

Volume V

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Pi Sigma Alpha
Delta Omega Chapter
Purdue University

Clifford C. Pederson
Editor-in-Chief

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Editor's Preface to the Spring 2005 Edition

I am pleased to present the Spring 2005 edition of *The Pi Sigma Alpha Undergraduate Journal of Politics*. This is the second edition of the *Journal* sponsored by Pi Sigma Alpha, the National Political Science Honor Society. With this support, the *Journal* will distribute complimentary copies to all 615 Pi Sigma Alpha chapters nationwide.

I would like to encourage you to share this *Journal* with your friends and colleagues. Word of mouth is the best method of promotion for an endeavor such as this, and I hope that you will support the *Journal* in this way. Please also share this *Journal* with the librarians at your university so that they will consider purchasing a copy for their collection.

There are several people I wish to recognize. First, I would like to thank the Pi Sigma Alpha Executive Council and the Executive Committee, particularly President Christopher J. Bosso, Executive Director James I. Lengle, and Administrator Nancy McManus. The *Journal* would not be possible without these dedicated individuals. Next, the time and hard work put forth by the *Journal's* Faculty Advisor, Rosalee A. Clawson, is essential to its success. Furthermore, I appreciate the outstanding work done by the Advisory Board and the Editorial Board members. Finally, I am grateful for the support from Purdue University's Political Science Department and its head, William Shaffer.

Working on *The Pi Sigma Alpha Undergraduate Journal of Politics* has been a rewarding experience, and I look forward to publishing future editions.

Thank you.

Clifford C. Pederson
Editor-in-Chief

Submission of Manuscripts

The *Journal* welcomes submissions from undergraduates of any class or major; submissions from Pi Sigma Alpha members are especially encouraged. Our goal is to publish manuscripts of the highest quality. In general, papers selected for publication have been well-written with a well-developed thesis, compelling argument, and original analysis. We typically publish papers 15-35 pages in length that have been written for an upper level course. Manuscripts should include an abstract of roughly 150 words. Citations and references should follow the American Political Science Association *Style Manual for Political Science*. Please be sure references are complete and accurate. Students may be asked to revise their manuscript before it is accepted for publication. Submissions must be in the form of a Microsoft Word document and should be e-mailed to **journal@polsci.purdue.edu**. Please include name, university, and contact details (i.e., mailing address, e-mail address, and phone number).

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An Analysis of Political Variables Affecting Women's Representation in Western European Democracies

Hal ey Swedl und
Texas Christian University

The purpose of this study is to determine how variations in democratic institutions influence the proportion of women in the lower legislative bodies of Western European democratic societies. The hypothesis of this paper is that in these Western European societies, proportional representational (PR) systems, systems with multiple political parties, and longer periods of women's enfranchisement foster societies more conducive to women's representation in parliament. Further, it is predicted that positive action measures, such as quotas, in the selected nations of Sweden and the United Kingdom will augment the percentage of females in each nation's parliament. The research design of this study is two-fold combining a broad quantitative analysis with a more limited, in-depth qualitative study. My research indicates that the effect of political variables on Western European nations differs from their effect on a worldwide stage. Although PR systems are more likely to have higher levels of female representation, my data suggest that the effect most likely comes in the form of positive action measures, which are more likely in such systems, than from the direct effect of proportional representation itself.

Introduction

The purpose of this study is to determine how variations in democratic institutions influence the proportion of women in the lower legislative bodies of Western European democratic societies. Women's representation is an important topic to consider, as women constitute a majority of virtually every society, yet barely compose 15 percent of those who dictate the laws of society. Susan Moller Okin (1995) writes, "Formal equal citizenship does not make for substantive equal citizenship and, in most liberal democracies women are far from sharing political power equally with men" (122). Okin argues that not only does the lack of female participation in national legislative bodies counter parity standards, it provides inadequate representation for female citizens. This lack of

sufficient representation is problematic because of the considerable power national legislative bodies wield. Women's backgrounds and life experiences differ from men's, therefore the agendas they put forth often differ. Without a significant proportion of female legislators these agendas are unlikely to be implemented to the same degree (Okin 1995; Phillips 1998; Lijphart 1999). Sue Thomas (1998) articulates that women politicians of both parties are more likely to be supportive of issues traditionally more relevant to women such as, funding for domestic violence shelters, medical research for women's healthcare, and funding for child support. In extension, women in public office are more likely than men to consider it their role to represent the interest of women and to take pride in this role. The Declaration of the United Nations Fourth World Conference on Women held in Beijing, China in 1995 (Inter-Parliamentary Union 2000, 16) concludes:

The empowerment and autonomy of women and the improvement of women's social, economic and political status is essential for the achievement of both transparent and accountable government....Achieving the goal of equal participation of women and men in decision-making will provide a balance that more accurately reflects the composition of society and is needed in order to strengthen democracy and promote its proper functioning....Without the active participation of women and the incorporation of women's perspective at all levels of decision-making, the goals of equality, development and peace cannot be achieved.

It is necessary to examine the gender breakdown among legislators not only as a human rights issue, but also as an issue of sufficient representation, a fundamental tenet of democracy.

Prior research on this issue has typically indicated that the low level of women's representation can be explained in three broad categories of variables: socio-economic, cultural, and political (Kentworthy and Malami 1998; Rule 1987). The majority of these studies have used an exceptionally large scope, attempting to cover all three of these areas in countries worldwide. This study will limit the scope to Western European nations. These nations share similarities of background and economic status; therefore, the socio-economic

and cultural factors that must be included in worldwide studies can to some degree be controlled. This allows the study to focus on what has generally been seen as the most influential category of variables, political (Norris 2000). Through these parameters a more accurate picture of how political variables affect the number of women in parliament can be gained. The hypothesis of this paper is that, in Western European democratic societies, proportional representational systems and systems with multiple parties foster legislative bodies more conducive to women's representation in parliament. It is also predicted that the more years that have elapsed since women's full enfranchisement, the higher women's representation will be. Further, it is predicted that positive action measures, such as quotas, in the selected nations of Sweden and the United Kingdom, will augment the percentage of females in each nation's parliament. These positive action measures are more characteristic of proportional, multi-party systems and may help to explain why societies with these two characteristics enjoy a more thorough representation of women.

Literature Review

Several studies evaluating the variables affecting women's representation in parliament have been conducted (Kentworthy and Malami 1998; Matland 1998a; Matland 1998b; Norris 1985; Rule 1987; Squires and Wickham-Jones 2001). Though trends have appeared, the research is inconsistent. To a large extent variation in research findings can most likely be attributed to differences in scope and variables. There is broad consensus, however, on three major categories of variables affecting women's representation. These categories are: political, socio-economic, and cultural. It is within these broad categories that I will evaluate prior research and its implications for my research. Many of these variables can arguably be placed in multiple categories, but for the sake of simplicity I will discuss them in the categories in which they appear most often in the literature.

Political Factors

Prior research has indicated that political variables, such as electoral system, partisan composition of parliament, and year of enfranchisement, affect the proportion of women in parliament (Caul 1997; Kentworthy and Malami

1999; Matland 1998a, 1998b; Norris 1997a and 2000; Norris and Lovenduski 1993; Rule 1987). Political factors are typically seen by researchers as more significant than either cultural or socio-economic factors.

The first, and the most significant variable, is a nation's electoral system. The most common hypothesis is that proportional representational (PR) systems are more conducive to women's representation than majoritarian systems. PR systems possess a higher rate of proportionality between the composition of parliament and the vote of the electorate. A PR system is structured to allow smaller parties to gain access to parliament with greater ease than majoritarian systems. This is advantageous to women, as female legislators have greater support in small parties than in large parties. Furthermore, in PR systems there is no division of the electorate as in majoritarian systems. Larger districts are more conducive to women's representation, because women are more likely to be nominated in multi-member districts than single-member districts (Rule 1987). Parties or recruitment elites are more reluctant to nominate women in districts where there is only one seat available for fear that the electorate will be hesitant to elect a woman as their sole representative. Norris (1985, 2000), Rule (1987), Matland (1998b), and Kentworthy and Malami (1999) all found a statistically significant relationship between the electoral system and women's representation in national parliaments. Matland's (1998b) model predicts that a change from a majoritarian system to a PR system would result in a 15.6% increase in the proportion of women legislators; however, Matland's work established this relationship only for affluent nations. His research concluded that a threshold is present in women's representation, and variables such as electoral systems have little effect until that threshold has been reached. Whether or not this threshold exists, it appears that women's representation is affected positively by a proportional representational system to some degree.

Many researchers make the logical argument that women's representation is affected by the partisan composition of parliament. Leftist parties tend to place a larger emphasis on equality, including gender equality; therefore it is likely that they would work harder to nominate women to legislative offices. This would mean that the greater the number of seats held by leftist parties, the greater the number of women we ought to see in parliament. Prior research generally supports this hypothesis. While Matland (1998b) found that the party composition of parliament had no impact on women's representation in affluent nations, several other studies (Norris 1985; Rule 1987;

Kentworthy and Malami 1999) have found a statistically significant relationship worldwide.

The year of enfranchisement for women has also been considered by researchers. Kentworthy and Malami (1999) suggest, “the longer women have had the right to vote, the larger we can expect the percentage of women who vote to be (at least relative to their male counterparts), and the more headway we should therefore expect women to have made in national politics” (239). Consequently, the longer women have been enfranchised, the higher the proportion of women’s representation. Rule (1987) and Kentworthy and Malami (1999) both found a significant relationship between these two variables in their research.

Socio-Economic

Multiple socio-economic factors affecting women’s representation have been studied. Variables under this category include: level of education, the composition of the labor force, and the Gross Domestic Product (GDP). Although all of these variables would appear to affect women’s representation, research has not demonstrated a statistically significant relationship with the proportion of women in parliament with all three variables.

Education has long been considered a factor that distinguishes those that run for office from ordinary citizens. Therefore, the higher the education levels women achieve, the more substantial their political gains will be, because the pool of eligible and qualified potential women candidates grows. This theory was originally confirmed by Rule in 1987, but Norris (1985), Matland (1998b), and Kentworthy and Malami (1999) rejected the significance of this variable in their subsequent studies. Ultimately, while a positive relationship has been found in most research, there is no evidence to suggest that a significant relationship exists between education level and women’s representation.

Another socio-economic variable is the nation’s level of economic development, which is often measured using the nation’s GDP. Richard Matland (1998b) explains, “Development leads to weakening of traditional values, decreased fertility rates, increased urbanization, greater educational and labor force participation for women, and attitudinal changes in perceptions of the appropriate roles for women” (114). Once again no direct correlation has been demonstrated. In his study Matland found that there was evidence for an indirect

effect, but that effect is limited to affluent countries. Kentworthy and Malami (1999) argue that GDP has no direct relationship with the number of legislative seats women hold.

Many predict a positive relationship between higher levels of women in the workforce and higher levels of women's representation. This is generally believed because a career not only provides economic viability, but also an increased confidence in oneself, more independence, and a greater level of contacts (Kentworthy and Malami 1999). This theory was rejected by Norris in 1985, but it was later affirmed by Matland in 1998. The effect, however, was only generalized to developed countries. Still, a more recent and comprehensive study by Kentworthy and Malami (1999) may shed some light on this debate. Their research demonstrated that simply having more women in the workforce does not translate into greater women's representation, but having more women in professional fields, such as law, education, journalism, and business, does. The only other studies to consider professional occupations were conducted by Norris in the 1980s and failed to find a significant relationship. Nonetheless, it is likely that the differences between the studies are due to improved measurement and a more comprehensive set of variables available to Kentworthy and Malami (1999).

Culture

Certain cultural variables have been demonstrated to affect the level of women's representation to a significant degree. Though there are several cultural variables that could be influential, the most prominent are the strength of a national egalitarian mindset and the dominant national religion. Both of these variables have been deemed statistically significant, although quantifying the egalitarian mindset of a nation has been challenging.

It seems likely that the more egalitarian a nation is, the higher the proportion of women in the national parliament. The more likely the nation is to perceive women as capable in every area, including politics, the more likely they are to elect them to office. Quantifying the mindset of a particular nation is a difficult task. Still, there has been some progress in this area. Based on a survey that asked questions regarding attitudes toward women in politics, Norris (1985) created a political egalitarianism index for nine European nations. The results from this analysis indicated that more egalitarian nations are likely to have a

higher proportion of women in parliament. In 1999 Kentworthy and Malami attempted to capture the egalitarian mindset of nations worldwide (i.e., 146 countries) by using two dummy variables, whether or not the nation had ratified the United Nations Convention on the Elimination of All Forms of Discrimination and the legalization of abortion. Whether a nation had ratified the treaty was positively related to the proportion of female legislators, but the variable was sensitive to various outside factors making its impact uncertain. The legalization of abortion was statistically insignificant. Although it seems likely the egalitarian mindset of a nation would impact women's representation, it has yet to be demonstrated worldwide.

Multiple researchers have found a significant relationship between the dominant religion of a nation and the proportion of women legislators. It has long been theorized that nations dominated by religions that place an emphasis on traditional roles for women would have lower levels of women's representation. Both Rule (1987) and Norris (1997a) found that the strength of Catholicism has a negative effect on women's representation. Likewise, Kentworthy and Malami (1999) found that nations where the principal religion emphasizes traditional female roles tend to have a smaller proportion of women in their parliament. Such areas included Sub-Saharan Africa, the Middle East and North Africa, Asia and the Pacific, Latin American and the Caribbean, and Eastern Europe.

Research Design

The research design of this study is two-fold and based on the methodology outlined by Henry Brady and David Collier (2004). It combines a broad quantitative analysis with a more limited, in-depth qualitative study. This type of analysis allows an extensive subject to be quantitatively studied as a whole, yet still provides for a more comprehensive analysis of variables that are not easily quantified. My research begins with a quantitative study analyzing the political variables that affect women's representation in Western Europe. The dependent variable is the percentage of women in the lower houses of parliament in 18 Western European democracies. See Table 1. Although this provides for a small N in regards to regression, my sample of nations covers an immense population. Furthermore, by focusing on a specific region of the world I am able

to garner a more in-depth understanding of how and why women's proportional representation differs in the region that interests me the most.

The independent variables are the number of political parties, the electoral system employed, and the number of years that have elapsed since the full enfranchisement of women in each of the 18 nations. The number of political parties is based on a scale compiled by Lijphart (1999). This scale ranges from a value of 2.20 (UK and Greece) to 5.57 (Switzerland). Lijphart also provides the data to measure the electoral system of each nation; he created an index based on the disproportionalities of legislative and presidential elections from 1946-96. Given that I am seeking a positive relationship between a more proportional electoral system and a higher level of women in parliament, I reversed the coding of his index. This resulted in an index of proportionality ranging from 1.35 (France) to 18.71 (Netherlands). To gain the years elapsed from enfranchisement I subtracted the date when women received full suffrage rights from the current year, 2004. See Table 2.

My focus, due to time and interest, was the effect of political variables on women's proportional representation. Given the emphasis of prior literature on socio-economic and cultural variables, I did not want to completely ignore such factors. Therefore, I interjected two variables to provide some degree of control. A measure of Protestantism was included to gauge the cultural impact on women's representation, and the GDP (in terms of the purchasing power parities [PPPs] to make the data comparable) for the year 2000 was included to measure the socio-economic impact. I chose these variables as they possess the greatest variation among nations of Western Europe in the categories of socio-economic and cultural variables. Within the confines of Western Europe, nations tend to share similar cultural and economic histories, making variation among variables in these two categories small. Thus, this shared history provides additional control to my analysis.

Table 1: Percentage of Women in Lower Houses of Parliament in Western Europe by Nation

Nation	Election	Worldwide Ranking	Percentage of Women
Sweden	09-2002	2	45.3%
Denmark	11-2001	3	38.0%
Finland	03-2003	4	37.5%
Netherlands	01-2003	5	36.7%
Norway	09-2001	6	36.4%
Spain	03-2004	7	36.0%
Belgium	05-2003	8	35.3%
Austria	11-2002	11	33.9%
Germany	09-2002	13	32.2%
Iceland	05-2003	14	30.2%
Switzerland	10-2003	25	25.0%
Portugal	03-2002	43	19.1%
United Kingdom	06-2001	48	17.9%
Luxemburg	06-1999	53	16.7%
Greece	03-2004	59	14.0%
Ireland	05-2002	60	13.3%
France	06-2002	66	12.2%
Italy	05-2001	70	11.5%

Source: Inter-Parliamentary Union 2004.

Table 2: Independent Variable Values

Nation	Index of Proportionality	Number of Political Parties	Years Elapsed Since Full Suffrage for Women	Measure of Protestantism	GDP of the Nation in Terms of PPPs
Austria	18.66	2.72	86	0	26000.00
Belgium	16.91	5.49	56	0	26300.00
Denmark	18.22	5.11	89	1	28300.00
Finland	16.83	5.17	98	1	24900.00
France	1.35	3.54	60	0	23200.00
Germany	18.52	2.84	86	.5	24900.00
Greece	11.92	2.20	52	0	16000.00
Iceland	17.20	4.00	84	1	27500.00
Ireland	16.80	2.76	83	0	28500.00
Italy	16.18	5.22	59	0	24500.00
Luxembourg	16.07	3.68	86	0	45000.00
Netherlands	18.71	4.68	85	.5	27500.00
Norway	15.30	3.61	91	1	29400.00
Portugal	15.96	3.33	28	0	17600.00
Spain	11.85	2.76	73	0	19300.00
Sweden	18.23	3.52	85	1	24400.00
Switzerland	17.02	5.57	33	.5	30100.00
United Kingdom	5.34	2.20	76	1	23900.00

Sources: Lijphart 1999; International Museum of Women 2003; Central Intelligence Agency 2004; Organisation for Economic Co-operation and Development 2001.

The second means of analysis is a qualitative comparison of the United Kingdom and Sweden -- societies that contrast sharply on electoral and party systems, positive action measures employed by each nation, and the consequences of these measures for women's representation in parliament. Neither country utilizes a national quota law, but in each nation there is a history of positive action measures at the party level. In the United Kingdom, the focus is primarily on positive action measures utilized by the Labour Party in 1997 election and the consequences of their removal for the 2001 election. The Labour Party is the only British party that has employed positive action measures to date. As for Sweden, the focus is on the use of quotas by the three Swedish

political parties that employ this technique: the Swedish Social Democratic Labour Party, the Green Party of Sweden, and the Left Party. Still, all seven of the political parties in Sweden have implemented some form of positive action measure.

Quantitative Analysis

Quantitative analysis indicated some interesting but unexpected trends. I began with bivariate correlations between the five independent variables and the dependent variable. Only two variables, index of proportionality and years elapsed since full suffrage for women, were found to be significantly related to the dependent variable at the .05 level, although my measure of Protestantism came close. See Table 3. When regression analysis was conducted the index of proportionality lost its significance, making the years elapsed since full suffrage for women the only significant variable in multivariate analysis. See Table 4. All relationships were positive, as predicted, except for GDP. My data indicates that as the GDP of Western European nations rises the percentage of women in parliament actually falls. A negative relationship is still present when the outlier of Luxembourg is removed from the data set. This relationship counters the positive relationship that prior research has indicated.

While some trends from previous research were replicated in this region specific analysis, by and large my quantitative analysis indicates that the variables affecting the proportion of women's representation in Western Europe differ from the variables found to affect women's proportional representation worldwide. In analyzing a specific area of the world, which shares history and experiences, it is not surprising that alternate variables might be at play. Such a prediction was one of the major reasons that provoked me to begin this analysis in the first place. The political evolution of Western Europe differs dramatically from the rest of the world, thus it is not surprising that contrary variables are at work in this region.

