



Volume IV

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Political Science Honorary

Cory Thomas Driver
Editor-in-Chief

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Editor's Preface to the Spring 2004 Edition

The American Undergraduate Journal of Politics & Government provides a unique opportunity for outstanding undergraduate papers to be published in a competitive, bi-annual platform. Now in its seventh edition, the *Journal* has established itself and the work it publishes, and we hope to continue bringing the best in undergraduate research in politics and government to the academic community.

First, I would like to thank the students who served on the Editorial Board and the faculty and graduate students who served on the Advisory Board. They truly are a great asset to Purdue generally, and the *Journal* in particular. Furthermore, I am humbled by the support we have received from the National Pi Sigma Alpha Office, as well as from the Purdue University Department of Political Science. As always, the *Journal* would not be possible without the assistance of the Political Science Department Head, Dr. William Shaffer. Finally, I wish to thank Dr. William McLauchlan and Dr. Rosalee Clawson. Their support and guidance as faculty advisors have meant the world to me. I have been working with the *Journal* one way or another for four years. It has been a pleasure to be part of the process. I am pleased now to pass it on, knowing full well that it will continue to grow and improve.

Thank You.

Cory Thomas Driver
Editor-in-Chief

Submission of Manuscripts

Submissions for the *Journal* are received on a rolling basis from undergraduates of any class or major from institutions across the nation. Submitted papers must be fewer than 30 pages of typed, double-spaced text with tables and charts numbered consecutively and on separate pages. Submissions must be in the form of a Microsoft Word document and have complete citations and references. All documents must be accompanied by a 150 word abstract to be considered for publication. Please include name, university affiliation, contact details, and complete works cited information. Subscriptions are available through Purdue Pi Sigma Alpha, but each edition can also be purchased individually. To make a submission to the next edition or to contact the Editor-in-Chief, e-mail journal@polsci.purdue.edu.

An Empirical Analysis of Individual and PAC Contributions to Congressional Incumbents

Justin Grimmer
Wabash College

Research indicates that campaign contributions from both individuals and political action committees (PACs) increase as incumbents face strong electoral competition. In this paper, I analyze the extent to which the contributions of individuals, business PACs, and labor PACs in the 2000 general election differed based on the electoral security of the incumbent. I also examine the percentage difference in contributions from individuals, business PACs, and labor PACs to incumbents in the 2000 general election. I conclude that individual contributors are the most responsive to incumbent electoral security.

Introduction

The 1999-2000 congressional election cycle was characterized by a low level of incumbent defeat and a high level of contributions from individuals and political action committees (PACs). Incumbents received far more contributions than other types of candidates from both individuals and PACs. In addition, individual and PAC contributions both increased from the previous election cycle; however, individuals and PACs do not give at identical levels. Individuals contributed \$322.2 million more to candidates in congressional races than did all PACs.¹ What were the determinants of individual and PAC contribution in the 2000 general election?

In this paper, the contributions to incumbents in the 2000 election are studied in an effort to ascertain the responsiveness of individual, business PAC and labor PAC contributions to differences in the electoral security of incumbents. This investigation will show that key differences exist between how individuals and PACs allocate contributions when incumbents face tough electoral competition. This will offer insight into the differences between how individuals and PACs allocate funds to incumbents.

First, I summarize three previous studies that analyzed determinants of contributions in congressional elections. Then, I will illustrate the theoretical framework of this study and describe the data generation process for my models. Finally, I will analyze the empirical results and use my model to construct an electoral security elasticity of contributions, which will allow for comparison between the two different PACs and individual levels of contributions.

Literature Review

In 1974, Congress amended the Federal Elections Campaign Act (FECA) to limit contributions and to make disclosures more readily available to the public. With this new source of data, congressional researchers were able to examine various aspects of contributions from both individuals and PACs. Scholars have found that as an incumbent becomes more uncertain of his or her victory in the coming election, both PACs and individuals will contribute more money.

Grier and Munger investigate the determinants of contributions that incumbents received from corporate, union, and trade association PACs over four election cycles.² The data set employs observations from 2 election cycles, 1980-1982 and 1984-1986. The authors employ a TOBIT regression in order to determine a difference among the PACs.

The authors estimate electoral security over elections for House members by employing the margin of victory in their TOBIT regressions. The model shows that as the margin of victory increases, the PACs all will contribute less to the campaigns of incumbents. Union PAC contributions are the most responsive to incumbents that had tough competition in the previous election cycle, increasing the amount contributed by \$647 in 1980-1982 election cycles for every percent decrease in victory margin (t-stat=8.92). Both corporate and trade associations contribute more for every percent decrease in margin of victory, an increase of \$271 (t-stat =3.48) and \$276 (t-stat = 5.05) in 1980-1982 respectively. Grier and Munger's results show that corporate and trade association PACs do not respond to electoral security with the same magnitude as union PACs.

Romer and Snyder analyze the effects of changes in key characteristics of members of Congress between election cycles and how these changes affect PAC contributions received.³ The authors analyze changes over five election cycles from 1980 to 1988. Therefore, the authors obtain four pairs of elections from which they can determine change. This allows an analysis of changes in committee position, leadership position in Congress, and vote share on several dependent variables in their models, including the number of PACs that begin contributing to a House member and the number of PACs that change their contribution by more than \$500.

Romer and Snyder operationalize change in percent of vote received by an incumbent so that changes close to 50 percent will have a greater weight than changes in more lopsided contests.⁴ The authors also estimate a variable that measures the change in campaign expenditure by the challenger. The results of the TOBIT regression show that PACs respond to changes in both the amount of vote received and the change in expenditure by the opponent. A decline of 10 percent of vote won from 60 percent to 50 percent leads to a prediction that three previously noncontributing PACs will contribute to the incumbent for the first time.⁵ Likewise, Congress members can expect that more PACs will increase their contributions by \$500 when the incumbent faces increased electoral pressure. Similarly, Romer and Snyder show that for every \$100,000 increase in challenger campaign expenditures, there is an expected increase in number of PACs contributing of 2.52 and an increase in number of PACs raising contributions by over \$500 of 3.31. Romer and Snyder's results make apparent that when an incumbent faces increased electoral competition, he can expect to receive more PAC contributions.

Jacobson examines the relationship between competition and individual contributions to House members.⁶ He employs data from the 1972, 1974, and 1976 elections. To determine the relationship between characteristics of the candidate and individual contributions, Jacobson uses a conditional average technique, creating averages by party affiliation, year of election, and percent of vote in last election. The results show that incumbent Democrats in the 1972 election facing tough electoral competition, defined as 55.1 percent or less of the vote in the previous election, can expect 80.4 percent more donations than other Democrats that are assured victory. Republican incumbents in the same election year with similarly uncertain prospects in the coming election can expect an increase of 51.4 percent. While a positive association between electoral competition and donations from individuals is shown, Jacobson does not include a multivariate model and therefore does not take into account confounding factors.

The empirical tests have clearly shown that PACs and individuals are responsive to increases in electoral competition. Researchers have shown that when an incumbent is facing a tough election, he is more likely to receive more contributions from both PACs and individuals. In this paper, I intend to determine who is more responsive to measures of electoral competitions: PACs or individuals.

Theoretical Analysis

Grier and Munger point out that not all members of the House of Representatives are the same. Individual members vary on their position in the House hierarchy, electoral security, and ideological leaning. PACs will pursue the "least cost suppliers," i.e., the members of the House who will maximize the probability of pursuing and achieving the objectives of the PAC, while minimizing the costs the PAC will incur.⁷ Similarly, Jones and Borris predict that individuals will contribute to obtain access to a legislator and will attempt to do so while minimizing costs.⁸

Both PACs and individuals target legislators in competitive races because, on the margin, the dollars contributed in these races will matter more to an incumbent than dollars contributed to an incumbent who has a low probability of defeat. Incumbents in close elections will be placing more value on an extra dollar received than other House incumbents in less perilous electoral situations. Therefore, legislators in a close contest would be expected to entice contributors by offering more access in comparison to legislators in a race where victory is already assured *ceteris paribus*.

Yet, the theoretical model does not illustrate who will allocate more money based on the electoral security of congress members. Individual contributors are likely to be living in the same district or state as the incumbent to which they contribute and therefore, may be more sensitive to changes in the electoral safety of the member of Congress.⁹ In addition, a Congress member may be more likely to rely on giving from his or her home district as the electoral competition increases. It is also possible that individuals are pursuing a different variety of access than PACs. Individuals may want to purchase personal time with the candidate or the opportunity to appeal to the Congress member for a personal favor. Individuals may

receive other psychological benefits from contributions such as affirmation of ideology or a feeling of investment in the candidate.¹⁰

As the political arm of a corporation or labor union, PACs will attempt to buy access to influence public policy.¹¹ Members who are higher in the House hierarchy have a disproportionate influence on public policy, a factor that may be more important than increased access offered by lower ranking incumbents in a difficult election. Therefore, extra access offered by incumbents facing close elections may not be a large enough enticement to significantly increase PAC contributions. PACs, however, are able to assimilate information more readily than individuals, and therefore may be more effective in identifying incumbents facing tough electoral competition.

The theoretical model outlines clearly a null hypothesis, that the contributors are unresponsive to the electoral security of the incumbent. The alternative hypothesis is that the contributors are responsive to changes in electoral security. To evaluate the null hypothesis concerning responsiveness to the electoral security of a candidate, multivariate analysis is needed to control for confounding factors. OLS and TOBIT regressions will be run for each of the three dependent variables. The models are described below:

$$\text{Contributions} = \beta_0 + \beta_1 X_{1i} + \beta_2 X_{2i} + \dots + \beta_n X_{ni} + \varepsilon_i \quad i = 1, 2, \dots, 400 \quad (1)$$

$$\text{Contributions}^* = \beta_0 + \beta_1 X_{1i} + \beta_2 X_{2i} + \dots + \beta_n X_{ni} + \varepsilon_i \quad i = 1, 2, \dots, 400 \quad (2)$$

Equation 1 describes the data generation process for the ordinary least squares regression. The Beta terms are the true population parameters. X_{ni} represents the n th included independent variable, for the i th population respondent. ε represents an error term drawn from a normally distributed Gaussian error model.¹² Equation 2 represents the TOBIT data generation process in which the predicted values are censored, so that there will not be a negative predicted contribution.¹³

Description of the Data Set

The population of the analysis is composed of incumbents in the House of Representatives who were running in the 2000 general election, which allows for 400 observations for the study.¹⁴ The population was restricted to the general election for two reasons. First, because primary dates vary, incumbents who lose in the primary all face different election cycles. Incumbents who have a longer election cycle have more time to receive funds, a fact that would confound the analysis. Further, contribution patterns of both PACs and individuals may vary between the primary and general election.

The dependent variables for my analysis are individual, business PAC, and labor PAC contributions. Data concerning business and labor PACs were collected from the Center for Responsive Politics.¹⁵ Business PACs are associated with corporations or large private firms, while labor PACs are associated with labor unions, such as the AFL-CIO. Business and labor PACs are limited to a \$5,000 donation to a candidate per election. Therefore, PACs are allowed to make \$5,000 contributions to individual candidates in primary, general, and runoff elections. In addition, there is no limit on the amount of contributions that a PAC may contribute to candidates during an election cycle.¹⁶ The measure that will be employed in the analysis is the sum of all contributions for the 1999-2000-election cycle.

Individual contribution data were collected from the Federal Election Commission summary files for the 2000 election.¹⁷ Individual contributions made to candidates are limited to \$2,000 per election and there is a biennial election limit of \$37,500.¹⁸ The measure of individual contributions used in the analysis will be the sum of total individual contributions for the 1999-2000-election cycle.

The theory above states that as an incumbent's probability of victory decreases, PAC and individual contributions would be expected to go up. The degree of electoral security for incumbents will be measured by percent of vote received in previous election and opponent expenditure. The percent of vote that an incumbent receives in a previous election is a strong predictor of his or her probability of victory in the next election.¹⁹ The amount that an opponent is willing and able to spend in an election is a second strong indicator of incumbent security. Challengers are able to get a larger return on their investment, and a challenger's spending greatly increases his or her probability of victory.²⁰ The percent of

Variable	Description	Avg	SD	Max	Min
Dependent Variables					
Business PAC Contributions	Contributions from Business PACs	266571.7	200301.5	1263954	250
Labor PAC contributions	Contributions from Labor Union PACs	76336.975	80309.72	420850	0
Individual Contributions	Contributions from individuals	417875.75	403986.7	5150699	8665
Independent Variables					
Opponent Expenditure	The amount opponent spent in the 2000 election	438144.29	532762.6	4703774	0
% Vote Last Election	The Percentage of Vote Candidate Received in 1998 election	0.705	0.147	1	0.484
Control Variables					
Contested Election	Dummy Variable, 1 if the 2000 election was contested, 0 otherwise	0.84	0.367	1	0
Party Leadership Position	Dummy Variable, 1 if Speaker, Majority/Minority Leader, Majority/Minority Whip, 0 otherwise	0.01	0.0996	1	0
Exclusive Committee Chair/Rank Minority Member	Dummy Variable, 1 if a Committee Chair on the Appropriations, Rules, or Ways and Means Committee, 0 otherwise	0.015	0.1217	1	0
Exclusive committee Sub-chair	Dummy Variable, 1 if individual has a Sub-Committee Chair on the Appropriations, Rules, or Ways and Means Committee, 0 otherwise	0.06	0.2377	1	0
Exclusive Committee Seat	Dummy Variable, 1 if a seat on the Appropriations, Rules, or Ways and Means Committee, 0 otherwise	0.3175	0.4661	1	0
Non Exclusive Committee Chair	Dummy Variable, 1 if a seat on a non-exclusive committee, 0 otherwise	0.065	0.24863	1	0
Non Exclusive Sub-Committee Chair	Dummy Variable, 1 if a Sub-Committee Chair on a non-exclusive Committee, 0 otherwise	0.12	0.32536	1	0
Freshman	Dummy Variable, 1 if a Freshman, 0 otherwise	0.045	.2076	1	0
Republican	Dummy Variable, 1 if Republican, 0 otherwise	0.49	0.50052	1	0
No. Of Terms	Number of Terms individual has served in congress	5.845	3.7196	23	1
Conservative Vote Score	Ideological Ranking by American Conservative Union 1999-2000	49.815	38.35	99	1
Per Capita Income (1999 Dollars)	Per Capita Income of the Congressional District	21384.37	5937.79	58625	9803

Table 1. Description and Summary Statistics N=400

victory in the previous elections and opponent expenditures were collected from *The Statistical Abstract of the United States: 2000* and Microcase data files, respectively.

To isolate the effects of my independent variables on campaign contributions, the confounding factors need to be removed. The variables that estimate the Congress members' positions in the house hierarchy, the seniority of the members, ideology, partisan alignment, and finally contextual data about the districts have been included. The variables and summary statistics are presented in Table 1.

Results and Interpretation of Statistical Analysis

First, bivariate relationships between opponent expenditure and the percent of vote received in the previous election and the level of contributions an incumbent receives will be established. The theoretical analysis suggests that contributions should increase as opponent expenditure increases and decrease as a candidate garners a higher percentage of the vote in the previous election. Table 2 and Table 3 display the conditional averages of contributions by opponent expenditure and percent of vote received in the previous election, controlling for no variables.

Opponent Expenditure	Business PAC Contributions	Labor PAC Contributions	Individual Contributions
\$0-\$250	\$255	\$708	\$339
\$250-\$500	\$274	\$65	\$415
\$500-\$750	\$257	\$86	\$428
\$750-\$1000	\$268	\$117	\$461
\$1000-\$1250	\$298	\$79	\$510
\$1250-\$1500	\$338	\$70	\$540
\$1500-\$1750	\$261	\$66	\$714
\$1750-\$2000	\$286	\$131	\$650
\$2000-\$3250	\$308	\$1	\$745
\$3250-\$3500	\$791	\$2	\$5151
\$3500-\$4500	\$259	\$2	\$266
\$4500-\$4750	\$284	\$75	\$253

Table 2. Business, Labor and Individual Contributions by Opponent Expenditure (in thousands of dollars)

Percent of Vote in Last Election	Business PAC Contributions	Labor PAC Contributions	Individual Contributions
<50%	\$633	\$77	\$948
50% - 60%	\$315	\$105	\$617
60% - 70%	\$255	\$67	\$375
70% - 80%	\$228	\$63	\$305
80% - 90%	\$192	\$87	\$307
90% - 100%	\$272	\$49	\$312

Table 3. Business, Labor and Individual Contributions (in thousands of dollars) by Percent of Vote in Last Election

From Table 2 it appears that there is little relationship between opponent expenditure and business PAC contributions. Furthermore, for labor PACs it appears that contributions decrease as opponent expenditure increases, the opposite of what the theory predicts. Individual contributions, however, appear to increase as opponent expenditure rises, with a decrease at the highest level of opponent expenditure.

Table 3 shows that as the percent of vote received in the previous election increases, both business PAC and individual contributions decrease. The average business PAC contribution for House incumbents in the most secure races is \$361 less than incumbents in the least secure races, while individual contributions decrease \$636 dollars between the same two groups of incumbents. Labor PACs appear to give less to incumbents as their percentage of the vote in the previous election goes up, however, the decrease is neither steady nor as large as the decrease in contributions given by individuals and business PACs.

Table 4 shows the result of an OLS regression and TOBIT estimate.²¹ First, the analysis will focus on the amount of money given per dollar of opponent expenditure. The results of Model 1 and Model 2 show that business PACs contribute only one half cent to an incumbent for every dollar that the opponent spends, controlling for other included variables. Furthermore, this result is not statistically significant (t stat= 0.29).

Variable	Business PAC		Labor PAC		Individual	
	OLS Model 1	TOBIT Model 2	OLS Model 3	TOBIT Model 4	OLS Model 5	TOBIT Model 6
Intercept	173214.46*** (2.58)	173214.46*** (2.58)	214696.96*** (10.75)	211881.68*** (10.34)	469138.53*** (3.29)	469138.53*** (3.29)
Independent Variables						
Opponent Expenditure	0.0050 (.29)	0.0050 (.29)	0.0060 (1.12)	.0059 (1.14)	0.168*** (4.67)	0.168*** (4.67)
% Of Vote in Last Election	-170130.5*** (-2.74)	-170130.5*** (-2.74)	-101114.8*** (-5.49)	-101039.5*** (-5.33)	-489293.7*** (-3.73)	-489293.7*** (-3.73)
Control Variables						
Contested Election	57323.71** (2.31)	57323.71** (2.31)	16129.79** (2.19)	16540.90** (2.17)	53507.29 (1.02)	53507.30 (1.02)
Party Leadership Position	472388.08*** (5.40)	472388.08*** (5.40)	61842.33** (2.38)	64522.87** (2.43)	305379.09* (1.65)	305379.09* (1.65)
Exclusive Committee Chair	268770.87*** (3.48)	268770.87*** (3.48)	58783.633*** (2.56)	61003.12** (2.30)	122934.03 (.75)	122934.03 (.75)
Exclusive Subcommittee Chair	158096.09*** (3.67)	158096.09*** (3.67)	9073.00 (.71)	13064.44 (.996)	-118536 (-1.30)	-118536 (-1.30)
Exclusive Committee Seat	75166.47*** (3.74)	75166.47*** (3.74)	-9624.19* (-1.61)	-8161.81 (-1.33)	-15251.71 (-.36)	-15251.71 (-.36)
Non-Exclusive Committee Chair	57983.8 (1.41)	57983.8 (1.41)	17443.94 (1.43)	15951.69 (1.28)	38486.90 (.44)	38486.90 (.44)
Non-Exclusive Subcommittee Chair	-63193.59** (-1.96)	-63193.59** (-1.96)	13470.34 (1.43)	13978.53 (1.4)	-178372.7*** (-2.62)	-178372.7*** (-2.62)
Republican	-49337.05 (-1.01)	-49337.05 (-1.01)	-56894.39*** (-3.91)	-61618.26*** (-4.134)	192841.84* (1.86)	192841.84* (1.86)
No. Of Terms	2794.06 (.88)	2794.06 (.88)	-2080.30* (-2.20)	-2130.02** (-2.202)	-12229.14* (-1.81)	-12229.14* (-1.81)
Freshman	39819.86 (.89)	39819.86 (.89)	-18579.88 (-1.40)	-18698.88 (-1.36)	209316.88** (2.20)	209316.88** (2.20)
Conservative Vote Score	2246.19*** (3.67)	2246.19*** (3.67)	-921.39** (-5.07)	-920.42*** (-4.95)	-775.25 (-.60)	-775.25 (-.60)
Per Capita District Income	0.88 (.58)	0.88 (.58)	0.09 (.20)	.19 (.410)	9.71*** (3.00)	9.71*** (3.00)
OLS Fit Stats	R² = 0.31 F(14,385)=12.58		R² = 0.62 F(14,385)=45.5		R² = 0.24 F(14,385)=8.84	

* = $p < .1$; ** = $p < .05$; *** = $p < .01$. Values in parentheses are t-statistics (two-tailed).

