terminology, then the above example could be called an inter-civilizational example, though it might be more accurate to call it an inter-cultural example. However, a modernity-rooted conflict can also exist within members of the same civilization.<sup>25</sup> In the U.S., anti-abortionists have committed numerous acts of violence against abortion clinics. This is an example of a case where a split based on what could be called an ontological premise of human life has led to violence within a single civilization. Ontological premises fall squarely within the realm of ideational constructs, and as such are a part of one's worldview—which is intricately linked to one's modernity matrix.

Within the framework of Islam, individuals like Ayaan Hirsi Ali and Salman Rushdie have either explicitly criticized certain aspects of Islam or have rejected its tenets in their personal lives,

thus rejecting the religious premises to which they should supposedly adhere given their original civilizational background.<sup>26</sup> Their conception of modernity is in conflict with the vision of the Islamic mullahs, and their views as to the optimal construction of contemporary social, political and intellectual space is thus highly divergent, implying a clash between the two matrices of thought. This sort of occurrence is seen almost everywhere, including Western countries, where one finds extremely vocal and increasingly fundamental religious groups, such as those of the Christian evangelical movement on one end of the spectrum and atheists on the other. This does not mean that every time there is a divergence of ideas a violent conflict will occur. However, when a progressive modernity matrix and a traditional modernity matrix interact, then the potential for violence is increased, and the greater the difference between the two, the higher the chances of conflict.

## *II. THE INTER-STATE ARENA (SECOND LEVEL OF ANALYSIS)*

Stating that conceptions of modernity have an influence on inter-state relations places this argument in the realm of constructivist theory. While there is not enough space here to defend constructivism, I claim to adopt a thin form of constructivism, using some of its ontological assumptions, rather than constructivist theory as a whole.<sup>27</sup> In this context, understanding how diverging modernity matrices affect the potential for conflict is more of an insight, rather than an explicit theory. It does not seek to definitively predict what will happen when certain conditions are met, but it helps explain why certain actions could happen under certain conditions. It is an approach that helps one to understand actions rather than predict outcomes.

Liberal democracy could be construed as an institution rooted in a matrix of progressive modernity. It is a defining type in the organization of social and political space. The governance structures of authoritarian systems such as China and Russia clearly hold differing views on the ideal type of normative construction of political and social space from those of liberal democracies. Modernity, as explained earlier, is inherent in identity formation, and actors such as states often seek to appropriate modernity in the process of building a collective group identity. If these state-appropriated conceptions belong to divergent modernity matrices they can then be used to differentiate one group from another. Therefore, when the modernity matrices adopted by state machinery vary among states, they affect the potential for conflict. This provides the rationale for

analyzing the role of modernity conceptions in understanding inter-state relations.

For example, one can look at the democratic peace theory—the argument that liberal democracies do not fight wars with each other—through the lens of modernity matrices.<sup>28</sup> Liberal democracies share a similar modernity matrix. This would imply that, despite differing cultures or civilizations, if states share core elements in their conceptions of modernity, then the potential for conflict stemming from the ideational realm is less than it is among states that appropriate different modernity matrices.

In this context it is undeniable that the U.S., India, and Japan possess different cultural backgrounds, yet ever since the post-Cold War period, U.S. and Japanese relations with India have steadily improved. The three countries recently conducted naval exercises together, which some analysts purported as being aimed at China. The U.S. and India are increasingly strengthening their economic, military, and political ties. Despite the fact that these countries embrace different cultural backgrounds, the potential for conflict between them, given the current trends, appears quite low. Applying the same analysis to China and Russia, however, it is evident that they are seen in a different light. Although the two groups of countries share different histories, this is probably not the only factor involved. After all, the U.S. and India have a checkered history as well. The U.S. and Pakistan were allied throughout the Cold War, at times against India. Despite this background of mutual suspicion, after the structural constraints of the bi-polar system were removed, their relationship improved considerably.

One of the reasons that the U.S., Japan, and India do not consider each other a high security threat is that they share, to an extent, similar political-social institutional structures. This is not to claim that the rights of individuals, the rule of law, and the general functioning of these structures are as effective in India as they are in the U.S. or Japan. Nonetheless, similar structures are in place, and normatively speaking, their end goals fall under the same modernity matrix.

This implies that countries with a broadly similar conception of the optimal organization of political-social space have a reduced potential for conflict. This does not mean that there cannot be conflict between such countries, but their respective conceptions of modernity will probably not act as inherent sources of tension. Alternatively, countries with divergent modernity matrices, such as the U.S. and China, will have a higher potential for conflict. Looking at current strategic analysis and discourse, this view lends some credibility.

Why is it that the actual or potential possession of nuclear weapons by states as diverse as China, North Korea, Iran, Libya, and Russia are seen as threat scenarios by the U.S., whereas this is not the case when it comes to states such as France, the U.K., Israel, and India? From the above list, one can deduce that the latter countries share certain premises and core principles in their organization of social-political space, such as free press, universal suffrage, the existence of an independent judiciary, free multi-party elections and so on. In contrast, the potential high threat countries all have social-political structures which are constitutively different from those of the U.S. It is clear that political actors in the U.S. feel most threatened by the states whose political actors hold conceptual frameworks alien to their own.

#### POLICY IMPLICATIONS

In terms of inter-state relations, the analysis of modernities implies that it would be relatively easy and optimal for Western countries to solidify their ties with countries holding a similar modernity matrix. In countries with a divergent modernity matrix, ideas and concepts such as liberalism, market economics and individualism, which underlie a progressive conception of modernity, should be promoted using the principle of soft power. The use of military power by Western countries tends to create obstacles to the acceptance of Western ideas even if they could help in material improvements. Soft power would enable the West to fight ideas with ideas – which is probably the optimal method in the long run.

Understanding the divergence in modernities means to comprehend that entities with views that differ from Western progressive modernity are seeking to re-construct their own modernity; they want to build something new, not something from the immediate past, even though they might be looking at a real or imagined past to draw inspiration for their new vision. As modernity is inherently an ideational concept often manifested in material structures, any attempt to influence it should take multiple forms. The ideas related to the spread of progressive modernity could be actively encouraged. This could be done through the exertion of influence in the educational sphere, relevant support to political actors and institutions, and the linkage of aid to specifically targeted social improvement programs. This could lend support to the shaping of local identities, worldviews and social structures which would be compatible with a progressive modernity matrix.

In the nation building process, political structures, educational institutions, and the media could help promote a progressive modernity matrix. In any unstable region, security is normally of paramount concern. Economic development is arguably contingent on the attainment of a secure political environment. Of course these should be primary targets, but additionally, the social realm, especially educational institutions, should not be ignored. Some aid should be given to countries specifically with the aim of promoting educational institutions with a progressive approach (in contrast to religious schools teaching solely religious texts). Support could be given to the youth from these regions to study in Western institutions. An attempt should be made to ensure that the younger generations in these countries grow to identify themselves with the progressive trends of modernity.

With regard to the immigration-related integration policies of Western countries, the attempt to impose certain values will sometimes be met with resistance. In this regard, Stefano Zamagni has elaborated on a social model that seems well suited to the Western European situation.<sup>29</sup> According to him, original cultural practices of immigrants that could be allowed (on the condition that they maintain a respect for universal human rights) fall into three broad categories—tolerable, respectable, and potentially shareable. The allocation of public resources with regard to sustaining culturally different practices should then be made according to which category the practice falls under.<sup>30</sup> Although the practices under these three categories could be allowed, the ones that can merely be tolerated should be actively discouraged as they are likely to have potential for social disruption. The ones which can be respected and shared are easier to deal with, as it is probable that they are not intrinsically in confrontation with the tenets of progressive modernity. Action may be needed to effect an evolution in the conceptions of certain immigrant populations. In this regard, educational institutions are again crucial. However, it is likely that they will be effective over a long term period.

#### CONCLUDING THOUGHTS

For the West, the Enlightenment was the struggle and victory of reason and rationality over structures that were based on ideas from the past. The traditional norms were thoroughly questioned, deconstructed, and found to be flawed, and in their place new ideas and norms took hold. This process of deconstruction and reconstruction is the root of any modernity project. In different



societies, and among different individuals, the end point of following these principles has been different. This has resulted in multiple conceptions of modernity. The further the gap between these conceptions, the greater the potential for conflict in their interaction.

The promotion of discourse along civilizational terms as formulated by Huntington implies that an entity, be it an individual or a community, does not have a choice as to its thought patterns but instead is automatically a constitutive part of a given cultural background.<sup>31</sup> This implies a lack of individual cognitive power when it comes to choosing one's social identity—a conclusion that I would disagree with. The rationale for my views has been well stated by Amartya Sen: “[t]here is a significant role for reason in the choice of identity, and there are solid bases for rejecting the communitarian premise according to which social identity is a question of ‘discovery’ rather than a process that incorporates the choice.”<sup>32</sup> As civilizations by Huntington's assumptions are distinct entities in terms of constitution as well as agency, they cannot be changed and are condemned to have a high potential for conflict with each other. However, the analysis of multiple modernities allows for a more intricate understanding of the situation. It provides the insight that a difference in civilizational backgrounds does not automatically create the basis for conflict. Instead, it is the adoption of divergent modernity matrices that can act as a causal factor in increasing the potential for conflict.

The modernity hypothesis suggests that the creation and strengthening of institutions and structures that promote the development of a progressive matrix of modernity is desirable. Progressive modernity implies that an entity is able to shed culturally rooted ideational constraints which may impede the path of material progress. Even if this is criticized as cultural imperialism, in certain spheres universalist concepts such as this are perhaps applicable as well as desirable.

The constitutive process on which the principles of the Enlightenment era are based has not come to an end. Rather, some of today's conflicts, despite being ideationally in contradiction to the ideals adopted during the Enlightenment, locate their constitutive process along the same lines. In this light, understanding the process through which modernity can be a “global projection of a problematic that remains open to conflicting interpretations” at various levels of analysis, is essential for the proper understanding of the multi-dimensional nature of certain conflicts.<sup>33</sup>

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NOTES:

<sup>1</sup> Jurgen Habermas and Seyla Ben-Habib, "Modernity versus Postmodernity," *New German Critique*, Special Issue on Modernism, No. 22 (Winter 1981) p. 3. Accessed from JSTOR website: <http://links.jstor.org/sici?sici=0094-033X%28198124%290%3A22%3C3%3AMVP%3E2.0.CO%3B2-J>.

<sup>2</sup> The term "constitutive elements" refers to the myriad of elements, including economic aspects and views on legitimate political and social norms, that form the modernity conception of an actor. Bjorn Wittrock, "Modernity: One, None, or Many? European Origins and Modernity as a Global Condition," *Daedalus*, Vol. 129, No. 1 (Winter 2000), p. 31. Accessed electronically from the Gale Group: <http://galenet.galegroup.com>.

<sup>3</sup> Samuel Huntington, "The Clash of Civilizations?" *Foreign Affairs*, Vol. 72, No. 3 (Summer 1993), p. 22-49. Accessed electronically from the Gale Group: <http://galenet.galegroup.com>.

<sup>4</sup> Shmuel N. Eisenstadt, "Multiple Modernities," *Daedalus*, Vol. 129, No. 1 (Winter 2000), p. 1. Accessed electronically from the Gale Group: <http://galenet.galegroup.com>.

<sup>5</sup> Arguably, the changes associated with the current conception of modernity began in the Renaissance period; however, the paradigmatic shifts that occurred took more visible forms in the later time period, i.e., in the eighteenth century.

<sup>6</sup> Shmuel .N. Eisenstadt, "Multiple Modernities," *Daedalus*, Vol. 129, No. 1 (Winter 2000), p. 1. Accessed electronically through the Gale Group: <http://galenet.galegroup.com>.

<sup>7</sup> Ibid.

<sup>8</sup> Karl Jaspers, *The Origin and Goal of History*. Translated by Michael Bullock. New Haven: Yale University Press, 1953. The Axial Age was the period from about 800 to 200 B.C. During this period, similar ontological changes regarding the conception of the transcendental realm occurred in various unconnected human societies.

<sup>9</sup> The term "liminal period" implies a time when the basic structures and ontological assumptions related to the particular subject are thrown into chaos and changed.

<sup>10</sup> Shmuel .N. Eisenstadt, "Multiple Modernities," *Daedalus*, Vol. 129, No. 1 (Winter 2000), p. 1. Accessed electronically through the Gale Group: <http://galenet.galegroup.com>.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> The term "eschatological" refers to the theologically oriented beliefs in the ultimate destiny or future of mankind. In this paragraph, it points to the desire of the mullahs to create a society based on the principles of Islam.

<sup>14</sup> See p. 3 of this paper.

<sup>15</sup> This is not to say that there are only two visions of modernity, but rather, there are two main matrices, within which there can be a number of different modernities.

<sup>16</sup> This is Edward Shils' terminology; he uses these terms to highlight the different forms in which legitimacy is obtained. Jack E. Shils, "Primordial, Personal, Sacred, and Civil Rights," *British Journal of Sociology*, Vol. 8, No. 2 (June 1957), p. 130-145. I have referred to Shils' ideas as they were mentioned by Eisenstadt, in "Multiple Modernities," *Daedalus*, Vol. 129, No. 1 (Winter 2000).

<sup>17</sup> Kenneth Waltz has referred to these as the three images. See Kenneth Waltz, *Man, the State, and War*, New York: Columbia University Press, 1959.

<sup>18</sup> The third level deals with the structure of the system in terms of polarity and the condition of anarchy. The conception of modernity, being an abstract social construction, occurs at the lower two levels. These deal with the interaction of social groups, rather than the nature of the system as a whole.

<sup>19</sup> Francis Fukuyama, "Identity and Immigration," Lecture at Johns Hopkins University, SAIS Bologna, 15<sup>th</sup> January 2008.

<sup>20</sup> Ibid.

<sup>21</sup> Bruce Hoffman, "Terrorism, Radicalization & Subversion: the 7/7/05 London Attacks, 2006 Airline Plots, and al Qaeda's resurgence," *Institute of European Affairs*, [www.iiea.com/audio/bruce\\_hoffman\\_8\\_october\\_2007.ppt](http://www.iiea.com/audio/bruce_hoffman_8_october_2007.ppt). Accessed 20 January 2008.

<sup>22</sup> "Road to Martyrdom," Journeyman Pictures, <http://www.journeyman.tv/?lid=57008>. Accessed on 20 January 2008.

<sup>23</sup> Root collective identity groupings are taken to include entities such as countries, religious communities, and so on.

<sup>24</sup> This difference is elaborated upon in Stefano Zamagni, "Migration, Multi-culturality, and Politics of Identity." Accessed through the SAIS Bologna intranet, CIAO. An Italian version of this essay has appeared in volume C. Vigna and S. Zamagni (eds.), *Multiculturalità e identità, oggi*, Milan, Vita e Pensiero, 2002.

<sup>25</sup> To use the word civilization as a definable monolithic block with clear boundaries and agency is inaccurate at best, which is why I prefer the term cultural background.

<sup>26</sup> Ali was born into a Muslim family in Somalia, and Rushdie was born into a Muslim family in India.

<sup>27</sup> For more on this see Alexander Wendt, *Social Theory of International Relations*, Cambridge: Cambridge University Press, 1999.

