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Fall 2013 Volume 15

Editors: Christopher Newman, Elgin Community College
Marjorie Newman, William Rainey Harper College

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From the Editors:

It is with great satisfaction that the 2013 volume of the Illinois Political Science Review is released. This is the first volume under our editorship, and it is with a sense of accomplishment that it is officially presented, albeit belated. As it is known, the Board of the Illinois Political Science Association agreed to publish the IPSR every odd year as a biennial journal. This is intended to allow for more effective peer reviewing and examination of more submissions from our colleagues. The IPSR is an entirely voluntary production, and the two-year cycle will allow for fairer and more comprehensive review. It also opens the door for some even year special-themed editions that may be exciting opportunities for my colleagues to interact on a single topic.

We are grateful for the many manuscript submissions by the scholars and have remorse that not all of the manuscripts could be published that were submitted by the scholars. Furthermore, we would like to extend another round of thanks to the peer reviewers who dedicate their valuable time to read and comment on the manuscripts submitted. Their work on the manuscript not only make it easier on the final production but hopefully also make my colleagues' academic work stronger.

As editor, it is a goal to continue to provide a mix of political science fields for the readers and the important Illinois taste in either in article topic or authors. I look forward to future issues of the IPSR and am certain that the annual Illinois Political Science Association Conference will continue to provide high quality scholarship for publication. Information about the upcoming conference may be obtained from any of the officers listed in the closing pages. Enjoy.

Christopher Newman, Elgin Community College
Marjorie Newman, William Rainey Harper College

Fall 2013 Volume 15 Contributors

Mary Bruce is a faculty member at Governors State University. She has recently done research in both practical policy implementation and more theoretical analysis involving the theory of complex systems as applied to public administration.

Craig Curtis is an Associate Professor of Political Science at Bradley University. In the last few years, Dr. Curtis's research interest has turned to the Fourth Amendment. He has published three articles on the judicial impact of the Arizona v. Gant decision recently and has a couple of book chapters in progress on workplace privacy and the use of data from electronic devices by the police. As of the fall of 2012, he has papers in progress or under review on the issue of redistricting and the role that bureaucratic development plays in democratization.

Connie James-Jenkin is the Collection Development and Reference Librarian at the Illinois Math and Science Academy. Ms. James-Jenkin received her Bachelor of Arts in History and her Master of Arts in Library and Information Studies from the University of Wisconsin, Madison. She has been instrumental in developing innovative joint ventures between reference librarianship and classroom instruction.

Naser L. Javaid is an Assistant Professor of Political Science at Roosevelt University. Professor Javaid's teaching and research interests focus on American public law, political institutions, and research methodology. His past research includes projects that examine inter-institutional interaction between the U.S. Supreme Court and U.S. Congress and party pressure in Congress on religious and moral policy votes.

Michael J. Kittleson is a student at the University of Washington School of Law, where he has recently been appointed to the Moot Court Honor Board.

Major Jason McClure is faculty member in the Department of History at the United States Air Force Academy. His areas of concentration are in Latin America and Military History.

Mary Price is a faculty member at the College of Lake County. Her research interests have included analysis of the historic sources of present day context and conflict, most recently in studies of the Middle East.

Major Eric D. Roehrkasse is a faculty member in the Department of History at the United States Air Force Academy. His areas of concentration are in U. S. Foreign Relations and Military History. "Studying diplomatic history not only enables me to make a positive impact on Academy students; it also allows me to analyze my military - especially deployment - experiences in context."

Ribhi I. Salhi is a faculty member of the Department of History and Policy Studies at Oakton Community College. His research interest is in social revolutions, global violence, Muslim and Arab Comparative Politics and U.S. Foreign Policy.

Ira Smolensky is a Professor of Political Science at Monmouth College. In addition to teaching an array of courses (all of which attempt to apply political philosophy to real life politics), Ira Smolensky has research interests in Political Philosophy and Public Policy, Popular Culture Foreign Policy, and Democratic Theory and Utopian (& Dystopian) Literature.

The South Atlantic War: Decision-Making and Prospect Theory

Jason McClure, United States Air Force Academy

Introduction

On April 2, 1982, Argentina, governed by a military junta, surprised the international community by launching an invasion of the Falklands/Malvinas Islands in the South Atlantic.¹ The junta planned the invasion as a “touch and go” operation, intending to occupy the islands for a short period of time and force the British to the negotiating table.² However, the British responded by sending a large naval task force to reclaim the islands and following brief but intense combat operations the Argentines surrendered. The military was fully discredited, and had no choice after the war but to announce plans for a return to democracy the following year.

Contemporary analysis tends to view the invasion as a scapegoat for the military regime in order to bolster nationalism throughout Argentine society and divert attention away from the junta’s failing national reorganization plan, the *Proceso de Reorganización-Nacional*. However, such analysis is risky, for it ignores key problems in the international system representing a rift between the developed and developing worlds. This paper will seek to analyze the Falklands/Malvinas War from the broad context of international relations by looking at the specific intentions of the Argentine government through the lens of prospect theory. It will demonstrate that the regime launched the invasion in response to its perception of losses in the international arena, not in an attempt to win support from domestic audiences. However, once the invasion was a *fait accompli*, the regime found itself domestically cornered by its success, and forced to fight to retain gains it had achieved. Misperception as to Argentina’s motivation demonstrates that the international system does not understand the weight developing nations attach to political/military objectives. This is

¹ The Falklands/Malvinas are located roughly 400 miles off the Argentine coast in the South Atlantic. They belong to the British, but were claimed by the Argentines, dating back to the collapse of the Spanish empire in the early 19th century.