Table 4. OLS and TOBIT Models Predicting Business PAC, Labor PAC, and Individual Contributions

Similarly, labor PACs do not alter the amount contributed very much based on opponent expenditure. For both the OLS and TOBIT regression, every dollar of opponent expenditure will increase labor contributions by roughly one half cent, yet like the coefficient on business PACs, this is not statistically significant (t-stat = 1.12).

Unlike business or labor PACs, the amount that individuals contribute differs based on opponent expenditure. The coefficient on opponent expenditure in Model 5 and Model 6 is 0.17, and is statistically significant (t-stat = 4.67). Holding other included variables constant, every dollar spent by a challenger yields a contribution of seventeen cents from individuals to incumbents.

The second key variable in the analysis, percent of vote received in the last election, is a large and highly statistically significant determinant of contributions for business PACs, labor PACs, and Individual contributors. The coefficient on individual contributions from Models 5 and 6 shows that individuals alter the amount contributed the most based on percent of vote received in the previous election. Controlling for included variables, a 1percent difference in percent of vote received between like incumbents yields an additional \$4893 to the less secure incumbent, a figure that is statistically significant (t-stat= -3.73)

Business PACs have the next largest difference across incumbents: business PACs will allocate an additional \$1,700 for every percent difference in percent of vote received between two otherwise identical incumbents (-2.74). Labor PACs have a similar, however smaller, increase in contributions. Controlling for included variables, a 1 percent difference in percent of vote received in the last election between otherwise identical incumbents would yield an additional \$1,011 in labor PAC contributions for the less secure incumbent.

A comparison based solely on the differences in amount contributed is the incorrect comparison, however. Table 5 shows the total contributions for business PACs, labor PACs, and individuals in the campaign cycle. Individuals give the most money to incumbents, over five times as much as do labor PACs. Therefore, in order to make a comparison of how individuals, business and labor PACs alter their contributions based on electoral security, a comparison between the percent difference in predicted contributions given percent differences in measures of electoral security is necessary.

Contributor	Total Given (thousands of dollars)
Business PAC Contributions	\$106,628
Labor PAC contributions	\$30,535
Individual Contributions	\$167,150

Table 5. Total Contributions by Business, Labor, and Individuals to Incumbents in General Election

To allow for comparison among groups that have a different level of total contributions six point elasticities were computed, opponent expenditure elasticity of contributions and percent of vote received in previous election elasticity of contributions. A point elasticity (here an average point elasticity), like those below in Table 6, are computed via the partial derivative of the OLS model with respect to our choice variable of concern, multiplied then by the average value of the choice variable, then divided by the predicted contribution with the averages for all included independent variables entered.²² An elasticity allows one to interpret the percent change in a dependent variable, given a percent change in an independent variable, and therefore is ideal for my analysis.

Independent Variable	Dependent Variable		
	Business Contributions	Labor Contributions	Individual Contributions
Opponent Expenditure	0.008 (.2874)	0.0324 (1.211)	0.174* (4.6277)
% Of Vote in Previous Election	-0.450* (-2.744)	-0.093 (-.5464)	-0.700* (-3.166)

* = $p < 0.01$. Values in Parentheses are two-tailed z-stats.²³

Table 6. Opponent Expenditure and Percent of Vote in Previous Election Elasticities of Contributions

Table 6 reports the opponent expenditure and percent of vote in a previous election elasticity of contributions, for each dependent variable. This table illustrates clearly that individual contributions are the most responsive to differences in opponent expenditure and the percent of vote won in the previous election. First, every percentage point increase in opponent expenditure above the average, individuals will increase their total contribution by 0.174 percent. Furthermore, for every percentage point decrease in percent of vote won from the average, individuals will increase their contributions by 0.7 percent, controlling for included variables. Both of these figures are strongly statistically significant, and therefore allow the rejection of the null hypothesis and provide evidence to support the alternative hypothesis: individual contributors are responsive to the electoral security of incumbents in the 2000 election.

Business PACs have a small and statistically insignificant response to increases in opponent expenditure. A percentage point increase from the average in opponent expenditure yields only a 0.008 percent increase in business PAC contributions. Business PACs, however, are responsive to changes in the percent of vote won in the previous election, with an increase of 0.450 percent for every 1 percent decrease from the average of percent of vote won in the previous election. Therefore, the null hypothesis that business PACs are unresponsive to opponent expenditure cannot be rejected; however, the null which states that business PACs are unresponsive to changes in percent of vote won in previous elections can be rejected.

Labor PACs have a low opponent expenditure and percent of vote in last election elasticity of campaign contributions. When an opponent's spending increases by a percentage point above the average, labor PACs increase their contributions by 0.03 percent. This is not a statistically significant figure ($z\text{-stat} = 1.211$). Labor PACs have the lowest responsiveness to the percent of vote in the previous election, a one percent decrease in percent of vote won in the previous election from the average, increases labor PAC contributions by only 0.093 percent, the smallest response of all three contributors. Therefore, the null hypothesis that labor PACs are unresponsive to the electoral security of incumbents cannot be rejected.

Conclusion

Individual contributions are the most responsive to the electoral security of the incumbent. Individual contributions have the largest percent change given a percentage point difference in either opponent expenditure or percent of vote in previous election. Business PACs are responsive to the percent of the vote an incumbent won in the previous election; yet, business PACs appear to be unresponsive to opponent expenditure. Labor PACs are unresponsive to changes in the measure of electoral security.

While it is clear that individual contributions to incumbents are the most responsive to opponent expenditure and the percent of vote won in the previous election, the direction of the relationship is unclear. It is possible that individuals seek out members of Congress with similar views in tight races and contribute money.²⁴ However, it is also possible that incumbents will appeal to individual contributors when they are faced with a tough election.

The theoretical argument offers insight as to why business and labor PACs would be less responsive to electoral security in comparison to individuals. Business and labor PACs are concerned primarily with a favorable outcome for public policy, and therefore are more concerned with hierarchical position in the House. Individual contributors, however, may be more concerned with the psychological benefits received from interaction with the incumbent. If this is the case, an incumbent that is low in the House hierarchy, yet in a close election, is able to provide the access that individuals are willing to contribute in order to obtain. This same incumbent, however, may be unable to provide PACs with access to policy influence that PACs desire.

Further, comparisons that are made between the amount contributed and not the percent change of contribution to incumbents are incorrect. It is likely that groups that give large sums of money would show large amount of contribution change. The smaller contributing groups, however, could be making a larger percent change in contribution, which would indicate it is in fact more responsive to changes in electoral security. To decipher which group is the most responsive, the percent changes in contributions given percent changes in electoral security is the correct comparison. This removes the differences in the size of contributions and allows a comparison among groups.

This study stops short of generalizing over several elections. In order to verify the assertions of this paper, further research should be done to expand the data set to cover several elections. In addition,

behavior of both individual contributors and specific PACs should be analyzed, to see how other determinants, such as partisanship and ideology affect responsiveness of contributions to electoral security.

¹ U.S. Federal Election Commission, Press Release. 15 May 2001. Available from the World Wide Web: (<http://www.fec.gov/press/press2001/051501partyfund/051501partyfund.html>).

² Grier, Kevin B. and Michael C. Munger. "Comparing Interest Group PAC Contributions to House and Senate Incumbents, 1980-1986." *The Journal of Politics* 55 no. 3 (1993): 615-643.

³ Romer, Thomas and James Synder. "An Empirical Investigation of the Dynamics of PAC Contributions." *American Journal of Political Science* 38 no. 3 (1994): 745-769.

⁴ The equation used: $DVS_{jt} = -(V_{jt+1} - V_{jt})(1 - \min\{V_{jt}, V_{jt+1}\})$ Where V_{jt} is the amount of vote received in time period t, and V_{jt+1} is the amount of vote received in time period t+1. As the authors point out, if DVS_{jt} is positive then the vote share has declined. We see that as the minimum between time period t and t+1 increases, the weight placed on the deviation decreases. This agrees with the logic of PAC choice, a marginal change from 80% to 70% matters less than a change from 60% to 50%.

⁵ $73.18 * (-(0.5-0.6)(1 - \min\{0.6, 0.5\})) = 3.69$.

⁶ Jacobson, Gary C. *Money in Congressional Elections*. New Haven: Yale University Press, 1980.

⁷ Grier and Munger, 618. I assume that PACs, while groups, exhibit rational characteristics.

⁸ Jones, Ruth S. and Thomas Borris. "Strategic Contributions in Legislative Campaigns: The Case of Minnesota." *Legislative Studies Quarterly* 10 no. 1 (1985): 89-105.

⁹ Grenzke, Janet. "Comparing Contributions to US House Members from Outside their District." *Legislative Studies Quarterly* 13 no. 1 (1988): 86.

¹⁰ *Ibid.*, 68-71.

¹¹ Grier and Munger, 618.

¹² The Gaussian error model assumes that the independent variables are fixed when sampling is repeated, the errors are not correlated with the included X variables, each error term is drawn from the same box model, the error terms are uncorrelated, and the box is centered at zero with an unknown standard deviation. Barreto, Humberto and Frank Howland. *Introductory Econometrics via Monte Carlo Simulation with Microsoft Excel*. Wabash College: Unpublished textbook, 2003, 19.2.1.

¹³ When $y^* = \beta x$ is greater than or equal to zero, βx is reported, if negative then a zero is reported (Grier and Munger, 627).

¹⁴ There were 32 retirements in 2000, and 3 incumbents lost in the primary election. Of the remaining 400, six lost in the general election. U.S. Bureau of the Census. *Statistical Abstract of the United States*. 2002. Available from the World Wide Web: (<http://www.census.gov/prod/2002pubs/01statab/election.pdf>).

¹⁵ Center for Responsive Politics. Available from the World Wide Web: (<http://www.crp.org>).

¹⁶ U.S. Federal Election Commission. *Campaign Guide for Corporations and Labor PACs*. 2001, 92. Available from the World Wide Web: (<http://www.fec.gov/pdf/colagui.pdf>).

¹⁷ U.S. Federal Election Commission. Available from the World Wide Web: (<http://www.fec.gov/2000/state99.htm>).

¹⁸ U.S. Federal Election Commission. *Brochure on Contributions*. 2004. Available from the World Wide Web: (<http://www.fec.gov/pages/brochures/contrib.shtml>).

¹⁹ Jacobson, 141. Table 5.1. Challenger parties' percent of vote in the previous election increases vote share in the next election. Therefore, if an incumbent received a lower percent of the vote share in the previous election, he or she has a diminished probability of victory.

²⁰ *Ibid.*, 136.

²¹ I included all independent variables across the three dependent variables to allow for comparison.

²² Varian, Hal R. *Intermediate Microeconomics*. 6th ed. New York: WW Norton and Company, 2003, 283. The elasticities were computed for each dependent variable.

A point elasticity is defined as:

$$\frac{\partial y}{\partial x} * \frac{x}{y}$$

²³ Here it is assumed that the elasticity function is asymptotically normal at the point of estimation. Using this assumption, the standard error was approximated via the following computation:

$$\left(\frac{\text{Independent Variable}^2 * \text{Var}(\beta_{\text{independent variable}})}{\text{Predicted Y at Averages}^2} \right)^{1/2}$$

Where the Variance of the b for the kth independent variable is taken from the variance covariance matrix $C = \sigma^2 * (X'X)^{-1}$ as entry c_{kk} . Where σ^2 is approximated by the $RMSE^2$.

²⁴ Grenzke, 84.

The U.S. Supreme Court and the Support-Garnering Barrier Model

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*The United States Supreme Court has long been credited, at least by popular history, with bringing about social change and inculcating values in the public. Since the Court's decision in *Brown v. Board of Education*, interest groups have used a large portion of their resources to establish strategic litigation projects based on the model used by the NAACP's Legal Defense and Education Fund to bring about change and to get public opinion behind their cause. But a long literature on the Court and public opinion suggests that the Court's efficacy has been overrated, not just in having its decisions implemented, but also in swaying public opinion with its policy endorsements and rejections.*

Introduction

If Gerald Rosenberg and others are right, the notion of the United States Supreme Court as a policymaker and as an educator should be reconsidered.¹ Also, if this literature is correct, interest groups should shift their limited resources away from costly litigation, since their money could be spent on other activities that would bring them closer to their goals. In recent years, however, the literature on the Court and public opinion has shifted in a new direction. The new literature argues that Court opinions can affect public opinion conditionally or in ways that do not present themselves in the aggregate. To reconcile the differences between theories and results in the literature for this area, a hybrid barrier model of the conditions under which the Supreme Court may swing public opinion in the direction of its ruling and of what form the resulting change will take has been developed. The first barrier is salience; if the public is not aware of the Court's ruling, public opinion will not be affected by it. For the second barrier, this paper argues that a case must address a new issue to affect aggregate support. Cases addressing old issues may, however, still affect net support. To test this model, the Supreme Court decision in *Stenberg v. Carhart* (2000) which deals with the issue of partial birth abortion/dilation and extraction, is used.

Literature Review

The universally agreed starting point for literature on the Supreme Court and public opinion is Robert Dahl's legitimacy-conferring theory.² Dahl argues that the Court's primary purpose is to legitimize the laws it upholds and to make illegitimate the laws it declares unconstitutional. Since justices are appointed by the elected president and confirmed by the representatives of the people, Dahl says that they should not be out of step with the majority very often. He concludes that once the Court rules on an issue, people consider the outcome legitimate and finalized, and that the Court molds public opinion in this way. Political scientists have disputed this claim ever since.

The most common objections to any theory claiming that the Supreme Court has support-garnering power are threefold. First, scholars point to the poor record of actual implementation of the Court's decisions as evidence that it lacks persuasive power.³ Second, they say that average citizens are too uninformed about the business of the Court to be affected by its decisions.⁴ Third, they argue that since the only cases most people hear about are the ones that are so controversial, no policy statement could swing aggregate mass opinion.⁵

Marshall deals a strong blow to theories that the Court can garner aggregate support, finding in his exhaustive study of 18 cases that the average opinion shift in favor of the Court's position was only .06%.⁶ Rosenberg argues that, historically, the impact of famous Court decisions has been dramatically overestimated.⁷ He concludes that changes in policy on desegregation, abortion, the environment, criminal law and reapportionment often credited to the Supreme Court can be attributed largely to other political actors. Canon and Johnson argue that Rosenberg in particular underestimates the influence of the Court and ignores issues on which its decisions have had a major impact, such as school prayer.⁸ Moreover, both Marshall and Rosenberg use handpicked cases to study only aggregate support. But different groups respond differently to Court decisions according to individual ideology, whether they actually hear about

the case, and other factors.⁹ As Hoekstra argues, these questions of group and individual level behavior require analysis beyond simple aggregate support.¹⁰

Franklin and Kosaki dispel the theory that the public will not react to Court decisions uniformly, arguing that cases can have a polarizing effect that does not present itself in aggregate opinion data. They criticize the past literature for focusing only on aggregate support saying, “In the wake of a decision some people may respond positively and some negatively. Both groups are affected by the Court’s ruling even if the net is no change in aggregate opinion.”¹¹ They call the theory that Court rulings will bring about aggregate support the Positive Response Hypothesis. They term their theory – that decisions, even if controversial, affect the structure of group support and opposition to policies – the Structural Response Hypothesis. They also argue that Court decisions are probably best able to garner aggregate support when they deal with salient cases that, unlike *Roe v. Wade*, do not have strong moral overtones, but they say that evidence suggests the Positive Response Hypothesis does not fare any better on these types of issues.

Hoekstra and Segal find that Supreme Court cases have greater salience in the communities where they originated than in the rest of the country because of local media coverage of Court activity and the final outcome.¹² In an interesting twist, they also find that surrounding communities are more likely than immediate communities to be swayed by the Court’s decision, since people are less likely to defer to outside authorities on events in their own lives, for which they undoubtedly have strong preexisting opinions. Johnson and Martin find support for the Positive Response Hypothesis is more likely “when an issue is initially brought to the forefront of political discourse by a landmark Court decision.”¹³ They say, however, that the Court loses its ability to sway aggregate public opinion “when it alters, overturns, or reiterates its initial policy choices in subsequent cases.”¹⁴

Experiments have typically been more successful at finding support for the Positive Response Hypothesis, with one widely cited exception.¹⁵ Baas and Thomas used a split ballot experimental design to illustrate that the Supreme Court does not have a greater effect on public opinion than other policymakers, and that its endorsement alone is not enough to affect public opinion.¹⁶ They showed half of the subjects a policy statement explicitly attributed to the Court, while the other half were shown a statement not attributed to any source. However, their design has been criticized in more recent literature for several reasons. First, the participants in the control group (the group shown the policy statement not attributed to a specific source) may have attributed the policy statement to any actor, including the Court, since there was no actor explicitly stated.¹⁷ Second, the statements contained little information, and may have been unpersuasive no matter what institution they were attributed to.¹⁸ Lastly, they assumed that the statement would confer legitimacy uniformly, but the literature has moved away from this idea.

Clawson et al. perform a similar split ballot experiment that corrects these errors and have entirely different findings.¹⁹ They use Associated Press style articles that attribute the policy statement to the Supreme Court for the treatment group and to a bureaucratic executive agency for the control group, and find that respondents were more likely to support the same statement when it was attributed to the Supreme Court. Although experiments in this area generate stronger findings, they have low external validity since one of the main objections to the Positive Response Hypothesis is that people do not hear about Court cases in the first place. Another popular criticism in the literature is that the cases people are likely to hear about are too “controversial” to change minds. I propose a non-experimental design that considers lack of salience and depth of the average person’s opinion on an issue, not controversial, emotional or moral content of the issue, as barriers to a positive response in public opinion to Supreme Court decisions.

Measures

This study will adopt Franklin and Kosaki’s concepts of aggregate support and structural support. As noted above, aggregate, or net, support is the overall public support for a policy. Structural support is the level of support for or opposition to policies among different groups. Also, whether and in what ways the Court garners support are of interest here, not in whether it confers legitimacy. Much of the literature blurs the distinction between the concepts of support and legitimacy. When one says a policy statement is legitimate, they mean that the body that made the decision did not overstep its sphere of delegated power, or that it did not abuse its decision-making authority. When one says that they support a decision, however, they mean that they agree with the outcome only – one may oppose a decision because they think it is illegitimate, but thinking a decision is legitimate is not a reason for supporting it. For instance, one might

say that the Congress has legitimate power to make a declaration of war, while opposing a particular declaration of war.

Epstein and Segal's definition of salience, "the coverage the media affords to a given issue," and their measurement of it will be used in the model, which will function as the first barrier.²⁰ They say that a Supreme Court case is salient when 1) it leads to a story on the front page of the *New York Times* the day after the opinion is announced; 2) it is the lead ("headlined") case in the story; and 3) was orally argued and decided with an opinion. The greatest strength of this measure is that it is completely reliable, as well as portable. All of the information needed for this measurement can be found on LEXIS/NEXIS legal research and the Index to the *New York Times*. Although this is a surrogate definition, it is the best available, since decisions cannot be salient unless the public hears about them, and most non-elites get their Supreme Court news from the media. Also of concern is the fact that this measure relies entirely on the editorial decisions of one newspaper, but the *New York Times* is arguably the most potent voice in the national media; it focuses the most on national affairs rather than regional stories, and it sets the tone for the rest of the media. If a story makes the front page of the *New York Times*, it will probably be a major story in most other papers as well, even if its printing in the *Times* is not a causal determinant.