<sup>28</sup> The foundation of the Democratic peace theory goes back to Immanuel Kant's *Perpetual Peace* (1795), but in more recent times it has been popularized by various scholars including Michael Doyle in "Kant, Liberal Legacies, and Foreign Affairs," *Philosophy and Public Affairs*, Vol. 12, No. 3 (Summer 1983), p. 205, 207-208.

<sup>29</sup> Stefano Zamagni, "Migration, Multi-culturality, and Politics of Identity." Accessed from the SAIS Bologna intranet, CIAO.

<sup>30</sup> Ibid.

<sup>31</sup> Referring to Huntington's thesis that different civilizations will inevitably be in conflict with each other. Samuel Huntington, "The Clash of Civilizations?" *Foreign Affairs*, Vol. 72, No. 3 (Summer 1993), p. 22-49.

<sup>32</sup> Stefano Zamagni, "Migration, Multi-culturality, and Politics of Identity." The original source is Amartya Sen, *Reason before Identity*, Oxford, 1998.

<sup>33</sup> Derrick Fiedler, "Civilizations and the Study of World Politics," thesis submitted at *The American University of Rome*, December 2007. Originally from J.P. Arnason, *Civilizations in Dispute: Historical Questions and Theoretical Traditions*, 2006, Leiden: Brill. Understanding Intercivilizational Encounters. *Thesis Eleven* 86: 39-53.

# WORLD IN THE BALANCE: LEGITIMIZING UNAUTHORIZED INTERVENTION FOR THE PROTECTION OF HUMAN RIGHTS

MICHAEL HATLEY

*This essay argues that there is a ground on which to build a legal case for a doctrine of humanitarian intervention. Instances of armed intervention to protect human rights without the prior authorization of the United Nations Security Council represent a conflict between core norms of the international community: the prohibition of the use of force, on one hand, and the prohibition of grave violations of human rights, on the other. Though many of the legal justifications put forth in the literature are inadequate, such action is legally defensible as a balancing between peremptory norms of international law. But to ensure proper balancing of these norms, a system must be adopted to regulate such intervention.*

Since the end of the Cold War, the international community has witnessed a sharp increase in armed interventions carried out by states or groups of states responding to gross violations of human rights in other nations. In some instances, these interventions have occurred without the blessing of the United Nations Security Council. Such situations highlight a major conflict between two core principles of the United Nations (UN): the prohibition of the use of force, on one hand, and the protection and promotion of human rights, on the other.

Academics and lawyers disagree on the legality of unsanctioned humanitarian intervention.<sup>1</sup> Moreover, even if two critics share the same reasoning vis-à-vis the legality of unilateral intervention, they may differ as to the desirability or morality of such action. This essay argues that there is in fact a ground on which to

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build a legal case for a doctrine of humanitarian intervention. But the legal, moral, and practical integrity of this doctrine depends on the extent to which it can be brought into a systematic and clearly defined framework.

The argument proceeds in two major parts. First, it is contended that instances of unsanctioned humanitarian intervention represent a clash between central norms of the UN. In the second section, important arguments seeking to resolve this conflict by offering legal justifications for such operations are considered. The case will be made that there is a window for humanitarian intervention in international law. In the conclusion, the implications of legalizing a doctrine of unilateral humanitarian intervention will be examined.

#### HUMANITARIAN INTERVENTION AS A STRUGGLE BETWEEN CORE PRINCIPLES OF THE UN

The UN Charter was signed in 1945 with the primary aim of preventing a repetition of the horrors the international community had experienced during two World Wars. The Charter not only forbids war as an instrument of national policy, but also goes beyond previous global treaties by placing a general prohibition on the use of force. According to Article 2 (4) of the Charter, “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.”

Nevertheless, this ban is not absolute; the Charter allows for the use of force in certain narrowly defined circumstances. One exception to the prohibition of the use of force envisaged by the Charter involves self-defense. Article 51 recognizes “the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations.” It is important to note that the use of force in self-defense is only legal in reaction to an armed attack against the territory of a state that imperils its life or government.

Resort to force is also legal if authorized by the UN Security Council. The Charter invests the Security Council with the primary responsibility for maintaining international peace and security. Under Chapter VII of the Charter, the Security Council alone is granted both the authority to recognize threats to international peace and the power to decide which actions should be taken in response to such threats, including the use of armed force. Article 39 provides

that “[t]he Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken...to maintain or restore international peace and security.” One of these measures, especially relevant for the discussion of humanitarian crises below, is elaborated in Article 53 (1), which states: “The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council.” Consequently, with a vote of 9 of 15 members, including the favorable vote of the 5 permanent members—China, France, the UK, Russia, and the U.S.—the Security Council may classify a situation as a violation of international security and sanction enforcement measures by member states under Chapter VII.

Alongside the maintenance of international peace and security in Article 1, the Charter also lists promotion of human rights as one of the founding purposes and principles of the UN. In fact, the Charter was the first treaty in history to recognize universal human rights explicitly. Article 55 states that “the United Nations shall promote...universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.”

Since the drafting of the Charter, the UN has taken many important strides towards translating this vague and general ideal into practical results. In 1946, the UN Human Rights Commission was established. For the first twenty years after its inception, the Commission constrained itself to standard setting and promotion. In June 1948, for instance, when the body completed the final draft of the Universal Declaration of Human Rights, it was adopted by the General Assembly as a non-binding guideline for state conduct merely setting forth general principles and standards. Throughout this early period, the Commission avoided adopting any measures, even indirectly, to protect human rights or address infringement upon them. This was due to the view that the body had no authority to question the behavior of specific states. Thus, initially, the Commission was content with mere affirmation of human rights standards, refusing even to name states that violated those standards.<sup>2</sup>

Eventually, however, the UN began to develop practical mechanisms that expanded human rights norms and chipped away at the inviolability of state sovereignty. Starting in 1966, the UN established a number of voluntary treaties overseen by bodies designed to monitor and legally enforce adherence to certain universal

rights. On June 6, 1967, the Economic and Social Council (ECOSOC) passed Resolution 1235, allowing the Commission to examine and respond to human rights violations and to engage in public debate over them.<sup>3</sup> In 1970, ECOSOC Resolution 1503 established a confidential procedure through which private petitions could be examined in order to identify “a consistent pattern of gross and reliably attested violations.”<sup>4</sup> “Thematic Procedures” were also adopted to explore certain human rights issues in a range of nations. The first of these, the Working Group on Enforced or Involuntary Disappearances, was created in 1980 to look into reports involving Argentina and Chile.<sup>5</sup>

Since the end of the Cold War this trend has continued. In response to major abuses in some parts of the world, protection of human rights has, on occasion, moved beyond mere investigation and exposure to public criticism. For example, in order to prosecute perpetrators of massive violations of human rights such as genocide and other crimes against humanity, the Security Council established the International Criminal Tribunal for the Former Yugoslavia in 1993<sup>6</sup> and the International Criminal Tribunal for Rwanda the following year.<sup>7</sup> In addition, the Rome Statute of the International Criminal Court (ICC), ratified by a growing number of states since its adoption in 1998, gives the ICC jurisdiction over genocide, crimes against humanity, and war crimes, labeling them “the most serious crimes of concern to the international community as a whole.”<sup>8</sup>

All of this is not meant to be taken as a eulogy extolling the virtues of the UN’s human rights mechanisms. In fact, time and time again the UN has demonstrated itself woefully inadequate when it comes to protecting the human rights of individuals on the ground. But even if the results rarely meet the rhetoric, what this brief historical outline indicates is the increasingly prominent position human rights ideals have assumed in the international community. Once seen as a domestic matter outside of the purview of the international community, human rights are now recognized as occupying the highest level of the hierarchy of public goods.<sup>9</sup> In his March 2005 follow-up to the Millennium Summit, *In Larger Freedom*, Secretary-General Kofi Annan asserted that “no legal principle—not even sovereignty—should ever be allowed to shield genocide, crimes against humanity and mass human suffering.”<sup>10</sup> This reflects a view, gaining strength in the international community over the last half-century, that certain doctrines of international law, such as state sovereignty, must be redefined to reflect the ascendancy of human rights norms.

Thus, both the maintenance of peace and security through the Security Council's monopoly on the use of force outside self-defense and the promotion and protection of universal human rights constitute core principles of the UN system. In most cases, these two goals have been pursued independently, with the Security Council dealing with matters involving international security and the various human rights mechanisms managing human rights-related developments. But the emergence of certain major humanitarian crises of the last few decades, often characterized by massive human rights violations such as genocide, ethnic cleansing, and the flight of refugees across national borders, has brought these primary objectives face-to-face.

In some cases, the core principles of security and human rights protection have been taken up in relative legal harmony in response to large-scale human tragedy. For example, by defining humanitarian crises as "threats to the peace," the Security Council invoked Chapter VII in order to authorize member states to act "using all necessary means" in Somalia in 1992,<sup>11</sup> in Bosnia and Herzegovina in 1993,<sup>12</sup> and in Rwanda in 1994.<sup>13</sup> In so doing, the Council significantly expanded the concept of "threat to the peace" contained in Article 39 of the Charter to include humanitarian concerns once believed a matter of domestic jurisdiction.

At other times, however, these basic values of the UN have proved to be at odds with each other when it comes to military intervention in the name of human security. This becomes clear when one considers the great number of conflicts resulting in systematic human rights abuse that have not spurred the Security Council to act, either because of the veto power of one or two of the permanent members, or because of a general lack of political will. In these instances, the Security Council's monopoly on force works against the protection of human rights. Indeed, even on those occasions listed above, when the Security Council has authorized intervention it has often been too little too late. The most striking example of this was Rwanda, widely deemed one of the most spectacular failures in the history of the UN, where a more timely intervention might have prevented the deaths of hundreds of thousands of Rwandans.<sup>14</sup>

Yet the conflict between the UN's prohibition on the use of force and its human rights objectives is more dramatically illustrated in those cases where states have carried out humanitarian interventions in other sovereign nations *without* the prior authorization of the Security Council. Such were the circumstances of the Economic Community of West African States (ECOWAS) operations conducted in Liberia starting in August 1990 and in Sierra



Leone starting in May 1997, of Operation Provide Comfort conducted by members of the First Gulf War coalition in Iraq in April 1991, and of the North Atlantic Treaty Organization (NATO) campaign to contain humanitarian abuses in Kosovo in March 1999.

These occurrences are quite remarkable. When the Security Council fails to act to protect human rights, while it may be viewed as a great moral failure and a betrayal of one of the UN's core principles, such inaction does not amount to a breach of international law. In fact, even when force has been sanctioned on humanitarian grounds, it has been quite controversial because it has depended on a restriction of the doctrine of state sovereignty and an expansive interpretation of "threat to the peace," as mentioned above. But for a regional organization to intervene militarily in another sovereign state, without invoking self-defense and in the absence of prior authorization of the Security Council, would seem to be a clear violation of the UN Charter.

#### LEGAL JUSTIFICATIONS OF HUMANITARIAN INTERVENTION

Should the disregard of the Security Council or the veto power of one or two of its permanent members mean that the UN's human rights ideals must simply be forgotten? Should the international community sit idly by as countless innocents are slaughtered, even when it has the will and the means to prevent it? Understandably, these events have produced a torrent of literature debating the legality and desirability of unsanctioned humanitarian intervention. In this section, some of the more important arguments seeking to justify such measures will be examined in greater detail.

Often, governments and scholars have made the case for the legality of humanitarian intervention by trying to draw a link to the Security Council, despite the lack of an explicit prior resolution sanctioning the use of force. One of these lines of reasoning rests on the idea of "implicit" authorization. In the case of Kosovo, for example, the UN Security Council passed resolutions which, under Chapter VII, identified the deteriorating humanitarian situation as a threat to peace and security in the region,<sup>15</sup> and authorized a NATO air verification mission over the province.<sup>16</sup> Some have argued that these resolutions provide a level of legitimacy for the NATO bombing campaign that began in March 1999.<sup>17</sup> In fact, another thesis posits that the mere silence or inactivity of the Security Council constitutes an implicit authorization.<sup>18</sup>

A similar argument seeks to legitimize humanitarian operations under Article 53 by claiming that Security Council resolutions passed *after* the intervention represent *ex post* authorizations.<sup>19</sup> Indeed, the Council adopted resolutions accepting or even commending the solutions achieved by regional organizations in the wake of unauthorized interventions in Liberia,<sup>20</sup> Sierra Leone,<sup>21</sup> and Kosovo.<sup>22</sup> And certainly it is worth mentioning that the Council never approved any resolutions condemning these actions. Belarus, India, and Russia put forth a draft resolution accusing NATO of violating Articles 2 (4), 24, and 53 of the UN Charter, but it was defeated by a vote of 12 to 3.<sup>23</sup>

While it may be true that these resolutions and the lack of truly widespread condemnation demonstrate a degree of acceptance for such action, arguments for “implicit” or *ex post* authorization have no basis in international law. Both the wording of Article 53 and a consideration of the intent of the UN Charter as a whole indicate that a regional organization requires the *explicit* and *prior* permission of the Council. If this were not the case, the Security Council monopoly on the use of force would be rendered virtually ineffective in the face of regional military operations conducted in the name of implicit permission or in hopes of a future *ex post* authorization. Thus, it is quite unrealistic to suppose that this sort of intervention can be brought back within the UN framework through a reinterpretation of Article 53.

Other scholars take a different route by arguing that Security Council permission is not necessary for unsanctioned humanitarian intervention to be legal within the UN framework. One such point of view hinges on a literal reading of Article 2 (4) and claims that humanitarian intervention is a legal use of force since it does not violate the territorial integrity or political independence of a state.<sup>24</sup> Furthermore, it is consistent with the purposes of the United Nations as it seeks to protect human rights, one of the principal objectives of the organization.

Yet this theory, too, has been discredited. It has long been established by both scholars and states that any armed action in a foreign territory can be seen as a violation of Article 2 (4), even if the action does not involve annexation of territory or regime change. In addition, nothing in the preparatory work of the UN Charter at the San Francisco Conference suggests that the states involved intended anything less than an absolute prohibition on force outside the two legal uses previously mentioned.<sup>25</sup>

Another hypothesis claims that military action for the protection of human rights is legal because a doctrine of humanitarian

intervention has emerged as customary international law. But for a customary law to be manifest, it must be evident in the uniform practice of a great majority of states in all geographical regions. Furthermore, this practice must be accompanied by *opinio juris*, that is, a belief that such a practice is justified by international law. The debates in the various bodies of the UN after Kosovo, however, leave little doubt that no rule of general custom can be said to have emerged. Though states expressly opposing a doctrine of humanitarian intervention were in minority, neither was there an overwhelming majority of states uniformly supporting such a doctrine.<sup>26</sup>

A related view suggests that, while a rule of general custom has not yet crystallized, we may be witnessing the first trends in the emergence of a new customary doctrine of humanitarian intervention.<sup>27</sup> This certainly seems possible, though at this point there is no way of knowing for sure. As mentioned earlier, the fact that the greater part of the international community did not appear hostile to NATO's operations in Kosovo lends some credence to this view.