² According to Nicanor Costa Méndez, foreign relations minister under the junta, the aim of the invasion was not a military conquest but to redirect attention to the Argentine claim in light of failing international negotiations. This is confirmed by numerous sources. Admiral Jorge Anaya, commander of the Argentine navy and General Mario B. Menéndez, appointed military governor of the islands, both substantiate that the initial intent of the invasion was not war, but an increased negotiating position. Sources as cited by John Arquilla and María Moyano Rasmussen, “The Origins of the South Atlantic War,” *Journal of Latin American Studies* 33 (2001): 739-771. Nicanor Costa Méndez, *Malvinas: ésta la historia* (Buenos Aires: Sudamericana, 1993), Mario B. Menéndez and Carlos Túrolo, *Malvinas: Testimonio de su Gobernador* (Buenos Aires: Sudamericana, 1983), Nora A Femenia, *National Identity in Times of Crisis: The Scripts of the Falklands-Malvinas War* (Commack: New York: Nova Science Publishers, 1996), 92-95.

dangerous. If developed and developing nations have different perceptions about the relative weight of gains and losses in international fora, then a strong potential exists for conflict, as seen in 1982.

Background- Argentina.

Argentina is unique in Latin America in both self-perception and outlook, based largely on its historical greatness and decline in the 20th century. Growing exponentially through the 19th century, Argentina was among the world's most advanced nations by the early 20th century. By 1914 Buenos Aires had grown to be the second largest city on the Atlantic seaboard, with grand architecture and infrastructure matching European capitals. Ranking among the world's top exporters³, Argentine per capita GDP matched that of Germany, surpassing Spain, Italy, Sweden, and Switzerland. But starting in the late 1920s, Argentina entered a decline in prosperity, and since the 1930s has endured a rollercoaster ride of economic performance. Following the worldwide depression of the 1930s, Argentina endured cycles of boom and bust as regimes and economic models changed, falling from the position of a rising world power to a third world nation in the span of sixty years.

Another historical dilemma facing Argentina in the lead up to the South Atlantic conflict was the national perception of territorial boundaries, which presented the nation with an unusual dichotomy. Looking upon its own history, Argentina viewed its territorial boundaries as constantly eroded. Following independence from Spain, the nations of South America consolidated borders. As the center of the Spain's La Plata viceroyalty, Argentina's perceived "right" to the lands of La Plata came under attack as it lost land to newly forming nations. This trend continued into the 20th century through numerous border disputes with its neighbors. Gallup polls conducted in 1985 indicated that as many as 74% of Argentines queried believed that Argentina had lost territory throughout its history, a perception which increased with higher levels of education, highlighting the role of the educational system in perpetuating this perception. Argentina's

³ Argentina ranked number one in the export of corn, second in wool, and third in live cattle and horses. Argentine turn of the century performance data from: David Rock, *Argentina 1516-1982 From Spanish Colonization to the Falklands War* (Berkeley: University of California Press, 1985), 172-173.

interpretation of its own territory created a tendency to view national boundaries in terms of loss, a trend highlighted by a 1992 study of Argentine history textbooks.⁴

Despite this perception, Argentina began adding territory to its collective conscience as the 20th century progressed. Between 1920 and 1950, Argentina's official interpretation of its territorial limits grew. Through new territorial claims, Argentina "added" significant tracts extending into the South Atlantic to its dominion.⁵ Though not recognized as Argentine territory outside of Argentina, this area became cemented into the minds of the population as "ours." Taken holistically, Argentina was poised to suffer a major loss should the validity of its territorial self-image come into question, as it did in the 1980s.

Argentina's status as a once great power in the early 20th century and confused sense of national boundaries combined to create a unique sense of greatness. This brand of nationalism, labeled a "national superiority complex"⁶ or "exceptionalism,"⁷ created a highly exaggerated sense of Argentina's real place in the world. Polls indicated that a majority of the Argentine population thought that the world has much to learn from Argentina, while Argentina had nothing to learn from the world. Further, Argentina was the most important country in Latin America, and deserved an important place in the world.⁸ This nationalistic sentiment must be considered when examining Argentine decision-making.

Theory

Prospect theory was developed to question rational-choice theory by stating that individuals tend to view choices in terms of relative, rather than absolute utility; viewed relative to a status quo.⁹ (Figure 1) To this status quo, decision-makers attach a perception of legitimacy; this status quo is their rightful place.

⁴ Carlos Escudé notes that "In the context of Argentina's cultural dynamics, 19th Century gains are transformed into losses, while in the 20th Century, when there were no losses or gains [before the 1970s] an imaginary territory was invented which is nonetheless computed as a gain." With this imaginary territory under threat, Argentina was poised to face major perceived losses. Carlos Escudé, *Education, Political Culture, and Foreign Policy: The Case of Argentina* (Durham: Duke-UNC Working Paper Series, 1992), 9.

⁵ According to Escudé, this imaginary territory added from 1920 through 1950 included the Argentine Antarctic sector, the South Georgia Islands, the South Sandwich Islands, and the South Orkney Islands, which are included in school texts as if they were provinces, though Argentina exercised no control over these areas, and some were the recognized holdings of other nations. From 1938 to 1948 alone, Argentina "added" 1.2 million square kilometers of territory, a figure schoolchildren began memorizing in 1947.

⁶ Escudé, *Argentine Territorial Nationalism*, 161,

⁷ Joseph S. Tulchin, "Continuity and Change in Argentine Foreign Policy", in *Latin American Nations in World Politics*, 2d ed., eds. Heroldo Muñoz and Joseph S. Tulchin (Boulder: Westview, 1996).

⁸ International Political Science Association polls conducted in 1981, 1982, and 1984, and cited in Escudé, *Argentine Territorial Nationalism*.