Lastly, age of issue, either "old" or "new," indicates the depth of the average person's political considerations about the issue, not its literal age in years. Whether people are very secure in their opinions, or only tentatively sure is addressed. If they already have a strongly established opinion, they are unlikely to accept any new arguments and change their position to agree with that of the Court if it issues an opinion contrary to their beliefs.²¹ Measuring this concept objectively is more difficult. For instance, the constitutionality of the death penalty is considered an old issue, since it has been disputed for over 30 years now and most people are familiar with the common arguments. But I think the question of whether it is cruel and unusual to execute a mentally disabled criminal would be a new issue (one with emerging salience), at least prior to the Court's decision in *Atkins v. Virginia* in 2002. A potential data source for this variable is survey questions asking respondents how much they have thought about an issue, or how strongly they feel about it. In the absence of such a question for an issue, this variable may have to be assigned a value of old or new and be argued for by the researcher until a more sophisticated scale or index is developed.

Model and Hypotheses

As many political scientists argue, the primary constraint on Supreme Court decisions affecting support is that most opinions are not given significant media attention and go unnoticed by the mass public. The cases that fail Epstein and Segal's salience test are classified as non-salient. If people do not hear about decisions then they cannot be affected by them. This leads to the first hypothesis:

H₁ – Non-salient Issues Hypothesis: *I expect to find that decisions dealing with non-salient issues will not affect public opinion at all, since the mass public is unlikely to hear about them and probably holds no opinion on the issue in the first place.*

When the issues addressed in opinions are salient according to this measure, however, the public is expected to respond according to their existing feelings about the issues. If the average person has preexisting structured thoughts about the issue, then they will not be swayed in the direction of the Court's opinion. Note that I arrive at this conclusion by different reasoning than Johnson and Martin. Their conditional response theory holds that the Court loses its ability to affect public opinion when it revisits issues it has already ruled on – no matter what it rules in the new case or the characteristics of its opinion. My model, however, explains why some cases have no aggregate effect even when the Court first visits the issue – the issue either is not salient, or the public's preexisting opinions are too developed to be changed significantly. Under my theory there is also no reason that the Court could not overturn an old precedent as long as the old case did not result in greater public awareness of, and thus stronger opinions on, the issue. Alternatively, if the public has forgotten about the old case or if the public discourse has shifted far from the Court's reasoning in the old case, I see no reason why it would still have forfeited its ability to affect mass opinion. Cases that address old issues, however, may still educate the public, and while aggregate support may show a zero sum in change, the structure of mass opinion may be changed significantly. This leads to my second hypothesis:

H₂ – Old Salient Issues Hypothesis: *When the Supreme Court addresses issues that are salient and that people have deep political considerations about already, I expect to find that decisions will have little or no effect on aggregate support, but that they may still affect structural support by polarizing groups. Put in more optimistic terms, this may be called educating the public.*

Some scholars observe that the Court seems unable in many cases to garner support for policies because the very issues that are salient are those that people have strong opinions about already. Franklin and Kosaki reason that the mass public should be more likely to be persuaded by Court decisions that do not have strong “moral overtones.”²² Similarly, Hoekstra argues that the public is more likely to be swayed by less controversial issues that lack the emotional content of abortion and death penalty cases.²³ In a slight departure from the literature, I argue that response to salient issues is conditioned instead on the age of the issue. Public opinion on issues of emerging salience (new issues) is much more fluid and, therefore, more likely to be shaped by a Supreme Court ruling than old issues that have considerable inertia to overcome. For my third and final hypothesis, I propose that:

H₃ – Emerging Salient Issues Hypothesis: *When the Supreme Court addresses emerging salient issues, its decisions are more likely to garner positive aggregate support in favor of its position.*

This does not mean that I expect a universal finding of positive response in these cases. As Clawson et al. suggest, the Supreme Court is a more persuasive force than other governmental political actors, but other actors and considerations can still sway people in the opposite direction of the Court’s rulings.²⁴ Whether the public accepts or rejects the Court’s position, it will have been affected by its reasoning and the changes it forced on the public discourse. Lastly, if the Court is fulfilling its purpose as an educator of the public, people should feel more strongly about their opinions after a case is decided and reported in the media, whether the issue is old or new.

In exchange for the external validity this design gains by being non-experimental, it loses some internal validity. The most serious internal validity problem in this design, and any of its kind, is that of attributing any changes in public opinion to the actions of the Court. If support for a policy is increasing over a long term before a Court decision, aggregate data may give a distorted picture when not placed in context. Some scholars have argued against data suggesting that the Court garnered support for a policy on these grounds.²⁵ In order to increase confidence in the relationship between Court decisions and changes in public opinion, time series are made with as many pre- and post-treatment measurements as possible. Structural data are analyzed to see if the groups more likely to hear about Court cases shift their opinions more in the direction of the Court’s rulings. Lastly, I look at major newspapers and news magazines to see if there is any correlation between Court activity on an issue and the number of stories that mention the issue.

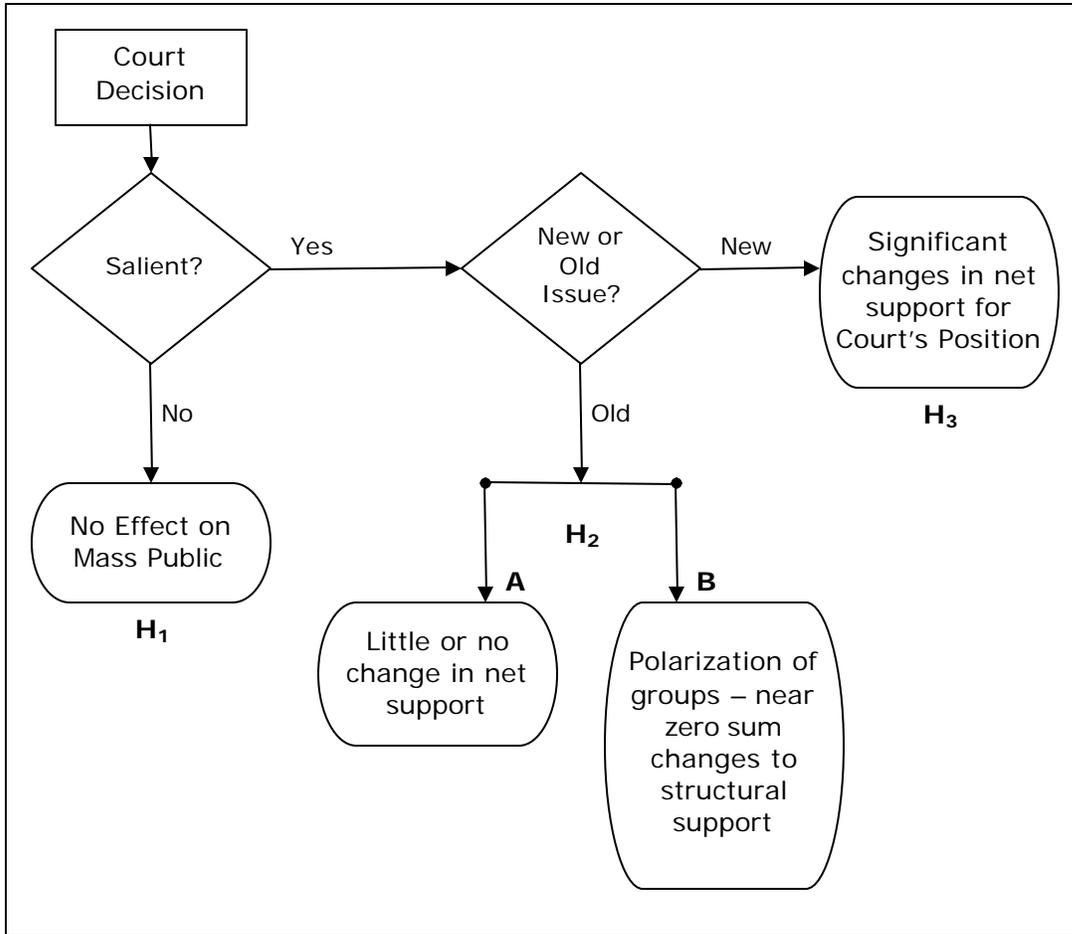


Figure 1. Barrier Model

Analysis

Though any case passing the salience test should have some measurable effect on public opinion, this study is constrained by the survey data available for specific issues. I chose to analyze partial birth abortion/dilation and extraction because the salience measure shows that *Stenberg v. Carhart*, the case in which the Supreme Court struck down a Nebraska ban on the procedure, was salient, and because there were National Election Study (NES) questions for before and after the decision. Whether the issue is new or old merits more extensive discussion, and this question is addressed below. NES data have positive and negative tradeoffs for measuring the effects of Court activity. The survey data are consistently reliable, and the question wording is relatively constant from year to year, although there was a slight (and probably harmless) change in wording for the partial birth abortion questions (see Appendix). Also, the slight delay gives Court decisions time to have their effect on public discourse and mass opinion; however, the surveys are taken in the fall, a time when the Supreme Court is least likely to be in the news and other political actors are most likely to be making news, especially Congress with end of session legislation. This poses problems for attribution.

An archive search of four major newspapers and news magazines (*New York Times*, *Washington Post*, *Newsweek*, and *Time*) for the term “partial birth” (in Headline, Lead Paragraphs, Terms) reveals a relationship between Supreme Court activity on the issue and the number of stories containing the term (see Figure 2). The exception is the *Washington Post*, which I think, because of its focus on Washington D.C., produces outlying results in election years where partial birth abortion is an issue (1996-2002). For this

reason I will ignore the sharp increase by the *Post* in 1998 when all other sources were declining or stagnating. At the other end of the spectrum, *Time* magazine, though showing a relationship between Court activity and number of stories, hardly covers the issue at all for the period analyzed. The *New York Times* and *Newsweek* results, however, suggest that *Stenberg v. Carhart* produced a flurry of coverage. *Newsweek* published almost as many stories including the term “partial birth” in 2000 alone (14) as it did since the term first appeared in the magazine in 1995 (18). The *New York Times*’s “partial birth” count was higher in 2000 than it had been since 1996, when President Clinton vetoed the proposed federal ban for a second time and the first state ban on the procedure was struck down by the 6th Circuit Court of Appeals in *Women's Medical Professional Corp. v. Voinovich*. Both sources’ coverage of the issue fell to nearly nothing the following year.

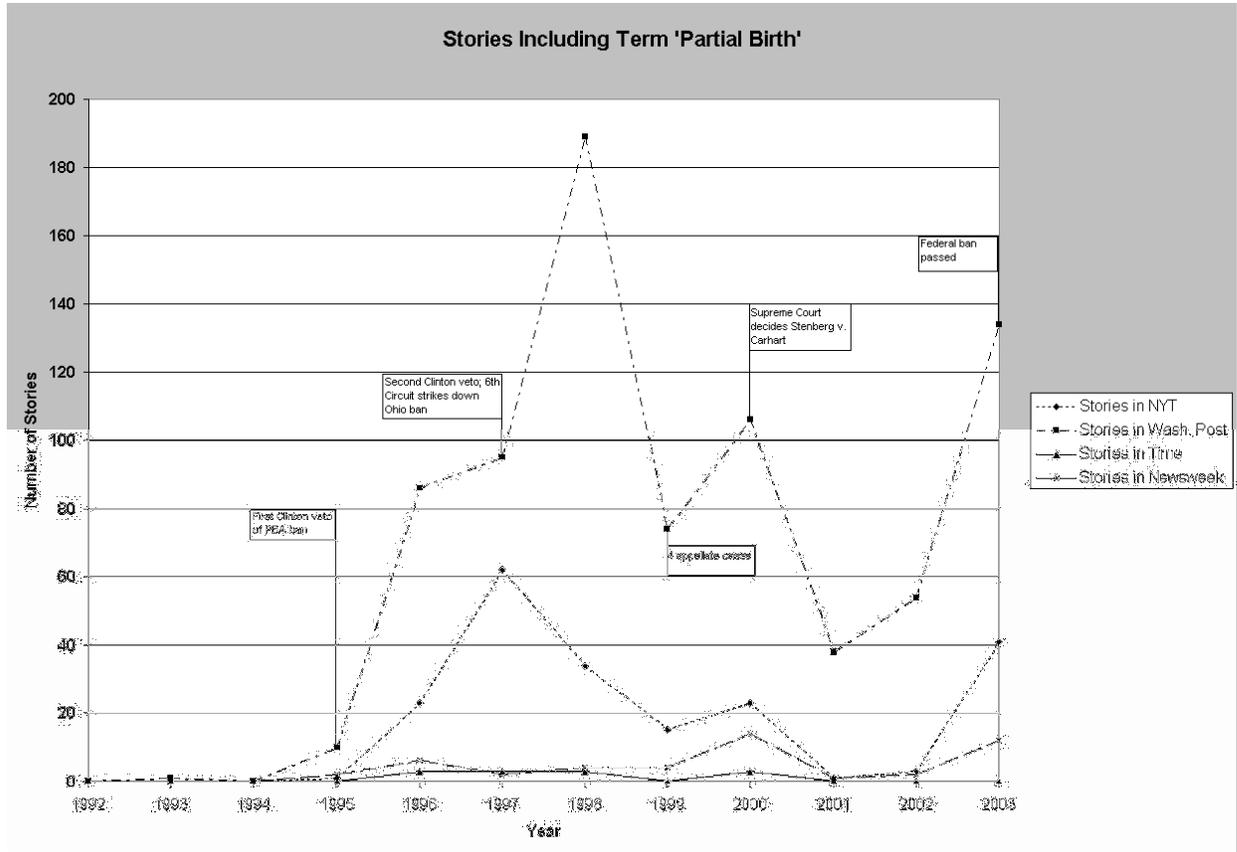


Figure 2. Media Coverage of Partial Birth Abortion

Note: 2003 results only through 12/12/03.

When partial birth abortion first became a national issue in the mid-1990s, it was certainly a new issue that most people had tenuous opinions about, if they knew about it at all. Since then, the pro-life and pro-choice movements have struggled to tie partial birth abortion to the components of the old issue of abortion most favorable to their side. Pro-choice activists tried to center the debate on health exceptions. President Clinton vetoed federal bans on the procedure each time the Republican Congress passed one, citing the absence of a health exception. Pro-life activists focused on late-term abortions, which do not enjoy the same public acceptance as first-trimester abortions. They also focused on the more gruesome details of partial birth abortion, calling it infanticide. Republican Senator Bob Smith of New Hampshire even performed the procedure on a plastic baby doll with scissors on the Senate floor. Although the partial birth abortion debate started in the mid 1990s and went through a few periods of intense partisan debate, I

still consider it a new issue at the time the Court heard arguments about the constitutionality of Nebraska’s ban on it in 2000. According to my model, this means we should expect a shift in aggregate support.

	1997	1998	2000
Favor	55.8	57.4	69.1
Oppose	36.9	35.6	24.8
DK	7.2	7.1	6.0
Total	100.0	100.0	100.0

Table 1. Aggregate Support for Partial Birth Abortion Ban
Source: 1997 NES Pilot Study, 1998 NES, 2000 NES.

Table 1 shows that public opinion was indeed fluid before the Supreme Court decided *Stenberg v. Carhart*; however, it also shows a strong reaction of nearly 12 percentage points in the opposite direction of the Court’s ruling.

	1997	1998	2000
Strong	58.3	75.6	82.5
Not Strong	34.5	24.2	17.2
DK	7.2	.3	.3
Total	100.0	100.0	100.0

Table 2. Strength of Opinion on Partial Birth Abortion Ban

Table 2 shows that the public has become steadily more secure in its opinion on a partial birth abortion ban. Respondents answering that they have a strong opinion on the ban rose 6.9 percent between 1998 and a few months after the Court’s decision. Although this is not as great an increase as the period between 1997 and 1998 (17.3 percent), at a level as high as 75.6 percent it is surely very hard to convince the ambivalent and relatively unaware members of the public left over. This is strong evidence that the Court educated the public, though not in the direction of its ruling. Although this is a negative finding, this data shows that the Supreme Court played a significant role in creating a public discourse by highlighting the salience of this issue. Recall that Figure 2 showed significant drops in media coverage of this issue in 1999, and that coverage rose again in 2000 as a result of the Court’s activity. I explain why I think there was a negative reaction below.

Analysis of structural support for the ban yields interesting results. Table 7 shows a negative relationship between more education and support for a ban on the procedure, but it also shows that respondents with the highest tier of education had the most negative reaction to the Court’s decision of the three tiers. This is especially significant because there is a correlation between education level and likelihood of hearing about Supreme Court decisions. Franklin and Kosaki found that the average person who had not heard of *Roe v. Wade* had 10.2 years of education, while the average person that had heard of it had 12 years of education.²⁶ Since *Roe* is one of the most famous Court cases, I would expect the education gap to be even larger for *Stenberg*. If this analysis is correct, it means that the group least likely overall to favor a ban on partial birth abortions and most likely to hear about Court decisions also showed the greatest shift away from the Court’s argument.

Male			
	1998	2000	change
Favor	54.0%	66.5%	12.5%
Oppose	38.6%	26.6%	-12.0%
Female			
	1998	2000	change
Favor	60.1%	71.2%	11.1%
Oppose	33.1%	23.4%	-9.7%

Table 3. Structural Support – Gender

Protestant			
	1998	2000	change
Favor	48.6%	63.6%	15.0%
Oppose	35.5%	25.6%	-9.9%
Catholic			
	1998	2000	change
Favor	63.1%	64.6%	1.5%
Oppose	28.2%	26.3%	-1.9%

Table 6. Structural Support – Religious Non-Churchgoers

White			
	1998	2000	change
Favor	58.1%	70.8%	12.7%
Oppose	34.7%	23.1%	-11.6%
Black			
	1998	2000	change
Favor	53.7%	63.9%	10.2%
Oppose	41.5%	30.8%	-10.7%

Table 4. Structural Support – Race

0-12			
	1998	2000	change
Favor	59.2%	70.8%	11.6%
Oppose	31.8%	23.1%	-8.7%
College			
	1998	2000	change
Favor	58.7%	69.8%	11.1%
Oppose	35.7%	25.2%	-10.5%
Post-Grad			
	1998	2000	change
Favor	47.4%	62.6%	15.2%
Oppose	46.8%	28.2%	-18.6%

Table 7. Structural Support – Education

Protestant			
	1998	2000	change
Favor	67.3%	75.2%	7.9%
Oppose	26.3%	20.3%	-6.0%
Catholic			
	1998	2000	change
Favor	55.7%	75.9%	20.2%
Oppose	38.4%	20.1%	-18.3%

Table 5. Structural Support – Religious Churchgoers

Note: Favor + Oppose does not total 100% because “Don’t Knows” were omitted.

Also striking is the fact that no groups showed support for the Court’s position in the aggregate, though this observation is of limited use. Catholics who do not attend church showed the smallest increase in support for the ban, at only 1.5 percent, as Table 6 shows. This is a heartening statistic, as some tentative opponents of a ban were surely edified by the Court’s opinion. Protestants who attend church were only moved 7.9 percent in favor of the ban (Table 5). But this is misleading, as they are the second most supportive group in this analysis, trailing only Catholics who attend church, who shifted most in favor of the ban of all groups (20.2 percent, see Table 5). This says a lot about what happened to the public’s discourse on partial birth abortion between 1998 and 2000. Proponents of the ban successfully linked the new partial birth issue with the old issue of late-term abortions, while opponents’ attempts to link the new issue to the old issue of health exceptions were less successful. Lastly, although there are significant gender and race gaps of about 5 and 7 percent, respectively, changes between 1998 and 2000 were similar (see Tables 3 and 4). The race gap in change of only 2.5 percent is lower than expected.

Conclusion: Explaining a Negative Finding

The Supreme Court is only one of many competing voices in the political realm. Experiments show that people find its policy statements more persuasive than those of other political actors, but it cannot always defeat the deafening cries of other sources of policy statements. Tables 5 and 6 suggest that one of these sources may have been religious services, undoubtedly a more persuasive voice for churchgoers. Opponents of partial birth abortion succeeded in linking it with the old issue of late-term abortions, which explains the backlash of opinion between 1998 and 2000. Also, it is difficult for a dry, scholarly Court opinion to compete with violent images of an extracted fetus’s head being crushed that were used so often by opponents. Nevertheless, I do not agree with scholars who say the Court is unable to affect mass opinion in controversial cases. When the justices publish an opinion, they release it into an unpredictable realm of political discourse to compete with other voices that some people will find more persuasive for whatever reason. This does not mean that it will never be successful, but it does mean that we should not expect uniform results. Lastly, this analysis is complicated by the fact that the Court’s position is more nuanced than the survey questions. *Stenberg v. Carhart* struck down Nebraska’s law on the grounds that it did not have a health exception. These questions, however, ask only about whether the respondents favor the ban, saying nothing of a health exception. Questions more tailored to the outcome of the case may have been better measures of the decision’s support.