Nevertheless, there is another justification for unilateral humanitarian intervention that would not require waiting indefinitely for a new custom to surface. One might argue that such intervention is justified as a result of the balancing of equally fundamental norms: the prohibition of the use of force, on one hand, and the prohibition of massive human rights violations, such as genocide and crimes against humanity, on the other. From this perspective, in extreme situations where gross and systematic violations of human rights endanger the lives of thousands, the need to uphold fundamental human rights may overcome the necessity to abstain from the use of force when the Security Council is unable or unwilling to act.<sup>28</sup>

Against this position, it has been contested that these norms, while they may both be central to the UN, are not equal. According to a number of scholars, it is clear that peace trumps human rights in the eyes of the international community; this is borne out in the text and context of the UN Charter, in rulings of the International Court of Justice, and in state practice.<sup>29</sup> Consequently, it is not necessary to balance between these two ideals, and so this cannot be a starting point for legalizing unilateral intervention.

Although this may have been true even a few decades ago, it can no longer be assumed that the maintenance of peace and security overrides the protection of human rights. For one, as shown above, human rights standards have come a long way since the drafting of the Charter. Currently, some such standards are considered public goods binding on all states of the international community. More

central in this regard, however, has been the development of the principle of *jus cogens*, or peremptory norms of general international law. Article 53 of the 1969 Vienna Convention on the Law of Treaties explains peremptory norms as follows: “A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law. For the purposes of the present Convention, a peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character.”

Thus, certain norms, having attained the status of *jus cogens*, are given a higher rank than ordinary rules of treaty or custom. Norms commonly characterized as peremptory include those prohibiting torture, genocide, slavery, and aggression. This means that protection of certain fundamental human rights and the prohibition on the illegal use of force are all at an equal level as *jus cogens* rules of international law.

Another, more forceful, attack against this attempt to establish unilateral humanitarian intervention maintains that, even if human rights ideals have reached a level on par with the prohibition of aggression, there is no justification for such action. It has been argued that the preponderance of human rights obligations must be separated from legal means of enforcing compliance. Even though gross and systematic violations of human rights are the legal interest of the entire international community, this does not somehow legalize unilateral invasion. The UN’s human rights instruments provide mechanisms for the enforcement of human rights goals, such as monitoring institutions and procedures for individual petition. Again, there is simply no rule of custom providing for the unsanctioned use of force to protect human rights.<sup>30</sup>

While there is no custom legitimizing humanitarian intervention, it is an established custom, both in national legal systems and in the international realm, that equal norms should be weighed against each other. Therefore, it is clear that the equally ranked *jus cogens* norms prohibiting the use of force and violations of core human rights norms must be balanced somehow. When the Security Council is unable or unwilling to act and thousands are subjected to torture and acts of genocide, constraining the actions of nations capable of putting an end to such abuse represents a total lack of balance favoring the security of nations over the security of human beings.

Nor are existing human rights mechanisms capable of remedying humanitarian crises. The politicization of the UN human

rights bodies and their ineffectiveness in offering concrete protection to those on the ground suffering from massive violations of their dignity and right to life are common knowledge. Situations such as those that occurred in Kosovo and Rwanda require armed force, which is far beyond the scope of any human rights institution. When the Security Council refuses to fulfill its mandate, the only hope in these situations lies in the action of nations. To divorce the character of human rights obligations from the only effective means of securing their enjoyment condemns the international community's stated human rights ideals to the level of rhetoric. In this light, the argument that unilateral humanitarian intervention is defensible as a weighing between two peremptory norms is quite compelling.

#### CONCLUSION: IMPLICATIONS OF INTERVENTION AS A BALANCING OF PEREMPTORY NORMS

The adoption of a doctrine providing for unilateral humanitarian intervention could be quite dangerous, whatever the legal rationale behind it. The fear is that permitting nations to use armed force without official authorization would undermine the Security Council and even the whole UN system. It is conceivable that this could open Pandora's Box, allowing states to mask acts of aggression under the guise of human rights protection.

Yet proper application of the justification put forward above could nullify many of these ills. A balance between the prohibition of the use of force and the norms forbidding gross violations of human rights would prevent the scales from tipping too far in either direction. In this view, arbitrary aggression or invasion for selfish reasons using human rights as a mere excuse would be just as unacceptable as ignoring the plight of populations suffering from acts of genocide or torture. Establishment of a doctrine of humanitarian intervention in this fashion would prevent recourse to sheer aggression in a way that the other justifications mentioned could not. Even if there were some legal basis for them, implicit authorization, *ex post* authorization, or a current or future custom of humanitarian intervention could prove much more dangerous for international security.

It is not enough, however, merely to state that *jus cogens* norms must be balanced in the case of unsanctioned humanitarian intervention. What is needed is a system that can be used to ensure that they are balanced properly. This is not far-fetched; one such system has been expounded already: in 2001, the International Commission on Intervention and State Sovereignty, launched by the

Canadian government to examine the issues surrounding situations such as Kosovo and Rwanda, released a report entitled *The Responsibility to Protect*.<sup>31</sup>

This report makes certain stipulations for determining when humanitarian intervention might be permissible. In some detail, the report insists that in response to large-scale loss of life, genocide, or ethnic cleansing, groups of states may intervene as long as they have first attempted to secure the permission of the Security Council, if the primary purpose is to halt human suffering, if the action is conducted proportionately, if it is a last resort, and if there is a reasonable prospect of success. The document also covers a number of operational principles to be followed to ensure that such an intervention would be carried out effectively and provide maximum protection for the population. Though it can be argued that the criteria developed in this report require more precise definition in order to be effectively applied, it is nonetheless the most complete system yet advanced for balancing human rights protection against the need for international peace and stability.

At present, given the ideological differences between the permanent members of the Security Council, it seems reasonable to assume that there will be further cases of unilateral humanitarian intervention in the decades to come. It is equally likely that these future operations will be met by strident objections from some members of the international community. Even if such interventions are defensible as a balancing of peremptory norms, they will undoubtedly remain controversial in the larger international community until crystallized as customary international law.

Still, if nations carrying out interventions in the future were to explicitly justify their actions as representing a balance between *jus cogens* norms, and if they were to make clear that they were employing guidelines similar to those in *The Responsibility to Protect* report, a custom of unilateral intervention could develop that would respect the ideals of peace and human rights. An effectively controlled doctrine of humanitarian intervention along these lines would ensure harmonious interaction between core norms of the UN and the international community as a whole, protecting the security of nations and human beings alike.

#### NOTES:

<sup>1</sup> The divergence of views on this issue is clearly illustrated, for example, in scholarly articles examining the North Atlantic Treaty Organization's action in 1999 in response to the situation in Kosovo. For arguments in favor, see W. Michael Reisman, "Kosovo's

Antinomies," *The American Journal of International Law*, Vol. 93, No. 4 (Oct. 1999), 860-862; and Ruth Wedgwood, "NATO's Campaign in Yugoslavia," *The American Journal of International Law*, Vol. 93, No. 4 (Oct. 1999), 833. For arguments against, see Jonathan I. Charney, "Anticipatory Humanitarian Intervention in Kosovo," *The American Journal of International Law*, Vol. 93, No. 4 (Oct. 1999), 835-836; Peter Hilpold, "Humanitarian Intervention: Is There a Need for Legal Reappraisal?" *The European Journal of International Law*, Vol. 12, No. 3 (July 2001), 437-468; and Bruno Simma, "NATO, The UN and the Use of Force: Legal Aspects," *The European Journal of International Law*, Vol. 10, No. 1 (March 1999), 1-22.

<sup>2</sup> For a detailed analysis of the evolution of the Human Rights Commission, see Philip Alston, "The Commission on Human Rights," *The United Nations and Human Rights* (Oxford: Clarendon Press, 1992), 126-210.

<sup>3</sup> ECOSOC Res. 1235 (1967).

<sup>4</sup> ECOSOC Res. 1503 (1970).

<sup>5</sup> HRC Res. 20 (XXXVI) (1980).

<sup>6</sup> SC Res. 827 (1993).

<sup>7</sup> SC Res. 955 (1994).

<sup>8</sup> UN Doc. A/CONF.183/9, *Rome Statute of the International Criminal Court* (July 17, 1998).

<sup>9</sup> Christian Tomuschat, "International Law: Ensuring the Survival of Mankind on the Eve of a New Century: General Course on Public International Law", *Recueil des cours*, Volume 281 (1999), 220-223.

<sup>10</sup> UN Doc. A/59/2005/Add. 1, *In Larger Freedom: Towards Developments, Security and Human Rights for All-Addendum* (23 May 2005), paragraph 129.

<sup>11</sup> SC Res. 794 (1992).

<sup>12</sup> SC Res. 836 (1993); SC Res. 844 (1993).

<sup>13</sup> SC Res. 929 (1994).

<sup>14</sup> For an in depth critique on the UN and the Rwanda crisis, see, generally, Michael Barnett, *Eyewitness to a Genocide*, (London: Cornell University Press, 2002).

<sup>15</sup> SC Res. 1199 (1998).

<sup>16</sup> SC Res. 1203 (1998).

<sup>17</sup> Wedgwood, 829-830.

<sup>18</sup> Leonard C. Meeker. "Defensive Quarantine and the Law," *The American Journal of International Law*, Vol. 57, No. 3 (Jul. 1963), 522.

<sup>19</sup> For a description of the ECOWAS interventions in Liberia and Sierra Leone, and an analysis of their possible justifications, including implicit and ex post arguments, see Marco Gestri, "ECOWAS Operations in Liberia and Sierra Leone: Amnesty for Past Unlawful Acts or Progress Toward Future Rules?" *Redefining Sovereignty*, (Ardsley, New York: Transnational Publishers, Inc., 2005), 211-250.

<sup>20</sup> SC Res. 788 (1992); SC Res. 866 (1993).

<sup>21</sup> SC Res. 1132 (1997).

<sup>22</sup> SC Res. 1244 (1999).

<sup>23</sup> See UN Doc. S/1999/328, *Belarus, India, and Russian Federation: Draft Resolution* (Mar. 26, 1999), reprinted in UN Press Release SC/6659, *Security Council Rejects Demand for Cessation of Use of Force against Federal Republic of Yugoslavia* (Mar. 26, 1999).

<sup>24</sup> This view is mentioned, for example, by Natalino Ronzitti, *Rescuing Nationals Abroad Through Military Coercion and Intervention on Grounds of Humanity* (The Hague: Martinus Nijhoff Publishers, 1985), 6; and Charney, 835.

<sup>25</sup> See Ronzitti, 6-10.

<sup>26</sup> For an overview of the events leading up to the NATO bombing of Kosovo, and a general survey of the response of the international community, see Marc Weller, "Forcible Humanitarian Action: The Case of Kosovo," *Redefining Sovereignty* (Ardsley, New York: Transnational Publishers, Inc., 2005), 277-333.

<sup>27</sup> See, generally, Antonio Cassese, "Ex Injuria Ius Oritur: Are We Moving Towards International Legitimation of Forcible Humanitarian Counter-Measures in the World Community?" *The European Journal of International Law*, Vol. 10, No. 23 (1999).

<sup>28</sup> Such views have been advanced by Gestri, 236-238, 247; and Tomuschat, 223-226.

<sup>29</sup> See, for example, Antonio Cassese, *International Law 2<sup>nd</sup> ed.* (New York: Oxford University Press, 2005), 374-374.

<sup>30</sup> See Weller, 321.

<sup>31</sup> International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, (2001), <http://www.iciss.ca/pdf/Commission-Report.pdf>.





# EU ENERGY POLICY VIS-À-VIS ALGERIA: CHALLENGES AND OPPORTUNITIES

ILAN STEIN

*The EU's energy and foreign policy vis-à-vis Algeria is ambitious, seeking as it does to achieve three primary objectives—democratization, economic liberalization, and security of energy supplies. Whether the EU will succeed in these objectives is far from certain. This paper analyzes the historical record in an attempt to discern the likelihood that the EU will indeed achieve its objectives. In doing so, it assesses EU policy towards Algeria since 1995, identifies the main challenges and opportunities facing EU policymakers in Algeria, and proposes a new policy approach for EU leaders to consider in pursuing more secure energy supplies and internal political and economic reform in Algeria.*

In July 2007, Sonatrach, Algeria's state-owned gas and oil company, agreed to drop destination clauses, legal instruments to prevent the resale of goods, from its gas contracts with EU member states. This measure, which will enable European countries to re-export Algerian gas, bolsters the European Commission's effort to create a single Europe-wide gas market. However, whether it will help the EU to achieve its wider policy objectives in Algeria—democratization, liberalization and security of gas supplies—is far from certain. While some scholars argue that Sonatrach's recent concession signals an increased willingness amongst Algerian decision makers to cooperate with the EU, I contend that the historical record belies such optimism. Indeed, a critical reading of EU-Algerian relations since 1995 illustrates two important points: first, that Algeria has cooperated with the EU not as an end in itself but rather

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as a means to avert economic and political crises; and second, that reforms in Algeria are short-lived even when they have the government's backing due to the power that domestic interest groups wield over Algeria's political process.

In the following paper, I briefly review EU energy and foreign policy initiatives vis-à-vis Algeria since 1995, highlighting the flaws in each. I then analyze Algeria's lukewarm response to these initiatives. Finally, I argue that the EU should reformulate its policy approach towards Algeria. Given Algeria's recent economic stability, its diminished dependence on gas exports to Europe, and the continued influence of Algerian interest groups, it is unlikely that further reform will follow on the heels of Sonatrach's recent concession. Thus, rather than continuing to call for unpopular liberal reforms, which in the long run could lead Algeria to redirect its gas exports to non-European countries, EU leaders ought to focus on trying to secure gas supplies from Algeria, replacing its normative political concerns with practical policy considerations.

#### EU POLICY INITIATIVES SINCE 1995

Since 1995, the EU has adopted three major initiatives concerning its relationship with Algeria, each of which built upon the previous one. The first, the Barcelona Process, outlined in generalized terms the EU's vision for an EU-Mediterranean alliance. The Barcelona Declaration called upon the Eastern Mediterranean and North African countries to pursue *horizontal integration*, which included economic liberalization, tariff reduction, and accession to what the EU hoped would become a Mediterranean free trade area by 2010. The EU also outlined its vision for greater social and cultural progress in the Mediterranean Partner countries. It called on them to democratize, eradicate corruption, bolster human rights, and promote cultural exchange with European and neighboring countries. Finally, the EU articulated its vision of *vertical integration* between the EU and Mediterranean Partner countries, realized through the execution of bilateral and multilateral agreements between the EU and the Mediterranean Partners. The attainment of these goals, the EU hoped, would establish the foundation upon which further collaboration in economic and political projects could be realized, which would in turn improve the prospects for creating a robust, lasting Mediterranean alliance.

From the start, fundamental flaws in the design of the Barcelona Declaration, including "relative complexity, limited visibility and popular legitimacy,"<sup>1</sup> undermined its efficacy. It

unrealistically tried to forge closer ties between countries that were at war (i.e., Israel and Lebanon), as well as countries whose relations had in recent years been severely strained (i.e., Algeria and Morocco). It also strove to create a free trade area in a region characterized by economic asymmetries between countries, including differences in growth strategies, monetary and fiscal policies and dependence on hydrocarbon exports. By 2002, few of the called-for reforms had been implemented in North Africa. The process of economic liberalization, while relatively successful in the eastern Mediterranean, quickly stagnated in North Africa. As Mustafa Nabli of the World Bank asserted, “financial sectors [in North Africa] remain weak...trade liberalization remains incomplete...public ownership remains high...and the regulatory framework and supportive institutions for growth have not materialized.”<sup>2</sup> Meanwhile, democratization largely failed; North African countries remained some of the most corrupt in the world,<sup>3</sup> and in Algeria particularly, political violence spread, leading the government to issue emergency decrees and curb civil liberties.