⁹ Daniel Kahneman and Amos Tversky, "Prospect Theory: An Analysis of Decision Under Risk," *Econometrica* 47, no. 2 (March 1979): 263-292. The initial theory has been built upon by its founders, Daniel Kahneman and Amos Tversky, "Choices, Values and Frames." *American Psychologist* 39 (April 1984): 341-350, Daniel Kahneman and Amos Tversky, "Advances in Prospect Theory: Cumulative Representation of Uncertainty," *Journal of Risk and Uncertainty* 5 (1992):297-323

Actions resulting in losses relative to one’s perceived status quo are weighed more heavily than actions resulting in gains. This “status-quo bias” has been rigorously tested.¹⁰ Gains relative to the status quo are acceptable, losses are not only unacceptable but must be recouped in order to return to the “rightful position.”

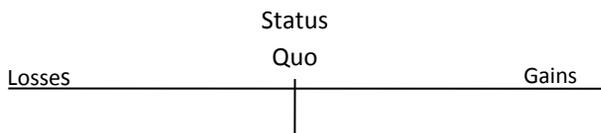


Figure 1: Gains and Losses as Relative to Status Quo

As losses loom larger than gains (Figure 2), individuals are likely to pursue risky behavior to recoup losses and return to the status quo position. However, when pursuing gains, individuals tend towards being more cautious, for fear of losing what they already have.

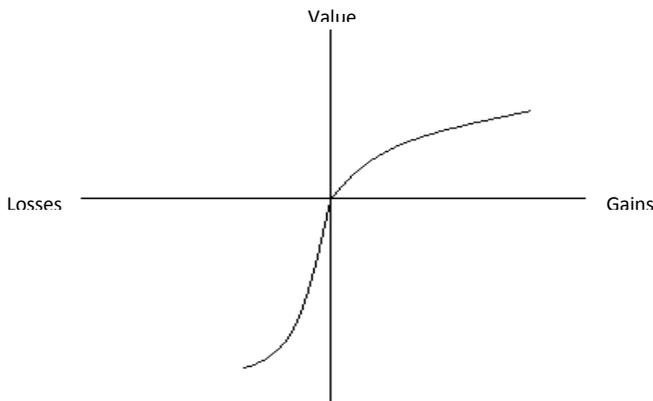


Figure 2: Prospect Theory Value Function¹¹

Another interesting phenomenon is the manner in which perceptions of status quo are updated to assimilate gains and losses, creating a basis for future decisions. Gains are swiftly assimilated and the status

¹⁰ The status quo bias was noted in William Samuelson and Richard Zeckhauser, “Status Quo Bias in Decision Making,” *Journal of Risk and Uncertainty* 1 (1988): 7-59. The bias was tested in, Jack L. Knetsch, and Richard H. Thaler, “Anomalies: The Endowment Effect, Loss Aversion, and Status Quo Bias,” *The Journal of Economic Perspectives* 5, no. 1 (Winter 1991):193-206.

¹¹ Kahneman and Tversky, 279.

quo is adjusted to accommodate them. However, decision-makers tend to update their status quo reference point regarding losses much more slowly.¹² Therefore, the losses remain more dominant, and decision-makers are more likely to seek recovering losses and returning to the status quo.¹³

These findings lead to some ultimate conclusions of risk taking propensity when facing gains and losses. Given that individuals value gains and update their reference point to assimilate gains rapidly, they are less likely to take risks when in the domain of gains. Thus, they are risk averse, and will pursue what they consider to be sure bets as opposed to risking their gains. On the converse, individuals who suffer losses and find themselves in the domain of losses are likely to pursue risk seeking behavior, due to the fact that losses loom larger than gains and that their perception of status quo updates very slowly facing losses.

This model for decision-making shall be applied to the case of the South Atlantic War in order to demonstrate that:

- 1) The typical perception of the war as a response to a declining domestic position is an inaccurate analysis.
- 2) The war included two major decisions by the junta, to invade and to stay and fight.
- 3) Both decisions were made based on a perception of loss or gain, validating the central theory.

The Invasion as a Ruse: Refuting the Common Understanding

The idea that the junta invaded the Falklands to increase domestic legitimacy is put forth by many contemporary analysts.¹⁴ Two sets of facts make this motivation appear to be dominant in the regime's decision making process, the lack of legitimacy and poor performance of the junta at the start of 1981, and the outpouring of support the invasion received in Argentine society.

¹² Richard Thaler, "Toward a Positive Theory of Consumer Choice," *Journal of Economic Behavior and Organization* 1 (1980): 39-60. Daniel Kahneman, Jack L. Knetsch, and Richard H. Thaler, "Experimental Tests of the Endowment Effect and the Coarse Theorem," *The Journal of Political Economy* 98, no. 6 (December 1990): 1325-1348.

¹³ Kahneman and Tversky, 286-287, and Kurt Weyland, *The Politics of Market Reform in Fragile Democracies: Argentina, Brazil, Peru, and Venezuela* (Princeton: Princeton University Press, 2002).

¹⁴ Arquilla and Moyano, "The Origins of the South Atlantic War," does a thorough job of discrediting this commonly held perception. Jack Levy describes the invasion as a means "to consolidate internal political position." Jack Levy, "Domestic Politics and War," in *The Origin and Prevention of Major Wars*, eds. Robert I Rotberg and Theodore K Rabb (Cambridge: Press Syndicate of the University of Cambridge, 1988), 94. Carlos Moneta describes the timing of the invasion as caused by "a sudden loss of political space for the government increasing its vulnerability" in Carlos J. Moneta, "The Malvinas Conflict: Analyzing the Argentine Military Regime's Decision-Making Process," in *Latin American Nations in World Politics*, eds. Heraldó Muñoz and Joseph S. Tulchin (Boulder: Westview Press, 1984). According to *Time Magazine*, the attack was a 'coup de théâtre designed to line up Argentine public opinion behind a faltering government.' "Gunboats in the South Atlantic," *Time* 119, no. 15 (12 April 1982), 42.