	1997-1998	1998-2000	Total
Favor Ban	+1.6	+11.7	+13.3
Strength of Opinion*	+17.3	+6.9	+24.2

Table 8. Summary of Aggregate Change

Note: Change in Favor/Oppose Partial Birth Abortion Ban; * Includes Opponents of Ban

Despite a strong negative finding for aggregate support – an 11.7 percentage point shift away from the direction of the Court’s ruling, as detailed in Table 8 – the Court played a strong role as an educator about partial birth abortion, though not in the way it hoped. The relationship between Court activity and the level of press attention suggests that it was likely part of the reason for the issue’s emerging salience.

	1997	1998	2000
Strongly Favor	81.7	82.4	88.9
Strongly Oppose	65.8	65	65.5

Table 9. Polarization

Note: Among Respondents Giving Strong Answers (As Opposed to Not Strong)

	1997-1998	1998-2000
Strongly Favor	+0.7	+6.5
Strongly Oppose	-0.8	+0.5

Table 10. Change in Strength of Opinion Among Respondents Giving Strong Answers

Tables 9 and 10 summarize the polarizing effect of the *Stenberg* decision. We see a significant increase of 6.5 percent from 1998 to 2000 in responses strongly favoring the ban. Also, the slightly negative trend towards being not strongly opposed to the ban was reversed after the decision. Although the Court appears to have done more to educate – or polarize – its opposition, it also strengthened its supporters. These results suggest that though the Court may mobilize public opinion, its decisions do not hold final authority in the arena of political discourse.

Appendix: Survey Questions

1997 NES Pilot Study:
P6. V970333

There has been discussion recently about a proposed law to ban certain types of late-term abortions, sometimes called partial birth abortions. Do you favor or oppose a ban on these types of abortions?

- 1 FAVOR STRONGLY
- 2 FAVOR NOT STRONGLY
- 4 OPPOSE STRONGLY
- 5 OPPOSE NOT STRONGLY
- 8 DK
- 9 NA, RF

1998 NES:

M17. V980511

There has been discussion recently about a proposed law to ban certain types of late-term abortions, sometimes called partial birth abortions. Do you favor or oppose a ban on these types of abortions?

- FAVOR.....1
- OPPOSE.....5

M17a. / M17b. V980512

Do you strongly or not strongly favor such a ban? /
Do you strongly or not strongly oppose such a ban?

- STRONGLY FAVOR.....1
- NOT STRONGLY FAVOR.....2
- NOT STRONGLY OPPOSE.....4
- STRONGLY OPPOSE.....5

2000 NES:

M3. V000703

There has been discussion recently about a proposed law to ban certain types of late-term abortions, sometimes called partial birth abortions. Do you favor or oppose a law that would make these types of abortions illegal?

- 1 FAVOR
- 5 OPPOSE
- 8 DK

M3a. V000704

(IF NOT DK/REF)

Do you strongly or not strongly favor a law that would that would make these types of abortions illegal?

M3b.

Do you strongly or not strongly oppose a law that would that would make these types of abortions illegal?

- 1 STRONGLY
- 5 NOT STRONGLY
- 8 DK

- ¹ Rosenberg, Gerald N. *The Hollow Hope: Can Courts Bring About Social Change?* Chicago: University of Chicago Press, 1991.
- ² Dahl, Robert. "Decision Making in a Democracy: The Supreme Court As a National Policy Maker." *Journal of Public Law* 6 (1957): 279-295.
- ³ Dolbeare, Kenneth M. and Phillip E. Hammond. "Inertia in Midway: Supreme Court Decisions and Local Response." *Journal of Legal Education* 23 (1970): 106-122; Rodgers, Harrell R. and Charles Bullock III. *Law and Social Change: Civil Rights Law and Their Consequences*. New York: McGraw-Hill, 1972; Rosenberg, 1991.
- ⁴ Murphy, Walter F. and Joseph Tanenhaus. "Public Opinion and the United States Supreme Court: A Preliminary Mapping of Some Prerequisites for Court Legitimation of Regime Changes." *Law and Society Review* 2 (May 1968): 357-84; Jaros, Dean and Robert Roper. "The U.S. Supreme Court: Myth, Diffuse Support, Specific Support, and Legitimacy." *American Politics Quarterly* 8 (January 1980): 85-105; Adamany, David and Joel B. Grossman. "Support for the Supreme Court as a National Policymaker." *Law & Policy Quarterly* 5 (October 1983): 405-37; Franklin, Charles and Liane C. Kosaki, "Media, Knowledge, and Public Evaluations of the Supreme Court," in *Contemplating Courts*, ed. Lee Epstein. Washington, DC: CQ Press, 1995, 352-375; Rosenberg, 1991.
- ⁵ Marshall, Thomas. *Public Opinion and the Supreme Court*. New York: Longman, 1989; Rosenberg, 1991.
- ⁶ Marshall, 1989.
- ⁷ Rosenberg, 27-28, referring in part to Jennifer L. Hochschild. *The New American Dilemma*. New Haven: Yale University Press, 1984.
- ⁸ Canon, Bradley C. and Charles A. Johnson. *Judicial Policies: Implementation and Impact*. 2d ed. Washington, D.C.: CQ Press, 1999.
- ⁹ Franklin, Charles and Liane C. Kosaki. "Republican Schoolmaster: The U.S. Supreme Court, Public Opinion, and Abortion." *American Political Science Review* 83 (September 1989): 753-754.
- ¹⁰ Hoekstra, Valerie J. *Public Reaction to Supreme Court Decisions*. Cambridge: Cambridge University Press, 2003, 4.
- ¹¹ Franklin and Kosaki, 753.
- ¹² Hoekstra, Valerie and Jeffrey Segal. "The Shepherding of Local Public Opinion: The Supreme Court and Lamb's Chapel." *Journal of Politics* 58 (November 1996): 1079-1102.
- ¹³ Johnson, Timothy R. and Andrew D. Martin. "The Public's Conditional Response to Supreme Court Decisions." *American Political Science Review* 92 (June 1998): 306.
- ¹⁴ Johnson and Martin, 307.
- ¹⁵ Mondak, Jeffery J. "Substantive and Procedural Aspects of Supreme Court Decisions as Determinants of Approval." *American Politics Quarterly* 19 (April 1991): 174-188; Clawson, Rosalee A., Elizabeth R. Kegler, and Eric N. Waltenburg. "Legitimacy-Conferred Authority of the US Supreme Court." *American Politics Research* 29 no. 6 (2001): 566-591; Hochschild, 1984.
- ¹⁶ Bass, Larry R. and Dan Thomas. "The Supreme Court and Policy Legitimation: Experimental Tests." *American Politics Quarterly* 12 (1984): 335-360.
- ¹⁷ Mondak, Jeffery J. "Perceived Legitimacy of Supreme Court Decisions: Three Functions of Source Credibility." *Political Behavior* 12 (1990): 363-384.
- ¹⁸ Clawson, Kegler, and Waltenburg, 569.
- ¹⁹ *Ibid.*, 570.
- ²⁰ Epstein, Lee and Jeffrey A. Segal. "Measuring Issue Salience." *American Journal of Political Science* 44, no. 1 (2000): 66.
- ²¹ Zaller, John. *The Nature and Origins of Mass Opinion*. Cambridge: Cambridge University Press, 1992, 288-289.
- ²² Franklin and Kosaki, 767.
- ²³ Hoekstra, 10.
- ²⁴ Clawson, Kegler, and Waltenburg, 580.
- ²⁵ Uslander, Eric M. and Ronald E. Weber. "Public Support for Pro-Choice Abortion Policies in the Nation and the States: Changes and Stability after the *Roe* and *Doe* Decisions," in *The Law and Politics of Abortion*, eds. Carl E. Schneider and Maris A. Vinovskis. Lexington, MA: Lexington, 1980.
- ²⁶ Franklin and Kosaki, 759-761.

United States Policy on North Korea: Combining Multilateral Sticks and Bilateral Carrots

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As the nuclear capability of North Korea continues to develop, the United States attempts to adopt a foreign policy towards the rogue state that will protect its national interest. In this paper, I review the history of Kim Jong Il's nuclear program and assess the current threat to both the U.S. and East Asia. I conclude with a recommendation to pursue a policy of bilateral carrots and multilateral sticks..

Introduction

When North Korea announced in October 2002 that it had a clandestine program to enrich uranium for nuclear weapons, the United States saw the clear threat posed to both national and global security by weapons of mass destruction in the hands of a so-called rogue state. Tensions mounted as North Korea expelled weapons inspectors, withdrew from the Nuclear Non-Proliferation Treaty, and finally admitted to possessing nuclear weapons. Clearly, an agreement is now needed to prevent international crisis; however, North Korea has not proven trustworthy when it comes to honoring international agreements. In recent years, it has violated the Nuclear Non-Proliferation Treaty, the 1994 Agreed Framework, the International Atomic Energy Agency Safeguards Agreement, and the North-South De-Nuclearization Accords.

What type of foreign policy, then, must the United States adopt in order to facilitate North Korean disarmament? I argue that the United States must employ both bilateral carrots and multilateral sticks to convince North Korea to discontinue its nuclear program. I develop this argument in four parts. First, I explore the factors that make North Korea's nuclear proliferation important to the United States by detailing the history of relations between the two states. Second, I examine the perspectives of North Korea's neighbors, the preferences they have for resolving the issue, and the influence they have in implementing their policies. Third, I assess the most recent attempts at diplomacy, through six-nation talks, and their potential for solving the crisis. Fourth, and finally, I propose a policy the United States should adopt when dealing with the North Koreans. Overall, I recommend that the United States continue multilateral talks with North Korea and its neighbors while simultaneously engaging in true bilateral negotiations, which may include offering North Korea a non-aggression pledge and economic aid while it dismantles incrementally.

A Menacing History

Since the Korean War, Henry Kissinger argues, "The 38th parallel has demarcated one of the most absolute dividing lines in the world—ideologically, politically, militarily, and economically."¹ Indeed, while democratic South Korea has prospered, North Korea under both Kim Il Sung and Kim Jong Il has evolved into one of the most repressive communist regimes in history. Kim Jong Il has made the military his top priority, spending a large percentage of the North Korean gross national product to amass tanks, artillery, and most disturbing to the United States, a menacing nuclear stockpile. In the meantime, agricultural and industrial production is negligible, leaving the country with an economy incapable of competing in world markets and a population that is starving to death.² Kim has committed human rights atrocities within his country, for example locking hundreds of thousands of his own citizens in prison camps while he lives like royalty.³ He has proven incompetent in remedying North Korea's failing economy, relying for income primarily on the sale of ballistic missiles, cruise missiles, arms, illegal drugs, and counterfeit currency.⁴

North Korea did make some diplomatic headway by signing the Nuclear Non-Proliferation Treaty (NPT) in December 1985, thereby agreeing that it would not receive or manufacture nuclear weapons and would submit to inspections to ensure compliance.⁵ Its signature, however, has not proven credible since then. North Korea initially refused inspections and did not conclude a safeguards agreement with the International Atomic Energy Agency until January 1992. It refused inspections again and threatened to

withdraw from the NPT in March 1993, claiming it was defending supreme national interests. Following talks with the United States, North Korea suspended its decision just before the June deadline that would have made the withdrawal effective, thus remaining in the NPT and averting crisis.

In the spring of 1994, however, another potential crisis arose, as the International Atomic Energy Agency declared that North Korea was in violation of its international obligations and had been unloading spent fuel rods from its nuclear reactor at Yongbyon. The United States speculated the North Koreans were using the rods to separate plutonium for atomic weapons.⁶ The defueling of the nuclear reactor represented a tangible threat and served as the turning point in 1994, when it appeared that preventive diplomacy would no longer work. Military planners realized that, "North Korea eventually could possess an entire arsenal of nuclear weapons, which it could use for threats and blackmail and even to sell to high bidders in the Middle East."⁷

The Clinton administration pushed for United Nations sanctions and prepared for a possible war. The United States ultimately opted for diplomacy over military intervention to counter proliferation, sending former president Jimmy Carter to negotiate a settlement with Kim Il Sung. Kim agreed to temporarily freeze his nuclear program until a round of negotiations with the United States resumed and to allow inspectors to remain. Specifically, U.S. officials added, North Korea could not refuel the nuclear reactor or reprocess the spent rods.⁸ The policy options available to Clinton were few. "The alternatives to the nuclear accord were air strikes on the North's nuclear facilities or UN sanctions, either of which would have triggered a war on the Korean peninsula and neither of which could have guaranteed North Korea's disarmament."⁹

The United States and North Korea, by this time under the leadership of Kim Jong Il, finally concluded their negotiations by adopting the Agreed Nuclear Framework in Geneva. The final agreement was signed October 21, 1994; its provisions stated that North Korea would freeze all activities on existing graphite-moderated nuclear facilities and reactors and permit inspections of them. In return, the United States would provide two light-water reactors, which generate energy but prevent nuclear proliferation.¹⁰ The United States also agreed to reimburse North Korea for the energy lost by freezing the graphite reactors and to provide alternative energy until the light-water reactors' completion. Both states would open up to trade, investment, and diplomacy, and the United States would formally assure North Korea that it would not use nuclear weapons against it.¹¹ The Agreed Framework further stated, "Both sides will work together to strengthen the international nuclear non proliferation regime," implying adherence to the NPT.¹² The United States, South Korea, and Japan formed the Korean Peninsula Energy Development Organization (KEDO) as an international consortium to finance and build the light-water reactors promised in the Agreed Framework.

Though the North Koreans froze their plutonium-based nuclear facility at Yongbyon through the Agreed Framework, in October 2002 they revealed they had been covertly pursuing another track to nuclear development, through highly enriched uranium. The United States responded by halting oil shipments. North Korea, in turn, expelled international inspectors, restarted its nuclear reactors at Yongbyon, and officially withdrew from the NPT effective January 11, 2003.¹³ During trilateral talks with the United States and China in April 2003, North Korea for the first time declared that it possesses nuclear weapons. The CIA's public estimate is that North Korea possesses one or two nuclear bombs; with the extracted plutonium from the spent nuclear fuel rods, it could build many more.¹⁴

As a so-called "rogue state" and part of Bush's "axis of evil," a nuclear North Korea represents a threat to United States interests and security, as well as the security of northeast Asia and, potentially, the world. As former U.S. Secretary of State Madeleine Albright told the Council on Foreign Relations in September 1997, "Dealing with rogue states is one of the greatest challenges of our time ...because they are there with the sole purpose of destroying the system."¹⁵ Similarly, Henry Kissinger defined North Korea's motives for building its nuclear weapons program as wrecking the regional balance of power, intimidating neighbors, and deterring outside intervention.¹⁶ Foreign policy when dealing with a rogue state is limited and must remain hard-line, according to Robert Litwak; any shift from containment risks being viewed as appeasement.¹⁷ Furthermore, rogue states are generally considered to be irrational; thus, deterrence or mutually assured destruction is less likely to work. North Korea, by contrast, argues its nuclear arsenal is defensive, serving as a deterrent against other nations that might be tempted to use force against it. It has stated that it does not intend to sell its weapons to terrorists or other nations.¹⁸ Regardless, North Korea remains on the list put forth in the 2002 National Security Strategy of nations that would be subject to a preemptive attack. According to Asian specialist Dr. Bates Gill, "North Korea would perhaps represent the most unstable and 'weakest' regime yet to openly brandish nuclear weapons, raising enormous concerns

over command and control, reliability, materials protection, control, and accountability, and potential for misuse, theft, and export, especially in times of crisis or the collapse of political, social, and economic order.”¹⁹

Cooperating with the Neighbors

The United States unfortunately lacks leverage on North Korea; therefore, considering the interests and gaining the cooperation of North Korea’s neighbors is crucial to northeast Asian security. Its neighboring countries, most notably China, can exert considerable pressure for disarmament. According to Korean scholar Don Oberdorfer, “The isolated country (is) relatively invulnerable to outside pressure, since it (has) so little international commerce and few important international connections of any sort.”²⁰ Thus, if the United States wishes to use sticks to force North Korea to disarm, it must act multilaterally, working especially through the country’s main source of energy and food imports: China.²¹

North Korea would be the fourth nuclear state on China’s borders, a situation China wants to avoid. “For China, nothing good comes from a nuclear North Korea. Such an outcome could prompt Japan to move from merely developing missile defense capabilities to acquiring ballistic missiles or nuclear weapons. And Taiwan might also cross the nuclear threshold if the country’s leaders see North Korea successfully guaranteeing its security this way.”²² China has a significant amount of power to prevent this from happening. It reportedly supplies North Korea with 70 to 90 percent of its energy and 38 percent of its imports—approximately 30 percent of its total outside assistance.²³ “By providing economic support and helping buttress North Korea against an otherwise hostile world, China enhances its credentials with Pyongyang and, by extension, its ability to use moral suasion to exert measured political pressure on a regime generally unresponsive to outside influences.”²⁴ For example, China persuaded North Korea to participate in the recent six-nation talks by temporarily cutting off its oil supplies.²⁵ Kim’s regime realizes that it will find its survival, as well as the nation’s, in jeopardy without China’s assistance.²⁶ At the same time, China proceeds with caution because it does not want to welcome the millions of North Korean refugees that would flood across its borders in the event of a regime collapse, confronting China with an economic dilemma.²⁷ The fact remains, though, that China is the most powerful regional actor capable of working with both the United States and North Korea. It should therefore be encouraged to convey messages, negotiate compromises, and help facilitate a bilateral dialogue between the two states.²⁸

North Korea’s other neighbors also have their own specific concerns. Russia worries about the potential instability of its far eastern border.²⁹ South Korea, which also supplies some food and other aid, desires national reconciliation and fears a hostile northern neighbor that produces and tests weapons of mass destruction. It also does not want a wide-scale war on the peninsula, which would most likely result if the United States took any military action against North Korea. Japan’s history of North Korean abductions of Japanese civilians prompts it to fear North Korean nuclear power.³⁰ Relations between the two have also been strained by a 1998 incident in which North Korea tested an intermediate range ballistic missile that crossed Japanese territory.

More generally, all of North Korea’s neighbors fear that North Korean proliferation could spark a northeast Asian arms race. South Korea, Japan, and Taiwan could develop nuclear capabilities if North Korea does not abandon its program. A nuclear country in the region could also undermine the economic prosperity that has befallen all but North Korea, as capital flight ensues and the stock market falters.

Recent Successes and Fail ures

Most recently, the Bush administration has indeed considered regional preferences and has shifted to a more multilateral approach, as it pushes for a second round of six-nation talks with North Korea, South Korea, China, Russia, and Japan. The initial round of negotiations took place from August 27 to 29, 2003 in Beijing. While the talks concluded without a formal resolution, they served as a means of beginning to exert collective pressure on North Korea by letting Kim know the global community will not tolerate his nuclear proliferation. Multilateral talks also allowed other nations to hear for themselves North Korea’s threats and determine their own policy from firsthand information, thus avoiding accusations of blindly following the United States’ lead. For example, on the second day of the talks, North Korea announced plans to declare formally that it has become a nuclear power and to test an atomic bomb if the United States

refused to sign a nonaggression pact.³¹ Nuclear tests could prompt Bush to seek UN sanctions, which the North Koreans have said they would consider an act of war.

North Korean Vice Minister of Foreign Affairs, Kim Yong Il, delineated his country's demands August 27 in Beijing:

The U.S. should conclude a non-aggression treaty with the D.P.R.K., establish diplomatic relations with it, and guarantee the economic cooperation between the D.P.R.K. and Japan and between the north and the south of Korea. And it should also compensate for the loss of electricity caused by the delayed provision of light-water reactors and complete their construction. For this, the D.P.R.K. should not make nuclear weapons and allow the nuclear inspection, finally dismantle its nuclear facility, put on ice the missile test fire, and stop its export.³²

The North Koreans also demanded that the United States resume its oil shipments and increase humanitarian food aid before it would begin to disarm.