Table 3: Correlations

	Proportion of Women in Parliament	Index of Proportionality	Number of Political Parties	Years Elapsed Since Full Suffrage for Women	Measure of Protestantism
Proportion of Women in Parliament					
Index of Proportionality	.513*				
Number of Political Parties	.263	.384			
Years Elapsed Since Full Suffrage for Women	.481*	.231	-.110		
Measure of Protestantism	.422	.162	.091	.291	
GDP of the Nation in Terms of PPPs	.013	.284	.300	.386	.051

Note: *Significant at the <.05 level

Table 4: Regression Analysis

	Proportion of Women in Parliament	Standard Error
Index of Proportionality	.365	.498
Number of Political Parties	.274	2.154
Years Elapsed Since Full Suffrage for Women	.581*	.127
Measure of Protestantism	.168	4.420
GDP of the Nation in Terms of PPPs	-.365	.000
Adjusted R Squared	.398	8.527

Note: Regression coefficients are standardized. *Significant at the <.05 level

While some trends from previous research were replicated in this region specific analysis, overall my quantitative analysis indicates that the variables affecting the proportion of women's representation in Western Europe differ from the variables found to affect women's representation worldwide. In analyzing a specific area of the world, which shares history and experiences, it is not surprising that alternate variables might be at play. Such a prediction was one of the major reasons that provoked me to begin this analysis in the first place. The political evolution of Western Europe differs dramatically from the rest of the world, thus it is not surprising that contrary variables are at work in this region.

It is obvious through quantitative analysis that the year in which women received full suffrage is tremendously important in Western Europe. Such a result seems quite logical, given that longer periods of full women's suffrage allow a nation more time to accept women representatives, both in the public mindset and through political action. I was quite surprised by the loss of statistical significance for the index of proportionality when multivariate analysis was conducted, as prior literature indicates a highly significant positive relationship between PR systems and women's representation. The loss of significance between bivariate and multivariate analysis indicates that, while proportional representation most likely affects women's representation in some manner, the effect in Western Europe is not as direct as the existing literature leads us to believe. The loss of significance between bivariate and multivariate analysis led me to postulate that PR systems are in fact affecting women's representation, but that the effect is not due to the fundamental electoral structure. I hypothesize that it is due to a side effect of operating under a PR system. This query prompted me to investigate the situation further through qualitative analysis.

Qualitative Analysis

The lack of a coherent explanation for variation in women's representation within Western Europe in my quantitative analysis leads me to examine another possible explanation qualitatively, positive action measures. I chose to qualitatively examine positive action measures because of the difficulty in obtaining a data set with a sufficient N to conduct meaningful regressions.

While there is no doubt that quantitative work in this area would be helpful, I felt my time would be best spent in a complete and thorough examination of positive action measures in two contrasting Western European nations. In recent years there has been a heightened focus on positive action measures – quotas, for example -- employed by political parties across Western Europe and their effect on increasing women's representation. In order to qualitatively examine positive action measures, I have analyzed the United Kingdom and Sweden, as they contrast sharply with one another on degree of proportionality and number of political parties. It seems likely that both of these variables contribute to whether or not a nation is prone to implement positive action measures, and such a relationship would explain the results of my quantitative analysis. In light of the fact that the other political variables are not as influential in Western Europe as they are in worldwide analysis, positive action measures could be the key to discovering why women's representation is higher in one Western European nation than another. Although prior research has been conducted on the effect of positive action measures, little analysis on the relationship of such measures to proportional representation has occurred. Therefore, my research represents a collaboration of past data in order to garner a more comprehensive analysis of not only the effect of positive action measures on women's representation in two contrasting political systems, but also how the use of such measures is most likely to come about.

My hypothesis is that those nations that utilize a proportional representational system are more prone to implement and utilize positive action measures than those operating under a majoritarian system. This correlation is anticipated because PR systems typically foster multi-party systems composed of parties whose ideologies range across the spectrum, whereas majoritarian systems are typically dominated by two political parties with more moderate political agendas. In multi-party systems, it is more likely that political parties, especially leftist parties, are willing to implement more extensive measures to increase the percentage of women representatives from their party in accordance with their egalitarian views. Both Norris (1997b) and Bergqvist et al. (1999) have concluded that left-wing socialist parties are more likely to support and utilize gender quotas than centrist and right-wing parties. Norris predicts this occurs because left-wing parties are normally more equality oriented and possess a heightened level of faith in the power of quotas to bring about positive change. It is further predicted that the more radical practices of the left will to be some

degree emulated or at least countered by centrist and right-wing political parties over time. This prediction is in line with the theory of contagion, which argues that “contagions from the left” force political rivals to emulate practices that they would not likely initiate on their own in order to be politically competitive. Lenita Freidenvall (2003, 6) explains the contagion theory’s implication on women’s representation:

By nominating women, small parties demonstrate that there is no penalty in promoting women and larger parties will feel inclined to respond to these pressures by taking direct action in the support of women....Over time, as each party reacts to a felt threat from close political competitors on the issue of sending more women to parliament, the perceived need to nominate women will trigger approximately all parties in the political spectrum to comply with the new norms.

Although the contagion theory is not limited to proportional representational systems, I hypothesize that it is more likely in a PR system as the competition among parties is more fervent due to the increased number political parties.

Neither Sweden nor the United Kingdom has implemented national quota laws or other similar national requirements, so for the purpose of this study analysis of positive action measures will be confined to those that are party implemented. The most familiar example of a positive action measure is a party quota, where party rules require that a certain number of list candidates be female. Positive action, however, can take many forms. Prevalent examples include all-women shortlists, twinning, zipping, and clustering. All-women shortlists are a practice that can be implemented in single-member constituency elections where the party is responsible for the nomination. It always results in a female being nominated for the seat, as only women are placed on the shortlist of candidates from which local party officials can pick a candidate. Twinning and clustering are adaptations of all-women shortlists. Twinning is simply the alternation of men and women on a party shortlist, and clustering is when multiple constituencies team up to insure adequate women’s representation among themselves. Zipping is a practice used in proportional list systems, where selectors are required to alternate men and women on the list of candidates

nominated from the party (Fawcett 2003). Although other forms of positive action measures occur, these examples are the most prevalent.

The United Kingdom's history of positive action is limited primarily to the Labour Party. While the Liberal Democrats have recently implemented a shortlisting quota, requiring between 25 to 40 percent of places on the party list to be reserved for females, this measure has yet to demonstrate any major effect on women's representation in the Liberal Democratic Party. The Labour Party, on the other hand, has utilized quotas more extensively and on a wider scale. In 1986, the first move towards utilizing positive action measures began when the party conference moved to include one woman on every shortlist. The rest of the 1980s were dominated mainly by rhetorical commitments to parity, but in 1992 the party adopted the practice of all-women shortlists. This practice was effective in securing a substantial number of seats for Labour women in the subsequent 1997 British House of Commons election, because it required that one-half of all targeted seats, or those that Labour was expected to win, would have shortlists composed entirely of women. This guaranteed a female representative if Labour won the seat. The election of 1997 proved to be a great year for the Labour Party, as they captured 140 new seats. Labour targeted 75 seats and of those 75 seats, 49.3% of the MP's elected were women. Of the remaining 65 seats that were captured unexpectedly only 16.9% were female. See Table 5. The difference between the proportion of women capturing targeted seats versus the proportion of women capturing untargeted seats is striking, demonstrating the effectiveness of all-women shortlists.

Table 5: Newly Captured Labour Seats 1997

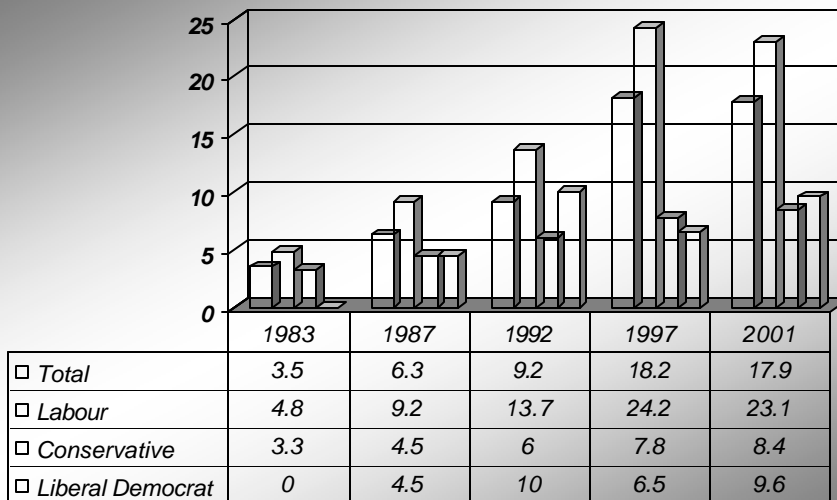
	1997 targeted	1997 untargeted	1997 total
Seats Captured by Labour	75	65	140
Women Candidates in Such Seats	37	11	48
Women Selected by All-Women Shortlists	28	0	28
Percentage of Women Elected	49.3	16.9	34.3

Source: Squires and Wickham-Jones 2001.

While there was a distinct rise in the number of women MP's in the Labour Party in 1997, the 2001 election brought a decrease in women MP's for

both the Labour Party and the House of Commons. See Figure 1. This was at least partly due to Labour's abandonment of all-women shortlists following a legal challenge to the practice by two male aspirants to office. The International Tribunal in Leeds upheld the aspirants claim that all-women shortlists violate the United Kingdom Sex Discrimination Act, because such shortlists facilitate access to employment on the grounds of sex. After this ruling the Labour party returned to their practices from 1987-1992, which resulted in a loss of five women MP's in the subsequent 2001 election. This loss of women's representation marked the first decrease in the number of female Members of Parliament since 1979 (Squires and Wickham-Jones 2001).

Figure 1: Percentage of Women MP's from 1983-2001



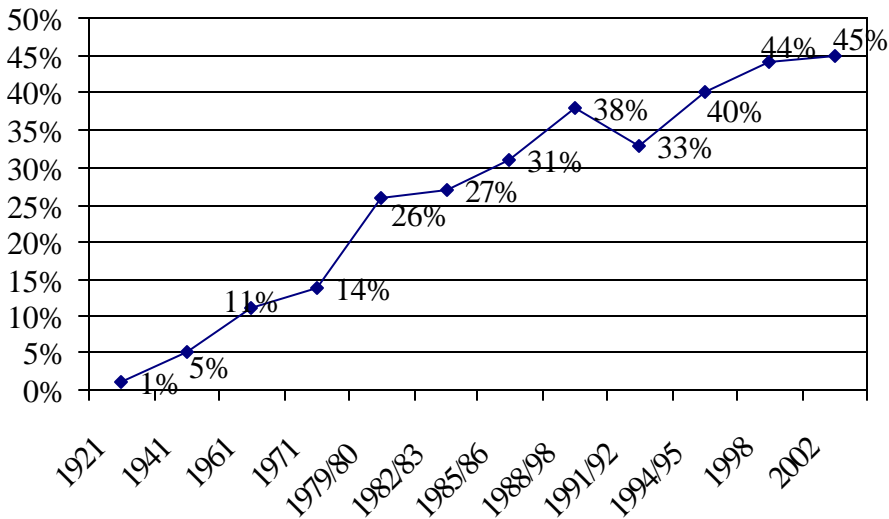
Source: Squires and Wickham-Jones 2001.

The case of Sweden is a bit more complicated, as Sweden has a much longer and widespread history with positive action measures. Capturing the effect of positive action measures has long been difficult because many of the practices to increase women's representation by the Swedish political parties lack formality. Swedish political parties first began rhetorical commitments to parity in the 1970's, but formal requirements were not implemented until the 1980's.

These practices are continually being expanded. Furthermore, current research on positive action measures tends to focus specifically on quotas, which I believe underestimates the effect of positive action measures as a whole.

Swedish women gained access to the Riksdag, Sweden's national legislative body, in 1921, but it was not until the 1970's that gains in parity were made to any substantial degree. See Figure 2. Between 1971-1980 and 1980-1989 there were sequential 12% increases in women's representation in the Riksdag. Post-1989 women's representation has gotten slightly more complicated. In 1991 the number of female legislators fell for the first time ever by 5% points, but the subsequent election saw a rise in women's representation from 33% in 1991 to 40% in 1994. The upward trend has continued. In the last Riksdag election, in 2002, the proportion of female legislators was at an all time high of 45%.

Figure 2: Proportion of Women in the Riksdag 1921-2002



Source: Sveriges Riksdag 2003.

As Sweden is comprised of approximately seven political parties, all of which have undertaken some form of action to increase the number of women representatives in their party, a qualitative analysis of the positive action

measures in the Riksdag is highly complicated. According to Lenita Friedenvall (2003), positive action measures in Sweden can be divided into three categories: goals, targets, and quotas. See Table 6. Quotas in Sweden are limited to political party provisions requiring a specific proportion of a party's legislative members to be female. Party targets are similar to quotas, but lack the mandatory nature, while goals are simply rhetorical commitment to parity without formal action. Analysis of positive action measures in Sweden yields two important trends. First, the most radical measures of positive action, quotas, are typically preferred by those parties to the left of the political spectrum, upholding the research conducted by Norris (1997b) and Berqvist et al. (1999). Quotas were first utilized in Sweden by the Green Party in 1981. In 1987 the Left Party and the Social Democratic Party joined suit. All three of these parties have expanded their quota laws quite substantially since their first conception in the 80s, and currently each of these parties practice a 50% policy of equal representation among their legislators. Second, over the three decades analyzed, the positive action measures employed became more and more radical. The 1970s were dominated primarily by goals and party targets, while the 1980s saw an increase of party targets and quotas, at the expense of goals, and in the 1990s quotas have become the preferred method of positive action. The radicalization of positive action measures is also apparent within the parties themselves. The Social Democratic Party began with goals in the 1970s, continued into party targets in 1980's, and adapted quotas in the early 1990s (Friedenvall 2003). These two trends indicate the viability of the contagion theory, as they support both the idea that leftist parties are indeed more likely to implement more radical forms of positive action measures, and that the implementation of more radical procedures by leftist parties infiltrates more centrist and right-winged parties over time.

Evidence suggests that the effect of positive action measures in Sweden has been to increase the number of women in the Riksdag. Each decade has seen a radicalization of positive action measures, as well as an increase of the proportion of female legislators. The political party that first utilized quotas, the Green Party, currently ranks first among Swedish political parties in terms of women's representation, as 57% of their representatives are women. Still, all parties possess representational levels at or above 30%, well exceeding the world average. In extension, a comparison between the implementation of positive action measures in a particular party and the subsequent increase in that party's proportion of women representatives also supports the use of positive action.

Table 6: Positive Action Practices of Swedish Political Parties by Category

	Goals	Targets	Quotas
Conservative Party	1978, 1981, 1993		
Christian Democratic Party	1986	1987, 1989, 1994, 1996	
Center Party	1975, 1977, 1979, 1995, 1996, 1997		
Liberal Party		1972, 1974, 1975, 1977, 1980, 1984, 1987, 1990, 1993 1997	
Green Party			1981, 1987, 1993, 1994, 1995, 1996, 1997
Social Democratic Party	1972, 1975, 1978, 1981, 1984	1978	1987, 1990, 1993
Left Party		1972, 1978, 1981, 1985	1987, 1990, 1993, 1996

Source: Freidenvall 2003.

Evidence suggests that the effect of positive action measures in Sweden has been to increase the number of women in the Riksdag. Each decade has seen a radicalization of positive action measures, as well as an increase of the proportion of female legislators. The political party that first utilized quotas, the Green Party, currently ranks first among Swedish political parties in terms of women's representation, as 57% of their representatives are women. Still, all parties possess representational levels at or above 30%, well exceeding the world average. In extension, a comparison between the implementation of positive

action measures in a particular party and the subsequent increase in that party's proportion of women representatives also supports the use of positive action measures to increase representation. Most demonstrative is the Left Party's vast proportional increase of female legislators from 16% in 1986 to 38% in 1989 after the implementation of quotas in 1987 (Friedvall 2003).

Analysis of the use of positive action measures in Sweden and the United Kingdom confirms my hypothesis that PR systems are more likely to implement positive action measures and use them to a higher degree. Sweden's use of positive action measures well exceeds the United Kingdom's use. Furthermore, my analysis supports the contagion theory, demonstrating that fractions from the left create a radicalization of positive action measures in centre and right-winged parties over time, and that this is more likely to happen in the multi-party/PR system of Sweden than in the majoritarian system of the UK. Therefore, what we are most likely seeing in regards to women's representation is a more indirect effect of PR systems, in the form of positive action measures.

Conclusions

My research indicates that within the confines of Western Europe, political variables do not influence variations in women's representation as across the globe generally. While bivariate analysis illustrates a significant relationship between the dependent variable and two independent variables (index of proportionality and the number of years elapsed since full suffrage was obtained), in multivariate analysis the index of proportionality loses its significance. This result differs from prior research, indicating that while women's representation in Western Europe does appear to be positively affected by political variables, the degree of the effect is much less than in worldwide analysis. Nonetheless, when compared to the control variables, political variables are still the most influential, as both control variables are statistically insignificant in bivariate and multivariate analysis. Furthermore, contrary to my hypothesis and prior research, analysis indicates an inverse relationship with GDP and the number of women in parliament. This inverse relationship is certainly an interesting finding and one worthy of further investigation.

My qualitative analysis indicates that those nations that utilize a proportional representational system are indeed more prone to implement and utilize positive action measures than those operating on a majoritarian system,

confirming my hypothesis. This correlation is anticipated because PR systems typically foster multi-party systems composed of parties whose ideology ranges across the spectrum, where majoritarian systems are typically dominated by two political parties with more moderate political agendas. My research suggests that in multi-party systems there are more likely to be political parties, especially leftist parties, which are willing to implement more extensive measures to increase the percentage of women representatives from their party in accordance with their egalitarian views and desire to gain electoral advantage. Furthermore, in accordance with the contagion theory the use of positive action measures has been demonstrated to infiltrate parties to the centre and right over time. Therefore, it is unsurprising that the level of women's representation in the UK remains over 27% points lower than in Sweden. Still, this portion of my research is limited due to its focus on two nations, Sweden and the United Kingdom. Further analysis across all Western European nations would no doubt be helpful in explaining the effect of PR systems on women's representation in regards to positive action measures.

My research indicates that the effect of political variables on Western European nations differs from their effect on a worldwide stage. Although PR systems are more likely to have higher levels of female representation, my data suggest that the effect most likely comes in the form of positive action measures, which are more likely in such systems, than from the direct effect of proportional representation itself. Such a relationship tells us that, in regards to Western European nations, the approach to increasing women's representation is different than a worldwide approach and that more analysis is needed to fully understand the complexities of this relationship.

References

- Berqvist, Christina. 1999. *Equal Democracies? Gender and Politics in the Nordic Countries*. Oslo: Scandinavian University Press.
- Brady, Henry E., and David Collier. 2004. *Rethinking Social Inquiry: Diverse Tools, Shared Standards*. Landham, MD: Rowman and Littlefield.
- Caul, Miki. 1997. "Women's Representation in Parliament: The Role of Political Parties." The Center for the Study of Democracy, University of California, Irvine. <http://www.democ.uci.edu/publications/papersseriespre2001/caul.htm> (October 12, 2005).
- Central Intelligence Agency. 2004. *The World Factbook*. <http://www.cia.gov/cia/publications/factbook/index.html> (November 18, 2004).
- Freidenvall, Lenita. 2003. "Women's Political Representation and Gender Quotas-The Swedish Case." The Research Program on Gender Quotas, Stockholm University.
- Inter-Parliamentary Union. 2000. *Politics: Women's Insight*. IPU Reports and Documents No 35. Geneva: IPU.
- Inter-Parliamentary Union. 2004. *Women in National Parliaments*. www.ipu.org/wmn-e/world.htm (May 20, 2004).
- International Museum of Women. 2003. "Chronological List of Women's Suffrage Dates." http://www.imow.org/SuffrageChron_3.htm (November 25, 2004).
- Kenworthy, Lane and Melissa Malami. 1999. "Gender Inequality in Political Representation: A Worldwide Comparative Analysis." *Social Forces* 78: 235-69.
- Lijphart, Arend. 1999. *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*. New Haven, CT: Yale University Press.
- Matland, Richard E. 1998a. "Enhancing Women's Political Participation: Legislative Recruitment and Electoral Systems." In *Women in Parliament: Beyond Numbers*, ed. Azza Karam. Stockholm: IDEA, 65-86.
- Matland, Richard E. 1998b. "Women's Representation in National Legislatures: Developed and Developing Countries." *Legislative Studies Quarterly* 23: 109-25.