In light of the failure of the Barcelona Process, EU leaders launched a second initiative in 2004 known as the European Neighborhood Policy (ENP), which it hoped would improve upon the Barcelona Process. In the ENP Strategy Paper, published in May 2004, the European Commission articulated with greater precision and propounded with greater force the EU’s foreign policy objectives in the Mediterranean. “The privileged relationship with neighbours,” it asserted, “will build on mutual commitment to common values principally within the fields of the rule of law, good governance, the respect for human rights, including minority rights, the promotion of good neighbourly relations, and the principles of market economy and sustainable development.” While it acknowledged that “the full potential of [existing] agreements [had] not yet been realized,” the ENP argued that a renewed effort to foster cooperation would likely result in real progress, helping the EU and its Mediterranean Partners to realize their respective objectives—for the EU, to encourage liberal reform and increase market access for European firms; for Mediterranean Partners, to achieve economic growth and end political violence.<sup>4</sup> Meanwhile, in the ENP Strategy Paper for Algeria, the EC explicitly stated its intent to encourage investment and reform in Algeria’s energy sector. “The development of a strategic partnership between the EU and Algeria in the energy sector,” it asserted, “is a priority.”<sup>5</sup>

Finally, in 2007, EU officials and European heads of state produced a new Energy Strategy, one that strengthened the EC’s

mandate to regulate European energy industries and bolstered its ability to pursue negotiations with oil- and gas-producing countries in the Mediterranean. In this document, the EU highlighted the risks of being overly dependent on oil and gas when, “several EU Member States are essentially dependent on one single gas supplier” and, “the mechanisms to ensure solidarity between Member States in the event of a crisis are not yet in place.”<sup>6</sup> It laid out two broad strategies to achieve greater energy security in a time of heightened insecurity – import diversification and internal market liberalization through the unbundling of large national utility and energy companies. Shortly thereafter, the EC also published its Energy Policy for Europe (EPE), arguing that the creation of a single EU-wide energy policy, as well as an integrated continental gas market, were essential for the attainment of energy security. These documents strengthened the EC’s mandate to enforce Energy Policy Directive 2003/55/EC, published in 2003, which had called for Member States to liberalize their energy markets and unbundled national energy champions.

The EU has increasingly focused on its relationship with Algeria as a result of EU officials’ concerns regarding the security of European gas supplies. These, in turn, rest upon two considerations that have inexorably altered EU energy policy. First, EU-25 countries have become increasingly dependent on imported gas in order to meet their energy needs. While Europe was, until recently, largely able to rely on domestically produced gas to meet many of its energy needs, it has in the last ten years depleted most of its gas fields. Indeed, since 1998, European gas production has stagnated at approximately 11.2 trillion cubic feet.<sup>7</sup> Europe’s share of global gas production, which stood at 11.4 percent in 2004, is projected to fall by 0.4 percent annually until 2030.<sup>8</sup> Estimates made in early 2007 stated that Europe contains only 179 out of 6,183 trillion cubic feet of natural gas reserves, a mere 2.9 percent of global reserves.<sup>9</sup> Europe, in short, has had to find a solution to deal with the fall in domestic gas production; that solution has inexorably involved leaning more heavily on major gas exporters, including Russia and Algeria.

Europe’s energy consumption, meanwhile, is projected to increase steadily between 2004 and 2030. According to the Energy Information Administration (EIA), “[n]atural gas is expected to be the fastest growing fuel source in OECD Europe, with demand increasing at an average rate of 1.4 percent, from 18.8 trillion cubic feet in 2004 to 23.0 trillion cubic feet in 2015 and 26.9 trillion cubic feet in 2030.”<sup>10</sup> Put simply, “the discovery of additional gas reserves in OECD countries has not kept pace with the depletion of gas reserves and the increase in gas demand.”<sup>11</sup> According to the

International Energy Agency (IEA), OECD Europe's imports will rise from 186 bcm in 2000 to 625 bcm in 2030; the percentage of imports relative to overall consumption will increase from 36 percent to 69 percent over the same 30-year period.<sup>12</sup> This increase in gas demand, coinciding as it does with falling domestic production, gives EU leaders cause to fret about Europe's dependence on foreign gas and the security of its supplies.

Beyond these supply and demand trends, geopolitics have made European leaders fear that countries rich in gas reserves, particularly Russia, will use the 'gas weapon' in order to achieve strategic objectives. This has effectively increased the stakes in the EU's drive to foster stronger ties with Algeria. In January 2006, Russia's 'gas wars' with Ukraine, during which Russia cut gas supplies to the Ukraine for three days, caused great consternation amongst European leaders. Indeed, many concluded from this episode that Russia could not be trusted to deliver sufficient gas to Western European markets. To European policy-makers, Russia's behavior "seemed to prove that the world's largest gas producer ha[d] become all but reluctant to enforce its political interests by playing the energy card."<sup>13</sup> Moreover, soon after these 'gas wars,' officials in key gas-exporting countries mused about the creation of a gas cartel much as key oil-exporting countries did in 1960, prior to the creation of OPEC. Chakib Khelil, Algeria's Energy Minister, stated in April 2007 that, "in the long run we are moving towards a gas OPEC."<sup>14</sup> These events convinced European leaders that action had to be taken in order to avert a future gas crisis, part of which included working more closely with Algeria.

The EU's reaction to Russia's 'gas wars' was, most experts argue, largely irrational. Indeed, contrary to many Europeans' belief, Russia remains a reliable supplier of gas. The 'gas wars,' most experts correctly assert, were more reflective of a pricing dispute between Russia and the Ukraine, one triggered in large part by Ukraine's theft of pipeline gas being sent across its territory to Western European markets, than of a power play by a newly adventurous Russia. With regards to the possibility of a gas cartel, market analysts likewise convincingly argue that European fears were unfounded, since such a cartel would take a long time to develop, gas can relatively easily be substituted for by alternative energy sources, and, most importantly, the gas markets are inherently local, which means that "there is no global market for a future OGEC to corner."<sup>15</sup> Yet, in spite of the fact that "Russia has less leverage on European customers than assumed"<sup>16</sup> and that "fears of a gas OPEC are overblown,"<sup>17</sup> European leaders tend to perceive their gas supplies as increasingly

vulnerable; in response, they have made energy cooperation with Algeria increasingly important to their foreign policy objectives, as illustrated above.

Many European policy-makers consider Algeria to be an ideal country to help the EU minimize its reliance on Russian gas. To begin with, it holds the world's eighth largest proven reserves of natural gas (4.6 tcm) and is the world's fifth largest producer of gas and the world's fourth largest gas exporter.<sup>18</sup> It is the third-largest exporter of gas to the EU, providing Europe with 13 percent of the total amount consumed and 20 percent of the total amount imported. Only two countries—Russia and Norway—provide EU countries with more gas than Algeria does. Moreover, southern Europe, including Spain and Italy, relies heavily on Algerian gas to meet its energy needs. Algerian gas, for example, accounts for 49 percent of all of Italy's gas imports; in Spain, it accounts for 61 percent of all imported gas.<sup>19</sup> In addition, Algerian gas fields lie significantly closer to Europe than do Russia's, most of which are located east of the Urals. The fact that Algeria's large gas fields lie close to European markets makes Algeria a more attractive energy partner than countries whose fields lie further afield, as proximity to consumer markets largely determines transportation and investment costs.

Most importantly, the Algerian government, independently of the various EU initiatives outlined above, plans to bolster gas production, as well as the volume of pipeline gas that it exports to Europe. In effect, it hopes to increase revenues in order to invest in both the country's hydrocarbon and non-hydrocarbon industries. Sonatrach, Algeria's state-owned oil and gas champion, intends to increase gas exports by 45 percent between 2002 and 2010 in order to boost revenues.<sup>20</sup> As the *Natural Gas Market Review 2006* posits, "Algeria, currently OPEC's largest gas exporter, with 64 bcm in 2003, looks set to expand to 76 bcm by 2010."<sup>21</sup> It plans to expand existing pipelines – the Enrico Mattei (TransMed), Pedro Farrell (GME) and Green Stream lines – as well as to build new pipelines, including Medgaz, which would connect Algeria to Almeria on SE coast of Spain, and Galsi, which would connect Algeria to Cagliari, Sardinia. As Jonathan Stern averred, "the importance of North Africa...goes beyond the purely numerical aspect of projected volumes. North Africa is likely to be the only supply source which will increase the volume of pipeline gas dedicated to Europe."<sup>22</sup>

## ALGERIA'S RESPONSE TO EU INITIATIVES

Despite the fact that Algeria is now boosting gas production, Algeria's response to the EU initiatives mentioned above has been tepid and, from the EU's perspective, decidedly disappointing. Though Algeria signed the Barcelona Declaration in 1995 and the related Association Agreement in 2001, it has failed to implement many of the reforms called for in those documents. Its approach to the Barcelona Process has generally involved striking a delicate balance between maintaining autonomy over matters of domestic policy and signaling to the EU a willingness to consider cooperation under the right circumstances. In short, it has tried to position itself as a player in the integrative process who, despite its interest in EU-Mediterranean partnership, places the exigencies of domestic politics above those of foreign relations.

Since the inception of the Barcelona Process, two different presidents have governed Algeria, each of whom pursued a different approach to the question of EU-Mediterranean cooperation. Between 1995 and 1999, President Liamine Zeroual presided over a government struggling to deal with a full-fledged civil war and an impending balance of payments crisis. On the political front, his main objectives were to restore stability, to consolidate his political base and to negotiate a settlement with militant leaders of the Islamist party, the Front Islamique du Salut (FIS). On the economic front, he sought to secure international assistance in order to overcome an increasing debt burden, which grew to 60 percent of GDP in 1993, a sudden stop of capital inflows, rising unemployment and a fall in aggregate demand.<sup>23</sup> His need to secure sources of capital led him, amongst other things, to conclude deals with the IMF, the Paris Club and the London Club that allowed Algeria to reschedule its debt and increase its borrowing from international institutions. It was within this context of economic plight and appeals for international assistance that he agreed to sign the Barcelona Declaration. While his efforts led to a slight economic recovery, they failed to usher in a new era of political stability; in early 1999, he announced that he would not run for reelection.

When his successor, President Abdelaziz Bouteflika, took office in 1999, Algeria still suffered from underinvestment, high unemployment and crippling debt. President Bouteflika's program, in contrast to that of his predecessor, focused on encouraging foreign investment through economic liberalization; opening up Algeria's markets, he hoped, would allow it to solve its economic crisis and lay the foundation for political reconciliation between Algeria's warring



factions. His reform-minded administration sought “a major institutional restructuring to adapt to a free, open and competitive market economy.”<sup>24</sup> In line with this move towards freer markets, Algeria ratified the Association Agreement in 2005 in which Algeria resolved to implement the reforms set out in the Barcelona Process. This set the stage for enhanced cooperation with the EU and deliberations to accede to the Energy Charter Treaty; opened the economy to foreign capital; paved the way for banking sector reform, including the privatization of one of the nation’s largest banks and the execution of contracts with European countries worth several billion euros in oil, gas and nuclear energy projects; and, finally, bolstered Algeria’s efforts to attain membership to the WTO.

President Bouteflika also pushed for reforms in the hydrocarbon sector. In 2001, he backed a revised hydrocarbon law. Existing legislation stipulated that Sonatrach hold a 51 percent stake in all commercial oil and gas projects pursued in Algeria. The new law effectively stripped Sonatrach of this mandated majority stake in commercial projects. The revised hydrocarbon law created a new public agency (Alnaft, the Valorizing Agency) to award contracts and manage geological data, functions previously reserved for Sonatrach. It also allowed greater market access to any national or foreign company able to deploy the necessary resources to explore new fields and exploit the resources that they found, and, in the event of a commercial discovery, it stipulated that Sonatrach would be offered the option to be only a minority partner, holding up to 25 percent ownership, which contrasted markedly with the existing stipulation of majority share ownership.

Though these reform efforts seem to suggest that the Algerian government has been happy to cooperate with the EU, two conspicuous facts emerge from the historical record that complicate the story. First, Algeria has pursued negotiations with the EU only during times of economic tribulation; myopic self-interest rather than a genuine commitment to the idea of an EU-Mediterranean union has driven its participation in EU-Mediterranean talks. In 1995, for example, Algeria signed the Barcelona Declaration in order to help stop the capital outflows triggered by the ongoing civil war. It was only because President Zeroual realized that his government needed external support to emerge from the impending balance of payments crisis that he decided to sign the Declaration.<sup>25</sup> Similarly, President Bouteflika signed the Association Agreement and reformed the hydrocarbon law in 2001 in order to garner support for Algeria’s bid to enter the WTO, a move that he considered essential for Algeria’s economic and political health. Writing in 2001, Meredith Turshen

noted that, “Algeria’s recent behavior – Bouteflika’s trip to Washington, liberalization of the economy and increasing ties to [multinational corporations] – can be understood in the context of the government’s decision to apply for admission to the WTO...as in the past, Algeria wants to control its interaction with the outside world.”<sup>26</sup>

More importantly, domestic opposition has undermined the implementation of each of the aforementioned reforms. The 2001 hydrocarbon law, for instance, was overturned in 2004 following a protracted conflict between Sonatrach and the government concerning the distribution of rents from gas sales. By 2004, Sonatrach had effectively reestablished its mandated majority stake in all commercial gas and oil projects. Similarly, vested interest groups derailed government plans to privatize one of the nation’s largest banks, Credit Populaire d’Algerie. This privatization, which had been in the works since 2005, was scrapped on the eve of the deadline for the submission of bids (November 25, 2007). Bowing to pressure from domestic business elites, the Algerian government unceremoniously announced that the privatization process had been abandoned.

#### PROSPECTS FOR FUTURE EU-ALGERIAN COOPERATION

The fact that Algeria has cooperated with the EU only in order to bolster its economic performance suggests that, once Algeria no longer requires EU economic and technical assistance, it will cease to pursue EU-backed reforms. The conditions for this relative independence have, in fact, largely come to pass. Algeria’s economy has experienced a period of sustained growth during the last six years in an era of high oil and gas prices. Between 2002 and 2007, Algeria has enjoyed low inflation, steadily declining unemployment, and an average GDP growth rate of nearly 7 percent.<sup>27</sup> Meanwhile, the strong expansion of hydrocarbon receipts has allowed a large increase in public investment and wages in the non-hydrocarbon sector. Algeria has prepaid much of its external debt and has maintained tight monetary and fiscal policies, leading the IMF to project strong growth over the next five years.

In addition, President Bouteflika has promoted economic diversification in order to insulate the economy from the volatility of the oil and gas prices. He has capitalized on Algeria’s current account surpluses and concomitant increases in its international reserves to invest in agriculture, infrastructure, manufacturing and construction, all labor-intensive industries. This has led to a steady reduction in

Algeria's unemployment rate, which currently stands at 15 percent. More importantly, the government's fiscal stimulus plan for 2005-2009 significantly bolstered investment in the non-hydrocarbon sectors, which grew at 5 percent annually between 2002 and 2006.