In looking at the war through the lens of history, it very much appears that this may have been the motivating factor for the decision to “recover” the islands. The regime, initially successful in its plan to reorganize Argentine society and reclaim the “greatness” of the nation, had fallen on its face. The legacy of the Dirty War was building. Opposition to the regime was increasing and becoming more public, as evidenced in March 30, 1982, when the military was forced to suppress a massive labor demonstration in Buenos Aires; the largest public demonstration since the 1976 coup. The economy had been collapsing since the end of 1979.¹⁵ Under such circumstances, it is plausible that the junta would seek a distraction for domestic audiences

Looking at the war after the fact, the rush of public support following the invasion may create the perception that the regime sought to bolster public support through invasion, though this was not its intent. Massive demonstrations took place in the streets, and the *Plaza de Mayo* became filled with flag waving citizens showing their support for the regime and invasion. Even the highly educated sectors of society showed their unconditional support. As one professor said:

“We are drunken with patriotic feelings, we are standing proud, because we are witnesses and participants of a rescue promised to the blood of our forebears. National joy is as wide as understandable.”¹⁶

Leaders of the dominant political parties¹⁷ gave consent and active collaboration to the regime in the war effort, sending missions abroad to gain diplomatic support for the Argentine position. Perhaps more telling, those who had been persecuted by the military regime gave their whole-hearted support to the regime in response to the invasion. Saúl Ubaldini, leader of the labor confederation (CGT) had been imprisoned following the March 30 labor demonstration. Yet he offered to head the union delegation traveling to the

¹⁵ Between December, 1979 and March, 1981, the total external debt more than tripled, from \$8.5 billion to \$25.3 billion, climbing to 42% of the total GDP. With massive trade deficits of over \$500 million, a currency rate that was overvalued by 70%, and interest rates to foreign creditors that could not be sustained.¹⁵ By 1982, a crisis had developed based on capital flight, worsening balance of payments deficits, and growing foreign debt increasingly held in re-negotiated short term loans with higher interest rates. The peso depreciated over 600%, the GDP fell by 11.4%, and real wages decreased by 19.2%. Statistics courtesy of Rock, 373. William C. Smith, *Authoritarianism and the Crisis of Argentine Political Economy* (Stanford: Stanford University Press, 1989, 242-255, and Guillermo A. Makin, “Argentine Approaches to the Falklands/Malvinas: Was the Resort to Violence Foreseeable?” *International Affairs* 59, no. 3 (Summer 1982), 398.

¹⁶ Miguel J. Rodriguez Villafañe, Professor of constitutional Law at Universidad Nacional de Buenos Aires, writing in *La Nación*, cited in Femenia, 96.

¹⁷ With exception of the Movimiento de Integración y Desarrollo (MID), which severely criticized the move, and a few dissenters from the UCR and the Peronist party.

islands for the inauguration of the military governor. This outpouring of popular support for the regime was enormous and motivated by nationalism. Unfortunately for the junta, it was also unexpected.

The fact is, this regime had no need to generate consensus among the Argentine population, for it was a *highly repressive* authoritarian regime. The Dirty War had created a climate of fear so strong that civil society essentially fell apart. The press was censoring itself out of fear caused by the “disappearances” of several journalists who had criticized the regime.¹⁸ As John Arquilla and María Rasmussen argue, “after 1976, military juntas could afford to govern without being liked.”¹⁹ This was apparent in their economic policies, which were carried out by implementing harsh austerity measures severely affecting the living standards of most Argentines. Yet because the military had so successfully demobilized the popular classes through fear and repression, it had no need to formulate policy to “soften the blow.” Rather, it stuck to its reform plan in spite of the social costs, illustrating both its insulation from social pressures and its determination to “stay the course.”²⁰

Arguing that the military sought to divert attention away from poor economic conditions in 1982 when it had ignored public complaints since 1976 is not plausible. President Galtieri had demonstrated in March that his regime was still one to be feared, and that the *Proceso* would continue in spite of enduring hardship. Therefore, the military was not seeking a “scapegoat” to divert public attention away from a collapsing economy, because it was generally unconcerned with public opinion or issues of legitimacy. As Joseph Tulchin puts it, “there was no formal political opposition to the regime, and there were no organized groups that systematically subjected the actions of the government to public discussion and whose criticism represented a factor that the government had to take into account.”²¹ The military decided to “recover” the Malvinas not a ruse, but as a response to a declining international position, a series of losses, which threatened the regime’s entire international policy program and the overall prestige of the nation.

¹⁸ Joseph S. Tulchin, “The Malvinas War of 1982: An Inevitable Conflict that Never should have Occurred,” *Latin American Research Review* 22, no. 3 (1987), 128. In addition to the disappearance of journalists, the regime had been known to pull issues of periodicals off of the stands or close down news organizations which had expressed opposition. The editor of the only media journal which retained an open commentary, *The Buenos Aires Herald*, was forced into exile following threats against his life. Tulchin, “Authoritarian regimes of Argentina,” 189.

¹⁹ Arquilla and Rasmussen, “The Origins of the South Atlantic War.”

²⁰ David Pion-Berlin, “The Fall of Military Rule in Argentina: 1976-1983,” *Journal of Interamerican Studies and World Affairs* 27, no. 2 (Summer 1985).

²¹ Tulchin, “Authoritarian Regimes and Foreign Policy: The Case of Argentina,” in Heraldo Muñoz and Joseph S. Tulchin, eds. *Latin American Nations in World Politics* (Boulder: Westview Press, 1984), 189.