- Norris, Pippa. 1985. "Women's Legislative Participation in Western Europe." *West European Politics* 8: 90-101.
- Norris, Pippa. 1997a. *Passages to Power*. Cambridge: Cambridge University Press.
- Norris, Pippa. 1997b. "Equality Strategies and Political Representation." In *Sex Equality Policy in Western Europe*, ed. Frances Gardiner. London: Routledge, 46-59.
- Norris, Pippa. 2000. "Women's Representation and Electoral System." *The International Encyclopedia of Elections*. ed. Richard Rose. Washington: CQ Press. <http://ksghome.harvard.edu/~pnorris.shorenstein.ksg/acrobat/womenele.pdf> (November 18, 2004).
- Norris, Pippa, and Joni Lovenduski. 1993. "Gender and Party Politics in Britain." In *Gender and Party Politics*, eds. Joni Lovenduski and Pippa Norris. London: Sage Publications, 35-59.
- Organisation for Economic Co-operation and Development. 2001. *OCED in Figures*. <http://www.oecdbookshop.org/oecd/display.asp?lang=EN&ndsfl1=identifiers&dst1=012001081e1> (November 15, 2004).
- Okin, Susan Moller. 1995. "Politics and Complex Inequalities of Gender." *Pluralism, Justice, and Equality*, eds. David Miller and Michael Walzer. Oxford: Oxford University Press, 120-144.
- Phillips, Anne. 1998. "Democracy and Representation: Or, Why Should it Matter Who Our Representatives Are?" *Feminism and Politics*, ed. Anne Phillips. Oxford: Oxford University Press, 224-240.
- Rule, Wilma. 1987. "Electoral Systems, Contextual Factors and Women's Opportunity for Election to Parliament in Twenty-Three Democracies." *Western Political Quarterly* 40: 477-98.
- Sainsbury, Diane. 1993. "The Politics of Increased Women's Representation: The Swedish Case." In *Gender and Party Politics*, eds. Joni Lovenduski and Pippa Norris. London: Sage Publications, 263-290.
- Squires, Judith, and Mark Wickham-Jones. 2001. *Women in Parliament: A Comparative Analysis*. Manchester: Equal Opportunities Commission.
- Sveriges Riksdag. 2003. *Women in the Riksdag*. Stockholm: Information Department of the Riksdag.
- Thomas, Sue. 1998. "Introduction." *Women and Elective Office: Past, Present, Future*, eds. Sue Thomas and Clyde Wilcox. New York: Oxford University Press.

Sexual Violence as Low-Value Speech Under the First Amendment

Jeremy Intihar

University of Pittsburgh at Johnstown

Since the Roth (1957) and Miller (1973) decisions, justices and scholars have continued to struggle with the question of whether violent pornography is included within the legal definition of obscenity. Many feminist scholars claim that pornography, violent or otherwise, is a cause of violence and discrimination against women, and these claims have spawned a wide range of research about the violent effects of pornography. The recent French film Romance (1999) provides an opportunity to consider film portrayal of violence and sex as low-value speech under the First Amendment and demonstrates that sexual violence may require a discrete classification as low-value speech. This classification, focusing only on sexual violence as a type of behavior and not on violent sexuality or violent speech, would reduce much of the arbitrariness in the application of the obscenity law to certain forms of sexual behavior.

Introduction

Following the Supreme Court's 1957 decision in *Roth v. United States* scholars and the courts have repeatedly attempted to define what constitutes obscenity, and in turn, loses First Amendment protection. Naturally, sexual content leads to heated debates, particularly regarding the genre labeled pornography. Scholars repeatedly question whether pornography is obscenity, and for that matter, whether obscenity is so obscene.

As Cheryl Preston (1997, 773) argues, the pornography debate essentially centers around three competing groups. The first group is the anti-pornography feminists, which includes Catherine McKinnon and Andrea Dworkin, who define pornography as a mechanism for controlling women (Segal 1994). The second group is the anti-suppression feminists, including Anne McClintock and Lynne Segal, who argue that pornography does not cause male violence toward women and that suppression of pornography would discourage women from exploring their sexuality (Preston 1997, 775). Finally, the group

with the greatest impact on the pornography debate is the courts. Through decisions such as *Roth* and *Miller v. California* (1973), the courts have created a category of non-speech called obscenity, yet anti-pornography feminists and the courts have repeatedly excluded pornography from the obscenity exception. The courts claim that pornography does not fit into the *Miller* test, while the feminists have argued for a civil rights approach to pornography (Preston 1997, 774). Additionally, recent court holdings have held that the First Amendment protects violent speech (Saunders 1996, 58-59).

These three groups can achieve some reconciliation. The *Roth* and *Miller* definitions of obscenity are too narrow in their focus on sexual acts. As Cass Sunstein shows, the idea of obscenity may be too vague. Rather than accept the definition of obscenity as non speech, the Supreme Court would do better to place sex and violence into a category of low-value speech (Sunstein 1993, 209-211). With the use of low-value speech, the pornography debate could be resolved in a compromise between the three groups. The recent French film *Romance* (1999), which depicts a woman's insatiable search for gratification through a varied array of sexual acts, demonstrates the need for a new definition of speech, which utilizes the low-value model of free speech to allow for regulation of sexual violence as a singular unit.

Sex, Violence, and the First Amendment

In 1957, the Supreme Court handed down a decision on what was a relatively minor case. Nonetheless, the decision in *Roth* became monumental in the way the courts handled the term obscenity. The *Roth* Court devised a three-pronged definition of what makes a work obscene. According to Justices Brennan, Warren, and Fortas, a work is obscene if:

- (a) the dominant theme of the material taken as a whole appeals to a prurient interest in sex; (b) the material is patently offensive because it affronts contemporary community standards relating to the description of representation of sexual matters; and (c) the material is utterly without redeeming social value (*Roth v. United States* 1957, 488).

Harry Kalven, however, believes that the *Roth* Court erred on multiple levels. To begin, Kalven argues that the term obscenity is "irreducibly vague and all

definitions were circular” (Kalven 1960, 3). The fact that the Supreme Court struck down numerous state statutes that attempted to define and regulate obscenity supports this claim. In particular, *Winters v. New York* revealed that a vague statute could not pass the strict scrutiny test required for regulation of speech (*Winters v. New York* 1948, 509-510).

Another conspicuous flaw of the *Roth* decision was its use of a polar definition of speech, according to which material is either speech or non-speech. As Justice Brennan recognized, “[t]he dispositive question is whether obscenity is utterance within the area of protected speech.” But the Court did not think so, ruling that obscenity is “utterly without redeeming social importance,” and is therefore non-speech (*Roth v. United States* 1957, 481). To say that something is completely without worth seems irrational and highly subjective, however.

The subjectivity of the obscenity exception as manifested in the polar definition of speech is the greatest flaw of the *Roth* court. According to Kalven, defining obscenity is like comparing poison ivy to other plants. In this schema, one can easily recognize and categorize poison ivy. Obscenity is not easily recognizable like poison ivy, and thus the obscenity test becomes a matter of finding a few obscene moments within a given work, and then classifying the work as obscene. This duty, however, is “entrusted to a fact finder and insulated from independent constitutional judgments” (*Roth v. United States* 1957, 497).

Additionally, the use of the polar definition allowed the *Roth* court to avoid the issue of incitement. Kalven questions what type of clear and present danger obscenity presents, given that Justices Bok and Frank argued in their opinions that obscenity incites individuals to “antisocial sexual conduct.” This point ignores the lack of causal evidence between obscene material and actual behavior (Kalven 1960, 4). Since the Court defined obscenity as non-speech, the justices did not need to employ the clear and present danger test.

Another interesting facet of the *Roth* decision was its focus on sexual acts. This focus is evidence of the short-term institutional memory of the Court. Various statutes and court cases would provide ample evidence of jurisprudence that was not limited to sexual acts. Statutes enacted in New York, Massachusetts, and Michigan during the late 19th century banned a myriad of performances from public view, including excrement, sex, and even bloodshed (Saunders 1996, 113-116). *Swearigan v. United States* (1896) diminished the propensity of states to include violence within obscenity definitions. The Court held that obscenity was limited to sexual acts. Nevertheless, *Swearigan* was an

observation, not a holding. Thus, this case should not have stopped state legislatures from banning violent material (Saunders 1996, 119).

Following the *Roth* decision, the Court faced a second obscenity decision. In *Miller* (1973), the Court made minor revisions to the definition of obscenity. More importantly, the opinion created a test for obscenity that asks:

whether ‘(a) the average person, applying contemporary community standards’ would find that the work, taken as a whole, appeals to prurient interests; (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable state law; and (c) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value (*Miller v. California* 1973, 37).

Nonetheless, *Miller* suffers from the same vagueness and over breadth as *Roth*. Furthermore, the average person standard in the *Miller* test employs the same extra-constitutional fact finder that Kalven criticized.

Additionally, the *Miller* test, and subsequent decisions that established the doctrine of variable obscenity, greatly expanded that which is not obscene. This contradiction is particularly striking when comparing Justice Berger’s definition of obscene sexual acts with Senator Jesse Helms’s list, which he devised two decades later. Berger concluded that any “ultimate sexual act, normal or perverse,” was included within the obscenity exception. Helms, on the other hand, determined that only extreme sexual acts, especially sadomasochist pornography, were at the top of the obscenity list (Williams 1994, 49-50). This exhibits a growing, not receding, acceptance of various deviant sexual acts.

Furthermore, the introduction of variable obscenity in *Mishkin v. New York* (1966) complicated the already murky obscenity definition. Based on the third-prong of the *Miller* test, the Court concluded that if a “sexually deviant group” was the target audience for a work, then the average-person test should use that particular deviant group to test the standard (*Mishkin v. New York* 1966, 508-509). Essentially, the limits imposed by *Roth* and *Miller* were all but lost to an expanding social acceptance of sexuality. This shifted most pornography, even violent pornography, into the realm of free speech.

All of this highlights the need to rethink obscenity, especially within the realm of sexual violence. The *Roth* Court was unable to operate within a middle

ground of speech, thus forming a dichotomy between speech, like violence, and non-speech, such as sex. Cass Sunstein's (1986) two-tier model of speech, however, differentiates between speech that is closest to the central purpose of the First Amendment and speech that lies in the periphery. The courts could readily apply this model, with high value speech, such as political speech and checking-value speech, receiving the highest protection, and low value speech, such as sexual violence, requiring courts to simply find a reasonable basis for regulation (Campbell 2000, 643). Thus, the fact finder does not become entrenched and impervious to contemporary constitutional judgments.

Furthermore, the characteristics of low value speech are easily applied. First, the material must be "far from the central concern of the First Amendment, which is effective control of public affairs." Second, the material must be "purely non-cognitive." Finally, the speaker is not attempting to communicate a message (Sunstein 1986, 603-604).

Though Sunstein's two-tier model would remove much of the vagueness and unpredictability from the obscenity definition, the model is not without its critics. To begin, critics claim that treating some speech less favorably than other types of speech is erroneous. Loewry maintains, however, that the courts are completely empowered to discriminate between classes of speech, but not within each class. Additionally, a second level of speech would solidify the "ephemeral line" between protected and unprotected speech (Loewry 2001, 199).

Even Sunstein's two-tier model may not be enough. The film *Romance* calls into question the basic design of the model. For instance, the model relies on discreet categories of speech, either high or low value. One must wonder if the discreet categories leave out the possibility for a scalar model. These considerations will be discussed upon review of the film.

Sex or Violence: A Critique of Pornography and the False Dichotomy

As previously revealed, the current definition of obscenity encompasses only extreme sexual activities, and violence is completely missing from the definition. Thus, the courts have generally categorized violent pornography as protected speech. Why did the Court then exclude violence from the *Roth* definition of obscenity? According to Justice Douglas in his dissent in *Roth* "As long as there is no direct causal relationship between the speech and the violent

act, are we not better off giving full First Amendment protection to speech whether it incites or not? Is not the better value judgment to hold individuals responsible for their own actions” (*Roth v. United States* 1957, 502).

Ironically, there is a larger body of research exhibiting the causal effect that violent media has on behavior than there is of research showing the causal effect that sexual media has on behavior. As Bushman and Anderson argue, both qualitative and quantitative studies have yielded the conclusion that viewing violence increases aggression, and repeated exposure to violent media for at least a few minutes per day causes an increase in the likelihood that an individual will become aggressive (Bushman and Anderson 2000, 484-486).

Accordingly, Christopher Campbell cites the four central effects of violent media. First, media violence causes an increase in actual aggression. Second, media violence causes an increase in callousness and apathy of bystanders. Third, and perhaps most interestingly, media violence increases the desire to view additional violent media. Finally, media violence increases the belief that the world is more violent than it actually is (Campbell 2000, 648).

Clearly, the data from these studies call for the reconsideration of the *Roth* and *Miller* decisions at least to the extent that one could argue that violent media incite violence and loses First Amendment protection. Many scholars and laypersons, however, do not accept the social science research as fact. Perhaps they are correct in asserting that violence is not the entire picture. As Laura Kipnis argues, social science research has been “so shot through with simplistic assumptions” that one cannot surmise what the research is measuring (Kipnis 1996, 147).

Quite like the debate over sex and violence as obscenity, the pornography debate also demonstrates the need for a two-tier model of speech. As noted, the pornography debate pits anti-pornography feminists against anti-suppression feminists (See Segal 1993). The principal argument of the anti-pornography feminists comes from the municipal ordinances they drafted, making illegal “[t]he sexually explicit subordination of women, graphically depicted, whether in pictures or words...women are presented dehumanized as sexual objects, things, or commodities...who enjoy pain or humiliation” (Merck 1993, 53). In essence, sex becomes a mechanism for control, and pornography becomes the teaching aide for men (Merck 1993, 58).

In their city ordinances, however, anti-pornography feminists did not proscribe pornography to be obscenity. Rather, they argued for a civil damages

approach, in which they claimed that pornography could cause sexual discrimination and rape, and then the victims of pornography could sue for punitive damages because of such crimes (Merck 1993, 53). The reluctance of these feminists to accept pornography as obscenity was, in part, due to the dynamic between the anti-pornography feminists and the moral right. It appears they were also reluctant to accept such a narrow and vague definition of obscenity, and equally reluctant to go beyond the “sex for mere sex’s sake” of pornography (Williams 1994, 48). The critiques of the anti-pornography feminists reveal this.

The central problem with the anti-pornography feminist definition of pornography is that it reduces sex, even consensual sex, to a game of control. While control may play some part, an important question arises. Is it not possible for a woman to enjoy sex? Furthermore, the issue of consent greatly injures the feminist definition of pornography. If pornography is nothing more than consensual power sharing and an exploration of sexual desires, where is the danger? Is this not the same question asked of the courts regarding sexual obscenity?

The answer lies at the intersection of sex and violence. Rape is the ultimate act of both sex and violence. In a recent study, White and Robinson-Kurpius (2002) found within a college-aged sample, fifty-three percent of females in the sample claimed that they had experienced some form of sexual abuse since the age of sixteen. Furthermore, they found that male students were more likely to assign blame to a rape victim than were female students. This study would seem to suggest that feminists were correct in claiming that women have been forced into a victim role, while men have grown more callous. Furthermore, it may seem like a logical nexus to conclude that pornography played a central role in the growing callousness of men. However nicely this fits into the feminist definition, there is more to the picture.

Rape is not wholly sexual in nature, nor is it a completely violent act. This debate has generated a false dichotomy in that rapes rarely result in physical injury and death (Jones, 1999). Rapes are the ultimate intersection of sex and violence, where an individual acts out both through violent penetration. Perhaps the definition of obscenity is arbitrary because it does not focus on a singular type of act. Furthermore, the pornography definition is too broad because it ignores the idea of consent. Rape, however, lacks consent and is a readily defined and identifiable act.

Before moving on to the idea of sexual violence as low value speech, one must qualitatively differentiate between sexual violence and violent sexuality. Sexual violence, as applied in this research, pertains to the act of rape or sexual assault. Violent sexuality, as will be exhibited, is a much more analytically complicated matter. Violent sexuality does not represent a perfect intersection of sex and violence. Instead, it represents the artistic play on gender roles and sexual desires.

It is ironic to say the least that pornography with its explicit focus on sexual activities is not included in the obscenity definition. Furthermore, the anti-pornography feminist definition of pornography leaves out the idea of non-consensual sex and opts for “sex for mere sex’s sake.” The two-tier model, however, makes a distinction between pornography, violent sexuality, and sexual violence. The intersection of pornography and violence, that is rape, should be included in the category of low value speech. Violence by itself often comes far too close to the line of making an artistic or political statement for the courts to place it in a category of low value speech. Additionally, consensual sex, though graphic, hardly meets the incitement or current obscenity exception. As Linda Williams (1994) believes, it is not the obscenity of sex that bothers individuals, but the “on/scenity” (53). Under this paradigm, acts of extreme sexual exploration that were once confined to the bedroom are now readily available for public viewing. They are not so much obscene as they are on-scene.

In *Rice v. Paladin Enterprises* (1996), the Court held that printed words could be held partly to blame for a murder (849). While this may appear to be a more direct route to regulating sexual violence, the relationship between the act and the behavior is not easy to show. Naturally, the conclusion that the media have no role “is logically unwarranted and empirically impossible” (van den Haag 1974, 163). While this holds true for research on the effects of violent media on aggression, the research on sexual media is deficient. The easiest approach to regulating sexual violence is not through incitement or civil ordinances, but through the two-tier model of the First Amendment.

Thus, the French film *Romance* demonstrates that only sexual violence can be included within the low value speech category and that this differs from violent sexuality, which may include acts of sadomasochism and rough sex. As Williams notes, sadomasochism is much more about shifting sexual identities than the “frenzy of the visible,” and it is much more than simple violence coupled with sex (Williams 1989, 70). Individually, the violent, sexual, and

visceral content of Romance do not place this film into the low value category. What does place this film into the category of low value speech is the sexual violence exhibited in the film.

Catherine Breillat's Romance as Low-Value Speech

To begin, a brief synopsis of the film and its history is in order. Catherine Breillat filmed, directed, and released *Romance* (1999) in France. The version utilized in this study is the director's cut, so the original intent of the director and producer remain intact. The courts have not banned this film in America, so it will be of some interest to explore why this film did not fit into current obscenity definitions. Furthermore, it will be of interest to explore the pornographic aspects of this film, particularly through the *Roth* definition. Then, a study of the sadomasochist aspects of the film will reveal the limitations of a definition of obscenity that includes violent media. Finally, the film will confirm the hypothesis that only sexual violence can fit into a low-value speech category of the First Amendment.

The film centers on the character Marie, who is a French teacher in a preparatory school in France. She is a young woman, perhaps around the age of thirty, and she is in her sexual prime. Her live-in boyfriend Paul, however, is hardly in his sexual prime. Paul refuses to engage in sexual relations with her. Paul views sex and other sexual activities as inherently filthy, although his double standards regarding men and women seem to contradict his beliefs. In bed, Marie must sleep naked, while Paul refuses to even remove his white cotton t-shirt. While at dance clubs, Marie sits languid with a drink in her hand as Paul dances with a myriad of beautiful women.

One night, after a failed attempt at performing oral sex on Paul, Marie leaves their apartment in search of something visceral and real. At a small café not far from her apartment, Marie meets an older man with whom she arranges a sexual encounter a few days later. This experience ignites a brief period of sexual exploration for Marie. Her exploration drives her to the brinks of sexual experience, which includes prostitution and submission. In particular, Marie becomes a submissive to the principal at the preparatory school after he learns of her probable dyslexia.

All of this leads Paul to yearn for her, particularly after she starts arriving home late each night. A one-time sexual encounter between them results in

pregnancy, and Marie is hopeful that the pregnancy may unite her and Paul. This proves to be only a dream. Far into Marie's pregnancy, Paul begins to distance himself from Marie again. At the dance club, Marie must stand to the side while Paul dances with all of the beautiful women in the club.

One morning, Marie begins to go into labor. She tries to awaken Paul, but he is in a deep sleep due to a long night of drinking. As she leaves for the hospital, she turns on the gas burners in the apartment. As she gives birth, the camera cuts to an outside view of the apartment as it explodes from the gas that flooded the apartment. Marie got the child that she always wanted, but the viewer has the impression that this may not be enough for her insatiable character.