While good for Algeria's long-run economic outlook, the President's drive to diversify Algeria's economy and to establish links with partners outside of Europe threatens to undermine whatever limited power of persuasion the EU has had in the past. As argued above, both President Bouteflika and his predecessor, President Zeroual, have looked to Europe for economic aid and technical assistance, as well as for export markets, in order to help avert domestic crises. As Algeria's economy matures and its political sector stabilizes, the need for European aid will diminish. Moreover, the less dependent Algeria's economy is on revenues from gas exports to Europe, the more independence Algerian leaders can afford in their dealings with the EU. Whereas President Bouteflika previously felt constrained by the need to pursue economic growth and viewed closer cooperation with Europe as a necessary step towards economic stability, he has recently begun to pursue bilateral and multilateral ties with Algeria's neighbors. This development merely underlines President Bouteflika's decreasing dependency on Europe as an engine for Algeria's economic recovery.

In an era in which Algeria relies less on gas exports to Europe and is actively pursuing economic, political and military ties with Russia, India and the United States, the EU's hopes to reform Algeria seem increasingly fantastic. As argued above, the Barcelona Process has largely failed, undermining one of the EU's most potentially powerful bargaining tools; trade barriers, meanwhile, have already been reduced significantly such that the promise of further reductions has relatively little effect on EU-Algerian relations. Most importantly, the EU is becoming increasingly dependent on Algerian gas, which gives Algeria greater leverage over Europe. Recent statements by European leaders regarding their desire to import more—rather than less—Algerian gas in order to diversify its gas imports undermine the EU's ability to pressure Algeria to accept EU-backed reforms.

Given the embedded conflicts between Algeria's most powerful institutions and Algeria's increasing economic independence and diversification, politically unpopular reforms, including many of those backed by the EU, face particular difficulties in getting pushed through the legislature. Indeed, the forces of change are often too weak and the incentives for reform too small to overcome the opposition from those who have vested interests in maintaining the status quo. Moreover, when changes are incorporated into law, they

are often quickly overturned. As noted above, even President Bouteflika's reform initiatives, which helped Algeria to achieve macroeconomic stability, have largely been undone in the last two years.

#### RETHINKING EU POLICY VIS-À-VIS ALGERIA

In light of the changing economic condition in Algeria, the EU ought to reconsider its foreign policy objectives vis-à-vis Algeria. While a full set of policy recommendations is beyond the scope of this paper, I offer here two primary critiques of the EU's policy approach from which policy suggestions can be inferred. First, the EU has consistently failed to take into consideration the power that interest groups play in Algeria. As argued above, actors with vested interests have consistently undermined the government's ability to implement reform projects. The fate of both the 2001 hydrocarbon reforms, which represented the greatest liberalization initiative in Algeria's gas and oil industry since 1995, and the more recent effort to privatize one of the nation's largest state-run banks ought to serve as a warning to EU policymakers: democratization and liberalization will be ineffective so long as the interests of domestic actors are not taken into account. Rather than negotiate exclusively with members of President Bouteflika's administration, therefore, EU officials ought to work more closely with Sonatrach and the army, as well as opposition groups within civil society, in order to establish a coalition of domestic actors who can help push through a given set of reforms. The EU is likely to achieve its long-term goals in Algeria only if it brings anti-reform players to the negotiating table. This, in turn, requires that the EU devise a new, more inclusive implementation strategy.

Beyond this, the EU has adopted a policy approach based largely on normative—rather than functional—considerations. As mentioned above, the Barcelona Declaration and, to a lesser extent, the European Neighborhood Policy, included policy goals that, while normatively sound, were functionally suspect. Through its policy initiatives, the EU has extolled the virtues of reforms based on democratic and liberal economic policies, yet has failed to show how these reforms could foster long-term cooperation between the EU and its Mediterranean Partners. Rather than continuing to pursue reforms that reflect the EU's ideological penchant, the EU ought to pursue those that are likely to succeed. In Algeria, this entails reassessing the merits of calling for reforms that have little support from power groups within Algeria. For example, given the

government's and army's aversion to allowing Islamist parties to run in national elections, the EU should not make full democratization a pillar upon which future EU-Algeria cooperation rests. If it continues to pursue reforms based on normative considerations, its initiatives are likely to do little more than exacerbate the current gap between European demands and Algerian preferences.

While this poses little threat to EU-Algeria energy relations in the short run, it may have deleterious effects on the security of gas supplies to Europe in the long run. Indeed, the more Europe calls for unpopular reforms in Algeria, the more likely Algerian leaders will be to invest some of the country's growing international reserves into liquefied natural gas projects in order to ship its gas to non-European customers. At a time when "the global gas trade is shifting to more LNG trade allowing more flexibility for exporters,"<sup>28</sup> this could only hurt Europe's efforts to diversify away from Russian gas.

Therefore, the EU ought to make security of gas supplies its primary objective in Algeria and tone down its calls for democratization and liberalization until the domestic context is more amenable to these reforms. In doing so, it will not only increase the likelihood that Algeria continues to export its gas to Europe but will also help the EU foster a constructive relationship with Algeria, laying the foundation upon which further reform could be pursued.

NOTES:

<sup>1</sup> M. Emerson and G. Noutcheva, "From Barcelona Process to Neighbourhood Policy." Centre for European Policy Studies Working Document N. 220. March 2005, p. 4.

<sup>2</sup> Mustafa Nabli, "After Argentina: Was MENA right to be Cautious?" Speech. Office of the Senior Vice President, World Bank. March 20, 2002. Florence, Italy, p. 1.

<sup>3</sup> Transparency International's Corruption Perceptions Index (CPI) for 2007 lists Algeria as the 99<sup>th</sup> most corrupt country in the world (down from 88<sup>th</sup> in 2003). Other North African countries fare similarly poorly: Tunisia is ranked 61<sup>st</sup>; Morocco, 72<sup>nd</sup>; Egypt, 105<sup>th</sup>; and Libya, 131<sup>st</sup>. Transparency International. "The 2007 Transparency International Corruption Perceptions Index." *Transparency International Online* 2007, Accessed electronically on February 13, 2008 at [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2007](http://www.transparency.org/policy_research/surveys_indices/cpi/2007).

<sup>4</sup> European Commission, *European Neighbourhood Policy Strategy Paper*. Brussels: May 12, 2004.

<sup>5</sup> European Commission, *European Neighborhood and Partnership Instrument, Algeria Strategy Paper 2007-2013*. National Indicative Programme 2007-2010: Brussels, p. 23.

<sup>6</sup> European Commission, *Communication from the Commission to the European Council and the European Parliament*. Energy Policy for Europe: Brussels, January 10, 2007, p. 4.

<sup>7</sup> Energy Information Administration, *International Energy Outlook 2007*. EIA: Washington, D.C., 2007, p. 1.

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- <sup>9</sup> Oil & Gas Journal, "Worldwide Look at Reserves and Production," *Oil & Gas Journal*, Vol. 104, No. 47 (December 18, 2006), p. 22-23.
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- <sup>11</sup> International Energy Agency, *Security of Gas in Open Markets: LNG and Power at a Turning Point*. OECD/IEA: Paris, 2004, p. 3.
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- <sup>13</sup> Goldthau, A., Rhetoric versus reality: Russian threats to European energy supply. *Energy Policy* (2007), doi:10.1016/j.enpol.2007.10.012.
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- <sup>15</sup> The Economist, "A Gas OPEC." *The Economist*. February 5, 2007, p. 1.
- <sup>16</sup> Goldthau, p. 4.
- <sup>17</sup> The Economist, p. 1.
- <sup>18</sup> International Energy Agency, *Natural Gas Market Review 2006*. OECD/IEA: Paris, 2006, p. 117.
- <sup>19</sup> European Commission, *EU Energy Policy Data 2006*, Commission Staff Working Document: Brussels, October 10, 2007.
- <sup>20</sup> International Energy Agency, *Security of Gas in Open Markets: LNG and Power at a Turning Point*. OECD/IEA: Paris, 2004, p. 360.
- <sup>21</sup> International Energy Agency, *Natural Gas Market Review 2006*. OECD/IEA: Paris, 2006, p. 15.
- <sup>22</sup> Jonathan Stern, "The New Security Environment for European Gas: Worsening Geopolitics and Increasing Global Competition for LNG," Oxford Institute for Energy Studies, NG 16, October 2006, p. 15.
- <sup>23</sup> Ali Aissaoui, *Algeria: the Political Economy of Oil and Gas*. Oxford University Press: Oxford, 2001, p. 235-236.
- <sup>24</sup> Aissaoui, p. 114.
- <sup>25</sup> International Monetary Fund, *International Financial Statistics Yearbook 2007*. IMF: Washington, D.C., October 2007.
- <sup>26</sup> Meredith Turshen, "Algerian Oil and Gas," *Review of African Political Economy*, Vol. 91, (2002) p. 184-186.
- <sup>27</sup> International Monetary Fund, *International Financial Statistics Yearbook 2007*.
- <sup>28</sup> International Energy Agency, *Security of Gas in Open Markets: LNG and Power at a Turning Point*. OECD/IEA: Paris, 2004, p. 33.



# WHY DO STATES GIVE UP NUCLEAR ARSENALS? PROLIFERATION AS ECONOMIC BARGAINING

KEVIN KIERNAN

*Nuclear proliferation is often seen as a one-way street. The standard realist logic concerning proliferation is that states seek nuclear weapons to counter threats to their security, based on an often-narrow calculation of costs and benefits. Reality is much more complicated. When states do disarm, they base their nuclear decisions on their own highly subjective needs. The following paper attempts to capture this interaction by expanding traditional cost-benefit analysis into a framework that incorporates subjective as well as objective variables. This framework attempts to assess the viability of competing policy options facing promoters of disarmament.*

## INTRODUCTION

In the early 1960s, John F. Kennedy worried that within twenty years, the world would include twenty to thirty nuclear-weapons states. This prediction was not seen as unduly alarmist, as standard realist theory portrayed the decision to arm oneself as the inevitable reaction to a rival's acquisition of weapons; "proliferation begets more proliferation."<sup>1</sup> Kennedy's fear was ultimately not realized: instead of thirty weapons states, the five-country list of the 1960s has grown to just nine. The Nuclear Non-Proliferation Treaty (NPT) deserves significant credit for this development, as over fifteen countries have halted nuclear weapons programs under its framework.

However, recent events have brought renewed challenges for the NPT regime. North Korea's nuclear test raises the possibility of

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NPT member states using the know-how acquired under the guise of a “peaceful” civilian reactor program to accelerate their development of nuclear weapons. North Korea has proven particularly adept at manipulating the international system to extract economic and military concessions. Meanwhile, Iran has entered into a standoff with Western powers over its professed right to enrich uranium. Iran’s Persian Gulf neighbors have taken note of these developments, leading several to declare their eventual intention to develop weapons of their own should Iran do so.

The nonproliferation regime is valuable: nuclear weapons are expensive to develop and deploy, and their ability to uniformly provide deterrence and stability is weak.<sup>2</sup> Fortunately, the past fifty years provide numerous examples of states voluntarily abstaining from pursuing nuclear programs, canceling active programs, and even dismantling existing stockpiles. It is time to revisit these historical examples to determine why they occurred and whether they contain lessons for future policy.

#### THEORETICAL FRAMEWORK

This paper attempts to discriminate between two largely complementary hypotheses regarding nuclear armament: the structural-realist argument and the bargaining approach. The former argues that states make nuclear decisions after assessing the concrete security costs and benefits. Peter Liberman documents the inadequacies of this framework in the case of South Africa, while noting that it is nonetheless the consensus view.<sup>3</sup> The second hypothesis, the bargaining approach, is based on a model that casts the behavior of states in a bargaining context. This model incorporates but goes beyond the first hypothesis, adding structure and logical precision to the cost/benefit calculation by decomposing it into separate variables of “price” and “willingness to pay.” The price variable is a function of several factors, including the security and political costs inherent in retaining nuclear weapons, international pressure to renounce those weapons, and structural factors such as the nature of international regimes.<sup>4</sup> “Willingness to pay” is a function of the concrete benefits nations derive from nuclear ownership, as well as other subjective benefits. Examples of subjective benefits include national prestige, benefits to domestic political leaders or interest groups, and the future ability to exchange nuclear weapons for international concessions. The degree to which a state prizes self-sufficiency and freedom of action—a derivative of the nature of the regime—is presumed to greatly impact willingness to pay. States

that value independence highly are arguably less likely to seek security through alliance systems or treaties.

Within this framework, I will examine the behavior of several states that have voluntarily disarmed or ceased activity on advanced weapons programs. Examples of the former are South Africa, Ukraine, Belarus, and Kazakhstan; examples of the latter are Brazil and Argentina.

#### SOUTH AFRICA

South Africa's embrace and abrupt abandonment of nuclear weapons represents one of the most idiosyncratic but potentially relevant examples of nuclear disarmament. After covertly developing a nuclear program over two decades, South Africa secretly destroyed its weapons in 1991. It then waited until 1993 to reveal both the existence and destruction of the program. The South African regime was in many ways unique: under Afrikaner leadership, the country was an international pariah that was nonetheless regarded as an extension of the West. The practice of apartheid was responsible for South Africa's pariah status, and led the West to distance itself from and impose sanctions on the Pretoria regime. Moreover, the country faced few security threats aside from the African National Congress (ANC), but fielded a large and modern military that it used to intervene opportunistically in regional conflicts. Despite its strong military position, the Afrikaner leadership decided to arm itself with nuclear weapons, only to divest itself of them in the early 1990s.

Any discussion of the South African nuclear program must start by examining the threat environment it faced at the time of its decision to pursue a nuclear strategy. Certainly the mid-1970s was a tumultuous time in sub-Saharan Africa. South Africa occupied Namibia and was waging a war in Angola against Soviet- and Cuban-aided forces. The situation was complicated by the fact that the Soviet Union was a leading sponsor of the socialist ANC, which militantly opposed white rule in South Africa.<sup>5</sup> As will be shown, however, the regime's subsequent nuclear decisions bore little obvious correlation to these conditions.

The South African government began constructing nuclear devices in the late 1960s, long before the Soviet Union started to undermine South Africa's interests in the region.<sup>6</sup> During this period, the Pretoria government under Prime Minister John Vorster created the Atomic Energy Board (AEB) to research peaceful nuclear explosions (PNEs) to be used in the construction of harbors and underground oil-storage facilities. The military was not consulted or

informed of this development, and the plan's existence remained a closely held secret, indicating that the military did not pressure the civilian government to start a weapons program.<sup>7</sup> Explicitly weaponized research in Israel and India likewise began at the behest of the political leadership. The AEB never investigated the cost-effectiveness of PNEs, and finalized the design of its "Y-plant," a uranium-enrichment facility capable of producing highly enriched uranium, in the late 1960s.<sup>8</sup> These factors clearly suggest that South Africa's activities masked weapons research from the start, despite high expenses and the lack of prevailing security threats.