Initially, Bush wanted to convince North Korea to abandon its nuclear program absent any U.S. rewards for its compliance. To offer inducements would be akin to succumbing to blackmail, he argued.³³ Beginning in September 2003, however, the Bush administration began to adopt a more conciliatory approach to diplomacy with the North Koreans. Rather than insisting that North Korea completely dismantle its nuclear facilities before it will receive any U.S. assistance, Bush has instead shifted to an incremental process and has promised some aid.³⁴ "But, officials emphasized, these inducements would be phased in slowly only as North Korea starts surrendering its nuclear weapons, dismantling the facilities used to develop them and permitting inspectors free run of the country."³⁵

The conflict over an approach emphasizing carrots or sticks created a rift within the administration, prompting the resignation of special envoy Charles L. "Jack" Pritchard on the eve of the six-nation summit. Pritchard, who advocated giving North Korea some incentives for good behavior, was considered too soft in his policies. Undersecretary of State John Bolton, by contrast, has taken a hard-line—some would say offensive—approach atypical of diplomats. Bolton has demanded that North Korea take the first steps, without concessions from the United States.³⁶

In the two months since the summit, the United States has continued to struggle to ensure North Korean compliance. It has put forth a series of sticks as well as some carrots. The United States and its allies in KEDO suspended construction of the reactors for one year (though the United States wanted to withhold KEDO funding until Kim abandons his nuclear program).³⁷ The United States also conducted military exercises to intercept North Korean sea shipments to prevent proliferation and stop the illegal trade of drugs and counterfeit currency that make its nuclear program possible. Signaling a slight change in policy, Bush finally proposed a security guarantee to North Korea, which would be signed by the partners in the multilateral talks. Though Kim initially dismissed it as "laughable," the Chinese then coerced him to evaluate the agreement. China's prodding also led North Korea to agree "in principle" to the second round of talks, with the two-month deadline quickly approaching.³⁸

While Bush has been lauded for beginning multilateral negotiations in order to develop and enforce a North Korean nonproliferation plan, he has been faulted for failing to institute more bilateral relations. For example, in Beijing, U.S. Assistant Secretary of State James Kelly spoke with North Korean deputy foreign minister Kim Yong Il for just thirty minutes on the sidelines of the formal negotiations.³⁹ According to Senator Richard Lugar, chairman of the Committee on Foreign Relations, "Multilateral diplomacy is a key element to any long-term reduction of tensions on the Korean Peninsula. But it is vital that the United States be open to bilateral diplomatic opportunities that could be useful in reversing North Korea's nuclear weapons program and in promoting stability."⁴⁰

A Policy of Both Carrots and Sticks

In light of the tumultuous history between the two countries, the position of Kim's neighbors, and the recent developments in multilateral diplomatic relations, the United States should continue to brandish sticks with the help of China, South Korea, Japan, and Russia, while it simultaneously offers some carrots to North Korea through extended bilateral contact. According to Pritchard, "Multiparty internationalization of the issue, particularly on the nuclear issue, is the right track to take ... The change that has to occur is putting in the component of a true bilateral engagement between the United States and North Korea."⁴¹

The Bush administration initially tried to take a tougher stance on North Korea by threatening to withhold the economic assistance that Clinton promised and to launch a preemptive attack. That proved unsuccessful and insufficiently threatening. The multilateral policy, with some assurances of security and aid as well as enforcement mechanisms via Asian neighbors, seems more likely to work. The United States, therefore, must continue to insist on bringing others into the dialogue, exerting collective pressure and working especially through China to negotiate deals with North Korea. It should employ threats of suspending economic and energy assistance, including KEDO involvement, to force Kim to cooperate.

The fact remains, however, that the United States must offer some carrots bilaterally in order to provide Kim with some incentives to lose his nuclear deterrent. Kim has shown no intentions of ending his nuclear program without a non-aggression pledge and economic assistance from the United States. While Bush certainly cannot give into Kim, he must realize that ruling out force would not constitute appeasement of a tyrant. He is correct to insist on a firm security decree rather than the formal treaty Kim requests, and he should continue down that road in order to assuage the threat Kim claims he is deterring with his nuclear weapons. The United States must also consider swapping arms reduction for limited economic and energy assistance, which could help prevent a struggling North Korea from resorting to illegal means, like counterfeiting money, running drugs, and possibly selling nuclear technology to terrorists. The United States should also live up to its obligations under the Agreed Framework by providing the light-water reactors or some other energy alternative.⁴²

Bush must also foster a long-term working relationship with the North Koreans. "Mutual threat perceptions between Washington and Pyongyang are a central factor in the current situation, especially on the nuclear issue, and that any solution will have to deal with the particular requirements of those two protagonists."⁴³ Pritchard agreed that no compromise could occur without sustained and serious dialogue between the United States and North Korea.⁴⁴ Bush needs a full-time negotiator who participates in continuous talks and comes to a deeper understanding of Kim's demands and perceptions.

Indeed, there are signs that inducements would work on Kim, as he is somewhat rational. He has demonstrated in the past that he calculates political and economic costs and benefits carefully, and in that sense may be deterrable.⁴⁵ Throughout this process, the United States should appeal to Kim's rational interest to remain in power to convince him that he needs to dismantle his weapons in order to do so.

Nonetheless, Kim is dangerous. The United States cannot afford to make high bargains with a leader who abandons treaties and ignores obligations when it suits him, test-fires missiles, and commits human rights violations. Ultimately, Bush should aim for an incremental program, whereby the United States provides some food and energy, as well as offering a non-aggression assurance, in exchange for step-by-step North Korean dismantling. He must seek regional support for any agreement. To account for Kim's lack of compliance previously, a multilateral agreement should include heavy stipulations and punishments for defecting. Overall, throughout the process, the United States must aim to disarm North Korea using sticks multilaterally and offering carrots bilaterally.

- ¹ Kissinger, Henry. *Does America Need a Foreign Policy?* New York: Touchstone, 2001, 127.
- ² *Ibid.*, 128.
- ³ “Let’s All Six of Us Talk About It.” *Economist* 9 Aug 2003. Vol. 368, Issue 8336, 34.
- ⁴ Kelly, James A. “Regional Implications of the Changing Nuclear Equation on the Korean Peninsula.” Committee on Foreign Relations, United States Senate, 12 March 2003, 30.
- ⁵ Oberdorfer, Don. *The Two Koreas*. Indianapolis: Basic Books, 2001, 254.
- ⁶ *Ibid.*, 306.
- ⁷ *Ibid.*, 316.
- ⁸ *Ibid.*, 328-32.
- ⁹ Litwak, Robert S. “Iraq and Iran: From Dual to Differentiated Containment.” *Eagle Rules?* New Jersey: Prentice Hall, 2002, 179.
- ¹⁰ “Agreed Framework Between the United States of America and the Democratic People’s Republic of Korea.” Arms Control Association. 21 Oct 1994. Available from the World Wide Web: (www.armscontrol.org/documents/af.asp).
- ¹¹ Oberdorfer, 357.
- ¹² “Agreed Framework Between the United States of America and the Democratic People’s Republic of Korea.”
- ¹³ Cha, Victor D. and David C. Kang. “The Korea Crisis.” *Foreign Policy* 1 Nov 2003. Available from the World Wide Web: (www.foreignpolicy.com).
- ¹⁴ Ang, Audra. “China, North Korea Agree to Discuss Nukes.” *Associated Press*, 30 Oct 2003, 2.
- ¹⁵ Litwak, 178.
- ¹⁶ Kissinger, 159.
- ¹⁷ Quoted in Litwak, 179.
- ¹⁸ Kerr, Paul. “U.S. Shows More Flexibility in North Korea Talks.” Arms Control Association. Oct 2003, 2. Available from the World Wide Web: (www.armscontrol.org/act/2003_10/NorthKorea.asp).
- ¹⁹ Gill, Bates. “Regional Implications of the Changing Nuclear Equation on the Korean Peninsula.” Committee on Foreign Relations, United States Senate, 12 March 2003, 64.
- ²⁰ Oberdorfer, 316-17.
- ²¹ *Ibid.*, 320.
- ²² Cha and Kang, 2.
- ²³ *Ibid.*, 2.
- ²⁴ Krawitz, Howard M. “Resolving Korea’s Nuclear Crisis: Tough Choices for China.” *Strategic Forum* Aug 2003, No. 201, 2-3.
- ²⁵ Kahn, Joseph. “U.S. Set to Take a Hard Line In Talks on Korean Arms.” *The New York Times*, 27 Aug 2003, Section A, 8.
- ²⁶ Krawitz, 2-3.
- ²⁷ Cha and Kang, 2.
- ²⁸ Gill, 64.
- ²⁹ Kelly, 11.
- ³⁰ *Ibid.*, 11.
- ³¹ Kahn, Joseph and David E. Sanger. “North Korea Says It May Test an A-Bomb.” *The New York Times*, 29 Aug 2003, Section A, 9.
- ³² Kerr, 3.
- ³³ Kahn, Joseph. “U.S. Set to Take a Hard Line In Talks on Korean Arms.” *The New York Times*, 27 Aug 2003, Section A, 8.
- ³⁴ Kerr, 1.
- ³⁵ Sanger, David E. “U.S. Said to Shift Approach in Talks with North Korea.” *The New York Times*, 5 Sept 2003, Section A, 1.
- ³⁶ Marquis, Christopher. “Absent From the Korea Talks: Bush’s Hard-Liner” *The New York Times*, 2 Sept 2003, Section A, 3.
- ³⁷ Choe, Sang-Hun. “U.S., Allies Agreed to Suspend North Korean Reactor Project.” *Associated Press*, Nov 5, 2003.
- ³⁸ Ang, 1.

³⁹ Kahn, Joseph. "North Koreans and Americans Begin Dialogue." *The New York Times*, 28 Aug 2003. Section A, 1.

⁴⁰ Lugar, Richard. "Regional Implications of the Changing Nuclear Equation on the Korean Peninsula." Committee on Foreign Relations, United States Senate, 12 March 2003, 3.

⁴¹ Pritchard, Charles L. "The North Korea Crisis? Can it be Diffused?" Brookings Institution, 8 Sept 2003; Kerr, 3.

⁴² Center for International Policy. Asia Project. Available from the World Wide Web: (www.ciponline.org/asia/keyrec.htm).

⁴³ Einhorn, Robert J. "An Agreed Framework for Dialogue with North Korea." Committee on Foreign Relations, United States Senate, 6 March 2003, 24.

⁴⁴ Pritchard, 3.

⁴⁵ Cha and Kang, 2.

Flags Over Dili: Lessons in State Building from East Timor

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As state building becomes a more common event in international relations, the process of such a reconstruction must be better understood. The United Nations established three pivotal missions to embattled East Timor, in an effort to rebuild the country after a devastating series of human rights violations. I study these missions and concentrate my analysis on the United Nations Transitional Administration in East Timor and its mandate. Its successes and failures are evaluated, adding to the contemporary discussion on reconstructing failed states.

Introduction

Last year, a new flag was raised outside the old colonial governor's mansion in Dili, East Timor – only natural for a new state. As interesting as the new flag going up was the one coming down – the flag of the United Nations (UN). On May 20, 2002, in a ceremony just outside of Dili, sovereign authority for the Democratic Republic of East Timor was transferred from an international organization to the first new nation of the 21st century. Though there have been UN transitional administration efforts before, East Timor was the first territory to be completely governed by the UN. From November 1999 through May 2002, its executive, legislative, judicial, foreign and all other affairs were the responsibility of one man appointed by the UN Secretary-General. This Special Representative of the Secretary-General (SRSG) was the head of the UN Transitional Administration in East Timor (UNTAET), a mission to prepare the way for democratic self-rule in a territory that had been under foreign control for over four and one quarter centuries.

By 1999 East Timor was a nation badly in need of a new start. Twice the victims of mass murder atrocities at the hands of Indonesia, its people kept their nationalist goals alive in the face of international ignorance and apathy toward the tragedies. During the 1975 Indonesian invasion of East Timor, the world's great powers stood either complicit or unaware that a third of the East Timorese population had been slaughtered (200,000 people). While individual states took no action to stop Indonesia, they did act collectively in the UN General Assembly to denounce the subsequent occupation every year from 1975 through 1999. It took a massacre at a funeral procession-turned demonstration in November of 1991 to alert the mass media and the world to Indonesia's brutal rule and spark the global movement to "Free East Timor".¹ The human rights story of East Timor is an astounding tragedy that has left many observers in awe of the people and their resilience and determination to fight for freedom. It is a case that deserves attention not only for the historic tragedy, but also for its new start.

In this paper, I will examine what the United Nations Transitional Administration in East Timor did to rebuild East Timor and the lessons learned for the future of nation building efforts. I begin with an overview of the UN's three pivotal missions to East Timor: the United Nations Mission in East Timor (UNAMET), the United Nations Intervention Force in East Timor (INTERFET), and the United Nations Transitional Administration in East Timor (UNTAET). Next, I concentrate on what was so unique about the UNTAET mission by evaluating its mandate. Third, I evaluate UNTAET according to the ambitious UN mandate it was given. I argue that UNTAET was a success due to a forgiving operating environment in East Timor. I conclude that the missteps made by UNTAET must not be repeated in environments less favorable than East Timor, as such errors would more seriously threaten the success of a nation building effort. The greatest project of the international community in the near future will be to handle the conundrum of failed states (whether they collapse or are induced to failure), making the lessons from nation building in East Timor all the more important.

UN Missions 101: The Long Journey to Self-Rule

The UN flag was first raised in East Timor at one compound in Dili, where election workers began preparation in 1999 for a ballot as part of the United Nations Mission in East Timor. Violence after that

election compelled a second mission, the UN Intervention Force in East Timor. The UN Transitional Administration in East Timor was the final of this three-stage process. The first mission, UNAMET, was mandated to conduct a “popular consultation” (diplomatic-speak for a referendum on independence) asking the East Timorese to choose either the status of autonomy within the Republic of Indonesia or independence following UN-administration. The entire election process was under constant threat from militias trained by Indonesian armed forces who sought to intimidate the populace into voting their way – for integration with Indonesia.

Despite security threats, the UNAMET mission continued with the ballot on August 30, 1999. The voter turnout was 98 percent. Nearly seventy-nine percent of the Timorese rejected the Indonesian autonomy plan and opted instead for a transition to full independence.² The voting was immediately followed by incidents of militia and Indonesian forces terrorizing civilians. The official announcement of the ballot result triggered a systematic terror campaign by pro-Jakarta forces. As Matthew Jardine, a journalist covering East Timor recounts:

As a parting act following last year’s [1999] vote for independence, the Indonesian military and allied militias launched a wave of terror, destroying more than 80 percent of the territory’s buildings and infrastructure, forcibly deporting about 250,000 people to Indonesia, raping untold numbers of women and killing an estimated 1,500 people – in [Operation Clean Sweep].³

The “rape, pillage and burn” mantra was carried out so completely in the half-island territory that virtually all infrastructure was destroyed. By the time the terror campaign was finished, “it would not be far from the truth to say that East Timor [had] no economy.”⁴ There was much to build in East Timor. More difficult would be the mission to lay the foundations for self-rule after over two decades of brutal Indonesian occupation preceded by over four centuries of Portuguese colonization. No nation building or development could take place, however, while the militias remained free to terrorize the people.

The second phase of UN’s involvement, while not originally planned, arguably became the most important foundational step towards nation building. INTERFET was a peace making “coalition of the willing” led by Australia with military support from twenty-two other nations.⁵ In response to the post-referendum atrocities, Australia volunteered to lead a coalition of forces to East Timor to immediately restore order and protect civilians. In record setting speed for any UN peacekeeping authorization, the U.N. Security Council approved Resolution 1264 establishing INTERFET sixteen days after the violence began. In terms of human life, sixteen days was not nearly fast enough. In that time people lost their lives and livelihoods while their only protection - UNAMET personnel – was evacuated to Darwin, Australia. Indonesian armed forces and pro-Indonesian militias razed the whole island with impunity. When INTERFET did land, most militia forces fled to Indonesian-controlled West Timor, and the coalition forces quickly and effectively secured the island.⁶

Resolution 1272

After the successful deployment of INTERFET, the UN Security Council and Secretariat turned its attention towards managing the territory’s transition to independence. The UN had experience assisting states in transition. The institution had previously taken the tradition role of national governments in places such as Kosovo, Namibia, Cambodia, Mozambique, and Eastern Slovenia.⁷ In Kosovo, international actors managed most of the affairs of the province but did so while still paying lip service to Serbian sovereignty. The amount and scope of UN authority in East Timor coming directly from the mission mandate, however, set UNTAET apart from other missions. In the case of East Timor, the UN assumed full powers that ranged from issuing postage to signing treaties.⁸ Officially, UNTAET was a standard Chapter VII peacekeeping operation.⁹ With Security Council Resolution 1272, the UN decided to establish UNTAET and challenge it with “overall responsibility for the administration of East Timor” and to empower it “to exercise all legislative and executive authority, including the administration of justice.”¹⁰ UNTAET was granted dictatorial-level power, but with “a view to the development of local democratic institutions.”¹¹ The resolution laid out specific goals for the mission including security, civil and social services, humanitarian assistance delivery, and capacity-building for self-government. But unlike the mandates of other transitional administrations, UNTAET's tasks would be carried out by one governing actor that had an unambiguous goal: an independent and democratic East Timor.

Structure

UNTAET's powers were vested in one person: Special Representative of the Secretary-General and Transitional Administrator Sergio Vieira de Mello, although by mandate he was to consult and cooperate closely with the East Timorese. In accordance with this aim, upon his arrival de Mello began talks with East Timorese resistance leader (and future President) José Alexandre "Xanana" Gusmão. The following month, he established the National Consultative Council of Timorese (NCC). De Mello chaired this 15-member body, the highest political entity in East Timor. Seven members were from the National Council of Timorese Resistance (CNRT), the coalition led by Gusmão and Nobel laureate José Ramos Horta. The CNRT had galvanized the global "Free East Timor" movement against Indonesian occupation and was the most widely supported group in East Timor. Three NCC members came from non-CNRT political factions who were pro-Indonesia. Four were UNTAET staff and one represented the Catholic Church (East Timor is over 80 percent Catholic). Eventually, after much pressure was put on de Mello to devolve power, a similar consultative structure was established in each of thirteen districts. In each district, an UNTAET District Administrator (DA) chaired a District Advisory Council comprised of local leaders.¹² The nature, composition, and authority of these consultative institutions would be the source of grievance for many East Timorese leaders as the transition process went forward. Further tension would result over the question of how the millions of dollars used to run UNTAET were spent and how the over 500 million U.S. dollars in aid would be utilized in East Timor.¹³

UNTAET fulfilled all six parts of its mandate from the United Nations Security Council.¹⁴ Resolution 1272 ordered UNTAET to (a) maintain law and order; (b) establish effective administration; (c) assist in developing civil and social services; (d) coordinate humanitarian, rehabilitation and development assistance; (e) support building capacity for self-government and (f) assist in laying the foundation for sustainable development.¹⁵ On the ground, UNTAET divided up the aforesaid six elements of the mandate among three departments: Military; Humanitarian Assistance and Emergency Rehabilitation (HAER); and the most challenging – Governance and Public Administration (GPA).¹⁶

UNTAET Report Card

Success of the UNTAET mission will be judged here by its accomplishment of the goals of Resolution 1272. To peg success to other measures, like the expectations of the Timorese, would be unfair, since UNTAET was accountable to the UN. Downs and Stedman raised sound reasons for questioning a UN mission evaluation that relies strictly on the mandate. This endogenous evaluation can "mak[e] evaluation the prisoner of ambition."¹⁷ If a mandate goal is purposefully watered-down, then the goal will take little effort to accomplish and the bar for defining success would have been set remarkably low. If a mandate goal was purposefully watered-down, then the goal would have taken less effort or resources to accomplish and the bar for defining success may have been set remarkably low. This was not the case with the UN's mandate for UNTAET. Resolution 1272 was, for reasons outlined above, an ambitious mandate. Therefore, fulfilling that mandate would be an undiluted and rather strict measure of success. I find in the following evaluation that in all its areas of concerns – Military; Humanitarian and Emergency Rehabilitation; and Governance and Public Administration – UNTAET was successful in fulfilling its mandate. I further find that UNTAET's greatest challenges were caused by an initial failure to meaningfully consult the East Timorese. UNTAET's greatest accomplishments came because of such helpful consultation and because of a forgiving and relatively secure operating environment.

Even after the atrocious "scorched earth" departure rampage of the Indonesian forces, East Timor had a lot going for it. The militias who destroyed the territory had fled west to Indonesian territory and INTERFET restored order. Also, the UN had designed a mandate under unified UNTAET command to coordinate the support from international actors. The unified international presence had a resoundingly undivided and pro-independence local population to work with, a population that had voted for the UN to play the role of administrator. Finally, East Timor's pro-independence super-majority had organized itself as one actor through the CNRT and overwhelmingly supported the charismatic CNRT leader Xanana Gusmão.