Romance as Obscenity

Ironically, *Romance* would fit nicely into the first two prongs of the *Miller* definition and test for obscenity. As for the third prong, the fit would be a bit tougher, but would still be possible. In *Miller*, the three-prong test for obscenity readily deems *Romance* as an obscene work. To begin, an average person could theoretically say that the film "appeals to prurient interests." According to *Roth*, prurient simply implies that a work "brings about lasciviousness and lust" (*Roth v. United States* 1957, 488). Certainly, many of the scenes in *Romance*, such as the extended sexual encounter between Marie and her first affair, do in fact incite lascivious thoughts. According to theory, stimuli that produce emotional responses do so without the initial input of higher order brain functions (Saunders 1996, 148-149), illustrating how a work can be considered obscene and stimulating at the same time.

As for the second prong of the *Miller* test, the film certainly depicts sexual conduct that state laws specifically prohibit. Nowhere is this more evident than in the scene where Marie turns to prostitution. As she passes a man on the street, he offers her twenty Francs to allow him to "go down on her." She accepts the offer, which by statute makes her a prostitute. In this same scene, the same man that solicited sexual activities from her then rapes her. Naturally, most state statutes outlaw prostitution and certainly outlaw rape, so the film fulfills the second prong of the *Miller* test.

The third prong of the *Miller* test is where the problem lies, as it requires that a work "taken as a whole, lacks serious literary, artistic, political, or

scientific value” (*Miller v. California* 1973, 37). This is where authorial or artistic intent surely liberates Romance from the obscenity exception. Regardless of how graphic the sex is, or how violent the submission scenes are, the director clearly had a serious artistic intent. The graphic sex scenes are necessary to show the exploration of one woman’s sexuality in lieu of an unresponsive boyfriend. The literary and cinematic value of the movie appears to be greater than the “obscene” scenes used to illustrate the story.

Interestingly, the *Miller* test is much more stringent regarding artistic intent than the *Roth* definition. Under the *Roth* (1957) definition, a work would be obscene if it was “utterly without redeeming social value” (488). Evidently, neither the *Miller* test nor the *Roth* test could actually categorize Romance as non-speech, revealing “[t]he more we look for obscenity in order to ban it, the more we do not so much find it” (Williams 1994, 53). Thus, if a test for obscenity is as vague and arbitrary as to make it useless, and artistic intent is present in most works, perhaps the entire definition of obscenity is useless. Can Romance prove the same about the definition of pornography?

Romance as Pornography

By simple definition, Romance is pornographic. The multiple sexual scenes in the film are quite erotic, and part of the intent of the director was to portray them as erotic. Therefore, the film does fit the common legal standard for pornography (Saunders 1996). The nudity in the film is not enough. Throughout most of the film, Marie and her sexual encounters are nude. During every scene that occurs in her apartment, Marie casually walks around nude. The film reveals her nudity in a nonsexual manner. During acts of sexual intercourse and bondage, the viewer is privy to repeated shots of the male and female genitalia, or the “meat shot” (Kaite 1995, 79). The “meat shot,” however, is not what the anti-pornography feminists object to. As Acorn (1997) argues, the anti-pornography feminists had to separate sex and pornography. They believed that it was the “porno,” not the “graphic” that was the problem with pornography (265).

This play on words resulted in a flood of feminist literature denouncing pornography as harm against women. As noted, the feminists devised a definition of pornography that included such phraseology as “degrading to women” and “presented as dehumanized or as commodity” (Merck 1993, 53). In

their view, pornography is essentially a method for teaching men how to control women.

Romance seems to contradict this argument, or at least the claim that pornography exhibits women as powerless, submissive creatures. The film begins with Marie and Paul enjoying a drink at a local café. Their conversation reveals that Marie insatiably wants sex from Paul, but Paul is unwilling to accede to the proposition. During the conversation, Marie appears comfortable discussing the subject, while Paul appears obviously uncomfortable and a bit disgusted.

Later that evening, Paul is already laying in bed reading. As Marie crawls into bed, Paul requests that she remove her clothing, because he prefers that she sleep in the nude. Marie complies, but then requests that Paul remove his cotton t-shirt, which she despises. After a long and drawn out argument, Paul finally complies as well. As a result, Marie begins to perform oral sex on Paul. The scene is graphic, but as previously noted the graphic nature of the scene is not problematic. What might lend credence to the anti-pornography feminist argument is that Paul seems to control the sexual activity in the relationship. Paul quickly slides his penis back into his underwear and then claims that sexual activity is filth, which cuts the oral sex scene short.

At this point, the feminist argument seems to be accurate. By refusing to participate in sexual activity, Paul denies Marie her satisfaction. Thus, she feels degraded and spends half of the night crying while Paul sleeps soundly. One would assume that Marie is far too powerless and in love with Paul to desert him, but she quickly proves this assumption wrong. She dresses and then visits a nearby café. While sitting quietly at a table, a man comes over and they begin to discuss failed relationships. They kiss at the table, and soon return to Marie's car where they continue to kiss. The man begins to slide his fingers into Marie while fondling her breasts.

What occurs next completely changes the idea of control in the film. The man begs Marie, "blow me, baby." She refuses, but promises to do so during their next encounter, which she will schedule. She concludes that, "Blowjobs are fun as long as you know that you will get laid." What has occurred, in what amounts to one night, is that Marie has taken control of her own sexual gratification. If pornography exhibits women as degraded and owned objects, then why has Marie assumed the role of the typical porn-male? The answer has less to do with plot and more to do with gender roles.

Pornography, especially hardcore pornography, treats gender roles much the same way that horror movies do. The feminist definition of pornography assumes that what is shown is at face value the entire story. The problem is, however, that pornography often reverses the ascribed gender roles of a character (Clover 1992, 42-43). For instance, Marie is anatomically female, but after her failed attempt at oral sex with Paul, she becomes gendered male. She begins to possess all of the traits that society typically genders male. She actively pursues sexual encounters with strangers, masturbates to alleviate her arousal after a failed sexual encounter with Paul, and eventually kills Paul.

Paul, on the other hand, is gendered feminine. He becomes the orifice that women must conquer, and Marie is ultimately the conqueror. Paul's feminine insecurity becomes even more evident in the dance clubs. He seduces women in order to conquer, but he cannot fully conquer because he cannot fully commit himself to a sexual encounter. This reversal of gender roles questions the precise harm of pornography and to whom pornography directs the harm.

As for the claim that pornography reduces women to mere objects of sexual gratification, *Romance* again questions the credibility of the feminist definition. *Romance* creates an ironic twist on the common assertion that men are the subjects and women the objects of a sexual encounter. During her sexual encounter with the man from the café, Marie lies on her stomach while her lover penetrates her from behind. At first glance, her lover appears to be in control, while the camera merely objectifies Marie; however, this is not the case. When her lover asks whether she "wants it in the ass," she quickly denies his request. This sexual encounter is purely on Marie's terms. An internal soliloquy reveals that she never enjoys looking at her lover. Essentially, Marie is the sexual aggressor and her lovers are mere objects. The film completely reverses the gender roles, which partly discredits the one-way feminist definition.

To the credit of the anti-pornography feminists, *Romance* does much in the way of social commentary about contemporary sexual relations vis-à-vis the feminist perspective. For example, during the sexual encounter with the man from the café, the man tells Marie "the proper way to love a woman requires rape and force." Even Marie believes that "to want to fuck a woman is to despise her." Does this confirm the anti-pornography feminist assumption that all pornography is degrading to women? Once again, the issue of consent denies this possibility.

Throughout the film, Marie is a willing participant in nearly all of her sexual encounters. Whether she is engaged in traditional sexual intercourse for no profit, prostitution, or violent sexuality as manifested in sadomasochism, Marie continually exercises freewill. The anti-pornography feminists counter this argument with the claim that “[it is] hard to distinguish women’s consent from enforced submission” (Merck 1993, 60). If this is true, then why is Marie the character who actively pursues sexual encounters? Furthermore, if this argument were true, traditional sexual intercourse, manifested as consensual penetration without sadomasochism, would still have a violent aspect to it. This violence would be inherent to any sexual encounter, consensual or not. Therefore, sadomasochism and traditional sexual intercourse would only differ by degree, not kind. By extension, sexual violence would also differ by degree. Plainly, *Romance* is not exhibiting forced submission. Instead, *Romance* exhibits the sexual liberation of women, which Marie enacts through a series of deviant and non-deviant sexual encounters, and the catalyst for this liberation is the reversal of gender roles.

Ironically, the shifting gender roles and consensual sex in *Romance* reveal that sex alone does not fit into the definition of low-value speech. The graphic nature of the sexual encounters alone is not grounds for suppression. The government cannot regulate material simply because it offends the public (Loewry 2000, 200). Furthermore, the assertion that pornography leads to violence against women is unfounded. To say that sexual material causes violent behavior is an empirical stretch (Segal 1994, 13). Though “sex for mere sex’s sake” may not qualify as low-value speech, the question is whether violent sexuality does qualify?

Romance as Sadomasochism

One of the recurring themes in *Romance* is the relationship between Marie and the principal at the preparatory school. The principal, who claims to have had sexual relations with over a thousand women, is primarily interested in sadomasochism. More specifically, he enjoys tying women up. During Marie’s first visit to his apartment, he begins by gagging Marie. Then, he ties her hands to a rail hanging above her. The tying continues, and eventually he ties her entire body to the rail and a chair that he brings from the other room. Her entire pubic area is in plain view, and she is obviously experiencing a great deal of discomfort

and pain. Eventually, the pain becomes too much for her to bear, and she begins to cry and panic. The principal quickly removes the gag from her mouth and lays her down on the bed. As she is crying and shaking, he claims, "I didn't know that you didn't want to take it that far."

After her first experience, Marie grows ever more curious about the pleasures that she can derive from bondage. Within weeks, she returns to the principal. This time, however, she is in control. Although she is ultimately the submissive, she tells him exactly what she wants to do. She commands him not to tie her tight around the elbows, and she even selects what type of leg binding that she would like to try. After he has her completely bound and gagged, the principal slides his fingers into her vagina. He removes them, revealing her vaginal secretions as an overt sign of pleasure.

Clearly, the pleasure exhibited in sadomasochist pornography is not one sided. While the principal gains pleasure from the sadistic nature of dominating another individual, Marie gains pleasure from the pain and suffering. As Williams (1989) argues, women are punished in film for actively seeking pleasure (59). In essence, sadomasochism is less about sexual gratification and more about violent punishment. This fits nicely into Carol Clover's (1992) assertion that "violence and sex are not concomitants but alternatives" (29).

Nevertheless, the issues of consent and gender roles call this argument into question. The central issue is that Marie is a willing participant in the domination. Though she sits in his apartment bound and gagged, she can stop the process whenever she wishes, as was evident from her first experience. She claims that she was "terrified that she might die," but this is all part of the fantasy of sadomasochism.

In her article on Annie Sprinkle, Williams (1994) seems to agree, revising some of her earlier assumptions regarding sadomasochist pornography. She believes that in an effort to "scapegoat" deviance, the issue has become politicized, and feminists have sought to blame pornography for a slew of societal ills. Williams suggests that sadomasochist pornography may not be obscenity, and more importantly, may actually do very little harm to women (47). McClintock (1994) also argued that sadomasochist pornography is not as straightforward to analyze, as Williams had believed. Sadomasochism is more of a "consensual give and take," where gender roles are liquid and interchangeable (210). In Romance, Marie initially enjoyed masochistic pleasure from the submission, while the principal enjoyed sadistic pleasure. Marie reverses this

when she begins to command the principal about how he should dominate her. Furthermore, Marie assumes the dominating role through most of her sexual encounters.

Therefore, the possibility for the inclusion of violent sexuality within a low-value speech category seems unlikely. Like “sex for mere sex’s sake,” violent sexuality is much more than just an intersection of violence and sex. Violent sexuality, such as hardcore and sadomasochism, explores realms of sexual values and gender identities that greatly enhance its artistic intent. Furthermore, the lack of causal evidence relating violent sexual material and increased aggression negates the possibility for incitement.

Romance as Sexual Violence

As asserted in the thesis, sexual violence is the only aspect of Romance that qualifies as low value speech. Naturally, a low-value definition of any type of speech requires that some speech fall into the high-value category of speech, and other speech fall somewhere in between the two sets. Thus, a scalar model is the best method for conceptualizing speech. Material that is “far from the central concern of the First Amendment,” which is self-governance and checking value speech, is of lesser value (Saunders 1996, 151).

Speech considered of low value is not automatically regulated. A party must file suit in order to bring the issue before a court. The government need only find a sufficient cause to regulate such material. To do so, the courts must create a new category of sufficient cause. In this respect, the *ob caenum* definition of obscenity (i.e., derived “from filth”) becomes useful and suggests that the courts created obscenity laws to protect the sacredness of sexual acts (Saunders 1996, 67). This seems to regulate only “sex for mere sex’s sake,” but the application for sexual violence is an excellent fit.

Romance presents many scenes of graphic sexual activity that the Court could consider obscene; however, as previously discussed, the obscenity laws simply do not work. Applying the *ob caenum* definition to low-value speech, the sexual violence in Romance not only becomes low-value speech, but also thereby becomes open to regulation. The scene begins with a man offering Marie twenty Francs to perform oral sex on her. She sits in the stairwell as the man performs the sexual act, but he soon becomes stimulated and demands sex from her. Without waiting for a consensual reply, he turns her over onto her hands and

knees and exclaims, “Turn over bitch, I’m gonna fuck you!” Marie cries and flails as the man forcefully penetrates her. The rape scene lasts a mere seventeen seconds, but it seems like an eternity. The man ejaculates, and then walks away. As he is descending the staircase, Marie turns to him and shouts, “I’m not ashamed, you shit!” She cries in the stairwell for several minutes as the camera remains focused on her vagina. Her legs are open and her panties are around her knees. She claims that she is not ashamed, but her body language tells a different story. Clearly, this event has degraded her.

Sexual violence fits perfectly into the low-value speech and the “on account of filth” category. Clearly, rape is the ultimate act of sex and violence, and this act treats the body as filth. Though the viewer knows that the rape is strictly acting, the effect remains the same. As Herbert notes “Sex crimes are an activity of the imagination. They are committed in order to cultivate and sustain fantasies that take part in, and correlate to, long-standing cultural myths” (Herbert 2002, 32). Perhaps this is why pornographers are so eager to include sexual violence in pornography: men find catharsis in viewing sexual violence (Herbert 2002, 182-183).

If this holds true, then the courts could add incitement to the list of possible regulatory roots for the government. Though researchers have not found a causal relation between sexual media and violence, a causal relation between rape media and sexual violence may be easier to establish. Furthermore, the issue of artistic intent is much harder to argue when it pertains to a graphic rape scene. The man clearly rapes Marie in the film, and the rape is clearly graphic. Whether the *ob caenum* argument or the incitement argument is used, this scene clearly falls into a class of very low value speech. In turn, this scene could lead to regulation. Does this scene imply the entire work is low value?

Simply put, yes. The producers already released the film, and the rape content is part of the final product. A clear set of standards would allow filmmakers an opportunity to edit scenes prior to release, thus negating the problem of one scene placing a work into the low-value category. This option is not readily available under the current obscenity laws precisely because the obscenity definition is arbitrary and vague.

Conclusion

Clearly, the debate between feminists and the courts has yielded few results. The obscenity definition hardly defines obscenity; it opts for a vague approach that leaves many guessing what obscenity really is. Furthermore, the anti-pornography feminist definition does little more than focus on sexual acts. Sexual acts, by themselves, are not obscene, nor are they a threat to women. Though sexual acts may not be high value speech, they certainly do not fit well into the low-value category, namely due to artistic intent. Violent acts also fall somewhere between high and low value speech.

Here a point of departure from the Sunstein two-tier model is needed. If one lesson must be taken from the *Roth* and *Miller* decisions, it is that discreet categories of speech are better in theory than in application. By utilizing discreet categories, the potential for arbitrariness and subjectivity reduces the reliability of the model to rank similar works equally. What *Romance* evinces is the need for a scalar approach to speech, which utilizes the model of low value speech, but does not create a mere polar situation of high and low value speech. The potential for “lower” value speech removes the arbitrariness that is inherent to ranking of values.

Romance shows that a director can utilize graphic sex in an artistic and literary manner. The limitations to the graphic depiction of sex do not come from deviant sex, such as sadomasochist pornography, but from the removal of consent. Rape treats the body as filth, which is a legitimate cause for placing it into a category of low-value speech and affording the government the ability to regulate it. Sexual acts, with consent, are not filth. They merely represent a sacred act shared by humanity.

The definition of “body as filth” may have implications in other areas. For instance, violence or defecating on an individual could fit within the definition of “body as filth.” Violence often comes far too close to making a political statement to fit the low-value speech definition. Furthermore, the issue of consent surrounding defecation presents another problem. While these acts are lower value speech, they do not fit into the category of utterly low-value speech. Consent and artistic intent seem to be the two major qualifications for the category. The rape scene in *Romance* indeed treats the body as filth, displays a nonconsensual sexual act, and the graphic display outweighs any artistic intent. Thus, *Romance* qualifies as low-value speech.

This is not to say that the courts or scholars could not make a sufficient case against violent media or pornography. Since violent and pornographic media would not be included in the low value speech category, the courts would have to make a stronger case against them in order to suppress. This, in essence, is the ultimate goal of the low value speech model. The courts afford high value speech the utmost protection, and this protection gradually diminishes as the speech approaches the low-value speech category. Speech becomes a scale of value, but the courts eliminate the category of non-speech. This avoids the inherent mistake made by the *Roth* and *Miller* decisions.

References

- Acorn, Annalise. 1997. "Harm, Community Tolerance, and the Indecent: A Discussion of R. v. Mara" *Alberta Law Review* 35: 258-272.
- Bushman, Brad, and Craig Anderson. 2001. "Media Violence and the American Public." *American Psychologist* 56: 477-489.
- Campbell, Christopher. 2000. "Murder Media-Does Media Incite Violence and Lose First Amendment Protection?" *Chicago-Kent Law Review* 76: 637-669.
- Clover, Carol. 1992. *Men, Women, and Chainsaws: Gender in the Modern Horror Film*. Princeton: University Press.
- Herbert, T. Walter. 2002. *Sexual Violence and American Manhood*. Cambridge: Harvard University Press.
- Jones, Owen. 1999. "Sex, Culture, and the Biology of Rape: Toward Explanation and Prevention." *California Law Review* 87: 827-941.
- Kaite, Berkeley. 1995. *Pornography and Difference*. Bloomington: Indiana University Press.
- Kalven, Harry. 1960. "The Metaphysics of the Law of Obscenity." *Supreme Court Review* 1960: 1-45.
- Kipnis, Laura. 1996. *Bound and Gagged; Pornography and the Politics of Fantasy in America*. New York: Grove Press.
- Loewy, Arnold. 2001. "The Use, Nonuse, and Misuse of Low Value Speech." *Washington and Lee Law Review* 58: 195-225.
- Merck, Mandy. 1993. "From Minneapolis to Westminster." In *Sex Exposed: Sexuality and the Pornography Debate*, eds. Lynne Segal and Mary McIntosh. New Brunswick, NJ: Rutgers University Press, 50-64.
- Miller v. California*. 1973. 413 U.S. 15.
- Mishkin v. New York* 1966. 383 U.S. 502.
- Preston, Cheryl. 1997. "Consuming Sexism: Pornography Suppression in Larger Context of Commercial Values." *Georgia Law Review* 31: 771-852.
- Rice v. Paladin Enterprises*. 1996. 940 F. Supp. 836.
- Roth v. United States*. 1957. 354 U.S. 476.
- Saunders, Kevin W. 1996. *Violence as Obscenity: Limiting the Media's First Amendment Protection*. Durham: Duke University Press.
- Segal, Lynne. 1994. "Does Pornography Cause Violence? The Search for Evidence." In *Dirty Looks: Women, Pornography, and Power*, eds.

- Pamela Church Gibson and Roma Gibson. London: British Film Institute, 5-21.
- Sunstein, Cass R. 1986. "Pornography and the First Amendment." *Duke Law Journal* 1986 (September): 589-627.
- Sunstein, Cass R. 1993. *Democracy and the Problem of Free Speech*. New York: Free Press.
- Swearigan v. United States*. 1896. 161 U.S. 446.
- van den Haag, Ernest. 1974. "Is Pornography a Cause of Crime?" In *The Case Against Pornography*, ed. David Holbrook. LaSalle IL: The Library Press, 838-845.
- White, Bradley, and Sharon Robinson-Kurpius. 2002. "Effect of Victim Sex and Sexual Orientation on Perceptions of Rape." *Sex Roles* 46: 191-200.
- Williams, Linda. 1989. "Power, Pleasure, and Perversion: Sadomasochist Film Pornography." *Representations* 27: 37-65.
- Williams, Linda. 1994. "Second Thoughts on Hard Core: American Obscenity Law and the Scapegoating of Deviance." In *Dirty Looks: Women, Pornography, and Power*, eds. Pamela Church Gibson and Roma Gibson. London: British Film Institute, 46-61.
- Winters v. New York*. 1948. 333 U.S. 507.