South African military leaders initially expressed skepticism about the bomb's usefulness, noting that to use one against Soviet or Cuban troops in Angola would invite annihilation.<sup>9</sup> This assessment strongly questions the utility of the South African weapon. Even the bomb's original design was incompatible with South Africa's military aircraft. Nor did the South African political leadership have any real idea of how to use the bomb as a diplomatic tool: the "strategy" of the Vorster and later governments was to reveal the bomb's existence to either the Americans or British in the event of a crisis, compelling those powers to intervene against the Soviets.<sup>10</sup> Discussions among South African leaders reveal that this strategy was probably intended as a bluff, and they would have capitulated rather than use the bomb.<sup>11</sup> However, if the South African leadership knew it could not use the weapons given the strategic situation, how could it have expected to convince foreign governments otherwise?

If the South African bomb could not be justified as a deterrent or a weapon, why was it built? Organizational politics within South Africa, along with the country's preexisting status as an international pariah, combined to reduce the regime's sensitivity to the costs of building a bomb. Decision-making within the Vorster government was highly informal, conducted by Vorster and an elite cadre of advisors, many of whom were scientific experts pursuing their own interests. Liberman (2001) argues that these advisors promoted the PNE program to keep nuclear scientists employed, not in response to strategic incentives.<sup>12</sup>

Even as the influence of experts facilitated the bomb's development, international events also played a key role. The U.S. stopped selling highly enriched uranium to South Africa in 1978 to protest apartheid, not proliferation.<sup>13</sup> Sanctions by the United States and other major western powers convinced the Pretoria regime of the benefits of self-reliance.<sup>14</sup> This belief spurred investment in a variety of expensive or inefficient projects, including a proprietary method of refining uranium and the Fischer-Tropsch process for

refining coal into liquid fuels. Both were extremely energy-intensive and wasteful processes, but they served as a hedge against the regime's isolation. So too did the bomb, apparently. Vorster's successor, P.W. Botha, appears to have concluded that the regime would stay isolated as long as apartheid remained the law. He therefore pressed ahead with the weaponization of South Africa's nuclear program simply because the marginal costs of doing so were small, making the price appear acceptable. Neither he nor his successors seemed to have been able to articulate the benefits of the program, beyond some ill-defined notion that the weapon was a bargaining chip or status symbol. When asked why South Africa developed a weapon with such limited military utility, F.W. de Klerk replied, "To maintain its self-respect."<sup>15</sup> Such a statement underscores the highly subjective nature of the South African leadership's cost/benefit calculations, a feature included only in the bargaining-approach hypothesis.

South Africa's decision to destroy its nuclear stockpile seems to have resulted from the reversal of the strategic and subjective factors that had initially helped to create that stockpile. The Pretoria regime concluded a peace agreement to the Angolan war in 1989 that guaranteed that Cuban forces would withdraw from Africa and the Soviet Union would cease funding the regime's opponents, notably the ANC.<sup>16</sup> Such an end to a large, albeit peripheral, security threat to the regime was a helpful but not sufficient condition to disarmament. More significant was F.W. de Klerk's ascension to the presidency of South Africa upon the sudden death of his predecessor in 1989. De Klerk quickly ordered the unilateral demolition of South Africa's nuclear stockpiles upon taking office. That decision seems inconsistent with the raw security analysis of the first hypothesis. Why would a country unilaterally give up a massive strategic advantage over its neighbors? The answer is two-fold: the perceived price of maintaining the nuclear program was proving unsustainable, and de Klerk was more sensitive to international pressure than his predecessors had been, pointing to a fundamental shift in the regime's nature.

Since the program was disclosed, many South African leaders have revealed that they viewed it as a waste of resources. The South African Defence Force (SADF) in particular seems to have felt all along that the nuclear budget was costing it access to new aircraft, which were more suitable to its actual defense needs. Further, the costs of the bomb and associated projects precluded many of de Klerk's desired economic initiatives. However, these developments do not tell the whole story; the bomb project had been draining SADF resources for years, even in the midst of a costly campaign against

Russian aircraft. The Pretoria regime had long been willing to pay the costs, both international and domestic, of developing bombs that had little military use.

Another variable, the de Klerk government's plans to end apartheid and normalize, better explains South Africa's disarmament. The possibility that South Africa could become a "normal" country in the eyes of the world profoundly changed the calculus of nuclear weapons. The difference was not merely semantic: South Africa stood to gain enormously from economic liberalization and engagement with the rest of the world. In the early days of the de Klerk government, South Africa began removing all likely barriers to the coming normalization: lowering tariffs and other trade restrictions, recognizing the ANC, and freeing Nelson Mandela. Through the prism of normalization, the nuclear program looked more like an embarrassing vestige of an authoritarian past than a symbol of strength. Moreover, the de Klerk regime believed there were now benefits of NPT membership: it would pave the way for technical cooperation with the West and lend credibility to the country's liberalization measures.<sup>17</sup> Those considerations radically reduced the regime's willingness to pay for nuclear weapons. When international factors effectively increased that price, the de Klerk regime moved toward disarmament.

South Africa provides a critical case study for the two aforementioned hypotheses. The first hypothesis, that nuclear decisions are based on a cost/benefit evaluation of security needs, can be rejected. The hypothesis weakly predicts disarmament following the cessation of the Angolan war, which clearly reduced the threats facing South Africa. However, South Africa never received enough concrete security benefits to impartially justify the costs of its nuclear programs. The tradeoff between bombers and nuclear weapons was acceptable to political elites because it made them feel more secure, but the weapons never enhanced the country's physical security or even served as a deterrent. The regime's behavior more strongly supports the bargaining hypothesis. During the regime's nationalist period, it sought to maximize its "self-respect" at the cost of physical security, and placed an unusually high emphasis on self-sufficiency. The regime was willing to pay the costs of a nuclear program because those factors significantly inflated the perceived benefits. When the nature of the regime changed and it began to liberalize, it prioritized normalization.

## BRAZIL AND ARGENTINA

Though neither Brazil nor Argentina developed nuclear weapons, both conducted weapons research. The two countries' nuclear programs were linked by a mutual suspicion that drove their nuclear ambitions. Their relations exhibited the "spiral" behavior of the classic security dilemma, even without a preexisting security incentive to engage in an arms race. Argentina would not have profited from such a contest against larger, richer Brazil. Brazil would not have profited from an escalation of the potential for violence because it already enjoyed military superiority. Though both nations had benign reasons for developing the capability to enrich uranium, foreign observers and the military organizations of both countries often interpreted the presence of these research programs as evidence of weapons programs; uncertainty led to reciprocal weapons research.

Argentina's nuclear program initially grew from a desire for energy independence. In the 1960s and 1970s, after purchasing and making operational two civilian heavy-water reactors, the government developed plans for two additional reactors, one of which was capable of producing nuclear fuel for the first two plants. Argentina's fear of dependence on foreign sources for nuclear fuel<sup>18</sup> was confirmed when, in 1974, the United States declared it would no longer supply uranium to Argentina. The same nationalist sentiment prompted the government to build a spent-fuel reprocessing plant to produce plutonium and lay the groundwork for Argentina's entry into the international fuel-export market. That facility raised serious proliferation concerns, however, as it could recycle enough fuel to build up to two nuclear weapons every year.<sup>19</sup> Argentina also constructed a plant to produce low-enriched uranium, but it was also capable of producing highly enriched uranium for weapons.

Brazil mirrored Argentina's nuclear efforts, rapidly developing its nuclear capability from a nascent program in the late 1960s to a massive investment in nuclear technology in the late 1970s. Key to this effort was Brazil's 1975 deal with Germany, which promised to provide Brazil with the technology to manage the entire nuclear fuel cycle, assuring a means to match its Argentine rival. The 1973 OPEC oil shock undermined Brazil's confidence in the reliable importation of sufficient oil,<sup>20</sup> while the U.S. decision to halt exportation of nuclear fuel to Brazil further exacerbated fears of energy dependency. The ability to refine uranium would enable Brazil to build nuclear weapons, pursued in a "parallel program" shortly after the acquisition of the German technology.<sup>21</sup> Though badly managed and never close to achieving a nuclear bomb, the program allowed the Brazilian

government to claim the capability to enrich uranium and then construct a nuclear test site deep in the Amazon rainforest, further arousing Argentine suspicions. While Argentina never seems to have begun an actual nuclear weapons program or admitted to one, it steadfastly refused to join the NPT, forego the asserted right to PNEs, or ratify the Treaty of Tlatelolco, which established the South American nuclear-weapons-free zone.

The key factor in the two countries' decisions to abandon their nuclear-weapons programs was their eventual political rapprochement. As in the South African case, leadership played a key role. In the mid-1980s, both countries elected civilian leaders for whom reconciliation was a priority. At the first meeting of Argentine president-elect Neves and Brazilian president Alfonsín in 1983, the two agreed that nuclear cooperation would be given special priority, even arranging for inspections of their facilities by the other country.<sup>22</sup> These visits enabled the governments to see that both nuclear programs were in shambles. Power reactors in both countries suffered from chronic maintenance issues, seriously undermining their reliability. The situation was so bad that the Brazilian military's uranium-enrichment facilities could not enrich uranium. Of the Pilcaniyeu plant, a particularly blunt American official concluded in 1994, "It's a piece of crap now, and back in 1983 it was probably an even bigger piece of crap. It will probably never produce weapons-grade material."<sup>23</sup> Argentina's programs were faring no better. Bolstered by this new knowledge, the governments' pursuit of militarized nuclear technology was replaced by genuine cooperation. Mutual economic engagement further spurred the improvement of relations. In 1990, both countries announced they would implement full-scope IAEA safeguards, followed by the signing the Treaty of Tlatelolco and subsequent accession to the NPT.

The only obvious foreign influence was America's suspension of nuclear-fuel shipments, which had the unintended effect of solidifying nationalist positions that encouraged self-sufficiency and pursuit of a full nuclear-fuel cycle complete with the potential for nuclear arms. Yet both Brazil and Argentina seem to have pursued weapons capability for reasons of rivalry and prestige as much as security considerations. This is indicated by their bizarrely inflammatory behavior, trumpeting their enrichment capabilities and building test sites for nonexistent weapons.<sup>24</sup> Such behavior is incongruous with maximizing the value of building a bomb, or minimizing international backlash.

In this case, discriminating between the two hypotheses is difficult, as both are largely supported. The first hypothesis aligns

well with the two countries' security dilemmas, and with the probability of disarmament when better communication allowed for the removal of distrust. Likewise, the second hypothesis is supported by the fact that *détente* was preceded by liberalizing regimes, and that many of the "benefits" derived by both parties came from the *appearance* of weapons development, not actual progress.

The calculations of the first hypothesis are sufficient in this case, but the second hypothesis does offer some additional explanation. While traditional cost/benefit analysis and mutual suspicion fully explain Brazil and Argentina's entry into an arms race, the rapprochement due to newly conciliatory governments indicates that variables from the second hypothesis may help in explaining the timing of, if not the reasons for, the eventual disarmament.

#### THE FORMER SOVIET UNION: UKRAINE, KAZAKHSTAN, AND BELARUS

The fall of the Soviet Union was a nightmare from a proliferation standpoint. Instead of one strong, responsible power with nuclear weapons, the world was forced to deal with the four weak, potentially irresponsible powers that inherited the Soviet arsenal (Russia, Ukraine, Kazakhstan, and Belarus). The worst fear—that the weapons would fall into the hands of nonstate actors—was averted due to strong international cooperation.<sup>25</sup> However, why did the three "born nuclear" powers of Ukraine, Kazakhstan, and Belarus give up nuclear weapons that they paid nothing to get?

A clearer picture emerges as one looks more closely at the countries' respective situations. Specifically, retaining nuclear stockpiles for the sake of deterrence would not have been cost-effective for any of the born-nuclear nations. Rather, they would have incurred massive economic, military, and political costs, which were unusually high because the weapons had not been developed in any of those countries. To retain Soviet nuclear weapons in any meaningful way would have been very difficult, given those nations' lack of nuclear knowledge. It would have been a daunting, time-consuming challenge to overcome the permissive action links (PALs) that the Soviet military had placed on the weapons, or to put the weapons under a viable command-and-control system. Finally, all three states lacked the ability to maintain and service such weapons and their delivery platforms. Even Ukraine's advantage of inheriting the manufacturing plant for the SS-19 missile was a far cry from mitigating the high security and political costs of keeping the weapons.<sup>26</sup>



Each of the CIS states derived clear benefits from the West and Russia in the wake of the USSR's dissolution, which can be used to quantify the opportunity costs they would have incurred had they rejected disarmament. The post-Soviet states entered into a collective-security arrangement with Russia even as they severed political ties, in order to balance the reality of their strategic weakness with their new sovereignty. This system has been especially valuable to Kazakhstan, given its fears of a potentially aggressive China. Ukraine, paradoxically, was able to leverage its disarmament to distance itself from Russia: it successfully forged economic and political ties with the West, leading to talk of Ukrainian accession to the EU and NATO.

The economic rewards of disarmament are particularly striking: in 1993 alone, economic subsidies to Ukraine totaled \$5 billion.<sup>27</sup> As Mitchell Reiss notes, "For weapons that Ukraine did not control and had not built, it received (twice) American, Russian, and British security assurances, one hundred tons of nuclear fuel, forgiveness of its multibillion-dollar oil and gas debt to Russia, and a commitment of \$900 million in U.S. financial assistance."<sup>28</sup> The other born-nuclear states were not as successful as Ukraine in extracting compensation for dismantling their nuclear arsenals. Belarus was eager to dismantle simply to convince Russia to withdraw military personnel from its borders.<sup>29,30</sup> Kazakhstan, too, was less successful because the Russian military had been secretly "rotating" the warheads on its SS-18 missiles out of Kazakhstan, leaving the Kazakhs with mainly tactical nuclear weapons. Nonetheless, President Nazarbayev managed to obtain \$84 million in dismantlement assistance, \$200 million in economic investment over the period 1993-1996, and the promise of a tripling of U.S. foreign aid in exchange for ratifying the NPT.<sup>31</sup> Moreover, these opportunity costs represent a low estimate of the true amount of security, wealth, and prestige the born-nuclear states would have foregone failing disarmament: foreign aid and investment, not captured in the above analysis, would have been considerably lower.

In addition to facing high costs and scant benefits, several other factors were responsible for the extreme reluctance of the born-nuclear CIS republics to pay the costs of a nuclear deterrent. First, the three countries' populations shared extreme suspicion of anything nuclear. The Chernobyl nuclear plant located in northwestern Ukraine was infamous for causing the world's worst civilian nuclear disaster, which necessitated mass evacuations, caused tens of thousands of cancer deaths, and raised thyroid-cancer rates in affected areas by 1,000 percent.<sup>32</sup> The Chernobyl fallout contaminated

only small portions of Ukraine and Russia, but 20 percent of Belarus.<sup>33</sup> The heavy-handed, clumsy, and unilaterally Russian cleanup exacerbated distrust of both Russia and nuclear weapons. Kazakhstan is also not exempt from this “nuclear allergy.” Between 1949 and 1991, the Soviet Union conducted nuclear tests in Kazakhstan, exploding an estimated 500 bombs in the country, 200 of which were aboveground tests. The Kazakh government estimates that hundreds of thousands of its citizens suffer from lingering radiation sickness. President Nazarbayev summed up the national feeling, declaring, “the Kazakh people have gone through hundreds of tragedies similar to that in Hiroshima.”<sup>34</sup> Having lived through the horrors of radiation sickness, Ukraine, Belarus, and Kazakhstan were simply not interested in nuclear weapons.