I submit that UNTAET was successful in fulfilling its mandate, but that this success was due in no small measure to the forgiving environment within which it operated. In the Military department, UNTAET's Peacekeeping Force (PKF) and Civilian Police (CIVPOL) benefited from the ground work of

INTERFET and from the intelligence provided by East Timorese. In the Humanitarian Assistance and Emergency Rehabilitation department, UNTAET's unique partnership with local communities and the World Bank led to consultation-based development programming, an innovation of its Community Empowerment Program. In the Governance and Public Administration (GPA) department, where UNTAET made its most serious missteps, it was the eventual acknowledgement of the importance of bringing East Timorese into the civil service that made the transitional government achieve its mandate.

Military

Generally, UN peace missions face two major security challenges: effective disarmament and the demobilization of combatants. In East Timor, neither was a relatively grave concern. The Military department of UNTAET, composed of its Peacekeeping Force (PKF) and its UN Civilian Police (CIVPOL), had responsibility for maintaining the law and order throughout the territory that INTERFET had established, and it fulfilled this responsibility.¹⁸ Its success, however, was due in no small part to the specific security situation of East Timor, where INTERFET had already done the foundational work in restoring order to East Timor. With regard to disarmament, the populace was virtually unarmed with the exception of the militant resistance group Falintil. Disarmament was thus not as difficult as it would be in most conflicts, where arms are much more widespread after major clashes. Major-General Michael Smith, UNTAET Deputy Force Commander reported that most weapons on the island were in the hands of the militias, who had maintained a flow of weapons from Indonesia. Falintil also had arms, but relied mostly on weapons captured from Indonesian forces and left over from Portuguese rule. East Timor had no land mines or heavy weaponry to seek out. Since the militias fled west upon the arrival of INTERFET, the separation of combatants was already accomplished. Only Falintil remained to be demobilized and it was a force friendly to UNTAET.¹⁹

In addressing the remaining security needs of the territory, UNTAET's military department greatly benefited from local expertise, especially in dealing with the border between East Timor and West (Indonesian) Timor. The militias remained the foremost security concern for UNTAET as West Timor became a haven for the pro-Jakarta militias responsible for the post-referendum violence. The militias made several incursions into East Timorese territory. From July through September 2000, border skirmishes intensified. UNTAET spent these initial months of operation putting pressure on Indonesia to get the militias under control and to permit the return of East Timorese being held hostage in border refugee camps. As late as August 2000, however, Indonesian authorities continued to deny that they had a significant role to play in ending the violence.²⁰ In September 2000, a 150-person contingent of well-trained militia infiltrated the border and began a scouting mission in the districts of Ainaro and Manufahi – areas where UNTAET forces had yet to establish a permanent presence. Over three thousand East Timorese from these areas immediately fled to the district capitals. It was after this incident that the PKF and CIVPOL coordinated. In September 2002, with East Timorese assistance, they conducted *Operation Cobra* and *Operation Crocodilo*, intensified efforts to prevent the militias from gaining a foothold in East Timor. The missions were completed with intelligence support from East Timorese in the western districts who were then resettled back to their homes with a renewed security commitment from UNTAET. Incidents of militia infiltration of the border were decreased significantly. The effectiveness of UNTAET operations against the militia can thus be attributed to the competence of the peacekeepers and the intelligence and guidance of East Timorese in the border towns.²¹

The only disarmament and demobilization challenge UNTAET had to face was Falintil, a challenge made manageable by willingness of Falintil fighters to cooperate with UNTAET. This rebel army had fought the Indonesians from the day of the invasion in 1975. In ravaging the island after the vote for independence, the Indonesians tried to bait Falintil into conflict against the militias. The Indonesians undoubtedly wanted to portray East Timor as a territory of civil strife, a task it accomplished successfully in 1974 just before they invaded to “help their brothers in Portuguese Timor to restore order and security [in East Timor].”²² Respecting orders from Gusmão and refusing to fall for the trap, the armed Falintil remained in four cantonment areas. Now that East Timor was under an UNTAET PKF, the UN administration had to figure out what was to be done with a cantoned yet armed militia living in squalor. The popular freedom fighters aired their grievances about the conditions in which they lived, and UNTAET responded quite positively. Since the new East Timor Defense Forces could not use all of the demobilized Falintil fighters in the new security forces, UNTAET partnered with the US Agency for International

Development and the World Bank to reintegrate those without new work back into society via the Falintil Reinsertion Assistance Programme. An evaluation of the program has yet to be made; however, one indicator of success is the formation of special interest groups representing the Falintil veterans, which may signal the former Falintil rebels' transition from an armed life to that of a civilian political actor. On February 1, 2001, Falintil was officially disbanded in a public ceremony as the East Timor Defense Forces came into being, marking the successful transition from resistance movement to the core of a national armed forces.²³ The success of INTERFET and later of UNTAET's military department was born from the nexus where a helpful local population met responsive and attentive peacekeepers. The favorable security environment helped to establish the foundations for success in other areas of the UN mandate.

Humanitarian Assistance and Emergency Rehabilitation

UNTAET's success in fulfilling its humanitarian and development assistance mandates can be attributed to the magnitude and coordination of its funding and also to the amount of consultation with the East Timorese. East Timor greatly benefited from the international attention it received from the post-ballot violence of 1999. In the field of humanitarian and development assistance, the focus of Humanitarian Assistance and Emergency Rehabilitation (HAER), two key post-conflict challenges recur: raising the funds to keep the operation running and ensuring that the multiple sources of aid are applied appropriately. The underlying difficulty with both is to maintain donor commitments over the long term. HAER – later renamed the East Timor Development Agency – had to coordinate the use of funds from individual governments, the IMF, World Bank and the Trust Fund for East Timor (TFET), and the Consolidated Fund for East Timor (CFET).²⁴ In collaboration with the World Bank, UNTAET organized quarterly donors conferences to make the administration more accountable to its donors.

Funding for UNTAET's HAER mandate was substantial, especially in comparison with that to other post-conflict countries. UNTAET received an accessed UN contribution budget totaling approximately US \$1,280 million from start to finish of the transition.²⁵ The UN funds generally supported the UN civilian and peacekeeping staff, while the assistance money for East Timor came largely from aid outside of UN dues. This outside aid from other states, the trust funds, and the international financial institutions amounted to approximately US \$518 million disbursed by the May 2002 declaration of independence. The territory certainly benefited from “unusually diversified sources of aid, with governments from four continents committing amounts within the same range to support its reconstruction.”²⁶ East Timor was definitely receiving a lot of attention – one metric of this is the amount of aid it received per person per year in comparison with other nations. According to the World Bank, East Timor ranked third in this metric among post-conflict territories with the Bosnia-Herzegovina and West Bank-Gaza Strip receiving more development attention and Azerbaijan, Cambodia, Lebanon, Mozambique, Nicaragua, and Rwanda receiving less in the five years after the end of conflict.²⁷ Another measure of the level of attention that had been focused on East Timor was the commitment from major political players like the president of the US and the president of the World Bank.²⁸ All the attention in the world, however, could have resulted in wasteful, duplicated efforts had such good work not been properly coordinated.

The coordination challenge for UNTAET development and emergency assistance was handled with a constructive division of responsibilities and the setting of concrete benchmarks for judging success at every step of the transition mission. Every six months, the World Bank and UNTAET co-hosted an East Timor Donors' Conference. These rotating conferences set up “reconstruction benchmarks” such that “key milestones for the political transition, the administrative handover, economic and social reconstruction, and public finances were jointly monitored by the Government [UNTAET] and donors.”²⁹

The HAER mission was most successful when UNTAET engaged in consultation with the population. Here, I define success in terms of the mandate's call to create local capacity for social services. The World Bank's internal evaluation of its work in East Timor reveals a correlation between consultation with the people and success in developing “coherent policy, sustainable institutions and strong levels of management capacity.”³⁰ Twenty-nine East Timorese health management professionals serving in the Interim Health Authority provided guidance for developing a step-by-step transition strategy towards an integrated healthcare system.³¹ This system would still require help from volunteer doctors post independence, but the public health system is in competent and local control today because of the work of the Interim Health Authority.³²

The chief critique leveled against UNTAET and the international development community based in Dili was their contribution to the formation of a dual economy.³³ Wherever UN staff takes their salaries, a market develops to cater to them. The dual economy phenomenon can cause tension between international workers and a local population. As prices were raised to take advantage of the customers of other countries, the buying power of locals shrank rather suddenly. This is a common problem in all sorts of places where the UN has had missions. The tension that can develop is definitely a down side to the effort; the problem of the dual economy is that it may prove counter-productive to the nation-building mission itself. As a conference report from the International Peace Academy recounts:

the internationals' need for a local workforce have created lopsided salary incentives, which lure many highly qualified [professionals]... away from their former profession in order to work as drivers or translators for the UN or some NGO.³⁴

As the dual economy issue may prove hard to address during UN missions, transitional administrations of all types should guard the trust granted them by abstaining from wasteful or exploitative activity that could evoke a colonial memory.

Governance and Public Administration

Throughout its two-year governance UNTAET, especially in Governance and Public Administration (GPA), made fundamental missteps that led to significant tension between the UN-organized international presence and the East Timorese people. UNTAET initially failed to be open and meaningfully consultative in its operations. It was not strategic in the employment of its civil service, and it was at first insensitive to concerns that its administration was aloof vis -à-vis the East Timorese people. This caused rifts with the local leaders, with the population at large and even with international donors and staff. The SRSG tried to alleviate this via a program of "Timorization" of the lower levels of civil administration and a few district personnel shifts, but this plan was perceived as tokenism. De Mello did recognize the misstep and proceeded rapidly towards devolving more wide-ranging powers to East Timorese. Unlike many other post-conflict territories, the East Timorese transitional government was given a rare luxury – patience – permitting UNTAET the opportunity to correct its mistakes and salvage significant success.

UNTAET began as a one-man show and ended by giving East Timorese great ownership of the transition process. UNTAET staff were first viewed by many East Timorese to be wasteful and wanting to "get comfortable" in the city rather than engaging East Timorese outside the capital.³⁵ Communication with the East Timorese was hampered by the fact that the UN mission's information office was slow in starting up and that it was not until April 2001 that the mission was able to get a radio station working.³⁶ UNTAET attempted to resolve this perception of aloofness by expanding its governance to the District Administration level by appointing District Administrators who worked as chairs of District Advisory Councils of Timorese. District office staff and programs, however, were under-resourced and UNTAET continued to come under fire from District Administrators,³⁷ East Timorese and NGOs for being too "Dili-centric."³⁸

From GPA to ETTA

UNTAET began by importing entire bureaucracies to run the country and failed to successfully recruit East Timorese. Furthermore, there was no preferential hiring or training policy at the outset for giving East Timorese workers any part of the contracts for the massive rebuilding effort or the tools with which to become a part of the rebuilding effort.³⁹ Part of the problem with UNTAET's initial staffing was that it was in no position to effectively seek out East Timorese capacity for running or participating in the new civil service. Without the ability to communicate with the local population in the same language (Indonesian),⁴⁰ UNTAET staff was hard-pressed to identify local talent, as researcher James Fox laid out convincingly in his study for the Council for Asia-Europe Cooperation.⁴¹ Transitional Administrator Sergio de Mello began to change staffing strategy after admitting to the drawbacks of an UNTAET structure with so few East Timorese:

There are several problems intrinsic to a UN mission operating as a civilian administration, including: the staff profile of a UN mission of this kind, their understanding of the local culture

and their ability to perform sectoral governmental functions; our recruitment processes, and UN procurement rules and regulations...At UNTAET we are very much aware of the frustration of the East Timorese people and others at the slow progress in reconstruction and development.⁴²

After making the above statement in June 2000 for the Lisbon Donors Meeting organized by UNTAET and the World Bank, de Mello began what he termed the “Timorization” process.

The Timorization began at the District level administration, in which every UNTAET district administration was appointed one Deputy who was Timorese. In some districts the deputies took over for the UNTAET appointees. The national level change with Timorization was to expand the 15-member National Consultative Council into a 33-member National Council for Timorese. Recruitment of East Timorese into the administration in general, however, moved slowly. De Mello selected a few deputy district administrators for the District administration and UNTAET faced a barrage of criticism at the December 2000 Donors Meeting in Brussels.⁴³

The criticisms from donors proved constructive in de Mello’s second attempt to bring more East Timorese into the administration. The donors set recruitment targets for transforming the GPA, and UNTAET exceeded the expectations in its second attempt. De Mello reformed the GPA into the East Timor Transitional Administration (ETTA), which was a start to the political transition from UNTAET to an independent East Timor.⁴⁴ A transitional cabinet was set up with nine ministers; five of them were Timorese and four were UN officials. De Mello still maintained authority under UN mandate, but he was turning over policy-formation responsibilities to Timorese leaders. By the time of the June 2001 Donors Meeting in Canberra, de Mello was able to report that UNTAET had recruited “86% (8600+) of a planned civil service of approximately 10,500...this number included 51% of senior civil servants.”⁴⁵ In addition to this progress, UNTAET had established a Civil Service Academy to train East Timorese seeking public employment and a Civil Service Commission of East Timorese to construct civil service regulations.⁴⁶

The East Timorese, though honest and vocal in their disagreements, were by all accounts patient with UNTAET despite their disappointments. It was not until June 2001 that UNTAET brought Timorese into the meaningful day-to-day administration process. There are many environs and many peoples who would not have waited two years to see traces of home-rule. But the East Timorese were patient and predictions of brewing unrest were not borne out.⁴⁷ On August 30, 2001, UNTAET conducted elections for a Constituent Assembly, which authored, with vigorous district-to-district consultation, the Constitution of the Democratic Republic of Timor-Lorosa’e (i.e., Timor of the Rising Sun). Administrator de Mello appointed an all-Timorese cabinet from the Assembly to form the Second East Timor Transitional Administration (ETTA). UNTAET held its second election the following April, where resistance leader Xanana Gusmão became the first President of East Timor. The flags changed on May 20, 2002.

Conclusions: From Dili to Baghdad

East Timor has been one of the more forgiving environments that would-be nation builders and peace implementers have faced. It is much easier to secure a conflict area when one party flees across an international border and is dismantled, rather than when all parties remain armed and ready to re-engage in battle. It is much easier to build a nation where the citizens are united for the sake of nationhood, than in one where they are divided along other non-national identities. While it is true that East Timor is one of the “easier” cases, nation building is never easy. Even with an unquestionably benevolent UN transitional government, an active donor base, and a special global trust fund, the transition from oppression to democracy in East Timor was difficult. The process of nation building is invariably challenging, even in cases where the environment is in all respects forgiving. Iraq, for example, is a case much harder than East Timor due to its more divided society, the weapons flows to the factions, and an inappropriate transitional governance scheme.

In Iraq, the chance for sectarian violence, while kept low under Hussein’s iron fist, has now been raised post-Saddam. Given the difficulty of the case, an Iraqi transitional government may require more patience than it has available from its population. If elections were held tomorrow, the Shia and Sunni Muslims and the Kurdish people have little to vote for, making elections amount to a referendum on religion and ethnicity rather than on other competing national priorities. All these populations have some armed constituency, increasing the chance for sectarian violence over political dialogue. A unified and

peaceful Iraq will not be possible without a transition to unarmed politics and to collective imagination of a post-Saddam Hussein national identity.

The central lesson from nation building thus far in East Timor is the importance of partnership between the transitional government and the local population. Partnership does not occur without trust. The Shia Muslim community of Iraq has little reason to trust a US transitional administration. It is unlikely that trust-building measures will allay the suspicion with which Iraqis view the US. A UN Transitional Administrator is preferable because SRSGs are not perceived as having a narrow national interest to uphold and are therefore more capable of building trust. It is unlikely that the UN will play an administering role in Iraq, given the politics surrounding the US invasion. It is likely, however, that East Timor will not be the last nation in which the international community must take the lead in nation building. Nation building and transitional governance, while distasteful to some, will prove to be the international community's most imperative and daunting project in the coming years. East Timor was a test that the UN could not afford to and thankfully did not, fail.

¹ This tragedy is known as the Santa Cruz Massacre.

² UN Press Release. (3 September 1999): SG/SM7119 SC/6722 "People of East Timor reject proposed special autonomy, express wish to begin transition to independence, Secretary-General informs Security Council." Available from the World Wide Web: (<http://www.un.org/News/Press/docs/1999/19990903.sgsm7119.html>).

³ Jardine, Matthew. "East Timor: Up From Ground Zero." *In These Times* (October 16, 2000): 12. Most estimate the infrastructure destruction at 70%.

⁴ Traub, James. "Inventing East Timor." *Foreign Affairs* (July-August 2000): 74.

⁵ Smith, Michael G. with Moreen Dee. *Peacekeeping in East Timor: The Path to Independence*. New York: Lynne Rienner Publishers, 2002, 46-47. Major contributions from New Zealand, the UK, France, Italy, Korea, Thailand, Phillipines, Kenya, Jordan, Egypt and the US. Southeast Asian representation was politically important for Indonesia.

⁶ West Timor was a Dutch colony, which became Indonesian territory after the 1948 anti-colonial revolution. East Timor was a Portuguese colony, which after the 1974 Carnation Revolution in Portugal, became independent, until promptly invaded and occupied by Indonesia.

⁷ For a review of all UN Transitional Administrations, see Chesterman, Simon. "East Timor in Transition: From Conflict Prevention to State-Building." International Peace Academy, May 2001, 5-13. Available from the World Wide Web: (<http://www.ipacademy.org/Publications/Reports/Research/PublEastTimorPrint.htm>).

⁸ Traub, 74. UNTAET negotiated with Australia over the Timor Gap (i.e., water rights to oil-rich ocean property) and UNTAET entered into treaty with the World Bank in establishing the Trust Fund for East Timor. See International Law in Brief. Available from the World Wide Web: (<http://www.asil.org/ilib/ilib0309.htm>).

⁹ Chapter VII is commonly known as the enforcement clause of the UN Charter from which the UN Security Council derived the ability to launch peace enforcement operations, which have coercive power.

¹⁰ S/RES/1272 1999 1 UN Security Council Resolution 1272 of 1999 Mandate, Paragraph 1.

¹¹ Ibid, Paragraph 8 (S/RES/1272 1999 8).

¹² UNTAET Pamphlet IC/01E 5000, Jan 2000.

¹³ Chopra, Jarat. "The UN's Kingdom In East Timor." *Survival* (Autumn 2000): 27-28.

¹⁴ Smith, 1.

¹⁵ S/RES/1272 1999. 2 #2.

¹⁶ Smith, 62-63.

¹⁷ Downs, George and Stephan John Stedman. "Evaluation Issues in Peace Implementation," in *Ending Civil Wars: The Implementation of Peace Agreements*, eds. Stephen John Stedman, Donald Rothchild, and Elizabeth Cousens. Boulder, CO: Lynne Rienner Publishers, 2002, 43.

¹⁸ Smith, 68.

¹⁹ Ibid., 49.

²⁰ Murdoch, Lindsay. "Don't Blame Us for the Militia Attacks: Jakarta" *Sydney Morning Herald*, 15 Aug 2000.

²¹ Smith, 70.

²² Statement of the Government of The Republic of Indonesia on Portuguese Timor. December 10th, 1975. Paragraph 6. Found in Government Statements on The East Timor Question. Department of Information, Republic of Indonesia 1975.

²³ Smith, 81.

²⁴ The Trust Fund for East Timor (TFET) was administered jointly by the World Bank and the Asian Development Bank. The Consolidated Fund for East Timor (CFET) was administered by the UN development agencies.

²⁵ Cliffe, Sarah and Klaus Rohland. "The East Timor Reconstruction Program: Successes, Problems and Tradeoffs." The World Bank. CPR Working Papers, Social Development Department Environmentally and Socially Sustainable Development Network. Paper No. 2. November 2002.

²⁶ Ibid.

²⁷ Ibid. East Timor had \$209 per capita per year. The Palestinian areas of the West Bank and Gaza Strip received \$213.

²⁸ World Bank President John Wolfensohn repeatedly called on Indonesia to get the pro-Jakarta militias under control, threatening World Bank loan packages to Indonesia. Available from the World Wide Web: (<http://news.bbc.co.uk/2/hi/asia-pacific/931803.stm>). The IMF also allowed its loan packages to be used by President Clinton as a leverage against Indonesia.