The Xinjiang Question: Integrating Chinese Turkestan into the Modern Chinese State

Thompson Paine

University of North Carolina at Chapel Hill

Xinjiang Uighur Autonomous Region is a massive expanse of desert, mountains, and grasslands in China's far northwest. As an old Silk Route corridor, the region has been a crossroads of civilizations for centuries, as well as a prize for imperialistic neighbors. It is a truly beautiful, intriguing place where Central, South, and East Asian cultures meet. Since the 1950s, China has undertaken monumental efforts to firmly integrate Xinjiang and its non-Han Chinese peoples, who constitute 60% of the region's population, into the modern Chinese state. Though successful in many ways, social tension and ethnic conflict has resulted, leading many Uighurs, the Turkic, Muslim, and largest minority ethnic group in Xinjiang, to claim cultural genocide. A small minority of Uighurs have even resorted to violence, seemingly bringing the War on Terror to the Chinese home front. This Xinjiang question has domestic and global implications for Chinese policy and affairs and is a fascinating case study for majority-minority relations in the 21st century.

Introduction

Xinjiang Uighur Autonomous Region (XUAR), established in 1955, is the most northwest province of the People's Republic of China (PRC). Also occasionally referred to as "Chinese Turkestan" or "East Turkestan," Xinjiang has been under uninterrupted control of the Chinese since 1945. These variant names suggest Xinjiang's more fitting cultural and historical placement may not be in China or East Asia, as the area and its people indeed share much more in common with the former Soviet republics of Central Asia than with their neighbors to the east. The province is home to the large, relatively unassimilated population of Uighurs (also spelled Uyghurs), who are both ethnically and culturally different from the Han Chinese, China's predominant ethnic group, who constitute 94% of the nation's population. The Uighurs are of Turkic ethnicity and linguistic background and have strong cultural ties to Islam and Central Asia. Other ethnic minorities such as Kazakhs, Mongols, Hui, and

Kyrgyz people make up a sizeable portion of Xinjiang's population as well. Until recently, the Uighurs have been a clear majority, yet they have no independent Uighur nation or homeland outside China. A whopping 99.8 percent of the world's Uighur people live in Xinjiang, giving them a sense of ownership and belonging to the land of Xinjiang (Gladney 2004, 233). Contrary to periods of political control before the Communist takeover, the PRC government has put forth efforts since the 1950s to dramatically increase integration of Xinjiang into the Chinese state. The consequences have presented difficult, sensitive issues to the central government, with significant implications for Chinese affairs, both domestically and internationally.

In the words of S. Frederick Starr (2004), the government has used "as many sticks as carrots" in addressing these issues, mixing both strict and accommodating policies to the regions and its indigenous people, instead of being "crudely repressive," as some outside observers would prefer (17). The extent to which the Chinese have taken some of these stricter management approaches, including a tight lid on information and free dialogue and the violation of rights either through policies or brutal coercion, has made it clear that the government is very serious about its intention to further incorporate and control Xinjiang. Chinese policies of integration in Xinjiang heavily affect the lives of other minorities in addition to the Uighurs, but the real problems and challenges that the central government faces in Xinjiang concern the Uighurs and their resistance, both violent and otherwise, to integration into the state. Despite various positive trends in the region, Uighur discontent with social, economic, and political discrimination, as well as with the understandably perceived threat of cultural destruction through Chinese efforts to develop and assimilate, are major concerns that threaten the stability of the province and the goals of the PRC. China faces complex problems in Xinjiang, which will most likely require even more complex solutions if China is to achieve the desired level of integration with a degree of equality and justice acceptable to the Uighurs. In this paper, after providing a background for understanding the Xinjiang predicament, I will explore the reasons why the PRC is determined to integrate and incorporate Xinjiang into the Chinese state and what methods the central government is using to accomplish this end. I will also try to evaluate how successful the PRC has been thus far in this endeavor and what challenges are still ahead.

It would be prudent to provide a clarification on the use of the word “Chinese” before delving into this essay, because the word today is such a difficult one to define. Many groups of people exist in what some scholars refer to as the “margins” of China and have identities linked with China that are difficult to place within the modern Chinese state. The people of Taiwan defend their right to self-rule as a non-“Chinese” entity, while the mainland Chinese assert Taiwan’s historic and inevitable place within the People’s Republic of China. Another example is that of the so-called “Overseas Chinese” who are foreign-born or foreign-assimilated people of Chinese descent and still involved in Chinese affairs, whether on the local level in sending money to family or on the national level through economic ties. The Uighurs of Xinjiang too find themselves in these margins. Over 99 percent of the world’s Uighur population is Chinese by citizenship because of their geographical placement within the PRC. But with the different ethnic and cultural identifications the Uighurs possess, one cannot truly call them “Chinese.” Throughout this paper when I use this term “Chinese,” I will be referring either to the ethnically Han Chinese, the Han cultural and social establishment thereof, or the government of the People’s Republic of China.

XUAR is the largest province in China. Its 1,664,900 square kilometer area covers one-sixth of the nation’s landmass and equals an area larger than that of the United Kingdom, France, Italy, and Germany combined (Barnett 2002, 73). The geography of Xinjiang is vast, diverse, and pertinent to the topics of this paper. Xinjiang borders eight countries—Mongolia, Russia, Kazakhstan, Kyrgyzstan, Tajikistan, Afghanistan, Pakistan, and India, as well as the similarly sensitive Chinese “autonomous region” of Tibet. The precarious position as a bridge, or buffer, between civilizations has made the region of great strategic importance to surrounding powers for centuries. The province is dominated by two basins, the Zhungar Basin in the north and the Tarim Basin in the south, with the Tianshan Mountain range dividing the two sections. Many refer to these areas as “Beijiang,” or “Northern frontier,” whose major cities of mostly Han people include the capital (Urumchi), Karamay, Shihezi, Hami, Korla, and Gulja (a predominantly Uighur and Kazakh exception, commonly called by its Chinese name of “Yining”), and “Nanjiang,” or “Southern frontier,” whose overwhelmingly Uighur-populated cities include Kashgar, Hotan, Keriya, Aksu, and Kuqa. Covering the bulk of Nanjiang is the second-largest desert in the world, the Taklamakan, placing most of the population into a semi-circle pattern,

running south from the Tianshan Mountains along the western and southern sides the desert. These cities in the south have historically been, and somewhat still are, highly isolated, not only from each other, but also from Beijing, making communication with, transportation to, and hence control of, the southern oasis cities much more difficult for ruling powers throughout history and for the Chinese today. More recently this geographical divide has been an obstacle to economic development, which is one of the most prominent means of integration the PRC is employing. In fact, a railway connection to Kashgar, the largest city in Nanjiang, was only completed in 1999. The region also has significant reserves of natural resources such as oil and uranium (Starr 2004, 18; Shichor 2004, 146).

Official PRC statistics as of the year 2000 mark the province's population at about 18.5 million, but reliable, outside sources claim it more accurately stands at around 22 million people, with the additional 3.5 million being Han Chinese. Going by the official count, 40.6 percent are Han and 59.4 percent minority ethnicities, whereas by the unofficial numbers, about 50 percent are Han, and 50 percent are minorities (Toops, 2004b, 238-9). About 8 million Uighurs live in Xinjiang, placing the official percentage at a majority-constituting 43.4 percent of the province's population and unofficially at 36.4 percent with a Han majority. Other minority groups comprise another 3.5 million people.

This population figure discrepancy and its implications will be discussed later, but it is important to note now the nature of information regarding Xinjiang. Starr (2004) writes of this issue in his introduction to a comprehensive compilation of essays on Xinjiang:

Bluntly, there is hardly any 'fact' concerning Xinjiang that is so solid, no source of information that is so independent, and no analysis based on such overwhelming evidence that someone does not hotly contest its validity or meaning (6).

This circumstance is simply a reality of undertaking study and analysis of Xinjiang.

Brief Historical Overview of PRC rule in Xinjiang

Before looking at the history of relations between the central government and Xinjiang since the PRC took control in 1951, there are two important facts to know about the region and Chinese connections to the region during the previous two millennia. First, the Chinese people have had interactions and at least limited presence in the region since the second century B.C.E., when the Han dynasty (206 B.C.E.-220 C.E.) established control over some parts of what is now Xinjiang. Two more Chinese dynasties, the Sui (581-618) and Tang (618-906), had control of the region for periods of time before the Qing conquered it in 1754, but the interims were filled both with rule by local leaders and often other foreign invaders such as the Mongols and Tibetans (Millward and Perdue 2004, 35-48). The Qing rulers, and later the Nationalists in the twentieth century, controlled the region up until World War II, with the exceptions of briefly independent states in the Tarim Basin in the 1870s and 1920s and allowed for independent rule in the early- to mid-1940s. Each of these independent states did not last a decade. Though I am by no means trying to assert that such historical involvement in local affairs entitles China to contemporary rule, it is important to know that the assumption of power in Xinjiang by the PRC in 1951 was not the first such occasion, but has indeed alternated with control by other powers, both inside and outside. Second, the Uighurs are, as are many ethnic groups (arguably including the Han Chinese), a constructed identity of smaller, local groups of people with a broadly common ethnic background, which traces its heritage back to an 11th century Uighur kingdom based in what is now Mongolia, not in Xinjiang. These two facts are especially relevant to current relations between the Han and Uighurs, as history is a sensitive, divisive issue, not only because of claims of legitimacy for each group, but also because of the cultural battles that nonviolently, and occasionally violently, rage between the two peoples. In tracing deep historical roots of the peoples of Xinjiang, it is very difficult for any group to claim true ownership of the landmass.

When the Communists did secure control of Xinjiang in 1951, they were confronting a vast area of land with different types of people, and the Communist rightly looked upon the area as sort of a “terra incognita” (Millward and Tursun 2004, 87). The solution to this lack of knowledge or understanding about Xinjiang in the Communist leadership was to follow the Soviet model for confronting, governing, and incorporating a large minority population. The most

important aspect of this approach, which has had a crucial legacy in all Xinjiang affairs, was the naming of the region as a “Uighur Autonomous Region,” with the Uighurs thus treated explicitly as a separate nationality. Dru Gladney (2004), a specialist on Muslims in China, notes three “commandments” of Lenin in instructing how to harness nationalism in domestic minority groups: first, promise self-determination as did Communist leader Mao Zedong in 1937 for ethnic minority support against the Nationalists; second, withdraw the promise, as done in 1940, with newly professed commitment to “regional autonomy” and begin lengthy process of assimilation; and third, centralize control and free it of nationalist proclivities (105-7). The impact of this policy was that it nominally solidified the Uighurs as a people with a geographic area under their name, even though it has never been under Uighur autonomous control (Starr 2004, 6). Despite the briefly independent, democratic state of the “East Turkestan Republic” (ETR) based in Gulja from 1941-45, the identities of the Uighurs have been focused around their respective locales, their oasis towns. But this approach helped encourage and set up a loose basis for continued pan-Uighurism that still exists today (Starr 2004, 14). This name raises questions of how much Xinjiang really is a part of China, and of where XUAR fits into the Chinese state, but no one in Beijing is ready to change Xinjiang’s title to reflect China’s claims of the region’s ancient Chinese identity (Starr 2004, 6). Although this issue is largely a theoretical and academic one, its psychological implications cannot be ignored. It is largely addressed through rhetoric and lip-service-paying laws, such as articles regarding minority nationalities in the Chinese constitution and similarly through propaganda. These methods of control will be explored later in more depth.

Starr (2004) lays out four developments, both domestic and abroad, since the establishment of XUAR that provide a good outline for understanding the PRC record of control there. They are the end of quasi-military rule in 1978 with the ascension to power of Deng Xiaoping, the opening of the Xinjiang’s western borders in 1987, independence of the Soviet Central Asian republics in 1990, and the growth of radical Islamic movements in Central Asia during the 1990s (4). These developments will serve as the background for looking at the PRC methods used over the past couple of decades to maintain control in Xinjiang and increase its integration into the Chinese “motherland.”

PRC Motives for Control

There are several diverse reasons for China's unwavering resolution to control Xinjiang. Economically, some see an array of potential benefits and solutions to domestic problems. The region has significant deposits of oil and uranium, among other minerals such as beryllium, copper and mica (*People's Daily* 2003). Xinjiang also holds potential for economic gains in its use as a stimulant to the national economy. The province is a massive expanse of land, which is relatively underdeveloped compared to China proper (the coastal and central provinces). This need for infrastructural, industrial, and commercial development, in addition to the prospects for land development and agricultural use, has been a major impetus for the Great Western Development Plan ("Xibu Da Kaifa") which has encouraged Han workers from all over China to seek employment opportunities that abound in Xinjiang. Though not a far-reaching solution, such use of work incentive to recruit workers from eastern China could be viewed as a remedy for the substantial unemployment problem facing China right now and as a potential home for portions of the large population of migrant workers in eastern China. Finally, Xinjiang can serve as a bridge to Central Asia serving to facilitate and enhance commerce between China and the newly independent Central Asian Republics, especially Kazakhstan, whose rich oil deposits have inspired a \$9.5 billion pipeline project into China via Xinjiang (Wiemer 2004, 170; Starr 2004, 18). In fact some suggest that building a bridge between eastern China and Central Asian oil is the chief reason for Chinese control of Xinjiang (Kleveman 2003, 101). Some also see Xinjiang as having potential to be sort of an entrepot like Hong Kong, a role in which it would serve as a marketplace, somewhat of a third-party venue, for trade between Central Asian, Chinese, or other foreign companies and businesses (Wiemer 2004, 181).

The military importance of Xinjiang is worth mentioning (Shichor 2004). In the early decades of the PRC, Xinjiang served as a buffer between China proper and not only the Soviet Union, but also India. Although no major offenses were ever made on China's territory in Xinjiang (border skirmishes and battles were fought though against India in 1962 and the USSR intermittently from 1960-69), this double-barreled threat made the central government perpetually paranoid of the region's neighboring powers (137-43). Zhou Enlai even made a point to discuss Soviet intentions in Xinjiang on February 25, 1972 in one of his secret meetings with President Nixon (140). This paranoia over

control of Xinjiang did not cause a large-scale military build-up in Xinjiang, but rather China's general strategy seemed to be that Xinjiang would absorb a Russian attack, instead of directly thwarting it (131). The most significant impact these threats had on the province was the continuation of quasi-military rule under the strong authority of XUAR Central Committee Co-Chair and Xinjiang veteran Wang Enmao, supported by the People's Liberation Army (PLA), as well as by the Xinjiang Production and Construction Corps, a quasi-military organization that was employed both for projects of agricultural and infrastructural development in the region and for security and control. Militarily, the PRC has been able to use Xinjiang for purposes of alliance-building, allowing the United States to use it for espionage and information gathering technology and directed toward the USSR, as well as in its giving the U.S. similar aid in the 2001 invasion of Afghanistan and help in addressing terrorism in Central Asia since then (148-9). Also, in the military perspective, Xinjiang had the dubious distinction of being the development and test site for China's nuclear weapons until 1996 (147).

Some significant causes of the PRC's determination to secure Xinjiang as a permanent fixture in the modern Chinese state are psychological. The first and most prominent is national pride, resulting from the century of humiliation undergone in China prior to Communist rule and consequent anti-colonial sentiment. This national pride is evident in PRC-Taiwan relations, as one of the reasons that the Chinese are adamant that Taiwan is restored to mainland Chinese rule. Taiwan was under Chinese rule in the 19th century before the Japanese overtook it as a colony, and China wants to restore its territorial integrity to what it was before the century of humiliation. Not only was Xinjiang under Chinese control during the Qing dynasty, but also China portrays the separatist movement in Xinjiang as caused in part by the effects of colonialism. A recent government-issued white paper on Xinjiang describes how Uighur nationalism, which only a "tiny" minority of Uighurs subscribe to according to the paper, is the legacy of the East Turkestan Republic (ETR) of the 1940s and its supporters, which was inspired by "nationalistic chauvinism" brought to Xinjiang by colonialists (PRC Information Office of the State Council 2003, Article IV). This is evidence of China's harping on the same issues and feeding this phenomenon of national pride, which has absolute implications for the fate of Xinjiang.

Finally, China's obligations in international relationships and treaties have an effect on its intentions of incorporating Xinjiang. In order to be a

responsible member in the arena of international cooperation, China must respect, or at least pay respectful lip-service to, the internationally institutionalized ideals of human rights, personal freedoms, and the right of self-determination (UN Office of the High Commissioner for Human Rights, 2004). Though the international community has remained relatively silent on Xinjiang issues, especially compared to those of Tibet, China must know that potential international pressure to provide self-determination and greater freedoms to the Uighurs is a possibility. In April 2004, U.S. Vice-president Dick Cheney gave a speech at Fudan University in Shanghai, in which he publicly criticized China's restrictions on freedom and made comments that suggested criticism of China's accusing Uighur separatists of being terrorists with connections to Osama bin Laden. Amnesty International has also gone on the offensive in regards to Xinjiang, publishing two scathing reports on China's brutal and unjust treatment of Uighurs, one of which is bluntly entitled "Gross Violations of Human Rights in the Xinjiang Uighur Autonomous Region" (Amnesty International 1999; 2002). China will very likely never acquiesce to the Uighurs' right of self-determination, and if the central government ever does decide to increase basic freedoms and equality, they will not want to do it on terms imposed by foreign powers. Thus, they are stuck in what Dr. Gardner Bovington of Indiana University described to the Roundtable before the Congressional-Executive Commission on China in May 2004 as an "intermediate fix" to the issue of Uighur autonomy (U.S. Congress 2004). He stated:

We live in a world of sovereign territorial states. The principle of sovereignty codified in international law, the bedrock of the U.N. Charter, stipulates domestically that each state be acknowledged to have full and unchallenged control over the territory it claims. The provision of regional autonomy...is an intermediate fix to the problem of large, compact, assimilated minority groups. It is intermediate in the sense that it lies between the idealized state sovereignty described above, and full self-determination for the groups in question (9).

If the PRC wants to enjoy the ideal of "unchallenged control" it aspires to regarding Xinjiang, it must move to place Xinjiang fully within the Chinese state, in a more secure situation where the Uighurs do not present problems as a "large,

compact, unassimilated minority group.” The status quo will not suffice. As long as Xinjiang remains in this intermediate fix, there is always a chance, whether in the hearts of the Uighur people or as a result of pressures from the international community, that the Uighurs can attain a true level of autonomy. This dilemma highlights an intriguing conflict the established international system faces concerning rights of sovereign states and rights of self-determination, a conflict which will be given more attention at this paper’s conclusion.

Patterns and Trends of Han-Uighur Interaction in Xinjiang

In order to better understand the methods China is employing to enhance Xinjiang’s incorporation into the Chinese state, it is important to understand certain patterns and forces at work in this complex situation. The first pattern is a mixture of what Jankowiak and Rudelson describe as “hard” and “soft” measures taken in government policies regarding the Uighurs (Jankowiak and Rudelson 2004, 301; also see Starr 2004, 17). In explaining the relationship between the hard and soft policy measures, Jankowiak and Rudelson write, “Hard policies are used to crush the various forms of resistance that surface during the period that soft policies are emphasized.” An example of this policy pattern is evident in the first couple years of PRC rule in Xinjiang, in the Hundred Flowers movement of 1956 and the subsequent “anti-Rightist” crackdown. In the Hundred Flowers movement, Mao called for open criticism of the Communist Party, and the result was the revelation of deep and broad discontent with the Chinese occupation because of issues of job discrimination, strategic Han immigration, and lack of autonomy (Tyler 2003, 144; Millward and Tursun 2004, 92). The ensuing “Anti-Rightist campaign” purged thousands of citizens and leaders, who trusted the government, and had volunteered their constructive criticism.