A "Touch and Go Operation"

The junta had been seeking territorial gains since coming to power, identifying the securement of national frontiers on the Beagle Channel (with Chile) and the Malvinas (with Great Britain), as high among its stated goals in March 1976.²² The military government intended to engage the British in bilateral negotiations over the South Atlantic dispute, which had commenced in 1979. But by February 1982, it was obvious that negotiations were going nowhere. To make matters worse, the year 1983 was to mark the 150th anniversary of the British occupation of the islands, providing the possibility of an increased British sense of ownership, further reducing the Argentine bargaining position and curtailing an ultimately favorable resolution. In 1977, Argentina and Chile had nearly gone to war over islands in the Beagle Channel, following a decision in Chile's favor by the International Court of Justice awarding the islands to Chile. War was avoided with the decision to submit the case to the Vatican for Papal mediation, the results of which were expected to be released with Chile again as the victor. Finally, the regime was concerned over its claims to Antarctica. With the Beagle Channel dispute expected to end in Chile's favor, a demand by that nation of a 200 mile projection from its shores into the South Atlantic would cut off Argentina from her Antarctic claims, a concern compounded by the upcoming 1991 revision of the Antarctic treaty, jeopardizing its territorial claims to the continent.²³ Given Argentina's perception of ownership of these territories, the aggregate effect of the above events represents a major loss, which coupled with Argentina's historic perception of territorial degradation set the stage for a significant blow to the collective ego.²⁴

At this point, the junta found itself in the domain of losses internationally. It was losing prestige and territory that it felt rightfully belonged to Argentina. In order to reconcile this fact and save face, the regime engaged in risk-seeking international behavior by launching an invasion. The stated purpose of the invasion was not to initiate a war, but merely to force the British to continue negotiations and grant the Argentines an

²² Immediately following the coup in March, 1976, the junta made a series public pronouncements stating that its priorities for the nation were: elimination of internal subversion, reaffirmation of Argentine greatness, securing of national frontiers, termination of the nation's dependence on imported energy, strengthening and modernization of the nation's economy. Source: Tulchin, "Authoritarian Regimes of Argentina," 182.

²³ Virginia Gamba-Stonehouse, *International and Inter-Agency Communication Failures in the Period Previous to and During the Falkland/Malvinas War of 1982 Between the United Kingdom and Argentina*. Unpublished Manuscript, 1991. Cited in Femenia, 93.

²⁴ Carlos Escudé, "Argentine Territorial Nationalism."

“ace in hole” at the table.²⁵ While the junta did not *expect* a British military retaliation, the *possibility* existed; the regime was gambling on British indifference to the ultimate outcome of the negotiations and overall lack of resolve to reclaim the islands.²⁶

The nature of this gambling is most clearly illustrated by examining the mixed signals the regime received through recent British actions. On the one hand, the British did not appear to view a continued presence in the islands as a vital strategic interest. They had recently stated their intention to draw down their naval presence in the area²⁷ and Falkland Islanders had been denied full British Citizenship as recently as 1981.²⁸ Furthermore, the Royal Navy was undergoing a transition, reducing power-projection capabilities to focus primarily on anti-submarine warfare in support of NATO.²⁹ “If ever a nation was tired of colonial responsibility, this was it.”³⁰

On the other hand, an incident in the South Georgia Islands prior to the scheduled invasion of the islands (which moved up the timeline for the invasion) provided an indication that the British possessed more resolve than the junta anticipated. An Argentine scrap metal merchant, failing to follow all specified procedures while clearing an abandoned whaling station on the islands, raised the Argentine flag over the site during clearing operations. In response to what they considered an Argentine provocation, the British sent *HMS Endurance* and her detachment of two dozen marines to maintain a presence in the vicinity of the clearing operation as a show of force, reinforcing Britain’s ownership of the islands. In the wake of this incident, the regime must have realized that there was a better than anticipated chance that the British would respond to an invasion of the Falklands with force. This fact was made blatantly obvious the night prior to the invasion in a conversation between President Galtieri and President Reagan. Reagan told Galtieri, “If the only option is a military invasion, I *assure* you, Mr. President, that the British *will* respond

²⁵ See Moneta, 127, Femenia, 92, Pion-Berlin, 70, Makin, 403.

²⁶ Sources as cited by Arquilla and Moyano Rasmussen, “The Origins of the South Atlantic War.” Hugh Hanning. *Five Wars, One Cause: The Case for Peace Crimes Tribunals* (Tunbridge Wells: Parapress, 1996), 56, 58, Paul Sharp, *Thatcher’s Diplomacy* (New York: St. Martin’s Press, 1997), 62.

²⁷ The British had announced the planned withdrawal of *HMS Endurance* and the closure of the Antarctic Survey Station on South Georgia Island under the 1981 Defence Review.

²⁸ Under the *British Nationality Act of 1981*.

²⁹ The British defense ministry was facing massive budgetary restrictions, imposed by the Treasury and requiring reduced fuel expenditures, making a long distance naval operation unlikely. Britain’s two aircraft carriers, the *Invincible* and *Fearless* were expected to be sold to other countries.

³⁰ Max Hastings and Simon Jenkins, *The Battle for the Falklands*, 47.

militarily...Ms. Thatcher is a decisive woman and she will have no choice but to fight back.”³¹ Clearly the Argentines had enough indications to understand that despite their analysis to the contrary, there was a risk that the British would respond militarily rather than diplomatically. This was a gamble they were willing to take to recoup their perceived losses.

Why Fight a War?

On 5 April, 1982, a British Naval Task Force set sail for the South Atlantic, to enforce a 200 mile exclusionary zone around the Falklands, and re-take the islands if necessary. At this point the junta realized that their gamble had failed and that their action had provoked a military response; the stated goal of forcing negotiations was a failure. The junta found itself on the verge of going to war with one of its oldest allies and one of the most powerful nations in the world. However, the regime had cornered itself domestically, finding itself in the domain of gains among its “constituency.”