²⁹ Ibid., 8.

³⁰ Ibid., ii.

³¹ Sixteen East Timorese public health employees in Dili and one doctor from each of the thirteen districts created the group developing strategy for transitioning the UN's emergency aid work to sustainable government-supplied services.

³² Cliffe and Rohland, 12.

³³ See Black, Jan Knippers. "Independence For East Timor?" *Z Magazine* 15 nos. 7-8 (July/August 2002): 26-29; Chopra; Easton, Matt. "Forging A New Nation: The Rebuilding of the East Timorese Economy." *Dollars and Sense* no. 234 (March/April 2001): 20-23, 37; Jardine; Traub.

³⁴ "You, the People: Transnational Administration, State-Building, and the United Nations." International Peace Academy, Conference Report, 18-19 Oct 2002, 12. Available from the World Wide Web: (http://www.ipacademy.org/PDF_Reports/YOU_THE_PEOPLE.pdf).

³⁵ Easton, 20-23, 37.

³⁶ Smith, 65.

³⁷ See Chopra's passionate critique of UNTAET.

³⁸ Smith, 64.

³⁹ Jardine, 13.

⁴⁰ The most widely spoken native language is Tetum. Indonesian or Bahasa Indonesia is best known by those educated some time during the Indonesian occupation (1975 – 1999).

⁴¹ Fox, James J. "East Timor: Assessing UNTAET's Role in Building Local Capacities for the Future" Council for Asia-Europe Cooperation (CAEC). Available on the World Wide Web: (<http://www.caec-asia-europe.org/Conference/Publications/fox.PDF>).

⁴² De Mello, Statement 2000, 5-6. Statement by the Special Representative of the Secretary-General to the Lisbon Donors' Meeting on East Timor, 22-23 June 2001.

⁴³ Fox, 8.

⁴⁴ Smith, 65.

⁴⁵ Fox, 8.

⁴⁶ Ibid.

⁴⁷ See Chopra; Traub.

The Role of Religion in Modern Islamic Terrorism

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The attacks on September 11, 2001 continue to be the central issue in studying the United States's current foreign policy. As the dangers of terrorism are further studied and applied to how the U.S. should address its national security policy, this paper examines the question of how religion plays a role in the rise in fundamentalist Islamic terrorism. By understanding the true motivation for this phenomenon, an important insight is achieved that may contribute to the American government's reaction to such violence. I conclude that religion, while important, is not the sole motivation for these terrorists. I attempt to place modern Islamic terrorism in its proper historical and contemporary perspective.

Introduction

In 1998, Osama bin Laden, along with several other leaders of Islamic terrorist organizations, released the "Jihad Against Jews and Crusaders." This document called upon all Muslims to kill Americans, civilian or military, as well as their allies. Since the release of that document, Islamic terror groups have been deemed responsible for attacks that include simultaneous car-bombings of the U.S. embassies in Kenya and Tanzania in 1998 and the 2000 bombing of the *USS Cole* in Yemen. Most Americans, however, received their introduction to radical Islam in the form of two passenger airliners bringing down the World Trade Center on September 11, 2001. We could hardly fathom an attack on such a scale that specifically targeted civilians, and our collective need for revenge reached its boiling point when the images of victorious celebrations soon reached us from the streets of countries all over the Middle East.

From an American public almost wholly ignorant of the Arab world, cries of "Why did this happen?" and "Why do they hate us?" were among the first terrified reactions, and immediate answers were demanded. Unfortunately, despite the many commonalities Islam shares with the Judeo-Christian tradition, many locked onto the Muslim faith as the driving force behind the violence, the general root of this particular evil. Fueled by right wing evangelists and previously marginalized academics, xenophobic sentiments spread across the United States. Pat Robertson stated on his television show that, "Adolph Hitler was bad, but what the Muslims want to do to the Jews is worse," and fellow evangelist Jimmy Swaggart suggested that the United States, "take every single Muslim student in every college in this nation and ship them back to where they came from."¹ On the academic side, Samuel P. Huntington's *The Clash of Civilizations and the Remaking of World Order*, an expansion of his 1993 article in *Foreign Affairs*, and Bernard Lewis's *What Went Wrong?* portrayed the Islamic world as fundamentally at odds with modernized Western society, and Islamic terrorism as an almost inevitable consequence of this cultural friction. Infused by the media with this need to take sides, public opinion of Islam deteriorated significantly, with 33 percent of Americans having an unfavorable opinion of the religion, and those believing mainstream Islam encourages violence and those who said Islam fails to teach respect rising 9 and 13 percent respectively.²

Aware of the rift forming in American public opinion, President George W. Bush has been careful to frame the conflict as one against terrorism, not Islam. To this end, he often accuses terrorists of "hijacking Islam," and makes it a point to assure us that "the face of terror is not the true faith of Islam. That's not what Islam is all about."³ However, it is impossible to ignore the religious rhetoric used by groups such as al-Qaeda, Hamas, and Islamic Jihad. Christian evangelists and proponents of the "clash of civilizations" theory alike are successful in spreading their messages because the language we hear from Muslim radicals is equally divisive and combative. Religion is clearly accorded a substantial role within these terrorist organizations, as they often frame the conflict as a total war between true Islamic believers and infidels. The question therefore arises, is religion the *primary* motivation behind the rise of Islamic terrorism in the late 20th and early 21st century? This paper examines this question and the contrasting hypotheses of whether Islamic terrorism is fundamentally motivated by religion or whether its true motivations stem from the realms of politics, economics, and sociology.

This question is important for several reasons. First, understanding the true motivation of Islamic terrorism provides an important insight into why such groups initially form. Second, a sound explanation

also carries with it implications as to the goals of such organizations, as groups with purely religious motivation will not worry about pleasing citizens in the material world, while those with earth-bound ambitions will concern themselves with their public image. Finally, understanding why Islamic terrorist organizations exist provides some insight into the attitudes that allow these groups to grow and flourish, and therefore can provide a blueprint for successfully combating them.

After analyzing both positions, it becomes clear that while Islam is certainly important within these terrorist groups, and indeed can play a primary role in the actions of individuals within them, it is not the primary motivation for their existence. To this end, this paper will outline the contrasting hypotheses, analyze the literature, and finally attempt to put modern Islamic terrorism in its proper historical perspective.

Hypotheses

The first hypothesis presented places religion at the heart of modern Islamic terrorism. Put in its historical context, we see that throughout the history of Islam, as far back as the *hijra*, or pilgrimage, of Mohammed to Medina and his position as both religious and political leader to his followers, Islam has provided its believers with both legal and political precedent. Because of this inherent nature of Islam, Middle Eastern terrorist groups understandably blend religious and political messages to further their goals, it can be argued that the driving forces behind these goals are firmly rooted in Islamic history and are primarily religious in nature. The fact that their objectives have political implications simply reflects the history of Islam and *shari'a*, or Islamic law.

The Islamic fundamentalist movement today, terrorist or otherwise, has its roots in what is called Salafism, the Arabic word *salaf* meaning “to precede,” which emerged in the latter half of the nineteenth century, and preaches a return to the “pure” Islam that was preached by Mohammed and his disciples. Terrorist organizations such as al-Qaeda and Hamas represent a fairly recent radicalization of this movement, which can be described as “jihadist Salafism.”⁴ While groups such as Hamas pursue specific, localized goals and al-Qaeda organizes and operates on a transnational scale, the foundations of their beliefs and long-term goals are both firmly grounded in Salafism, and therefore religious at heart. Bin Laden, in particular, steeps his rhetoric in Muslim imagery in an attempt to divide the Islamic world between the *umma*, or worldwide Muslim community, and regimes sympathetic to the United States, therefore furthering his ultimate goal of an Islamic revolution which would unite the *umma* under *shari'a* law.⁵ Viewed from this perspective, al-Qaeda’s attacks on the United States were undertaken in an attempt to rally the Muslim world behind its cause and usurp power from secular Western leadership.

While numerous scholars have attempted to explicate the current jihad carried out by al-Qaeda and other terrorist groups as a radical manifestation of religious dogma, the case is also made that fundamental motivation for such groups instead lies in the non-religious realm, and this will form the basis for our second hypothesis. Historically, it is clear that nearly all Islamic groups, ranging from the Muslim Brotherhood to the Iranian Revolution, rely on a political basis for their arguments. Many of these groups have used Marxist terminology and critiques of capitalism and representative democracy in constructing their objections against the West.⁶ Terrorist groups mask these political ideologies with religious terminology warped to match their cause. It is these underlying ideologies, and not the rhetoric on top, that can be seen as the true motivation for Islamic terrorism. Furthermore, many have pointed out that terror carried out by such groups is at odds with numerous Islamic traditions and ethics.⁷ While virtually all Islamic terrorist groups use rhetoric from the Quran to describe their goals and activities, the critical step necessary to reach the group’s goals is a non-religious one.

Bernard Lewis and Samuel Huntington describe a “clash of civilizations” in which Muslims have watched the Christian civilizations overshadow them militarily, economically, and culturally.⁸ This overshadowing has led to both philosophical/cultural differences with the West, such as gender equality and sexual liberation,⁹ and specific policy differences, such as the creation of Israel and the basing of troops in Saudi Arabia.¹⁰ These facts certainly provide fuel for extremist rhetoric, as can be gleaned from the venomous language emanating from both East and West, but we will attempt to go beyond the glorified name calling that is the “clash of civilizations” and uncover, while putting them in their proper historical contexts, more fundamental causes for the actions of modern Islamic terrorist groups. A “clash of civilizations” worldview creates an environment of distrust and inherent disparity. By staying away from the perils and pitfalls of this unproductive rhetoric, the results of this paper will hopefully be more generalizable and useful in their policy implications as we continue to fight the war on terror.

Research Design

An undertaking of this type calls for a thorough qualitative strategy, combining deep understandings of the history behind Islam as a religion, political Islam, religious terrorism, and general terrorism. Historical trends will then be compared to findings from more recent literature, mostly secondary sources but primary sources when available. Combining such sources allows us to compare competing theories within the realm of both history and modern society. The conclusions reached by analyzing existing literature gain significantly more strength and credibility when they are supported by solid primary sources, including but not limited to public releases and personal interviews.

Bibliographic Review

Before coming to any conclusions about the role of religion in modern Islamic terrorism, the first task in the study is to gain a firm grasp on the history of Islamic fundamentalism. Western dominance and interference elicited many different responses, but one was the fundamentalist movement which viewed what was occurring as a disease, and the only cure was a return to pure Islam.¹¹ The notion of jihad against the oppressors began to gain momentum, with men such as Ali Shariati of Iran stoking the flames. Steeped in *shi'ia* mythology, Shariati wrote of the “westoxication” of Iran under the Shah and called for an egalitarian revolution guided by the revitalized ideology of *shi'ia* Islam.¹² But probably the most influential personality in the rise of current fundamentalism was Sayyid Qutb. He and his followers related the teachings of the Quran to modern realities and prescribed the reimplementation of fundamentalist Quranic Islam.¹³

What is of interest now is the modern inheritors of Qutb's fundamentalist ideology. His teachings manifest themselves today in various groups throughout the Middle East and Central Asia, al-Qaeda and Hamas being two prime examples.¹⁴ Today's “jihadist salafis” were inspired by Qutb, radicalized by the war in Afghanistan, and today combine their strict interpretation of the Quran with a call for violent jihad.¹⁵ These fundamentalist organizations seek to marginalize civil society and promote their religious ideals thorough escalating violence.¹⁶ The heir to Qutb's title has become Osama bin Laden, who career in fundamentalist terrorism has come to personify the movement.¹⁷ To this day, this breed of radical fundamentalism remains the most important and powerful ideological force in the region.¹⁸

Now having some understanding of the present condition of Islamic fundamentalism, it becomes clear that the terrorist movements that include al-Qaeda and Hamas are particular expressions of what is at heart a civil war for political legitimacy within the Muslim faith.¹⁹ Today's radical Salafis seek to unite the *umma* under *shari'a* law, resisting Western secularism and its progressive ideals. The inherent weakness of the movement also now becomes clear, for fundamentalism can be quite effective as a tool of resistance, but molding it into a political movement that works at many levels has proven to be a difficult task. Salafi organizations continually struggle against local political realities, and many have indeed succumbed and abandoned much of their original ideology in favor of more acceptable variants. Seen in this light, bin Laden and al-Qaeda's escalation of their violence by their targeting of Americans was a decision made to directly confront this weakness of their movement and attempt to force the Muslim community to choose sides.

Despite this evidence, not all agree that today's Islamic terrorist organizations have religion as their main motivation. While no one can deny the prolific citation of Islam by terrorist organizations, whether this citation represents the true basis for action or a secondary issue remains unresolved. Those who claim Islam does not act as the true motivation for terrorism cite two reasons: the lack of terrorism legitimacy in Islamic law and the failure of those who argue the primacy of Islam to put the movement in its proper context. More specifically, those who blame the religion fail to take into account the role of modernization in alienating and therefore radicalizing a segment of the Arab population, with terrorism its most extreme form of expression. Within Islamic terrorism today, we see that this alienation, the result of a resistance to Western secularism and progressive ideas, trumps religious positions in explaining the violent uprising of terrorist organizations.

The first reason given for a nonreligious motivation is that terrorist attacks are explicitly against Islam. Despite proclaiming adherence to the Quran and Islamic law, Islamic terrorist groups also disregard that law with impunity.²⁰ Islamic law specifically forbids activities such as attacks on women and children, yet attacks from Bali to New York involved women and children. After the September 11 attacks, Muslims

ranging from government officials to religious scholars all denounced the killing of innocents by al-Qaeda.²¹

One reason there is much opposition to Islamic terrorist operations by Muslim scholars is due to the inaccurate use of Islamic law in describing their actions. First among criticisms of terrorist actions is the use of attacks on women and children. But other terrorist actions and rhetoric also indicate a lack of support for many terrorist beliefs. Scholars point to flaws in terrorist interpretations of jihad, arguing that Islamic law allows jihad to be nothing but a regular war.²² Terrorist attacks such as those carried out by various Islamic groups in Israel, and attacks such as those seen within the United States are not the type of warfare justified under jihad according to these scholars. Only “traditional,” army-against-army warfare is allowed. Furthermore, bin Laden’s categorization of an invited United States presence in Saudi Arabia as a crusader invasion also lacks support in Islamic law.²³

Historical evidence also supports the belief that terrorist attacks are not founded in Islam. The mass killing of innocents by terrorist groups is unparalleled in Islamic history.²⁴ Historical groups, such as the Assassins of the twelfth through thirteenth centuries, attacked specific leaders and did not attack the masses.²⁵ The lack of any justification for terrorist attacks before the Iranian Revolution leads some to believe terrorism is not the necessary part of Islam claimed by its leaders.

Finally, the religious credentials of those claiming terrorist attacks are a necessary requirement of jihad are often suspect. While many non-violent Islamic scholars hold advanced degrees from the most prestigious Islamic universities, many who support terrorist acts are self-taught and have little formal religious training.²⁶ Osama bin Laden lacks any formal religious training. As a result, there is no requirement that Muslims adhere to any *fatwa* issued by him, inherently limiting his ability to gain followers in the broader Muslim community.²⁷ This credibility gap between violence-critical and violence-condoning scholars indicates that religion is not a basis for attacks, and Islam is not a true motivation for terrorist attacks.

This nationalistic logic exists not merely at an individual level, but also at the leadership level. One of the first major figures in modern Islamic terror and jihad was Ayatolla Ruholla Khomeini, the leader of Iran’s Islamic revolution. Khomeini was the first truly eminent religious figure to lend Islam terrorism his authority.²⁸ Khomeini rallied Iran’s youth to overthrow the shah and establish an Islamic state. In motivating his revolution, however, Khomeini relied much more on a nationalistic basis than on an Islamic basis. Khomeini’s main criticism of the Shah was his willingness to allow the West to dominate “our land.”²⁹ Iran’s revolution was a rejection of Western domination of Iran, where the concept of a “return to Islam” is directly linked to the goal of overcoming foreign domination.³⁰

Justification for Islamic terrorism is often asserted in traditional religious views of a separation of infidel and believer, with the need for jihad against infidels. A closer look, however, reveals that these names are used merely as covers for nationalistic motivations. While the names are religious, they are not used in a religious context but instead are used as labels for nationalist concepts. The Hamas charter, for example, fuses the distinction of believer and infidel with that of the oppressed and the oppressor.³¹ Hamas describes how a martyr is one that dies liberating the land, tying together the idea of a believer and a nationalist.

The idea of fighting Western domination is a common theme among those favoring a nationalistic explanation for Islamic terrorism. Islamic terrorism represents an “inferiority complex,” where terror spawns from a resentment of Western powers that both set the global agenda and interfere directly with Middle East affairs.³² While anger and resentment still exists from the colonial period, a newer form of resentment now grows. Westernization and the push for modernization now loom as a new form of Western dominance over the Middle East and are viewed as a form of neocolonialism.³³ Terrorist groups exist as a direct result of this domination and operate with the goal of protecting their lands from foreign influence.

Data Analysis

When considering the root causes of what is commonly referred to today as “Islamic terrorism,” there exists a considerable amount of data suggesting that it is indeed religion that is the prime motivation behind many contemporary terrorist organizations. This claim is backed up by a body of historical evidence tracing the development of Islamic terrorist groups, as well as the rhetoric published as part of their recruiting and propaganda efforts. As John Voll points out, since the end of the Cold War the world has entered an era of globalization, or “postmaterialist global civil society,” in which religion, and the

struggle for the religious future of the world, has become a prime motivating factor for violence around the world. As he states, “Bin Laden and al-Qaeda are not simply mindless religious fanatics or anachronisms. Instead, they represent the extremes that can emerge in the new age of desecularized modernity and social movements of protest and revolution that are organized as networks and frame their message in ways that are congruent with the age of the ‘resurgence of religion.’”³⁴

Modern Islamic terrorism, while a phenomenon that is really only about twenty years old in its current manifestation, has a history that can be firmly rooted in fundamentalist doctrine. In particular, the Salafi movement, as it was mentioned above, which emerged during the late nineteenth century, has inspired many fundamentalist terrorist organizations (al-Qaeda, Hamas, and the Islamic Jihad just to name a few). Salafism is not, and never was, a monolithic movement, but rather a broad philosophy that called for a return to the ideals preached by Muhammad himself, and conversely a rejection of all religious impurities that have accumulated over time.³⁵ Out of this movement emerged a radical sect, called to jihad by the war in Afghanistan and further radicalized by an American presence in the Middle East and continuing support of Israel. These “jihadist Salafis” combine the strict interpretation of Islam with an emphasis on jihad, the latter something that the majority of Salafis reject.³⁶ Many of those who were involved in Afghanistan as part of the call to jihad were convinced to extend their fight and became the core of a kind of “nomadic jihad.” Spurred on by the preaching of jihadist Salafi leadership, these warriors took the fight to wherever they were needed, many joining with terrorist groups, including bin Laden’s al-Qaeda.³⁷

The claim that the terrorist movements can be explained in religious terms is further supported by the rhetoric put forth by the leadership that has emerged from this relatively recent jihadist Salafi movement. As a preface, it should be noted that religious scholars play a very important role in the Islamic community, one of interpreting sacred texts and determining how they will reflect upon everyday rituals and practices.³⁸ Radical sheiks, Osama bin Laden the most notorious example, while dismissed by most within the Islamic community, have gained their followings and justified their calls for jihad by reinterpreting the Quran and other religious texts. This redirection was accomplished on many fronts and even includes justifications for targeting civilians. Al-Qaeda believes that the West has intentionally harmed Muslim civilians, so in turn they call for reciprocal violence against Western civilians:

It is allowed for Muslims to kill protected ones among unbelievers as an act of reciprocity. If the unbelievers have targeted Muslim women, children, and elderly, it is permissible for Muslims to respond in kind and kill those similar to those whom the unbelievers killed.³⁹

In his *fatwa*, or religious ruling, issued in February 1998, it is even more clear the extent to which bin Laden grounds his motivations in Islamic theology:

The ruling to kill the Americans and their allies – civilians and military – is an individual duty for every Muslim who can do it in any country in which it is possible to do it, in order to liberate the al-Aqsa mosque and the Holy Mosque from their grip, and in order for the armies to move out of all the lands of Islam, defeated and unable to threaten any Muslim. This is in accordance with the words of almighty God, “and fight the pagans all together as they fight you all together,” and “fight them until there is no more tumult or oppression, and there prevail justice and faith in God.”⁴⁰

Even though secular goals are articulated here, namely the removal of American troops from Saudi Arabia, motivation can be seen as coming from his radicalized interpretation of Islam and his view that his religion requires him to liberate his land from the hands of occupying forces. Thus, as some argue, religion plays a primary role for these terrorist groups because it provides the institutional framework from which violence can be rationalized and justified, even if it appears to be targeting non-combatants, or transferred to what we might see as secular goals.