Another pattern in the Chinese control of Xinjiang is the ongoing issue of China’s relying more on “policy” than on “law” to regulate its affairs (U.S. Congress 2004, 9). For example, take the PRC’s constitution. Bovingdon describes how this distinction and method of governing accounts for large-scale inequalities. The constitution has sets of laws that apply to autonomous regions, but Xinjiang is continuously treated differently with various regional and local policies that are out of line with the national laws. The pattern has been most

prevalent in regard to religion, as even within Xinjiang, the Uighurs are prevented from various means of religious practice, while the Hui, who are described as “Muslim Chinese,” are not treated with the same restrictions (U.S. Congress 2004, 1-26). Another example concerns Article 36 of the constitution, which reads:

No state organ, public organization or individual may compel citizens to believe in, or not believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion.

This broad wording obscures policy in Xinjiang in which the government establishes rules forbidding illegal religious activity without codifying in law what constitutes legal religious activity (U.S. Congress 2004, 11). XUAR policy holds that it is illegal to teach religion to anyone under the age of 18 (U.S. Congress 2004, 14), which of course is focused on the Muslims of Xinjiang, and all state employees and students in Xinjiang are strictly forbidden from practicing Islam (U.S. Congress 2004, 7).

The final subtopic here is a set of three patterns that Gladney (2004) expounds upon in his essay “Chinese Program of Development and Control (1987-2001),” which are ethnicization, integration, and transnationalization. First, he defines ethnicization as “the tendency of fault lines in Turkic and Muslim Central Asia, including Xinjiang, to follow officially designated identities” (102). In other words, ethnicization occurs when a government sets up political borders and defines a group of people within those borders. The Uighurs exemplify a group of people who have undergone ethnicization. Since the closing of Xinjiang’s borders under PRC rule, the Uighurs have grown together, albeit with limits, and the identity “fault” lines based on oases cities and local communities have blurred. Traditionally, the Uighurs of the Tarim Basin especially have found their identity in family, clan, and oasis (Jankowiak and Rudelson 2004, 303). The importance of the oasis identity was prevalent, as people described their ethnicity as Hotan-lik (“of Hotan”), Kashgar-lik, or Yarkand-lik, for example, rather than simply “Uighur.” Thus the closing of borders has supported a degree of unification among the Uighur people, strengthening an identity that is somewhat of a socio-geographical construction in the first place, as mentioned earlier in this paper’s historical overview of the

PRC in Xinjiang. Second, integration is obviously the process of blending Uighur and Chinese cultures and bringing the Uighurs culturally and economically closer to China. Transnationalization is the process by which connections are made and relationships formed through interactions resulting from commerce, and travel. An example of transnationalization in Xinjiang has been the growing connections felt between people of the former Soviet Central Asian republics and the people of Xinjiang. This trend has arguably resulted in greater Uighur desires for independence because of seeing their neighbors gaining independence themselves.

An integral part of each of these patterns is the understanding that Xinjiang is a very complex place, with a complex population, and complicated issues waiting to be resolved. Because of this reality, Starr (2004) writes, “the story of Chinese policies in Xinjiang is filled with unintended consequences” (19).

PRC Methods of Control and Integration

The most far-reaching methods of control used by the central government in Xinjiang are in the policies of commerce and economic development, education, control of religion, demographic shifts by means of Han immigration, and international relations, in addition to various ploys of propaganda and information control. In this section, I will discuss these methods and analyze their effects and consequences for the ruling Han and Uighurs.

In 1978 under the national leadership of Deng Xiaoping, over three decades of quasi-military rule in Xinjiang came to an end, and the province was opened to various limited freedoms and economic opportunities. Calla Wiemer (2004), in her study of Xinjiang’s economy, describes the benefits of this move in economic terms, which were even more staggering than those for the whole country. Xinjiang’s Gross Domestic Product (GDP) grew an average of 10.3 percent each year from 1978-2000, while China’s grew a very impressive, but still inferior, 9.5 percent each year (164). In 2000 Xinjiang had the highest per capita GDP of any province outside those on the booming coast (Wiemer 2004, 164). The region has not had a lot of success attracting foreign investment, which is generally believed to be because of the small market for goods in western China, as well as the lack of promise in the Central Asian market to which Xinjiang could serve as a platform for selling. The state does heavily

fund development out west however, evident in the fact that in 2000, 59.7 percent of the capital investment in Xinjiang originated in the central government, compared to 32 percent for China as a whole (Wiemer 2004, 174). China views state-encouraged economic development as a gift to Xinjiang—a soft policy measure—which will benefit the people of Xinjiang by bringing them better roads, technology, products, and jobs of all kinds. The *People's Daily* claims the growth in Xinjiang's GDP from 1949 to 2000 went from 780 million to 1.365 trillion renminbi (*People's Daily* 2000e). While a sizeable amount of good has come to the Uighurs and other minorities of Xinjiang during this period of economic growth, there have been drawbacks and certain unintended consequences like those previously noted as mentioned by Starr.

The two largest parts of the engine driving this economic development are the Xinjiang Production and Construction Corps (XPCC) or “Xinjiang Shengchan Jianshe Bingtuan” (commonly called the “Bingtuan” for short), and the Great Western Development Plan, or “Xibu Da Kaifa.” The Bingtuan was formed in 1954 by absorbing most of the troops, both PLA and Nationalist, that remained in Xinjiang after the PRC had secured control of the region. The organization was originally charged with the two-pronged task of working on various construction and development projects and of serving as a paramilitary force that could take on security duties if there were foreign intrusions, but more likely if there were domestic disturbances. A government white paper on the Corps says that it “assumes the duties of cultivating and guarding the frontier areas entrusted to it by the state” (PRC Information Office of the State Council 2003, Article 9). The Corps was disbanded in 1975, but reinstated in 1981 without its former paramilitary duties. Its responsibilities today include cultivating land, introducing technology, processing agricultural commodities, producing steel, extracting minerals, providing electricity and water, and educating on scientific research (Wiemer 2004, 169). Its duty as a security force is not entirely in the past though, as Wang Lequan, the XUAR Communist Party leader, proclaimed in 1997, “In recent years, the corps' armed police units have been playing an important role in safeguarding Xinjiang's political stability and unity” (Amnesty International 1999, 8). It is also believed by some that the Corps runs the government's gulag, an array of prison camps across Xinjiang's Taklamakan Desert and along its western border, employing common criminals and political prisoners alike to do portions of its labor (Tyler 2003; Amnesty International 1999). Apparently the evidence is strong enough for these claims

that the U.S. Congress withdrew funds for a World Bank-sponsored project in Xinjiang, when it found that some of the projects being funded were run by the Corps, which was in turn using unpaid (prison) labor (Tyler 2003, 143). The role of the Xinjiang Production and Construction Corps is important to Han-Uighur relations, because as an agent of some unpopular government initiatives, such as serving as a security force and running prisons, it can be viewed in a very negative light despite the beneficial work it does for development. A young Uighur man from southern Xijiang told me in summer 2004 that people in the deep south do not like the Corps, because it performs the role of forcing Uighurs off of their land either for development projects or for Han immigrants. Whatever the true roles of this questionable organization, its presence is not particularly welcome among the Uighurs.

The Great Western Development Plan began sometime in 1999 or 2000. It is a central government initiative that focuses on economic development not only in Xinjiang, but also in the western provinces of Ningxia, Tibet, Gansu, Shaanxi, and Qinghai. In 2000, the government planned to pour \$45.5 billion (over 373 billion renminbi) into these Western provinces, and the prize project of the massive endeavor is a \$14 billion gas-line from Xinjiang to Shanghai (Crisp and Tang 2000). Government investment in Xinjiang alone is supposed to total \$108.3 billion by 2010 (*People's Daily* 2000c). In 2000 it issued fifteen preferential policies for encouraging foreign investment, mostly geared toward tax-incentives for business groups in "key industries" of agriculture, water conservancy, transportation, and energy resources (*People's Daily* 2000d).

Another aspect of the Great Western Development Plan is the tremendous push for tourism in Xinjiang, both domestically for Chinese tourists, and internationally. When I looked at the *People's Daily* website in November 2004, an ad for tourism in Xinjiang was flashing over the front page. Articles abound about tourism festivals like one in 2000 that brought up to 15,000 potential tourism investors to Xinjiang for publicity, as well as articles bragging of the great wealth tourism is bringing and can bring to the region (*People's Daily* 2000a, 2000b). This double-edged sword can bring millions of foreign dollars to Xinjiang, but can also expose the region for its inequities and social problems if the Chinese are not careful in handling the Uighur issues.

What this means for the Uighurs of Xinjiang is that their cities are basically getting a face-lift, physically, demographically, and as a consequence culturally. While en route to Kuqa from Urumchi, I was reading the account of a

British travel author, Stanley Stewart (1996), who visited Xinjiang in the mid-1990s, and he described Kuqa as an untouched city of true Uighur culture (110). When I arrived, I found a new city of wide streets in grid form, full of mini-malls that looked like they were lifted from a generic, Floridian beach town. We did walk down to the edge of the city known as “Old Town,” or “Laocheng” in Mandarin, where a more traditional Uighur neighborhood and bazaar survived. But this location was really the point at which the city met the countryside, meaning that “Old Town” was being swallowed by “New Town,” or “Xincheng.” In Kashgar, Uighur men expressed to me their disgust of the mini-mall like structures in faux-Muslim architecture going up all around the sacred Id Kah Mosque. “They [the Chinese] think they are giving us a gift,” they bemoaned. The resentment is deep, despite the modernization of these cities, because with these old neighborhoods they are also losing a chunk of Uighur culture.

Either adding salt to the wound, or possibly even being the true root of some Uighurs’ anger, all of the people working on this construction are Han Chinese. The only Uighurs I saw working on construction the five weeks I was in Xinjiang was in a small town on a highway through the southern Taklamakan, between Yarkand and Hotan. This leads into a look at one of the most infuriating means of integration and incorporation to the Uighurs, which is the great influx of Han Chinese into Xinjiang. With the jobs, incentives, and opportunities that the Great Western Development Plan is providing are thousands upon thousands of Han workers coming by the trainload. One Western observer estimates the influx at 7,000 Han workers a day (Tyler 2003, 112). Although a large portion of these newcomers are migrant workers who will not permanently settle in Xinjiang, many will make and have made Xinjiang their new home. The population figures reported by China constantly understate the size of the Han population for fear of upsetting the Uighurs further on this sensitive issue. China does not report the PLA, migrant workers, or the Xinjiang Production and Construction Corps employees, the vast majority of whom are Han, placing the true population percentage of Han to Uighur respectively at 50 percent to 36.4 percent (Toops 2004, 238-9).

This loss of culture, often referred to as “cultural genocide,” compounded with loss of jobs to the Han and poor social treatment, creates a very sour situation for the Uighurs. Based on these obvious, every day, life-affecting factors, Starr (2004) writes, “Since in-migration by Han Chinese is clearly the chief cause of ethnic tension in Xinjiang today...the question is far

from academic” (17). Unfortunately, this problem is most likely not an unintended consequence, as the more the Han population in Xinjiang grows, the large, unassimilated minority population problem noted earlier as described by Bovingdon becomes smaller. Of course, the rage and social discontent this method causes could very well outweigh the benefit of having a predominantly Han-populated Xinjiang.

The suppression of the practice of Islam among the Uighurs of Xinjiang is also a means of destroying Uighur culture and integrating them into that of the Chinese. When Xinjiang ended its quasi-military rule in 1978, it began a period of openness and freedom which the Uighurs had not previously experienced under PRC rule. One of the results was a renewal of Islam. After the western border opened in 1987, a degree of transnationalization progressed between the Uighurs and Central Asians, who had much in common culturally. After the Tiananmen Square rallies and subsequent crackdown, China clearly worried about the degree of openness they had allowed, and this sentiment certainly affected Xinjiang. The development of transnationalization across Xinjiang’s western border concerned China especially after the independence of the Central Asian states, because they feared not only that the Uighurs would be inspired to call for similar steps toward independence in their wake, but also that the Central Asian republics might advocate such a scenario. The practice of Islam was one of the first aspects of Uighur life that the Chinese began restricting. Today China pays endless lip-service to the state’s respect for religious freedom from the constitution to the plaques on the walls of mosques, but nowhere is this practice more hypocritical (with the exception of Falun Gong’s treatment) than in Xinjiang (PRC, “Constitution” Article 36). Beijing has torn down hundreds of mosques, has closed most of Xinjiang’s religious schools, and sends imams chosen by the state to represent Uighur mosques to a school in Beijing called the Institute for Islamic Canonical Studies, which trains what have come to be called “red imams” (U.S. Congress 2004, 213). These “red imams” are trained to espouse pro-Chinese beliefs and interpret the Islamic faith to support these policies. China also uses the U.S.-promoted War on Terror as an excuse to restrict religion, a tactic which will be discussed soon. The efforts against religion are truly efforts of cultural genocide, as China hopes to take away one of the most significant identifying characteristics of the Uighur people and defining aspects of their culture.

Chinese policies in the education system are also being used to further integrate Xinjiang and the Uighurs into Chinese culture. In what is both an economic and an educational issue, in order to get most jobs in Xinjiang, one must speak Mandarin Chinese (Benson, 191). I met a very polite, happy, benignly religious man in his mid-twenties who had recently been fired from his job as a taxi-driver for his lack of Chinese proficiency. Chinese bosses want to hire people who can more efficiently communicate with them, other employees, and potentially other clients. This is another problem caused by the influx of Chinese business, brought with or by Chinese bosses.

In Linda Benson's "Education and Social Mobility among Minority Populations in Xinjiang" (2004), she describes the existence of two school systems, one for the learning of Uighur language and culture and one for Chinese language and culture (191). This is a good example of a soft policy measure, creating in reality a hard policy. If a child goes to Uighur language school he or she will be able to preserve their native culture for the next generation in their family and community, but if he or she goes to Chinese language school, she will have much better opportunities to succeed in life and provide for him- or herself and family. If the decision to sacrifice either economic well-being and survival or one's heritage and culture is not difficult enough for these poor people, they are under great social pressure from other Uighurs to choose Uighur schools (Benson 2004, 198). Uighurs are sometimes disliked by communities because of their flawless Chinese and inferior Uighur. In Xinjiang I heard of famous or successful Uighurs who were disliked because they spoke Uighur with a Chinese accent, the result of going to a Chinese language school. Again, we see a seemingly soft policy, providing schools in which children can learn and celebrate their native languages and heritage, ultimately overshadowed by a hard policy, in which the phenomenon of cultural genocide is furthered, and people who value their culture over everything else are forced to set up their children for lives of economic hardship.

Another soft policy that accompanies these unfortunate realities is that of affirmative action. These programs have been relatively successful in getting more Uighurs into universities because of the requirement that admissions reflect the populations (Benson 2004, 208). Such affirmative action-like programs are also applied to the government, as the Chairman of the XUAR Central Committee must be a Uighur, and 47 percent of cadres in 1995 were minorities (Benson 2004, 211). Unfortunately this is somewhat of a façade, as the

predominantly Han Communist Party controls the government. Such programs are a façade in education as well. Xinjiang's Han students are twice as likely to matriculate into middle school as minority students in the same district (Benson 2004, 204). Obviously in poorer areas there will be inferior education and fewer students progressing to high levels of school because of the need to work and help make money for their families. Xinjiang's poorest areas are in the predominantly Uighur Nanjiang, contributing to the vast inequality in educational training between Han and Uighurs.

Benson (2004) concludes by predicting no gains anytime soon for the Uighurs for two main reasons. First, you might say that the use of education to assimilate non-Han peoples is the oldest trick in the book. Chinese officials had used similar strategies during the Qing Dynasty, such as Chen Hongmou, the Chinese official in the 18th century who used Confucian education to assimilate the minority peoples of Yunnan (Rowe 1994, 417-57). In order to create a workable solution, it would be one that must suffice politically in Beijing, meaning it must still accomplish goals of integration, and one that must suffice culturally in Xinjiang. These two forces are at odds with each other, and such a solution reconciling both demands is not coming soon. Second, Benson notes that of the \$108.3 billion Great Western Development Plan, none so far is marked for education.

China has also cleverly attempted to use international considerations to further integrate Xinjiang. As discussed earlier in respect to China's treatment of Islam in Xinjiang, the historical forces surrounding the opening of Xinjiang to limited freedom and capitalism in 1978 and the opening of the western borders in 1987 contributed to a degree of transnationalization between Central Asians and Uighurs. This development, along with the increase of radical Islam in Central Asia, were the major contributing factors to the Chinese-initiated formation of the Shanghai Cooperation Organization (SCO). Formerly known as the Shanghai Five, with China, Russia, Kazakhstan, Kyrgyzstan, and Tajikistan as the original members—plus Uzbekistan who joined in 2001—the SCO works on mutual security issues in Central Asia. This alliance has tried to crackdown on illegal migration between the countries, with a special interest in stopping both separatist and Islamic militants. The alliance has been so strong for China, that they have succeeded in coercing Kazakhstan and Kyrgyzstan to declare Uighur activism illegal even by its own Uighur citizens, as well as inducing the strongly Muslim state of Pakistan to crackdown on Uighurs living, studying, and training

in Pakistan (Starr 2004, 18; Shichor 2004, 145). The September 11th terrorist attacks on the United States only strengthened the cause of the SCO, as they trumped even more their purpose of combating “terrorism” in Central Asia. China also began immediately labeling the Uighur separatist as terrorists, claiming that 10,000 had gone to train and fight with the Taliban (Shichor 2004, 120). No Western scholar has been able to confirm more than thirteen Uighurs who fought with the Taliban (U.S. Congress 2002, 23). In fact only one article of research from outside China I have seen has suggested a concrete relationship between Al-Qaeda and Uighur separatists, though all other sources cite no such connections. The U.S. is fully aware of this distortion, as is evident in Cheney’s speech cited earlier (Christofferson 2002). The important thing to understand about the work of militant separatists in Xinjiang, as Tyler describes in *Wild West China* (2003), is that there is no true movement, but rather a series of offenses taken in response to individual incidents of Chinese crackdowns, brutality, and injustice. For example, the bombings in 1997 came in the immediate weeks and months after a violent, deadly crackdown on a peaceful protest in Gulja (Amnesty International 1999, 18-9). Another very important characteristic to know is that the separatists promote secular causes (Roberts 2004, 236). But still, Chinese officials in Xinjiang continue to preach against the “three evils” of religious extremism, ethnic splittism, and violent terrorism, and their threat to Xinjiang security and stability (Roberts 2004, 236).

A segment of China’s methods of control in Xinjiang that cannot be glossed over is that of the policies of excessive human rights abuses. Instances described in a 1999 report filed by Amnesty International on “Gross Violations of Human Rights in the Xinjiang Uighur Autonomous Region” are truly appalling (Amnesty International 1999). The report provides substantial evidence—pictures, statistics, detailed accounts of individual arrests, trials, and executions, as well as detailed accounts of torture all confirming similar methods used—of horrifying justice served to Uighurs for the slightest infractions. Such infractions resulting in arrests, torture, or ten-plus-year prison sentences include teaching religious classes, discussing politics inappropriately, and having relatives abroad who are suspected of favoring Uighur separatism. Methods of torture, all widely reported, include hanging people by rope in extremely uncomfortable positions for up to twenty-four hours while being beaten, and finger and toenails being needled and ripped off. Sexual torture also appears to be common, with interrogators using horsehairs to penetrate prisoners’ penises

for up to thirty minutes causing long-term bleeding and damage, and electric shocking of the anus or testicles causing permanent sterility in some cases. Mass, public trials in venues such as soccer stadiums have been known to occur, in which defendants are proclaimed guilty without due process or legal defense, and if sentenced to death are executed immediately following the event. China has signed and ratified five major, international human rights treaties, which prohibit every offense described in the report. Though my paper is not primarily concerned with promoting moral or legal solutions to the Xinjiang questions, this degree of abuse is worth noting because of the immeasurable effects on the psyches of the Uighur people and their further antagonization of the Chinese powers.