While the junta had expected some measure of public support for the invasion, the magnitude of the outpouring was quite surprising. For starters, 250,000 people crowded into the *Plaza de Mayo* on April 6, waving flags in support of the occupation. As previously stated, prisoners of the March 30 labor demonstrations volunteered to help fight for a regime they had previously denounced. Even exiled guerilla fighters volunteered to come back to Argentina and fight for this cause, in spite of the fact that repatriation would subject them to the death penalty for their prior actions. The press fueled this fervor with commentary:

“In Argentina, it is not a military dictatorship that is fighting . It is the whole people, her women, her children, her old people, regardless of their political persuasion. Opponents to the regime like myself are fighting for our dignity, fighting to extricate the last vestiges of colonialism. Don’t be mistaken, Europe, it is not a dictatorship that is fighting for the Malvinas, it is the whole nation.”³²

³¹ Transcript of a conversation between General Galtieri and President Reagan, 10:10 pm on April 1, 1982. Cited in Gary W. Wynia *Argentina: Illusions and Realities* (New York: Holmes & Meier, 1986), 15 citing O.R. Cardoso, R. Kirschbaum and E. Van Der Kooy, *Malvinas: La Trama Secreta* (Buenos Aires: Sudamericana-Planeta, 1983).

³² Ernesto Sabato, *La Nacion*, (29 April 1982), 9. Cited in Femenia, 188.

While some controversy exists of the intent of this public outpouring, it appears to be dual-natured, granting support to war-effort and to the regime which initiated it. As political commentary in the Argentine newspaper *La Nacion* promised “old wounds will be repaired.”³³

That the invasion actually made the Argentine public *forget* about their declining economic status or their repression during the Dirty War is highly unlikely. However, it seems that the invasion produced a temporary euphoria providing some manner of justification in the eyes of a large percentage of the population. It certainly did produce a unifying effect and brought together a nation that was falling apart. However, this was not the intent of the junta, as discussed previously, and the magnitude of the effect was something the junta simply wasn't ready for.³⁴

So great was this public support, that the junta found itself unexpectedly in a domain of gains, experiencing a level of public support it had not encountered since the 1976 coup. The only choice it had was to pursue a domestically risk-averse course of action by carrying the invasion to its conclusion and defending the islands against the British task force. Withdrawing in the face of such nationalistic fervor would cause the junta to lose its last vestige of support from its domestic allies, namely the elite oligarchy whose backing it *did* need to continue authoritarian rule. Withdrawal would have an effect comparable to losing a war,³⁵ and as discussed below, fighting the war gave it a realistic chance of victory. Winning the war would give it an extremely powerful bargaining chip in the inevitable transition to democracy, allowing the military to spell out the terms and likely establishing a tutelary role for itself.³⁶

If the military knew it was likely to lose a war with the British, then withdrawal from the islands would have been the safer option given the domestic consequences of failure.³⁷ However, Argentina had a relatively good chance of defeating the British based on numerous factors. First of all, Britain was a declining world power, whose budgetary problems had led to a decrease in military expenditures. Conversely,

³³ Cited in Femenia, 97.

³⁴ Arquilla and Rasmussen, *The Origins of the South Atlantic War*, 749.

³⁵ Femenia, 198. Citing William Bloom, *Personal Identity, National Identity and International Relations* (Cambridge: Cambridge University Press, 1990).

³⁶ Néstor Montenegro and Eduardo Aliverti, *Los Nombres de la Derrrota* (Buenos Aires: Ediciones Nemont, 1982), 23, cited in Moneta, 127.

³⁷ For discussion of the domestic fate of regimes who lose wars, see Bruce Bueno de Mesquita, Randolph M. Siverson, and Gary Woller, “War and the Fate of Regimes: A Comparative Analysis,” *American Political Science Review* 86, no. 3 (September 1992): 638-646.

Argentine military budgets had been rising since 1972. The force which the British sent to retake the islands was purely *ad hoc*, thrown together in a last minute effort to produce a fighting fleet.³⁸ While the British navy of the early 1980s was overwhelmingly an anti-submarine force designed to fight with NATO in the North Atlantic,³⁹ the Argentine navy was designed to conduct ship on ship warfare in the South Atlantic against possible Brazilian and Chilean opponents.⁴⁰ Argentina had built its fleet around the idea of being regionally dominant in the South Atlantic, and had a major advantage in availability of land-based aircraft.

In overall force structure for the operation, the Argentines had a narrow numerical advantage in most areas,⁴¹ though the British had a qualitative advantage in training and professionalism. However, it was questionable that training and professionalism could overcome the force ratio deficit the British faced; classically the attacker seeks a 3:1 ratio in offensive operations, but in ground troops the British found themselves outnumbered at a ratio of 1:1.28. With the right preparations the Argentine position may have been unassailable without tremendous casualties for the attackers. Despite the fact that Argentina was ultimately defeated, the structural conditions for Argentine victory were present.⁴² Many analysts at the time felt that the islands could not be retaken,⁴³ and the Argentines had a very real chance defeating the British. While fighting was a gamble, it was one with even odds, a “toss up.”⁴⁴

Conclusions and Lessons

The commonly held belief that the Argentine junta invaded the Falklands to distract domestic attention away from declining economic and social conditions doesn't hold. Rather, the junta was responding

³⁸ Max Hastings and Simon Jenkins, *The Battle for the Falklands* (New York: W.W. Norton & Company, 1983), 72-98, detail the creation of the task force which took to the South Atlantic.

³⁹ One of the two aircraft carriers of the British task force, was designated as an anti-submarine carrier. The *HMS Hermes* underwent conversion to an ASW role in 1976. The *HMS Invincible*, though designated as a light carrier, also was intended primarily as an ASW platform, carrying only five (eight during the war) fixed wing aircraft as opposed to nine ASW helicopters. Air Defense was to come from only three surface ships of the Type 22 class, armed with modern missiles, accompanying the fleet. These destroyers were also designed primarily for ASW operations. Source: John T. Moore, ed., *Jane's Fighting Ships: 1981-1982* (New York: Jane's Publishing Company Limited, 1981).