Economics, geography, and the Soviet legacy undoubtedly increased the sensitivity of Ukraine, Kazakhstan, and Belarus to Western pressure. Each of these nations had been under the Soviet security umbrella, but in 1991 they became independent states with no such guarantees. The old system had failed to provide either prosperity or security, and the benefits of becoming “normal” countries were obvious. Accession to the NPT was seen as a way to demonstrate their commitment to this goal. Furthermore, each felt profound strategic and economic insecurity, making it easy for Russia and the West to manipulate the strategic incentives the CIS countries faced. Ukraine and Kazakhstan were strategically the most vulnerable, respectively fearing Russian and Chinese influence, while Belarus was comparably secure and welcomed Russian involvement.<sup>35</sup> Ukraine particularly resented Russian encroachments on its sovereignty, such as meddling in Ukrainian politics and exploiting Ukraine’s gas dependency. Belarus and Ukraine were economically dependent on Russia, relying on Russian markets and energy, while Kazakhstan possessed ample oil and gas reserves.<sup>36</sup> In each case, the extreme sensitivity to foreign interests caused by strategic and economic vulnerability aided their decisions to disarm.

The case of the born-nuclear powers provides abundant explanatory data. The concrete factors accounted for by the first hypothesis provide a convincing argument for disarmament. The costs of continued armament—including strategic vulnerability, economic privation, and diplomatic isolation—were oppressively high. Retaining nuclear weapons would have invited attack, sanctions, pariah status or abandonment by their allies; giving them up meant security and economic investment. However, the subjective factors incorporated by the second hypothesis cannot be discounted. The nuclear allergy and desire to normalize following decades of Soviet

rule were particularly powerful forces against nuclear weapons. Additionally, the effects of nationalism ran counter to expectations in the post-Soviet case. Largely as a means of escaping their former hegemon, popular sentiment encouraged engagement with foreign powers, especially Western ones. Although the first hypothesis cannot be rejected, as the measurable costs of retaining nuclear weapons were overwhelmingly larger than the benefits, the second hypothesis accounts for features of the young states' behavior that the first does not. From a theoretical perspective, it is problematic that all of the variables present in the bargaining model reinforce the predictions of the traditional model. Ukrainian debates over disarmament, however, illustrate the subjective nature of costs and benefits. In Ukraine's transparent public debate, nationalist factions consistently voiced their opposition to disarmament. This is a compelling experiment: the variables of the first hypothesis were held fixed, yet significant variation in opinion remained. Had the nationalist factions been stronger, their increased willingness to pay might have yielded a different outcome. The only significant differences between the factions were their attitudes towards the West, sentiment towards nuclear power in general, and the level of nationalism—all variables belonging to the bargaining model. The post-Soviet case therefore provides significant evidence in favor of the second hypothesis.

## CONCLUSIONS

The examples cited in this paper confirm the explanatory power of the economic-bargaining model over the traditional model in predicting disarmament behavior. As shown by the cases of South Africa, Brazil, and Argentina, a nationalist regime that emphasizes self-sufficiency will prove less susceptible to measures that raise the "price" of nuclear weapons. In the post-Soviet case, both models predicted disarmament, but only the bargaining framework can explain the political process that resulted in disarmament.

Several clear policy recommendations naturally flow from the economic-bargaining framework. Policies intended to prevent determined states from acquiring nuclear weapons must undermine those states' willingness to pay rather than raising the price—in this case, the price and the willingness to pay are likely to be positively correlated. Measures such as changing the nature of a regime, increasing its ability to constructively engage a rival, or changing national attitudes towards nuclear weapons can effectively accomplish this goal. Measures designed to raise the price variable may prove counterproductive, as they remove options from policy debates. In

cases where nationalism is not extreme or is nullified by other factors, as in the born-nuclear republics, international pressure may suffice to prevent proliferation.

The obvious application is Iran, where the Ahmadinejad regime reacted to President Bush's 2002 "Axis of Evil" speech and the 2003 U.S. invasion of Iraq by accelerating efforts to enrich uranium. This falls in line with the economic-bargaining framework, and implies that convincing Iran to halt its nuclear efforts must involve reducing its desperation to pay for security. There are some encouraging signs in this regard. In December 2007, Russia delivered a shipment of nuclear fuel to Iran, hinting that future shipments would not be held hostage to U.S. demands. Second, in November 2007, Russia, Iran, and the ex-Soviet Caspian republics of Azerbaijan, Turkmenistan, and Uzbekistan signed an agreement pledging not to allow U.S. forces to attack any of the agreement's signatories from the others' territories. While problematic from the standpoint of American power, this agreement may be exactly what is needed to allay Iranian fears of American aggression without giving Iran carte blanche to commit acts of terrorism or hold the international system hostage for concessions on the nuclear issue. Time will tell, but the Caspian countries' engagement of Iran in a regional collective-security scheme is a very promising development that may result in Iranian cooperation on the nuclear issue.

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#### NOTES:

<sup>1</sup> Former Secretary of State George Shultz, quoted in Scott Sagan, "Why Do States Build Nuclear Weapons?: Three Models In Search of a Bomb," *International Security*, Vol. 21, No. 3 (Winter 1996-1997), pg. 5.

<sup>2</sup> The leading exponent of this idea is Kenneth Waltz, whose *The Spread of Nuclear Weapons: More May Be Better* (1981) argued that nuclear weapons promote stability by forcing actors to behave responsibly. Significantly, Waltz does not address the role of accidents or nonstate actors in his analysis. See: Kenneth Waltz, *The Spread of Nuclear Weapons: More May Be Better* (1981), Adelphi Papers, No. 171.

<sup>3</sup> Peter Liberman, "The Rise and Fall of the South African Bomb," *International Security*, Vol. 26, No. 2 (Autumn 2001), pp. 2-4.

<sup>4</sup> In this usage, "international regimes" refers to treaties, institutions, or other structures that seek to incentivize cooperation between states.

<sup>5</sup> Helen Purkitt and Stephen F. Burgess, *South Africa's Weapons of Mass Destruction*, Indiana University Press, Bloomington, IN, 2005, pg. 53.

- <sup>6</sup> Purkitt and Burgess, pg. 53.
- <sup>7</sup> Liberman, pg. 6.
- <sup>8</sup> Liberman, pg. 8.
- <sup>9</sup> Liberman, pg. 14.
- <sup>10</sup> Purkitt and Burgess, pg. 79.
- <sup>11</sup> Liberman, pg. 14.
- <sup>12</sup> Liberman, pg. 9.
- <sup>13</sup> Purkitt and Burgess, pg. 49.
- <sup>14</sup> J.E. Spence, "South Africa: The Nuclear Option," *African Affairs*, Vol. 80, No. 321 (Oct. 1981), pg 8.
- <sup>15</sup> Chris Guillebeau, "Unanswered Questions in South Africa's Nuclear History," *International Affairs Journal at UC Davis*, (May 2007), <http://davisiaj.com/content/view/401/81/>.
- <sup>16</sup> Liberman, pg. 31.
- <sup>17</sup> Liberman, pg. 40.
- <sup>18</sup> Mitchell Reiss, *Bridled Ambition: Why Countries Constrain Their Nuclear Capabilities*, Woodrow Wilson Center Press, Washington, DC, 1995, pg. 47.
- <sup>19</sup> Reiss, pg. 47.
- <sup>20</sup> Norman Gall, "Atoms for Brazil, Dangers for All," *Foreign Policy*, No. 23 (Summer 1976), pg. 8.
- <sup>21</sup> Federation of American Scientists Fact Sheet, *Brazil's Nuclear Weapons Program*, <http://www.fas.org/nuke/guide/brazil/nuke/index.html>.
- <sup>22</sup> Ibid.
- <sup>23</sup> Reiss, pg. 56.
- <sup>24</sup> Leonard Spector, "Repentant Nuclear Proliferators," *Foreign Policy*, No. 88 (Autumn 1992), pg. 14.
- <sup>25</sup> Gary Bertsch and William Potter, *Dangerous Weapons, Desperate States: Russia, Belarus, Kazakhstan, and Ukraine*, Routledge Publishing, New York, NY, 1999.
- <sup>26</sup> Bertsch and Potter, pg. 199.
- <sup>27</sup> Reiss, pg.122.
- <sup>28</sup> Reiss, pg.129.
- <sup>29</sup> Reiss, pg.130.
- <sup>30</sup> Reiss, pg.136.
- <sup>31</sup> Smith, R., "Kazakhstan Ratifies Nuclear Control Pact, Will Get U.S. Aid," *Washington Post*, Dec. 14, 1994.
- <sup>32</sup> BBC News Service, "Chernobyl's Cancer World Record," <http://news.bbc.co.uk/2/hi/health/1615299.stm>.
- <sup>33</sup> Reiss, pg.130.
- <sup>34</sup> Reiss, pg. 39.
- <sup>35</sup> The Russian Federation and Belarus have been engaged in talks since 1996 to form a "Union State" See GlobalSecurity.org Fact Sheet: *Russia-Belarus Union State*, <http://www.globalsecurity.org/military/world/belarus/union.htm>.
- <sup>36</sup> This factor cannot be overstated. Russia was the destination for 70 percent of Belarus's exports and sold it 90 percent of its energy.

# COMFORT WOMEN: JAPAN'S UNPAID REPARATIONS

JEERYOUNG CHOI

*During World War II, the Japanese Imperial Army raped and tortured an estimated 200,000 women, mostly Korean and Chinese. Half a century later, documents were discovered within Japan's Defense Agency (now called the Ministry of Defense) proving that state officials sanctioned underground brothels. To this day, the Japanese government refuses to directly acknowledge and apologize for its actions. The purpose of this paper is to argue that the Japanese government must admit to its past war crimes. The reasons are threefold: victims deserve an official apology; an admission of guilt would lessen Japanese tensions with its Asian neighbors; and it would reinforce the universal intolerance for war crimes as seen in the military tribunals of Rwanda, the former Yugoslavia, and Nazi Germany.*

"Truth survives and lies never win"<sup>1</sup>

-Former comfort woman Gil Won-Ok

On October 17, 2005, Prime Minister Junichiro Koizumi of Japan made his fifth visit to the Yasukuni Shrine to honor those soldiers who died while serving the Emperor of Japan during the Meiji Restoration. Seoul called the visit "most regrettable," and cancelled the annual "shuttle summit" scheduled later in the year and thereafter, until the Yasukuni visits ceased.<sup>2</sup> Even though Koizumi called his visit a private affair, officials of the People's Republic of China responded by cancelling Japanese Foreign Minister Nobutaka Machimura's scheduled visit in protest.<sup>3</sup> The Yasukuni Shrine is controversial because among those enshrined are fourteen Class A

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war criminals honored as “Martyrs of Showa.”<sup>4</sup> For North and South Korea, China, and most of Asia, the shrine represents Japan’s refusal to completely acknowledge its aggressive military past. When Japanese politicians visit the shrine, it is viewed as a direct offense to the Asian community.

Another similar controversy arose in the 1980s surrounding Japanese history textbooks and their depiction of Japan’s colonial behavior. The first serious Japanese textbook controversy between China and Japan took place in 1982, when the Chinese government accused the Japanese Ministry of Education of falsifying the history of Japanese militarists’ aggression against China by changing the word “aggression” to “advancement.” The second round of controversy occurred in 1986. The Chinese accused the *New History Textbook* of portraying Japan’s former imperialism and the war as a force to help free Asian countries from colonial rule. According to China’s *Renmin Ribao*, or *People’s Daily*, newspaper, the textbook “shamelessly justifies Japan’s invasion of Southeast Asia by saying that ‘victories over the Western powers there allowed countries in the region to achieve postwar independence.’”<sup>5</sup> South Korea protested in a more varied and extreme way. According to *The Korea Herald*, a Korean band performing at a rock festival at Mount Fuji in Japan tore the imperial Japanese flag in protest against the textbooks, to the cheers of the Japanese audience.<sup>6</sup> Korean citizens burned Japanese flags and businesses ran anti-Japanese advertisements.<sup>7</sup> The main issue is not about a shrine or a textbook, but Asian resentment towards the Japanese government’s pattern of denial of its aggressive military past, including the rapes of approximately 200,000 women, mostly from Korea and China. Until an official admittance of past war crimes is made by the government of Japan, its relationship with its Pacific neighbors will continue to be strained.

The comfort women issue, which began with calls for the Japanese government to apologize and make reparations to the surviving victims, has evolved into a problem that has greater implications for Japan. In this paper, I will argue that the government of Japan must admit to its past war crimes, particularly its state-sanctioned military brothels, and issue a formal apology to the victims and their families. This would lessen tensions in Japan’s relations with its Asian neighbors, particularly South Korea and China. Furthermore, the Japanese government’s refusal to admit to its past atrocities has undermined the international community’s progress in condemning war crimes, including crimes against humanity following World War II. Through admittance of its past wrongdoings, the Japanese government has an opportunity to reinforce the

universal intolerance against war crimes promoted in recent decades—for example, through the creation of the international military tribunals of Rwanda, the former Yugoslavia, and Nazi Germany.

#### COMFORT WOMEN

In 1991 Japanese historian Yoshimi Yoshiaki unearthed a document entitled, “Regarding the Recruitment of Women for Military Brothels,” found in the archives of Japan’s Defense Agency. In this document were fifty-year-old detailed orders which set forth the setup of “facilities of comfort” and were made official with stamps from the Japanese high command.<sup>1</sup> This release of official proof initiated a movement beginning with South Korean protestors who were former comfort women. Kim Hak Soon was the first comfort woman ever to speak out, followed by more than 200 surviving Korean victims who came forward in the first year.

Since 1992, female Korean and Japanese leaders, former comfort women, and legal experts have persuaded international organizations, including the United Nations, to conduct a series of hearings and formal investigations into the matter. In her 1998 UN report on contemporary forms of slavery, Gay McDougall, UN Special Rapporteur and Executive Director of Global Rights, recommended that Japan pay state compensation to the individual comfort women and prosecute all those responsible for the comfort system who remain alive today.

‘Comfort woman’ is a euphemism for a female sexual slave to the Japanese Imperial Army before and during World War II. Young, unmarried Asian women were mobilized by the Japanese military to brothels in China and other Asian and Pacific countries to “comfort” Japanese soldiers. The majority of these women were taken from Korea, Japan’s colony at the time. Chinese and Dutch women in today’s Indonesia were also victims. An estimated 200,000 women were victimized by the Japanese soldiers.<sup>2</sup>

The experiences that comfort women went through are unimaginable. From the perspective of a single victim, a comfort woman was raped an average of ten times a day, five days a week.<sup>3</sup> Jan Ruff O’Herne was one such woman who was taken into comfort stations and systematically beaten and raped each day. She recalled that “even the Japanese doctor raped me each time he visited the brothel to examine us for venereal disease. And to humiliate us even more, the doors and windows were left open so that the Japanese



could watch us being examined, and this was as horrific as being raped.”<sup>4</sup>

Ms. O’Herne was inspired to speak on behalf of European women. “I realized there was no reason to be ashamed anymore,” she told Amnesty International. O’Herne recalled her reaction to the first Korean women to break the silence on television, and said that “if other women, also European women spoke out, maybe the world would pay even more attention.”<sup>5</sup> According to O’Herne, the hardest part was telling her grandchildren: “I was so ashamed of what happened to me that I couldn’t tell my daughter to her face. I wrote it all down and asked her to read it. After I spoke out I collected a box full of letters from people all around the world. Now I’ve been speaking out for twelve years.”<sup>6</sup> Ms. O’Herne has since published her autobiography, *Fifty Years of Silence*, translated into Japanese and Indonesian.