Finally, psychological methods, including a variety of propaganda techniques, as well as the control of information, are very common in Xinjiang. Propaganda posters abound in both large and small cities, even in the most isolated towns in Xinjiang, and usually promote the benefits of economic development and the strength it brings to all of China's peoples. When in the small, underdeveloped city of Yutian, in the south of the Taklamakan, I saw a large billboard that featured a Uighur woman with a child in her arms, both gazing in the direction of a waving Chinese flag and Beijing's Tiananmen Gate, and thanked the people for observing family planning laws. Other (minor) policies are also in place, such as the insistence that Xinjiang function under the same time zone, despite its being well over a thousand miles west of Beijing. Although this measure can be rationalized in that it is easier for government industries, offices, and the train system to function if the whole country is within one time zone, it also serves as a constant reminder of which country Xinjiang belongs to, and where its true rulers reside. While traveling in China, I noticed that, as opposed to people in eastern China who often refer to Mandarin simply as *Zhongguohua*, literally "China talk," the term more commonly used for Mandarin in Xinjiang is *Hanyu*, or "Han language." This distinction is important, because if Uighurs are considered as people of the Chinese nation, then their language too is *Zhongguohua*, thus requiring the specification of Mandarin as the language of Han people. These little nuances, though not leaving tangible effects on the lives of the Uighurs, do have the psychological impact of constantly reminding them who is boss, so to speak. Of course it also offers them small opportunities for subtle, nonviolent subversion. For example, Uighurs all over Xinjiang still verbally go by local time, which is two hours

earlier than Beijing time, while Han in the same cities schedule their personal affairs by Beijing time.

The control of information is also a means of psychological integration, as the Uighurs and Han have disputes over the history of the Uighur people and that of the Chinese in Xinjiang. Issues of history are very serious to the ruling Chinese. For example, Dolkun Kamberi of Radio Free Asia, describes the recent censorship of “A Brief History of the Huns,” and “Ancient Uighur Literature,” because Chinese officials viewed them as “fermenting separatism,” and thus hundred of copies were subsequently burned in public (U.S. Congress 2002, 22). Amnesty International (1999; 2002) reports arbitrary arrests for similar spreading of cultural information, in the form of history or religion, which the Chinese state determines to be illegal on a case-by-case basis using laws and policy unequally. Books like *Xinjiang: The Land and the People*, published by the Chinese government presses, are the ones that have approved information with very limited depth, providing relatively little historical information regarding social interactions.

Conclusion

From a historical perspective, the problems China faces in its efforts to integrate Xinjiang and the Uighurs into the modern Chinese state offer a fascinating arrangement of conflicting historical forces. For example, we see the centuries-old process of a greater power assimilating a smaller one. The Han Chinese we know of today is a compilation of various smaller ethnic groups, whose distinctions have been blurred over time in culture, language, and intermarriage, though granted none of them was as different from the Han as are the Uighurs.

The methods of assimilation used by China, though possibly more complicated than days past, still bear similarities to the idea of “rites and rituals” described by James Watson (1993), which explores the Chinese use of customs, rather than a set of beliefs, to unify a nation culturally (80-103). In essence this idea of assimilating culture by integration is what China is aiming for in Xinjiang. These methods the Chinese are using today seem to fit into this idea of rites and rituals, because the Uighurs will probably never consider themselves as Han. Thus the Chinese are trying to get the Uighurs of Xinjiang to speak Chinese instead of Uighur, reject Islam as a regular practice, use mini-malls

instead of mud-brick markets, embrace new industries and technologies, and subsequently embrace those of a modernizing, globalizing world. Accepting such realities and ways of life and adopting the necessary skills and outlooks is the ticket to social mobility. This prospect, or offer of Chinese policy, is important in understanding the effects of these methods. The Chinese are sending a message to the Uighurs that following these trends and urgings is the ticket to survival, well-being, and individual success. All of these tactics are in the interest of blurring the lines between Uighur habits and customs and those of the Chinese. Of course, there is a more forceful set of pressures complementing these cultural ones. The government also wants them to respect the order that China brings to Xinjiang, fear repercussions for not supporting Chinese culture and policy, and quite simply remain passive as they increase the Han population presence across the province and continue the pattern of cultural genocide, so that the physical size and force of the Uighurs is smaller and decreasingly important in the affairs of Xinjiang.

In "Public Health and Social Pathologies" (2004), Jay Dautcher analyzes a similar, psychological dimension of these pressures. If the Uighurs do push for equitable access to key resources such as health care, legal institutions, education, employment opportunities, etc., to some degree, they are in effect giving up the desire for alternate political institutions and accepting a place in the Chinese nation (293-4). This is an underscoring pressure inherent in some of these methods of integration that will be interesting to watch unfold in the future.

Of the many challenges that China faces in Xinjiang now and in the years to come, the threats of water shortage and of an AIDS epidemic are significant, almost logistical problems. The water shortage problem is the result of rapid development and population growth spurred by the economic and immigration policies of the Chinese (Toops 2004a, 272-3). If this problem continues, then the government will face some hard decisions over allocation of water in the coming decades, which if to the detriment of the Uighur population, will cause a very real threat to their well-being. The spread of AIDS in Xinjiang is a similar threat to the actual physical survival of the Uighur people, and one that Jankowiak and Rudelson (2004) believe to be clearly the greatest threat to Chinese control. The utter lack of medical or educational prevention or even coping treatment has the potential not only to cause a humanitarian disaster primarily affecting the Uighurs, but also to create a financial burden of dealing with the problem that these scholars believe would outweigh all economic gains

in the region made through the Great Western Development Plan (Jankowiak and Rudelson 2004, 318). Finally, the raw bitterness and resentment that the Uighurs have against the Chinese will continue, no matter how things go in Xinjiang, unless the government makes apologies like those to the rest of China after the Cultural Revolution, and moves to correct many of the social, economic, and cultural injustices it has created in encouraging integration. Such a happy occurrence is highly unlikely.

Not only is China trying to assimilate an ethnic nationality that is of a totally different cultural, linguistic, and ethnic background, it is trying to do so in a modern world of treaties, relationships, and institutions that bind all nations in theory to the responsibility of respecting human rights, including people's right to self-determination. China cannot simply proclaim a "Manifest Destiny" ideal like the United States did in the 19th century and utterly displace the indigenous people from their environments and cultures without serious international criticism or repercussions. Indeed, one can draw many similarities between the policies and actions of the United States taken toward the Native Americans two centuries ago and those of the Chinese in Xinjiang today. Unfortunately for China though, the world is a different place now, and the international community could likely continue to put pressure on China to give greater freedom to all its citizens, including the Uighurs in Xinjiang. In ignoring this right in policy while paying lip-service to it in foreign discourse, as well as in its very own constitution, China is trying through a diverse set of methods to succeed in integration.

This conflict is indeed a problem for China, but it is also a problem for the international system of which the United States and the Western world is not only a part, but leaders. No decision can be made or, in reality, enforced by the international community on the extent to which the Uighurs' right to self-determination measures up against China's right to exercise its sovereign right in consolidating its own territory. It is both an intriguing and a frustrating point of contention, in whether or not the international community can make a meaningful distinction between peaceful assimilation and cultural genocide. We have seen the claims for cultural genocide from the discontented Uighurs' angle, but China can also defend its economic development of the Xinjiang, which as a means of the assimilation is a driving force behind many of the assimilation methods, as necessary to the region's and the nation's stability and prosperity. China's solution thus far to the question has been the "intermediate fix" described by

Gardner Bovington to Congress and discussed earlier in this paper. By providing an acceptable façade of “regional autonomy” and internationally pleasing laws and slogans promoting protection of and respect for ethnic, religious, and cultural diversity, China has been able to avoid and deny substantial criticism of their active, inevitable assimilation of Uighur territory and culture. In exhibiting this flaw in the international system, the Xinjiang question has pertinence to similar conflicts of rights in recent years, such as those in Chechnya (Russia), Kashmir (India), and the Balkans.

If the Uighurs’ right to self-determination were ever to prevail, an event most likely only possible in the wake of a very unlikely government *and* military collapse in China, the international community would face yet another interesting predicament, one reminiscent of the Israeli-Palestinian conflict. A nascent Uighur state in Xinjiang would have the problems of deciding who rules, Islamists or pro-democracy secularists, as well as handling the place and role in a new Uighur state of about 11 million Han Chinese (3 million more than the Uighurs), who now live in Xinjiang.

Rudelson makes clear that China is truly in a no-win situation (U.S. Congress 2002, 23). He elaborates in saying:

No matter what it[China] does to develop Xinjiang, many Uighurs will see it as part of China’s colonial domination. They view each discovery of oil as leading to Uighur wealth being stolen from them. Each new road facilitates Han Chinese immigration to the region, that will essentially make them a minority in their own autonomous region.

This description seems to be very true. A problem Benson (2004) describes in education issues is an insightful one that really pertains to much of the Xinjiang predicament. This problem is that each side wants to solve these issues, but in Beijing’s demand for political solutions, and the Uighurs’ demand for cultural solutions, we see the impossible nature of resolving them. Unfortunately for the Uighurs, China does have control, and, as Gladney (2004) points out, “The continued incorporation of Xinjiang into China has become inexorable and perhaps irreversible” (246). There seems to be little hope for peaceful, beneficial solutions to many of the Uighurs’ problems, unless they do integrate into Chinese culture. Nevertheless, I believe that the resentment and broad anti-Chinese

sentiment, either based on injustices or threats to survival from AIDS, water shortage, or even unemployment, will continue to be a very powerful force in Han-Uighur relations in Xinjiang. Xinjiang is securely under Chinese control, and its integration will continue to increase under the current methods of control and assimilation. Although the modern Chinese state may achieve its goal of national unity and sovereignty throughout its territory with Xinjiang incorporated under its control. I believe the degree of integration will have its limits as this force in the hearts and minds of the Uighurs will continue to foster disunity and difference among the people of Xinjiang on some scale for decades and decades to come.

References

- Amnesty International. 1999. *People's Republic of China: Gross Violations of Human Rights in the Xinjiang Uighur Autonomous Region*. AI Index: ASA 17/18/99.
- Amnesty International. 2002. *People's Republic of China: China's Anti-Terrorism Legislation and Repression in the Xinjiang Uighur Autonomous Region*. AI Index: ASA 17/010/2002.
- Barnett, Doak A. 2002. "Chinese Turkestan: Xinjiang." In *China Off Center: Mapping the Margins of the Middle Kingdom*, eds. Susan D. Blum and Lionel M. Jensen. Honolulu: University of Hawaii Press, 71-105.
- Benson, Linda. 2004. "Education and Social Mobility among Minority Populations in Xinjiang." In *Xinjiang: China's Muslim Borderland*, ed. S. Frederick Starr. Armonk, NY: M.E. Sharpe, 190-215.
- Christofferson, Gaye. 2002. "Constituting the Uighur in U.S.-China Relations: The Geo-Politics of Identity Formation in the War on Terrorism." *Strategic Insights* 1 (September).
- Crisp, Penny, and Rose Tang. 2000. "The Great Leap West." July 28. <http://www.asiaweek.com/asiaweek/magazine/2000/0728/biz.china.html> (October 13, 2004).
- Dautcher, Jay. 2004. "Public Health and Social Pathologies in Xinjiang." In *Xinjiang: China's Muslim Borderland*, ed. S. Frederick Starr. Armonk, NY: M.E. Sharpe, 276-298.
- Du, Minghua. 2000. "Xinjiang's Ethnical Economy Ready for a Leap." December 12. http://english.people.com.cn/english/200012/12/eng20001212_57561.html (October 13, 2004).
- Economist-Japan.com. 2003. "The Great Leap West: The 'Hanification' of Xinjiang Province." http://www.economist-japan.com/2004/20040828/cont_e02.html (October 13, 2004).
- Gertz, Bill. 2004. "Cheney Chides China on Reforms." April 16. <http://www.washtimes.com/functions/print.php?StoryID=20040416-120212-8485r> (December 8, 2004).
- Gladney, Dru C. 2004. "The Chinese Program of Development and Control, 1978-2001." In *Xinjiang: China's Muslim Borderland*, ed. S. Frederick Starr. Armonk, NY: M.E. Sharpe, 101-119.
- Jankowiak, William, and Justin Rudelson. 2004. "Acculturation and Resistance:

- Xinjiang Identities in Flux.” In *Xinjiang: China’s Muslim Borderland*, ed. S. Frederick Starr. Armonk, NY: M.E. Sharpe, 299-319.
- Kleveman, Lutz. 2003. *The New Great Game: Blood and Oil in Central Asia*. New York: Grove Press.
- Millward, James A., and Nabijan Tursun. 2004. “Political History and Strategies of Control, 1884-1978.” In *Xinjiang: China’s Muslim Borderland*, ed. S. Frederick Starr. Armonk, NY: M.E. Sharpe, 63-100.
- Millward, James A., and Peter C. Perdue. 2004. “Political and Cultural History through the Late 19th Century.” In *Xinjiang: China’s Muslim Borderland*, ed. S. Frederick Starr. Armonk, NY: M.E. Sharpe, 27-62.
- People’s Daily. 2000a. “Xinjiang’s Tourism Income Increases 1,000-Fold in 20 Years.” July 10. http://english.people.com.cn/english/200007/10/eng20000710_45129.html (October 13, 2004).
- People’s Daily. 2000b. “National Tourism Festival to Be Held in Xinjiang.” July 14. http://english1.peopledaily.com.cn/english/200007/14/eng20000714_45474.html (October 13, 2004).
- People’s Daily. 2000c. “Xinjiang Drafts Plan to Develop the Region.” August 4. http://english1.peopledaily.com.cn/english/200008/04/eng20000804_47291.html (October 13, 2004).
- People’s Daily. 2000d. “Xinjiang Issues Preferential Policies for Foreign Investment.” September 1. http://english1.peopledaily.com.cn/english/200009/01/eng20000901_49533.html (October 13, 2004).
- People’s Daily. 2000e. “Xinjiang’s Ethnical Economy Ready for a Leap.” December 12. http://english.people.com.cn/english/200012/12/eng20001212_57561.html (October 13, 2004).
- People’s Daily. 2000f. “China Ready to Combat Challenges in 21st Century.” December 29. http://english.people.com.cn/english/200012/29/Eng20001229_59138.html (October 13, 2004).
- People’s Daily. 2003. “Xinjiang Bridges China, Central Asia.” October 2. http://english.people.com.cn/200310/02/eng20031002_125317.shtml (October 13, 2004).
- People’s Republic of China. Information Office of the State Council. 2003. *History and Development of Xinjiang*. <http://www.china.org.cn/e-white/20030526/index.htm> (November 17, 2004).
- Ping, Zheng. 1989. *Xinjiang: The Land and the People*. Beijing: New World Press.

- Roberts, Sean R. 2004. "A 'Land of Borderlands': Implications of Xinjiang's Trans-border Interactions." In *Xinjiang: China's Muslim Borderland*, ed. S. Frederick Starr. Armonk, NY: M.E. Sharpe, 216-240.
- Rowe, William. 1994. "Education and Empire in Southwest China. Ch'en Hung-mou in Yunnan, 1733-38." In *Education and Society in Late Imperial China*, eds. Benjamin Elman and Alexander Woodside. Berkeley: University California Press, 417-457.
- Shichor, Yitzhak. 2004. "The Great Wall of Steel: Military and Strategy in Xinjiang." In *Xinjiang: China's Muslim Borderland*, ed. S. Frederick Starr. Armonk, NY: M.E. Sharpe, 120-162.
- Sponsel, Leslie E., ed. 2000. *Endangered Peoples of Southeast and East Asia: Struggles to Survive and Thrive*. Westport, CT: Greenwood Press.
- Starr, S. Frederick. 2004. "Introduction." In *Xinjiang: China's Muslim Borderland*, ed. S. Frederick Starr. Armonk, NY: M.E. Sharpe, 3-26.
- Stewart, Stanley. 2004. *Frontiers of Heaven: A Journey to the End of China*. Chester, CT: The Lyons Press.
- Toops, Stanley W. 2004a. "The Ecology of Xinjiang: A Focus on Water." In *Xinjiang: China's Muslim Borderland*, ed. S. Frederick Starr. Armonk, NY: M.E. Sharpe, 264-275.
- Toops, Stanley W. 2004b. "The Demography of Xinjiang." In *Xinjiang: China's Muslim Borderland*, ed. S. Frederick Starr. Armonk, NY: M.E. Sharpe, 241-263.
- Tyler, Christian. 2003. *Wild West China: The Taming of Xinjiang*. London: John Murray Publishers.
- United Nations. 1945. "Charter of the United Nations." October 24. <http://www.un.org/aboutun/charter/index.html> (November 17, 2004).
- United Nations. Office of the High Commissioner for Human Rights. 1966. *International Covenant on Civil and Political Rights*. http://www.unhchr.ch/html/menu3/b/a_ccpr.htm (November 30, 2004).
- United Nations. Office of the High Commissioner for Human Rights. 1966. *International Covenant on Economic, Social and Cultural Rights*. http://www.unhchr.ch/html/menu3/b/a_ceschr.htm (November 30, 2004).
- U.S. Congress. Roundtable before the Congressional-Executive Commission on China. 2002. *Ethnic Minorities in China: Tibetans and Uighurs*. Washington: U.S. Government Printing Office.
- U.S. Congress. Roundtable before the Congressional-Executive Commission on

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- China. 2004. *Practicing Islam in Today's China: Differing Realities for the Uighurs and the Hui*. Washington: U.S. Government Printing Office.
- Watson, James. 1993. "Rites or Beliefs? The Construction of a United Culture in Late Imperial China." In *China's Quest for National Identity*, eds. Lowell Dittmer and Samuel Kim. Ithaca, NY: Cornell University Press, 80-103.
- Wiemer, Calla. 2004. "The Economy of Xinjiang." In *Xinjiang: China's Muslim Borderland*, ed. S. Frederick Starr. Armonk, NY: M.E. Sharpe, 163-189.
- Xinhua News Agency. 2003. "Role of Xinjiang Production, Construction Corps Important: White Paper." May 26. http://news.xinhuanet.com/english/2003-05/26/content_887338.htm (November 17, 2004).

Crossing the Pond:
A Trans-Atlantic Journey Through Modern
Conservatism In the United States and Engl and

Brandon J. Goodwin
Duke University

Post-modern conservatism, as a global phenomenon, has been notably adapted by American and British leaders including Ronald Reagan, Margaret Thatcher, Bill Major, and George W. Bush. Each of these Heads of State has not only made his or her own mark as a leader, but has helped to define the bilateral conservative movement between the United States and the United Kingdom. An analysis of voting trends alone does not demonstrate the full effects of the transatlantic conservative movement; however, by further evaluating comparative campaign strategies and economic trends in both the United States and Great Britain, the impetus for right wing tendencies becomes more clear. Despite the cyclical nature of the conservative trends in both nations, the results have been divergent. British voters have widely supported the left-leaning Labour party for over eight years, while the United States has just sworn in an eight year long Republican presidential administration after over a decade of Republican dominance in Congress. The following investigation uncovers the political histories of both nations and discovers the driving forces behind each nation's neo-conservative movement.

Introduction

Unless we change our ways and our direction as a party, our greatness as a nation will soon be a footnote in the history books, a distant memory of an offshore island, lost in the mists of time like Camelot, remarked kindly for its noble past ~ Margaret Thatcher 1979.

Politicos typically associate the recent rise of conservatism in the United States with the close alliance between the Republican Party and the religious right. This alliance played a pivotal role in the 2004 Presidential election with the emergence of such issues as gay marriage, abortion, and what many recognize as a radical push towards pure secularism within areas of daily life such as the

Pledge of Allegiance. When conducting a bi-national analysis of party affiliation between the United States and the United Kingdom however, it is clear that the success of a party rests not only in its potential religious voting base, but also in the party's core values and in its connotative relationship with the citizenry.

The basic party structures in Great Britain and the United States are complementary. Although three major parties hold seats in the British Parliament, the political scene largely revolves around a two-party system in which the Conservative Party (akin to the Republican Party) and the Labour Party (a liberal party parallel to the Democrats) consistently face off on a range of issues. The past decade has shown a steady fall in Conservative Party popularity while the Labour Party has become the dominant government party within Britain. The opposite holds true in the United States where citizens voted for a near decade of Republican presidential, senatorial, congressional and gubernatorial leadership. What has led to this inconsistency in political affiliation across the Atlantic? Why are prevailing British and American ideologies so different when we are supposedly living in an era of postmodern globalism? Have Conservative or Republican Party values shifted to attract more voters? In the following analysis, I will investigate these perplexing issues and further explore the historical tradition, evolution, and recent ideology and packaging changes of the Conservative and Republican Parties in relation to their opposition—the Democratic and the Labour Parties. I will argue that wise “party branding” and an emphasis on catering to their traditional base has helped the Republicans, while the Conservative Party has taken an opposite direction, resulting in partisan dealignment and lackluster election results.