⁴⁰ As an indication, the Argentine aircraft carrier *Venticinco de Mayo*, was outfitted with eighteen fixed wing aircraft, including the *Super Entendard* capable of firing the *Exocet* anti-ship missile. Source: *Jane's Fighting Ships: 1981-1982*.

⁴¹ In perhaps the most important areas, the Argentines had superior numbers. In aircraft, the Argentines had an advantage of 3.9: to 1, a substantial advantage, especially considering that the British were fielding short range *Harrier* aircraft not designed for full-scale naval air operations. In ground troops, the Argentines had an advantage of 1.28:1. Source Arquilla and Rasmussen, “The Origins of the South Atlantic War, 756.

⁴² Among the operational and tactical mistakes made by the Argentines: keeping their navy in port following the sinking of the *General Belgrano*, keeping their best trained troops along the Andes, attacking with waves of four aircraft based on the mainland instead of basing the Air Force on the islands and attacking in massive assaults designed to overwhelm defense.

⁴³ For a deeper discussion, see Arquilla and Rasmussen, “The Origins of the South Atlantic War,” 757-758.

⁴⁴ Hastings and Jenkins refer to the British action of deploying a naval task forces as a “Strategic Gamble,” 78

to international stimuli hoping that an invasion would force the British to negotiate the transfer of sovereignty of the islands while the Argentines held a major trump card; possession. The junta did not want to fight a war. But once the British responded with force, the junta found itself locked in a situation in which it had no choice but to stay and fight, lest its domestic alliance with the elite oligarchy collapse forcing it to negotiate a transition to democracy on less than acceptable terms. Both decisions were based on the junta's perception of gains and losses, causing it to respond with risk aversion or risk seeking following the core tenets of prospect theory.

This series of events has consequences which the first world must understand in order to avoid confrontation in the future. It is important for policymakers in developed countries to understand the viewpoint of their counterparts in the third world. If the British had understood that Argentines perceived the Falklands/Malvinas as a territorial possession they would have not likely responded to urgent demands for negotiations with such nonchalance. They would have seen that the 150 year anniversary of British occupation of the islands would have been perceived in Buenos Aires as a major territorial loss, and been more willing to seek a final and acceptable outcome for both sides rather than toy with such dangerous sentiments as Argentine nationalism. The international community needs to understand how the developing world views gains and losses, lest it provoke aggressive responses from regional powers.

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What Drove the Middle East Conflict

Mary A. Price, College of Lake County

Abstract

During WWI Britain and France made a secret agreement to divide the Ottoman Empire and the Arab World among themselves. The 1916 secret agreement was called **Sykes-Picot**. Diplomatic embarrassment was caused when the revolutionary government of Vladimir Lenin revealed the agreement previously unknown in Russia. It was alarming because of contradictions to previous Allied promises which provided that the Triple Entente, Britain, France, and Imperial Russia, should not sign agreements separately or secretly from one another.

The U.S. later joined the Allied Forces in WWI, prompting U.S. President Wilson to weigh in on the issue of secret agreements. President Wilson renounced secret treaties such as Sykes-Picot, and called for independence and self-determination for subject states. This did not happen because at the war's end the League of Nations created a **Mandate System** according to Article 22 of the League of Nations Covenant. The U.S. did not become a member of the League. According to the Mandate System there were A, B, and C Level Mandates in the Arab World, all of which had various degrees of British and French influence or control. The results were not well received by the former Ottoman States because they neither created independence nor self-determination for subject states. Seeds of unrest were thus sewn.

Introduction

In 2003 a carefully-constructed mechanism to lead the U.S. to war with Iraq was devised. A cause was developed declaring that Iraq was a grave danger to the U.S. Other policy options were dismissed that could have avoided war. Iraq is just one example. When the U.S. made this kind of decision, the U.S. and western observers should have been aware of historic precedents Iraq and other Ottoman descendants had set for the world? They should have weighed historic precedents over and against their goals? If they had, would they have made the same decision, or would they have seen the valuable gains to be learned from their adversary? If valid choices were to be made involving the former Ottoman States of Iraq, Afghanistan, and Iran the U.S. and its western observers should have incorporated the Ottoman perspective into the decision-making process. They would have been familiar with effective leadership skills to be learned from Ottoman Sultans. They would have been aware that vacillating allied loyalties looked unreliable inviting mistrust. In the run up to World War I and subsequent peace provisions vacillating alliances emerged anew when the west supported Iran in its war with Iraq. Imaging the shock waves when shortly thereafter the U.S. and some of its allies invaded Iraq!

The purpose of this paper is to examine historic precedents of the last 700 years and view the sequence of events leading up to the various Middle East Conflicts the way the descendants of the empire might have seen it. Much scholarly examination of these conflicts is well meaning, but looks only to the relatively-recent past. The conflict in the Middle East is viewed by much of the western world as if it occurred over the last five or twenty-five years. In fact the issues go back at least 700 years. Pivotal issues of this period need to be examined if the U.S. and its western observers could hope to understand the enemies they made. Without knowing one's enemies, one's chances of success are vastly diminished. In what follows the pivotal issues of this period are constructed.

Mehmet II:

The Ottoman Empire enjoyed a lengthy, grand and glorious past. It emerged in Asia Minor at the end of the 13th century, out of the ashes of the empire of the Seljuk Turks. The state began to absorb surrounding territory culminating in 1453 under Sultan Mehmet II with the astounding conquest of Constantinople, renamed Istanbul. As his main residence in 1459-65, the Sultan built the masterpiece Topkapi Palace, and began conversion of the Hagia Sophia into the world-famous mosque known today. To underline the supremacy of Islam the Blue Mosque was later built opposite the Hagia Sophia on the site of the Byzantine royal palace. Within a century the Ottoman state had changed from a nomadic horde to the rulers of Byzantium, one of the most ancient surviving empires of Europe.