While Ms. O’Herne’s testimony is significant, South Korea’s Korean Council continues to lead the movement. The Korean Council initiated weekly Wednesday demonstrations in front of the Japanese Embassy on January 8, 1992. On February 13, 2008, it held its 800<sup>th</sup> demonstration. During this particular showing, held on a cold Wednesday, Kuno Ayako, a member of a Japanese civil organization, said that the Japanese government should be ashamed for its failure to apologize. She turned her body toward the Japanese Embassy and shouted, “Apologize!”<sup>7</sup> According to the Korean Council’s mission statement, “the efforts of the Korean Council are to seek justice in Military Sexual Slavery by Japan and to prevent the reemergence of militarism so that Japan will be the cornerstone in building the peaceful future of Asia and the world.”<sup>8</sup>

#### JAPANESE GOVERNMENT’S RESPONSE

The government of Japan has undermined the efforts to hold individual criminals accountable for war crimes by refusing to officially admit to its own direct involvement in the victimization of a quarter-million women. It is important to note that the abuses endured by the Japanese military’s comfort women would be categorized as crimes against humanity. Article 6(c) of The Charter of the International Military Tribunal of the Far East (IMTFE) defines crimes against humanity as “namely, murder, extermination, enslavement, deportation and other inhuman acts committed against any civilian population, before or during the war, or persecutions on political, racial or religious grounds in execution of or in connection

with any crime with the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where it was perpetrated.”<sup>9</sup> A similar definition was later codified into Article 7 of the International Criminal Court’s (ICC) statute definition of crimes against humanity. The importance of mentioning both Article 6(c) of the IMTFE charter and Article 7 of the ICC statute is to show that such defined “crimes against humanity” are considered gross violations of human rights, thereby appearing in different statutes of law.

In recent decades military tribunals have been established to punish aggressors who have committed war crimes, including crimes against humanity. Among them were the International Criminal Tribunal for Rwanda, the International Criminal Tribunal for the former Yugoslavia, and the International Military Tribunal for Nazi Germany. The International Military Tribunal of the Far East, known as the Tokyo Trials, was also established at the same time as Nazi Germany’s Nuremberg Trials. However, the results were strikingly different. While nineteen of twenty-four German war criminals were punished either by jail sentences or death, the Japanese Emperor Hirohito and all the members of the imperial family were not prosecuted for alleged involvement in any of the three categories of crimes: crimes against peace, war crimes, and crimes against humanity. Such outcomes of the Tokyo Trials are attributed to a lack of official evidence, which did not emerge until fifty years later, in 1991. Unlike in Japan, the war criminals of Nazi Germany, Rwanda, and the former Yugoslavia were all held accountable for their war crimes.

Prior to the emergence of official documents proving the Japanese Imperial Army’s direct involvement in the creation of wartime brothels, public and media reports increasingly began to circulate about comfort women. In 1990, citizens of South Korea formed organizations with the objective of pressuring the Japanese government to officially acknowledge its responsibility. The Japanese government’s initial response was complete denial. It declared that all brothels were run by private contractors that were not associated with the Japanese government. One year later, evidence to the contrary was discovered by Yoshimi Yoshiaki and led to the famous “Kono apology.” In 1993 the Japanese Chief Cabinet Secretary, Yohei Kono, issued a statement recognizing comfort stations, acknowledging the Japanese military’s involvement in them, and apologized to those victims who suffered. He admitted that “comfort stations were operated in response to the request of the military authorities of the day,”<sup>10</sup> and that “the then Japanese military was, directly and

indirectly, involved in the establishment and management of the comfort stations and the transfer of comfort women,”<sup>11</sup> and that government studies have shown that in many cases comfort women were “recruited against their own will, through coaxing, coercion, etc. [...] and that, at times, administrative or military personnel directly took part in the recruitments.”<sup>12</sup>

While one might argue that Kono’s apology was sufficient, it was neither an official apology by the government of Japan nor a credible one that would require the Japanese government to directly compensate victims. Instead, the Asian Women’s Fund was privately created. The Japanese government made annual donations to it. Furthermore, the “Kono apology” has been denied and reaffirmed by succeeding Japanese prime ministers, fluctuating in response to domestic and international pressure. This has undermined its value over time. For example, in 2007 Japanese Prime Minister Shinzo Abe denied Kono’s assertion that women were forced into military brothels throughout Asia, stating, “The fact is, there is no evidence to prove there was coercion.”<sup>13</sup> Prior to this statement, a group of ruling Liberal Democratic Party lawmakers discussed plans for a proposal to urge the government to dilute parts of Kono’s 1993 apology and deny direct military involvement.<sup>14</sup> Led by Nariaki Nakayama, the 120 lawmakers sought to play down the government’s involvement in the brothels by comparing it to a school that hires a company to run its cafeteria.<sup>15</sup> Abe’s statement also came hours after South Korean President Roh Moo-Hyun marked a national holiday honoring the anniversary of the 1919 uprising against Japanese colonial rule with a statement that urged Tokyo to come clean about its past.<sup>16</sup> President Roh said that “no matter how hard the Japanese try to cover the whole sky with their hand, there is no way that the international community would condone the atrocities committed during Japanese colonial rule.”<sup>17</sup> Abe was eventually pressured to take back his statement.

In all cases—denial, apology, and rescinded apology—the Japanese government has consistently refuted legal responsibility. In her 1998 UN report on the Japanese government’s legal position regarding compensation, McDougall wrote that the Japanese government had made various apologies since the early 1990s, including one by Prime Minister Tomiichi Murayama in July 1995 that specifically mentioned the Japanese military’s involvement in crimes against comfort women. However, the Japanese government denies legal liability for the creation and maintenance of the system of “comfort stations” and comfort women used during World War II.<sup>18</sup> This reaffirms that the Japanese government still owes an official

apology, which would be validated through concrete action taken to show regret, including direct compensation to victims and acceptance of legal responsibility.

The government of Japan's contributions to the Asian Women's Fund are not considered state compensation to victims. This independently-run initiative was established in 1995 by Haruki Wada, who claimed that compensation, whether made formally or informally by the government, should be enough to put Japan's war crimes in the past. It is not. The fund was run through private donations, with annual contributions from the Japanese government of 300 million yen (approximately \$4.5 million) from the time of its creation until it was disbanded on March 31, 2007. Controversy about the fund was further exacerbated by a letter of apology signed by the Japanese prime minister and distributed to each victim by the Asian Women's Fund rather than by diplomats. Activists in South Korea and Taiwan claimed that the letter was a personal one rather than an official one, and that the money available was from charity funds rather than state compensation.<sup>19</sup> Furthermore, the money from the Asian Women's Fund has been used to support graduate students studying under Japanese professors, whose names appear as supporters of the fund.<sup>20</sup> Many of these professors view Yoshimi Yoshiaki and other scholars who spoke against the Japanese government as leftist traitors.<sup>21</sup>

#### THE INTERNATIONAL RESPONSE

While the government of Japan still refuses to formally acknowledge its role in the military brothels, apologize, and compensate surviving victims, the international community has increased pressure to do so. The United States, the Netherlands, Canada and the European Parliament have spoken out since the mid-1990s. On December 3, 1996, the U.S. Department of Justice created a list of 19 Japanese war criminals who were prohibited from entering the United States. In April 1997, former U.S. Ambassador to Japan Walter Mondale told the press that Japan needed to issue a full apology for its war crimes.<sup>22</sup> Through the spring of 1997, legislators worked with human rights activists to draft a bill that would condemn Japan for the mistreatment of American and other prisoners during World War II and demand an official apology and compensation for its wartime victims.<sup>23</sup>

The greatest headway was made in July 2007 when the U.S. House of Representatives passed House Resolution 121, sponsored

by Congressman Mike Honda, a Democrat from California. The resolution denounced the Japanese military's enslavement of Asian and Pacific Island women during World War II. It expressed the sense of the House of Representatives that the Japanese government should apologize and accept historical responsibility for its actions. In 1999, Honda had also introduced California State Assembly Joint Resolution 27, which called on Congress to urge the Japanese government to issue an apology to the victims of the rapes of Nanking, comfort women, and prisoners of war who were used as slave laborers. Honda made his intention clear that his goal was to reach historical reconciliation in order to be able to move forward.

The Japanese government reacted negatively to U.S. House Resolution 121. Japanese Prime Minister Shinzo Abe called the House resolution on sexual slavery "regrettable,"<sup>24</sup> and when asked whether he would comply with the resolution's demand for an apology, he said, "The twentieth century was an era in which human rights were violated. I would like to make the twenty-first century into an era with no human rights violations."<sup>25</sup> The Japanese government's reaction is also confirmed on the Embassy of Japan's Web site in the United States, which states that "draft House Resolution (H.Res.121) is erroneous in terms of the facts. Its adoption would be harmful to the friendship between the U.S. and Japan."<sup>26</sup>

Following the U.S. House of Representatives' unanimous approval, Amnesty International organized a comfort women's speaking tour in Europe during the first two weeks of November 2007. The tour included a trip to The Hague, Brussels, Berlin and London to urge the European Parliament and Council of Europe to take a similar stand to the U.S. against the Japanese government. On December 13, 2007, the European Parliament adopted Resolution B60525/2007, which passed with a clear majority. The resolution urged the government of Japan to "formally acknowledge, apologize and accept historical and legal responsibility in a clear and unequivocal manner for its Imperial Armed Force's coercion of young women into sexual slavery" and to "implement effective administrative mechanisms to provide reparations to all surviving victims of the comfort women system and the families of deceased victims."<sup>27</sup>

The lower house of the Dutch Parliament also joined the movement, unanimously passing a motion on November 20, 2007, urging the government of Japan to financially compensate the women forced into sex slavery during World War II. "This should send a strong and clear signal to the Japanese government and the Japanese people, that so many years after World War II, people in the Netherlands still want the Japanese to recognize the war crimes of

the past and to recognize the victims,” said Hans van Baalen, who tabled the motion in the Foreign Affairs Committee.<sup>28</sup> “It is a matter still taken seriously in the Netherlands,” he said.<sup>29</sup>

Canada’s lower house also unanimously approved a draft motion on November 28, 2007 that urged the Japanese government to make a “formal and sincere apology” to women who were forced by the Japanese military to provide sex for soldiers during World War II.<sup>30</sup> The motion called on the Japanese government to “take full responsibility for the involvement of the Japanese Imperial Forces in the system of forced prostitution, including through a formal and sincere apology expressed in the Diet to all those who were victims; and to continue to address with those affected in a spirit of reconciliation.”<sup>31</sup>

## CONCLUSION

Increased international pressure on the Japanese government is the greatest achievement for the comfort women’s movement thus far. However, the Japanese government continues to avoid responsibility for the rapes of 200,000 comfort women by withholding a state apology and state compensation. War rape is not a new occurrence. There were more than 100,000 rapes in Berlin alone following World War II, and it was a pervasive and popular occurrence during the Holocaust.<sup>32</sup> In the Jewish ghettos, nightly checks were carried out by Nazi officers during which vulnerable women and girls were habitually raped by their captors.<sup>33</sup> Similarly, the Japanese Imperial Army is guilty of gross war rapes that were even state-approved through the establishment of comfort houses specifically for raping women. The difference is that Nazi Germany paid for its war crimes through its International Military Tribunal following World War II, but the Japanese government did not. Lack of evidence and testimony, which did not emerge until fifty years later, led to the immunity of the Japanese Imperial Army during its Tokyo Trials. Following recent emergence of proof, the Japanese government’s continued denial has created negative repercussions in three areas.

First, the number of surviving comfort women is declining rapidly and few, if any, will die with a proper apology. Most of the women are in their eighties. The Korean Council demands acknowledgment that all the facts about military sexual slavery by Japan be recorded in Japanese history textbooks, that a memorial and a museum be built, and that those responsible for the crime be punished. Of the rightful demands, the primary objective is for the

Japanese government to offer a proper apology followed by state compensation to victims for its unpaid crimes against humanity before and during World War II. A proper apology would consist of a public apology by the government of Japan, followed by direct state compensation to victims, with the amount of payment negotiated between victims and their families and the government. In a visit to Japan, Ms. O'Herne sat directly in front of a former soldier who admitted to raping women during World War II. The former sexual slave and the former war rapist were able to engage in a civil dialogue in which the soldier recalled comparing comfort women to a pack of cigarettes to consume, but said he now realized the wrong he did.<sup>34</sup> This is an illustration of reconciliation at the micro level, which demonstrates the way in which the Japanese government can also come to terms with its guilt.

Furthermore, the government of Japan's denial of its past war crimes has strained relations with the two Koreas and China, and most recently created tensions with the United States and Europe. For the two Koreas and China, the wounds from Japanese war crimes committed during World War II are still fresh. The Japanese government's failure to officially acknowledge and apologize for its treatment of comfort women has led to resentment that has also manifested itself in bitter debates about issues such as the visits to the Yasukuni Shrine and distortions of history in Japanese textbooks. To the credit of the Japanese government, sixteen out of eighteen high school textbooks refer to the comfort women issue, and all eighteen describe the suffering endured by people in neighboring countries during World War II and Japan's responsibility in these matters.<sup>35</sup> Additionally, visits to the Yasukuni Shrine by Japanese officials have been more discreet.

Finally, the Japanese denial of legal responsibility has undermined the role and importance of military tribunals, which were established to punish crimes against humanity, war crimes and crimes against peace. If the Japanese government can sidestep accountability for war crimes, then there is logically no real incentive for future war crime offenders to take these international declarations of intolerance seriously.

Surviving comfort women, who have overcome personal shame to speak out, continue to protest every Wednesday without fail. Ms. Jan Ruff O'Herne speaks for comfort women when she says, "I'm still hoping that something will happen because the women are getting old, and we deserve a proper apology."<sup>36</sup>

It is now up to the Japanese government to close a shameful chapter of its colonial history and thus begin to restore human

dignity, improve international relations, and uphold the universal intolerance for crimes against humanity.

## NOTES:

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- <sup>11</sup> Testimony of Jan Ruff O'Herne to Amnesty International, Australia, June 2005.
- <sup>12</sup> Ibid.
- <sup>13</sup> Ibid.
- <sup>14</sup> "The Korean Council for the Women Drafted for Military Sexual Slavery by Japan," [http://www.womenandwar.net/bbs\\_eng/index.php?tbl=M081&mode=V&id=139&SN=0&SK=&SW=](http://www.womenandwar.net/bbs_eng/index.php?tbl=M081&mode=V&id=139&SN=0&SK=&SW=)
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- <sup>16</sup> Article 6(c) of the Charter of the International Military Tribunal of the Far East
- <sup>17</sup> "Statement by the Chief Cabinet Secretary Yohei Kono on the result of the study on the issue of 'comfort women,'" The Ministry of Foreign Affairs of Japan, August 4, 1993, <http://www.mofa.go.jp/policy/women/fund/state9308.html>
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