The Importance of Party Branding to the Republican Party

The contemporary significance of the media and campaign sound bites has led many successful political parties to embrace a catch-phrase ideology during each election season. Whether it is President Clinton's “Building a Bridge to the 21st Century” or Prime Minister Tony Blair's “New Labour—Because Britain Deserves Better,” parties have crafted their election season strategy around a certain way of thinking and more importantly, a particular way of acting (Labour Party General Election Manifesto 1997). Within the conservative arena, the need for a warm undertone has been paramount in recent elections in both the

United States and in the United Kingdom. As David Frum has observed, compassionate conservatism “combines the left’s favorite adjective with the right’s favorite noun. It thereby broadened Bush’s appeal to moderate voters” (Garnett 2003, 42). President George W. Bush has spent his tenure reiterating the rationale for tagging conservative politics with compassionate sentiments.

The Republican Party has not only embraced President Bush’s call for compassionate conservatism, but it has attempted to reach out to voting demographics once guaranteed for the Democrats. President Bush has made a concerted effort to appoint minorities to his cabinet. A recent *USA Today* article revealed that when dissecting the past four administrations, President George W. Bush tied President Clinton’s record of hiring twelve minorities for his Cabinet.¹ President Reagan only appointed five minorities (including only two ethnic minorities) and President George H.W. Bush only six (Page 2004). President George W. Bush, who opposes affirmative action and is the first President since President Harding not to address the NAACP, is the last President that many thought could attract a diverse base.

In the 2004 Presidential race, Bush narrowed his previous 11% loss in female voters to only a 3% loss to Senator Kerry. He attracted 11% of the African American vote compared to his previous 9%, and the most substantial jump came in the Hispanic vote. In 2000 President Bush received 35% of the Hispanic vote and in 2004 he received 44% (CNN Exit Polls 2004). This drastic increase in minority support is quite telling of the universal success of the party’s performance under its *compassionate conservative* roots. Governor of New Mexico Bill Richardson, asserts that President Bush’s decision for Cabinet appointments, “shows respect to name Latinos to such powerful positions. The President has done more than diversify his Cabinet; President Bush has opened new doors for minorities and women to consider the benefits of joining the ranks of the Republican Party” (Page 2004).

Evolution of the Conservative Party in Great Britain

Unlike George W. Bush’s dedication to compassionate conservatism, William Hague, the British Conservative Party Leader, was persistent on a

¹ Here minorities are defined as women and people of color.

different brand of conservatism – “denationalizing compassion” (Hague 2000). He unwisely led his party on a mission to emulate Canada’s “kitchen table conservatism” rather than Bush’s successful compassionate conservatism direction. He described the vitality of “kitchen table conservatism” in the following manner:

In the town halls, living rooms and around the kitchen tables of Ontario, Mike Harris (party leader) went to hear the people of the Province tell him what they thought. This wasn’t an electoral gimmick; it was a vital part of putting his Conservatives in touch with the people whose support they wanted. We too are determined to be a listening party (Garnett 2003, 44).

Hague’s new plan was not accompanied by the poll success with which he had planned. The British populace interpreted his “listening party” as a pandering party unable to stand strong on its own foreign and domestic policies. The citizenry demanded that parties shift away from political rhetoric and take a firm stance on important domestic issues including taxation, individual freedoms and liberties, inclusion or exclusion of the single European currency, and the socialization of Britain’s railways (Vaizey, Gove, and Boles 2002).

Prior to this period, the Conservatives controlled government for almost two decades under the wildly successful brand of conservatism adopted by Margaret Thatcher. The United Kingdom went through a rough economic period during the 1970s. With Labour in power, the British blamed the dire economic situation on irresponsible Labour leadership and prompted the Tories to pack their bags for Downing Street. In 1979, Thatcher, the leader of the Conservative Party, brought her party to victory and was inaugurated as the first female Prime Minister in England’s history. Thatcher was by all accounts a strict capitalist conservative. From the 1960s through the 1970s, the Conservative Party had drifted to a position slightly left-of-center due in part to the Postwar Consensus that left Britain in an economic state of recovery for decades. Thatcher’s platform and leadership swiftly pulled the party back to the right. With her economic policies “Thatcher drove a battering ram through traditional Conservatism, but it was in effect a return to the party’s conservative roots” (Jones 2004, 124).

Thatcher claims that she was inspired by Republican economic principles and aligned much of her economic policies to that of US economist Milton

Friedman. Friedman's belief stated that in order to control inflation, it is necessary to control the supply of money and credit that circulates throughout the economy. Thatcher strongly believed that economic freedom was the root of all freedom. She endorsed a philosophy that defended the basis of capitalism—"to call this 'exploitation' of the working man, as socialists did, was nonsense as businessmen were the philanthropists of society, creating employment, paying wages and endowing charities" (Jones 2004, 123). Thatcher believed that government regulations on big business destroy freedom and efficiency, in turn, taking power and liberty away from the general consumer. Thatcher was a unique capitalist; she had the success of appealing to a wide spectrum of socioeconomic demographics: both the rich and the underprivileged. In her reelection manifesto published in 1983, Thatcher stated that "only if we create wealth can we continue to do justice to the old and the sick and the disabled. It is economic success which will provide the surest guarantees of help for those who need it most" (Dale 2000). Her economic policies united a nation fresh out of an economic depression in search of prosperous days ahead.

Her foreign policy initiatives were always aligned with the United States and under her tenure, Thatcher substantially increased funding for the nation's armed forces. For a peacetime Prime Minister, Thatcher had the foresight to invest for the future security of her nation. In 1982 shortly after Thatcher assumed the position of Prime Minister, she proved her military strength when Argentina invaded the Falkland Islands. She responded quickly and fiercely and deployed the Royal Navy to help defeat the Argentineans in the Falkland War. Her strength under fire demonstrated her strong commitment to global order and national security.

As former British Education Secretary, a strong Prime Minister who embodied successful economic, military, and social principled policies, Thatcher took the Tories on an almost twenty year ride of party dominance; however, Thatcher was fond of sacking individuals within her party and within her Cabinet at any sign of betrayal, thus accumulating a formidable list of enemies along the way. In 1988 she became the longest serving Prime Minister in the twentieth century, and her party began to talk of ending her decade-long strict capitalist conservative rule. In 1990, the party forced her to resign, and she did so humbly. John Major became the party's new leader, and he finished out what would be the last few years of Tory rule in the twentieth century. The Major years were quite unimpressive in comparison to the substantial makeover the country

received under Thatcherism and party enthusiasm quickly dwindled as a result. In the 1997 election, Tony Blair led the Labor Party to fiercely attack the Conservative administration. With an effective ad and marketing campaign, the Labor hype drove the citizenry to the polls to overturn the Tory dominance and reign in the era of “New Labour.” Blair assumed the post at Downing Street with a wave of excitement and vision, quickly dwarfing the attention on the Tories now under the direction of William Hague.

The leadership of Hague, the huge electoral loss, and the change from strict Thatcherism in the late 1990’s to the new “kitchen table conservatism” had an enormous effect on the morale of Conservatives. Since 1997, party members and traditional Conservative voters in Britain found themselves justifying their political beliefs with verification of personal tolerance and social understanding. Weakness under Hague made it strikingly clear that there existed an overriding need to shift the conservative base in regards to domestic and social issues. The underlying challenge on social issues was “the crux of the domestic struggle. [It] was over the scope and justification of a safety net for the poor and the disadvantaged” (Hoover 1989, 96). The populous often viewed Conservative policies as cold hearted and out of touch with the social responsibility a successful party should exhibit. The modern political climate in both the United States and England was about to change.

The Success of New Labour and its Effect on British Conservatives

The Conservative Party under Hague was driven to make many of their policy and packaging changes due to the highly successful makeover and consequent victory of “New Labour” in 1997. Under the leadership of then Party Leader Tony Blair, the Labour Party underwent a very successful ideological rebirth. The directors of the party decided to rewrite much of the Party Manifesto in order to make themselves more electable during a time of great Tory dominance in the early to mid-1990s. One of the core aspects of this overhaul was the deletion of Clause Four of the Manifesto, which provided for a close alliance between the Labour Party and labor unions. The “Old Labour” stance stressed socialist ideology such as *public ownership* of the “commanding heights” (Jones 2004, 281) of the economy—to be defined as institutions such as social healthcare, government ownership of railways, and further social

intervention in Britain's school system. By striking the clause in the Party Manifesto that embraced socialist philosophies, the Labour Party abandoned their base of union members and social thinkers. Instead, they adopted a more advantageous centrist philosophy which would attract a far greater number of voters. The "Third Way" adopted by New Labour attracted the large number of neo-liberal voters. This increasing constituency felt disenchanted with the right-wing belief system of the Conservative Party, were hesitant to sign onto the socialist tradition of the old Labour party, but were not radical enough to vote for the Liberal Democrats. The movement recognized the ever-changing world of technology and the *need to respond to change*.

The full-scale makeover of the Labour Party was complete when the young and intelligent Tony Blair, known for his charismatic personality and attractiveness, was chosen as the new Party Leader. As Party Leader and later as Prime Minister, Blair continually crafted his own vision for New Labour and the Third Way. He emphasized "rethink[ing] traditional policies and old assumptions, because there are dramatic changes taking place in the world, such as globalization" (Jones 2004, 159). Blair ensured that the *Third Way* placed a greater focus upon differentiating itself from the Tories' *kitchen table conservatism*. The nature behind Third Way ideology stemmed from the belief that "a traditional left ideology of state collectivism is no longer satisfactory or appropriate; but neither is the right-wing alternative of market liberalism. It is in this key sense that the Third Way claims to be neither Old Left nor New Right" (Jones 2004, 160). By standing alone in the center, the Third Way ideology of New Labour touches on every demographic of potential voters, as to attract a populous never before achieved by the Labour party As political scientist Bill Jones explains, "social inclusion means ensuring decent life chances for all. It differs from a right-wing approach, which repudiates social solidarity and trumpets the virtues of individualism, but it also differs from the kind of left-wing approach that is concerned with equality of outcome or condition" (Jones 2004, 161). Political Scientist Tony Wright asserts that:

There is a political strategy here as well as a political theory. The Third Way is about building a new progressive consensus in British politics. This is an explicit political strategy, central to Tony Blair's modernization of the Labour Party. The long domination of government by the Conservative Party during the

twentieth century is seen as a consequence of the failure of the center-left to equip itself with the ideas and policies capable of exerting a dominance of their own (Jones 2004, 162).

With the emergence of the Third Way accompanied by a new more inclusive Conservative Party Manifesto, the issue of partisan dealignment became substantial. As each party tried to shift its base to include more voters, they also isolated party loyalists such as the traditionally Labour voting union members.

Several trends have taken shape in the wake of British party shifts. First, many citizens tossed out the notion of voting for their parents' party and evaluated each election with self-interest in mind. Also, transitions within the traditionally immobile British class system occurred, "as the proportion of the workforce engaged in manufacturing has fallen and the proportion employed in service and white collar occupations has grown" (Jones 2004, 187-188). Class differentiations have always played a pivotal role in British elections for both parties as the Conservative Party had historically received over four-fifths of the middle class vote and Labour received over two-thirds of the working class vote. With a shifting class structure, the issue of socioeconomic patterns in voting was something that parties could no longer rely on for election success. Voters based their decision less and less on their occupation and economic background and began to passionately rely on a single issue or a set of issues when casting their votes.

The new trend of single-issue voting in Britain is quite common due in part to the partisan and socioeconomic dealignment, but also to the rise in the activity of interest groups. Conservative Party leaders, such as Prime Minister Thatcher, viewed the rise of interest groups as a threat to the Conservative vision for a coherent democracy. Thatcher believed that pressure groups "do not enhance democracy as they are primarily interested in their own concerns and not those of wider society" (Jones 2004, 256). These groups have played an increasingly pivotal role in the political scene as they engage the citizenry throughout the course of the year rather than simply prior to elections. This poses the greatest problem for the Conservatives as the vast majority of British interest groups focus on liberal economic or foreign policy issues.

Changes within the Conservative and Labour parties have clearly led to shifts in voting trends. The current situation of partisan dealignment and the

strength of interest groups and single-issue voting, however, have only secured the immense strength of the Labour Party. Such developments, paired with the worldwide media movement to increase the focus on international politics in a post September 11 environment, have demonstrated the importance of surveying public opinion.

Republican Successes and Election 2004

While the Tories have faced a marked decline in voter support over the last decade, the Republican Party has enjoyed a clear success; however, it is difficult to gauge the complete progression of the party without noting the unparalleled effects of September 11th. The President who once stated in his 2000 convention acceptance speech, “[My father’s generation] had been called to storm beaches, liberate concentration camps and deliver us from evil. But we are living in a time of blessing. So instead of fighting wars, we’re called to perform small, unnumbered acts of caring and courage” (Brooks 2004, 32). This goal of compassionate conservatism underwent a drastic and involuntary makeover on September 11th. David Brooks argues that “[Bush’s] compassionate conservatism was incinerated by the events of September 11th” (Brooks 2004, 34). His education policies, healthcare, and social security goals were put on the back burner as Bush concentrated on homeland security and foreign policy after the events that occurred that dreadful morning. This also marked Bush’s transformation from a welcoming, inclusive face of principled leadership to a war paint and camouflage Commander in Chief headed towards a new role of a super-nationalist and democracy loving patriot. The President loudly echoed sentiments of steadfast leadership under a time of great difficulty. His stern and forceful efforts against the “war on terror” were met with national optimism and high popularity ratings. Americans, by and large, supported Bush’ “you’re either with us or you’re against us” mentality towards the rest of the global community.

With the increased military involvement in the Middle East (including the decision to deploy forces in Iraq) came declining approval ratings. The longstanding trend of public nationalism and global confidence came under fire from far left public figures. While the Republicans associated themselves as the party best fit to fight the War on Terror—ready to take on another four years in Washington, the 2004 Democratic National Convention featured Michael Moore seated next to President Carter. What message did this send to the voting public?

Fox News anchor, Sean Hannity, decried to Democratic Party Strategist Kristen Powers on the air, “John Kerry is on the far fridge of the party. When they invite Michael Moore to—have this coveted seat next to a former president at the convention—I think that tells a lot about the Democratic Values. The far left has taken over the party—Don’t you see that?” (Fox News 2004) Powers admitted, “As a Democrat, I have a problem with it. I don’t think Michael Moore spoke for most Democrats. He doesn’t speak for me” (Fox News 2004).

Conclusion and Comparison

Conservatives and Republicans up until just recently, have had to justify the notion that “I am a Republican/Tory, but I am a socially moderate one.” At the same time, Democrats and New Labour under Blair began to realign their parties away from socialist origins and embrace more centrist positions. The Republicans took a successful path by returning to their base voters (the conservative far right) to compete with a centrist Democratic Party and, in fact, caused the Democrats to seem overly liberal in the 2004 presidential election. The Conservatives, on the other hand, abandoned their base by moving to the center while the Labour Party already occupied most of the moderate positions in British politics, causing the Conservatives to lack viability.

The importance of Party base voters is especially important since the British voters and their American counterparts have been increasingly apathetic when it comes to political participation. In 1995, Robert Putnam recognized this trend in his “bowling alone” theory and revealed that whereas in 1974 seventy-two percent of Americans socialized with their neighbors on more than one occasion each year, only 61% did so in 1993 (Putnam 1995, 68). What does this say about the political landscape for each country?

In the United Kingdom, general elections historically attract upwards of 70% of the general populous and reached over 83% of the population in the general election of 1950 (Tutor 2U). With a markedly high voter turnout at the polls, it is quite clear that the political climate in Britain is quite engaging and citizens typically do not “bowl alone” in terms of their voter participation. With voter turnout reaching upwards of 90% of some voting districts and with Britain’s *first past the post* voting structure, many politicians state that there is an inherent bias against the Conservative Party. Statistics show that in 1992 the Tories had a majority of 7.6% of the popular vote over the Labour Party but an

overall majority of only 21 seats. In 2001, Labour had a majority of 9.3% of the popular vote but enjoyed a sizeable 167 seat advantage. Why does such a trend exist? Studies show that Labour can win a general election with only 35% of the popular vote, while the Tories would need at least 43%. The reason for this striking difference is that Labour voters are more evenly distributed throughout the country, while there is a clear trend of “Tory” districts (Jones 2004, 175). These voting trends demonstrate just how large of a majority the Tories once had under the days of Margaret Thatcher and the contemporary failures the party is currently experiencing.

The failure of the Tories is due in part to much more than just the smart craftsmanship of the Labour Party—the Tories themselves, under their *kitchen table conservative* platform, lost touch with their base. Scandals of Conservative Members of Parliament having homosexual experiences or extramarital affairs rocked the core moralistic base the party once enjoyed. The party tried to embrace the notion of “one nation” conservatism. Launched by Hague in 2000 to help mirror the centrist vision of Blair, one nation conservatism aimed to do three things—*build character, invest in families, and strengthen the communities*. With its emphasis upon social obligation and restoring pride and character in Britain’s local communities, it also played a more inclusive tune towards racial minorities, homosexuals, and women. By attempting to embrace such groups and revealing a more centrist-aimed platform, the Tories have nearly fallen off the political roadmap.

The Republicans have witnessed a largely different scene over the past few years, as they have embraced a more right wing platform that truly resounds the party’s founding principles. The party has substantially increased its voting base through empowering the religious right and campaigning specifically to demographics including ethnic minorities, sects of religion (including Jews and Catholics), women, college students, and even specific occupations including health care professionals, educators, and fire and police officers. It is quite clear that the Republican’s sense of compassionate conservatism mixed with a resolute emphasis upon strong national security is the perfect recipe for American political success.

In conclusion, as the Republicans have become more rightwing they have incurred a reelection in both the White House and an even larger majority in Congress, while the Conservative Party has become more moderate and inclusive and has completely lost political dominance to the Labour Party. The importance

of not only retaining a reliable voting base but also reaching out to less likely supporters has become pivotal in both the United States and in the United Kingdom. The need to shift ideologies in a modern era has become strikingly clear. The need for change encompasses not only domestic shifts in public opinion, but it should also consider the lasting international implications. Hague should have studied President Bush's founding principle of compassionate conservatism more during his visit to the United States rather than focusing on Canada's vision for a more open minded, listening style of governance. When examining political ideologies from a cross-national perspective it is quite clear that not all philosophies remain constant.

References

- British Broadcasting Corporation. 1997. Labour Party General Election Manifesto. <http://www.bbc.co.uk/election97/background/parties/manlab/9labmanconst.html> (15 August 2005).
- Brooks, David. August 29, 2004. "How to Reinvent the G.O.P." *The New York Times* sec. 6, 32.
- Cable News Network. November 2004. Election 2004: U.S. President Exit Polls. <http://www.cnn.com/ELECTION/2004/pages/results/states/US/P/00/epolls.0.html> (15 August 2005).
- Dale, Ian. 2000. *Conservative Party General Election Manifestos, 1900-1997*. London: Routledge Publishing Company.
- Fox News. 2004. *Fox, Hannity and Co*, 10 November.
- Garnett, Mark, and Philip Lynch. 2003. *The Conservatives in Crisis: The Tories After 1997*. Manchester, UK: Manchester University Press.
- Hague, William. 2000. *Values for the Twenty-First Century*. Speech to Britain's Faith Communities, 1 November.
- Hoover, Kenneth. 1989 *Conservative Capitalism in Britain and the United States* London: Gournesy Press. 1989.
- Jones, Bill. 2004. *Politics UK*. 5th ed. Essex, UK: Pearson Longman Publishing.
- Page, Susan. 2004. "Bush is Opening Doors with a Diverse Cabinet." *USA Today*, 10 December, 17A.
- Putnam, Robert D. 1995. "Bowling Alone." *Journal of Democracy* 6 (January): 65-77.
- Tutor 2U. 2005. "Voter Turnout at UK General Elections." *Low Voter Turnout- A Threat to Democracy in the UK?* http://www.tutor2u.net/politics/content/topics/elections/voter_turnout.htm (15 August 2005).
- Vaizey, Edward, Michael Gove, and Nicholas Boles. 2002. *A Blue Tomorrow*. London: Politico's Publishing.