Finally, this idea of religion as the prime motivating factor can be further substantiated by looking at other terrorist organizations around the world that claim religious inspiration for their actions. As just one example, the Christian Identity movement in the United States exhibits a great deal of similarity with fundamentalist Islamic terrorism inasmuch as it represents a desperate attempt to cling to the past, rejecting the present as somehow religiously contaminated.⁴¹ Furthermore, the rhetoric that emanates from Islamic terrorism calling for a “holy war” against all non-believers has similar manifestations within the white

supremacist world. For example, an Aryan Nation publication reads: "We believe there is a battle being fought this day between the children of darkness (today known as Jews) and the children of light (God), the Aryan race, the true Israel of the Bible..."⁴² The parallels in the rhetoric show that while Islam as a particular religion certainly should not be vilified for creating terrorists, religion in general can certainly provide a powerful motivating force.

While turning to religion to explain the terrorism we see today emanating from the Middle East is certainly not without a basis in truth, its major drawback is its failure to put the movement in its proper cultural, political, social, and economic perspective. To focus too closely on religion risks losing sight of the big picture. Indeed, an alternate view of Islamic terrorist groups indicates a far different basis than religion. While the use of religion and religious rhetoric by such groups cannot be denied, the true basis of these organizations lies outside the religion they cite. Far more important to Islamic terrorist groups are the internal and external conflicts specific to modernization. What we will see is that religious interpretation does play an important role, but instead of a driving force it acts as a prism through which conflict is seen and therefore how the reaction is framed.

The perils of modernization explain the true motivation for Islamic terrorist groups, in that the process of modernization itself is a deeply traumatic one within a society. The utopian worldview presented by Islam is an attempt to resist this progression. The Middle East today finds itself "mired in the modernization process," and like every other place in the world that has faced a similar transition, it is finding the process traumatic and violent.⁴³ Islamic terrorist groups represent a desire to end this modernization process, which challenges political, cultural, and religious beliefs held for centuries. Backlash against these changes does not represent a religious outburst but instead shows a reactive stance against modernization.

A brief look at history will show that even "successes" in modernization produced unthinkable violence. Present-day Europe faced its crisis in the middle of the twentieth century with the aftermath of World War I, the Great Depression, and the rise of fascism. The same war allowed the Bolsheviks to rise to power in Russia, and famine, governmental collapse, and Japanese invasion created conditions for the rise of Mao. What we see is that the attraction of these utopian nationalist visions is strongest when economic, political, and social devastations converge. One answer that has been put forward in the Middle East is the vision of the Salafi movement, which blames modern troubles on religious pollution of the *umma* over the centuries and seeks its solution in the consolidation of the entire Muslim community under its own strict brand of *shari'a*. Nationalism is condemned as idolatry, but clearly the fierce nationalism that the modernization process elicited in Europe and Asia not long ago is being called upon once again, although it has been transformed and assimilated into the fundamentalists' fiery rhetoric.⁴⁴

The key aspect of Islamic terrorism lies in this reactive nature. Islamic terror against the West has been prominent for merely the second half of the 20th century and beginning of the 21st, despite thousands of years of Islamic history. The campaigns waged by groups like Hamas, al-Qaeda, and others have been specifically reactive campaigns. Hamas's charter notably focuses its attention on the destruction of the Palestinian state by Israel, commenting, "The Islamic Resistance Movement is a distinctively Palestinian movement. It gives its loyalty to God, it adopts Islam as its way of life, and it strives to raise the banner of God over every inch of Palestine," and, "The movement thus teaches the banner of God over (Palestine) and wage jihad."⁴⁵ The charter outlines the reactive nature of the group's existence; by focusing much of its existence on the reclamation of Palestine, it indicates its true motivations do not lie in religion. Those motivations instead lie in the Western entrance into Arabic lands via the establishment and support of Israel.

The establishment of other Islamist terrorist organizations can also be attributed to reactive response to the particulars of modernization. As Lisa Weeden explains, "Islamicism has become a coherent anti-imperialist doctrine and a way of re-establishing community."⁴⁶ The formation of Islamist terror groups occurred because of the loss of community due to the cultural imperialism of the West. Absent Western attempts to change and "modernize" the culture as a whole, such groups would have no motivation to strike out at the West. Mahmood Mamdani cites former president of Human Rights Watch Aryeh Neier who claims, "The problem is larger than Islam...It lies with tribalists and fundamentalists, contemporary counterparts of Nazis, who have identified modernism as their enemy."⁴⁷ These important issues of community and modernization establish that the existence of Islamic terrorism has a reactive basis, grounded in the cultural intrusion of the West in the Arab world.

Bernard Lewis explains further that the struggle is against both secularism and modernism. In particular, he points out that the war against modernity is directed at the process of change that has,

“Transformed the political, economic, social, and even cultural structures of Muslim countries.”⁴⁸ For most in the area, Western-style economic methods, political institutions, and even warfare brought defeat. As the West continually dominated the Arab world, from domination of the world to an invasion of foreign leaders in their own countries to emancipated women and rebellious children in their own homes, an outbreak of rage against these forces became the basis for Islamic terrorist organizations.

The institutionalized despair that was engendered by centuries is exacerbated today by specific internal problems. The Middle East today, like most of the Third World, is experiencing a tremendous population boom, with two-third of the populace under age thirty and half under twenty. Economically, massive unemployment plagues this youth, and the cities are overcrowded and crumbling. The leaders of the nations in the regions are almost entirely unelected, and the youth have received just enough education to be unsatisfied with this.⁴⁹ Not surprisingly, this is the demographic from which we see the terrorist leaders appearing.

Though not causes of the modern Islamic terrorism at its most fundamental level, many of the points relating to culture by apologists for the “clash of civilizations” concept do play an important role in how the violence is manifested. Barry Rubin describes the importance placed on culture by many in the Middle East, pointing out, “Arabs and Moslems consider their societies and religion better than those of the West on theological and historical grounds.”⁵⁰ He goes on to explain that the culture of the West is viewed as materialistic, willing to exploit others, and reckless with vengeance. Georgii Mirskii expands on this idea by explaining, “Islamism expresses an inferiority complex,” that exists because of, “the sense that the world system is unjust...in which the tone is set by the ruling circles of the ‘great Western powers’, yesterday’s colonizers and imperialists who look down on members of the Third World countries.”⁵¹

This exists because, as Rubin states, “Modern history has been a humiliation for (Arabs and Moslems). If western exploitation has been at fault and some regimes are perfidious accomplices, the answer is a revolution to throw out the traitors and solidarity in confronting the powerful foreigners and their remaining lackeys.”⁵² Islamic terrorist organizations place the fault for the state of their societies and cultures squarely at the feet of an exploiting Western culture. Organizations such as al-Qaeda preach action against not merely the West, but also countries such as Saudi Arabia, a secular government that accepts Western troops and money.

Evidence from terrorist training camps supports the claim that religion is not the true motivation for Islamic terrorist groups. Steven Schwartz interviewed several individuals who had been through Islamic training camps, and his findings show little religious backing within these organizations. Interviews show that political and cultural messages are far more predominant in the indoctrination of future terrorists than religious messages.

Hadoyberda Aripov spent six years in the Islamic Movement of Uzbekistan (IMU), a major al-Qaeda ally. When talking about the IMU leaders, Juma Namangani and Tahir Yuldash he declared, “They are not Muslims.”⁵³ He explained that the training included very little about religion, and that the leaders, “Interrupted us at prayers, laughing and joking about us.”

Saidakbar Oppokhodjaye, 35, joined the radical Islamist group Hizb ut-Tahrir (i.e., Liberation party), known as HT, in order to learn more about the faith into which he was born. Once joining the group, however, he found that while early lessons involved Islam, “it soon became obvious religion was not their real interest. Rather, they preached opposition to the government. We thought the political teaching was only part of the instruction, but we soon saw everything turn to politics and calls for the overthrow of the government in Uzbekistan.”⁵⁴ While religion is used in the recruitment and propaganda for terrorist organizations like HT, the true motivation for the groups lies in a political and cultural realm. Religion provides some cultural basis and a method for appealing to constituents, but is clearly not the true basis for their existence.

Conclusion

From the analysis provided above, we see that at the highest level, modern Islamic terrorism can be seen as a specific response to a general trend of modernization in the Middle East. Watching their cities crumble, their economies flounder, and their unelected leaders offer no answers, the fundamentalist movement that has its roots in the Salafi teachings during the waning years of colonialism offers the disillusioned populace a ray of hope through its utopian rhetoric and promises of a return to primacy for the Middle East, and in particular the Muslim world. By framing their causes in religious and culturally-specific terms, terrorist organizations such as al-Qaeda and Hamas are able to recruit members willing to

sacrifice their mortal selves because their causes both reach to a future beyond the present generations and promise rewards greater than any on Earth.

Understanding that religion is not the true basis for Islamic terrorism, we see several important implications. While we note that religion is a very important factor in the recruitment of members to terrorist organizations, the formation of Islamic terrorist groups occurs for other political and cultural reasons. This indicates that Islamic terrorist groups are not a unique type of terrorism, but are instead bound by the same forces that limit the activities of other terrorist organizations. In other words, their attacks must not serve to push them out of step with their constituents who provide them with support.⁵⁵

This view has critical implications for how we should interpret the actions of individual terrorist organizations that claim Islam as their driving force. As terrorist tactics have largely failed to achieve any of their stated goals, we see groups going in one of two directions in order to maintain their constituents and prolong their existence. The first type, of which Hamas is a prime example, is made up of those organizations whose leadership has chosen reform. Hamas has its roots in Salafi fundamentalism, and therefore nominally rejects secular nationalism on the grounds that it constitutes idolatry, as explained above; however, faced with its failure to help unite the *umma* under fundamentalist doctrine, the leadership of Hamas decided to declare Palestinian statehood as critically important to the good of the *umma* as a whole. If it had not made this doctrinal change, and instead stuck with its original rhetoric, Hamas would have been forced to declare the secular leadership of the Palestinian Authority as apostates, which would have brought to a swift conclusion any political relevance they had left.⁵⁶

The second reaction by terrorist organizations to their imminent loss of constituencies was to ratchet up the violence in an attempt to illicit violent responses from the West, therefore forcing the Muslim world to choose sides actively instead of trying to navigate some type of middle road. The Salafi jihad had successfully implemented *shari'a* law in the form of the Taliban in Afghanistan and with the government of Sudan, but its failure to both unite the classes behind the movement at home and successfully implement *jihad* in conflicts such as Algeria and Bosnia led bin Laden and the al-Qaeda leadership to take a completely different course of action. Instead of grudgingly accepting some level of political reality like Hamas, al-Qaeda chose "raw terrorism in its most spectacular and destructive form."⁵⁷

The model for modern Islamic terrorism outlined above also has implications for United States foreign policy. Most generally, what is called for is a reframing of the current war on terror to address specifically the root causes of the movements. The Administration's current stance publicly divides the world into two camps, those "with us or with the terrorists."⁵⁸ This Manichean worldview risks alienating the moderate Muslim population in the Middle East, which is in general much more sympathetic to American political and cultural values than most believe, and in doing so providing groups like al-Qaeda with fresh constituents, thus perpetuating the cycle of terror. Furthermore, peaceful Islamic movements, such as Pakistan's Tablighi Jamaat, Egypt's mainstream parliamentary party, and the Muslim Brotherhood must be actively courted so they do not radicalize.

The United States must also address more seriously the legitimate grievances cited by terrorists and non-terrorists alike. More resources must be dedicated to the peaceful solution to the seemingly unending Israeli-Palestinian conflict. The myopia of U.S. energy policies in the Middle East also deserve attention, as the regional oil wealth has done more to fund radical teachings and terrorist organizations than just about anything else.⁵⁹ Finally, the United States must develop a tenable solution to the disastrous occupation of Iraq, as a continuation of current policy risks radicalizing many within the *shi'ia* majority who initially welcomed our arrival.

Through its recent actions of reform and desperate escalation, the modern movement of Islamic terrorism that grew out of the early days of Qutb and Salafism and peaked with its successful *jihad* in Afghanistan followed by the installation of the Taliban has shown that it is not long for this world. The "bearded generation" that fought in the nomadic *jihad* is dying off; the new generation has shown its willingness to embrace democratic values. It is up to the United States to foster these sentiments and lead the Middle East on the path to a prosperous modernization.

- ¹ Harris, Dan. "A New Crusade?" *ABC News*, 18 Nov 2002. Available on the World Wide Web: (http://abcnews.go.com/sections/wnt/DailyNews/evangelical_christians021118.html).
- ² Ibid. The numbers cited represent two polls conducted by ABC News/Beliefnet in January and November, 2002.
- ³ Ford, Peter. "Europe Cringes at Bush 'Crusade' Against Terrorists." *Christian Science Monitor*, 19 Sept 2001. Available from the World Wide Web: (<http://www.csmonitor.com/2001/0919/p12s2-woeu.html>).
- ⁴ Denooux, Guilain. "The Forgotten Swamp: Navigating Political Islam." *Middle East Policy* 9 no. 2 (June 2002): 56-81.
- ⁵ Doran, Michael Scott. "Somebody Else's Civil War." *Foreign Affairs* 81 no. 1 (2002): 22-42.
- ⁶ Boroumand, Ladan and Roya Boroumand. "Terror, Islam, and Democracy." *Journal of Democracy* 13 no. 2 (2002): 5-20.
- ⁷ Knapp, Michael G. "The Concept and Practice of Jihad in Islam." *Parameters* (Spring 2003): 82-94.
- ⁸ Waldman, Peter. "A Historian's Take on Islam Steers U.S. in Terrorism Fight." *The Wall Street Journal*, 3 Feb 2004, Section A.
- ⁹ Norris, Pippa and Ronald Inglehart. "Islamic Culture and Democracy: Testing the 'Clash of Civilizations' Thesis." *Comparative Sociology* 1 no. 3-4 (2000): 235-263.
- ¹⁰ Ranstorp, Magnus. "Interpreting the Broader Context and Meaning of Bin-Laden's *Fatwa*." *Studies in Conflict & Terrorism* 21 (1998): 321-330.
- ¹¹ Al-e Ahmad, Jalal. *Plagued by the West*. New York: Columbia University Press, 1963.
- ¹² Hanson, Brad. "The 'Westoxication' of Iran: Depictions and Reactions of Behrangi, A I-e Ahmad, and Shariati." *International Journal of Middle East Studies* 15 no. 1, (1983): 1-23.
- ¹³ Nettler, Ronald. "A Modern Islamic Confession of Faith and Conception of Religion: Sayyid Qutb's Introduction to the Tafsir, fi Zilal al-Quran." *British Journal of Middle Eastern Studies* 21 no. 1 (1994): 102-114.
- ¹⁴ Ranstorp, Magnus. "Terrorism in the Name of Religion." *Journal of International Affairs* 50 no. 1 (1996): 41-62.
- ¹⁵ Denooux.
- ¹⁶ Roy, Sara. " Hamas and the Transformation(s) of Political Islam in Palestine." *Current History* 102 no. 660 (2003): 13-20.
- ¹⁷ Esposito, John L. *Unholy War: Terror in the Name of Islam*. New York: Oxford University Press, 2001.
- ¹⁸ Fuller, Graham E. "The Future of Political Islam." *Foreign Affairs* 81 no. 2 (2002): 48-60.
- ¹⁹ Doran, Michael Scott. "Somebody's Else's Civil War." *Foreign Affairs* 81 no. 1 (2002): 22-42; Mamdani, Mahmood. "Good Muslim, Bad Muslim: A Political Perspective on Culture and Terrorism." *American Anthropologist* 104 no. 3 (2002): 766-755.
- ²⁰ Doran, Michael. "The Pragmatic Fanaticism of al Qaeda: An Anatomy of Extremism in Middle Eastern Politics." *Political Science Quarterly* 117 no. 2 (2002): 177.
- ²¹ Wiktorowicz, Quintan and John Kaltner. "Killing in the Name of Islam: Al-Qaeda's Justification for September 11." *Middle East Policy* 10 no. 2 (2003): 76.
- ²² Boroumand and Boroumand, 12.
- ²³ Ibid., 12.
- ²⁴ Ibid., 6.
- ²⁵ Rapoport, David C. "Fear and Trembling: Terrorism in Three Religious Traditions." *American Political Science Review* 78 no. 3 (1984): 658-677.
- ²⁶ Wiktorowicz and Kaltner, 81.
- ²⁷ Ranstorp, Magnus. "Interpreting the Broader Context and Meaning of Bin-Laden's *Fatwa*." *Studies in Conflict and Terrorism* 21 (1998): 321-330.
- ²⁸ Boroumand and Boroumand, 9.
- ²⁹ Munson, Henry. "Islam, Nationalism and Resentment of Foreign Domination." *Middle East Policy* 10 no. 2 (2003): 42.
- ³⁰ Ibid., 43.
- ³¹ Ibid., 45.
- ³² Mirskii, Georgii I. "'Political Islam' and Western Society." *Russian Social Science Review* 44 no. 3 (2003): 69.
- ³³ Knapp, Michael G. "The Concept and Practice of Jihad in Islam." *Parameters* (Spring 2003): 85.

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- ³⁴ Voll, John. "Bin Laden and the New Age of Global Terrorism." *Middle East Policy* 8 no. 4 (2001): 1-5.
- ³⁵ Denooux, Guilain. "The Forgotten Swamp: Navigating Political Islam" *Middle East Policy* 9 no. 2 (2002): 56-81.
- ³⁶ Ibid.
- ³⁷ Wiktorowicz, Quintan. "The New Global Threat: Transnational Salafis and Jihad." *Middle East Policy* 8 no. 4 (2001): 18-38.
- ³⁸ Wiktorowicz and Kaltner, 76-92.
- ³⁹ As quoted in Wiktorowicz and Kaltner, 87.
- ⁴⁰ bin Laden's *fatwa* as quoted in Ranstorp, 321-330.
- ⁴¹ Sharpe, Tanya Telfair. "The Identity Christian Movement: Ideology of Domestic Terrorism." *Journal of Black Studies* 30 no. 4 (2000): 604-621.
- ⁴² Hoffman, Bruce. "'Holy Terror': The Implications of Terrorism Motivated by a Religious Imperative." *Studies in Conflict and Terrorism* 18 (1993): 271-284.
- ⁴³ Richards, Alan. "At War with Utopian Fanatics." *Middle East Policy* 8 no. 4 (2001): 5.
- ⁴⁴ Ibid., 7.
- ⁴⁵ Hamas's charter, as republished in Munson, 42.
- ⁴⁶ Weeden, Lisa. "Beyond the Crusades: Why Huntington, and bin Laden, are Wrong." *Middle East Policy* 10 no. 2 (2003): 56.
- ⁴⁷ Mamdani, 766.
- ⁴⁸ Lewis, Bernard. "The Roots of Muslim Rage." *Atlantic Monthly* 266 no. 3 (September 1990): 47.
- ⁴⁹ Richards, 6.
- ⁵⁰ Rubin, Barry. "Pan-Arab Nationalism: The Ideological Dream as Compelling Force," *Journal of Contemporary History* 26 no. 3 (1991): 536.
- ⁵¹ Mirskii, 69.
- ⁵² Rubin, 536.
- ⁵³ Schwartz, Stephen. "Escape from al Qaeda: Debriefing Former Terrorists-in-Training." *The Weekly Standard* 9 no. 17 (2004): 1.
- ⁵⁴ Ibid.
- ⁵⁵ Gurr, Ted Robert. "Terrorism in Democracies: When it Occurs, Why it Fails." in *The New Global Terrorism: Characteristics, Causes, Controls*, ed. Charles W. Kegley Jr. Upper Saddle River, NJ: Prentice Hall, 2000.
- ⁵⁶ Doran, 35.
- ⁵⁷ Gilles, Kepel. *Jihad: The Trial of Political Islam*. Cambridge: Harvard University Press, 2002, 14.
- ⁵⁸ Fuller, 59.
- ⁵⁹ Richards, 8.