Sultan Suleiman the Magnificent:

The reign of Suleiman the Magnificent (1520-1566), brought the empire to unimagined heights. Westward expansion of the empire drew it geographically closer to the Western World. Because his unified code of law brought cohesion and an avenue to prosperity, the Sultan eventually became known as "the Law Giver". Suleiman's court exhibited a level of wealth and elegance to rival any in history. Vast expansion into Belgrade, Rhodes, Hungary, Vienna, the Middle East (from Persia), as well as North Africa, defined the extent of the empire in Suleiman's time.

Crimean War:

Ties with the West seemed to strengthen during the Crimean War 1853-1856, the next turning point. Even though central authority within the empire was crumbling, Britain and France sought an Ottoman alliance. The purpose of the alliance was to prevent the Russian Empire from gaining a warm-water port

into the Black Sea via the Crimean, and from there, through the Dardanelles into the Mediterranean. Ottoman motives similarly sought to contain Russian expansion but the state was not strong enough alone to hold the Russians back. Allied with Britain and France, however, victory was assured. The victorious allies did not treat their Ottoman partner well. By 1878, Otto von Bismarck had convened the Berlin Conference to settle what he called the "Eastern Question". Serbia (Bosnia), Montenegro, Wallachia, and Moldavia were taken from the Ottoman Empire; the rest remained sovereign, primarily because conference members did not know what to do with the remainder of the empire. Balkan Wars during 1912-13 completed the process, with Austria annexing Bosnia. To celebrate, Archduke Franz Ferdinand led a parade through Sarajevo. His assassination by a Serbian radical triggered a series of tragic events that came to be known as World War I.

World War I:

Because France and Britain stood with the Ottoman in the Crimean War, it was expected that they would stand again in 1914; however the balance of power had shifted. Britain and France needed Russia to divide the strength of the Central Powers thereby creating a two front war for Austria and Germany. Because France and Britain needed the Russian alliance, it appeared to the sultan that his former allies were now courting his enemy. This was an unfortunate turn of events and appeared a betrayal of the divided Ottomans, driving them into an alliance with the Central Powers. The resulting alliance almost tipped the balance of power toward the Central Powers when Russia's supply line was severed by the sultan's troops at the battle of Gallipoli in April of 1915. Gallipoli controlled access through the Dardanelle Straits, preventing Russia from using the only warm water port to which it had access. Without Gallipoli, transport of Allied supplies to Russia was severely restricted, crippling Russian strength in the war. Placing the series of events from 1853 into the perspective of the Islamic world, it appears that the West fought with them at Crimea, abandoned them at Berlin, and Sarajevo, and fought against them at Gallipoli.

During the war, Britain and France tried to gain sections of the Ottoman state by exploiting its weak central authority, playing off one local prince against another. The promise to these local princes was autonomy to be delivered after the war. In 1916, however, another Allied betrayal was being planned in secret. It was covertly called the Sykes-Picot Agreement that would seem like a death knell when the sultan became aware of it. Britain, France and Russia basically dismantled the remainder of the Ottoman Empire,

creating spheres of influence and outright control for themselves along national lines drawn by the Allies. Turkey, Syria, Palestine, Iraq and Transjordan were among the national lines drawn here in secret without Ottoman input.

Map of the Sykes Picot Agreement:



http://news.bbc.co.uk/1/hi/in_east/2001/israel_and_the_palestinians/key_doc

Allies Divide Ottoman Loyalties:

When the Russian Revolution erupted in November of 1917, Lenin, feeling no loyalty to protect secrets of the Czar or of the Allies, released the contents of the Sykes-Picot Agreement, and negotiated a separate and costly peace with Germany called Brest Litovsk. With the Russian front closed, Germany now redoubled its effort on the Western Front causing the United States to abandon neutrality to help defend France and Britain at the Somme and Verdun. U.S. intervention advanced the demise of Germany and Austria leading Ottoman factions trying to avoid potential for defeat by allowing the Allies to drive a wedge through the empire. The wedge was between the Hashemite Prince Shariff Hussein ibn Ali cooperating with the British in hopes of securing a better post war place for his realm, and Mustafa Kamal, leader of the Young Turks. Kamal retained Central loyalties for the relatively cohesive Turkish state. The Hashemite Prince felt confounded and betrayed when his realm became a protectorate, and Kamal's Turkey became sovereign after the war.

Article 22: League of Nations Covenant:

When the Treaty of Paris was structured after the War, Eastern and Western Europe were primary topics. By the time discussion was reached about the Arab World, delegates were too exhausted and too homesick to continue. The conference ended with little said beyond Europe. Subsequently, Article 22 of the League of Nations Covenant wrote into policy much of what was decided in the Sykes Picot Agreement. The Hashemite monarch, Shariff Hussein ibn Ali, was succeeded by two sons. One son, King Faisal I, was imposed as a monarch in Iraq under British supervision; Britain also drew the borders between Iraq and Kuwait. The other son, King Abdullah was imposed in Transjordan under British supervision. Turkey became sovereign under the leadership of Mustafa Kamal, Ataturk. To the Islamic world it looked as if those who cooperated with the British were relegated to satellite states. This is because those who cooperated were made protectorates of Britain or France, while those who did not cooperate, such as Turkey, became sovereign. The application of fairness escaped the observer's view. When compared to the fourteen new sovereign states carved out of Eastern Europe and Russia, fairness seemed even more elusive. Why, the states of the former Ottoman Empire asked, were they not treated with the same dignity and equality as states carved out of former Austrian and Russian Empires?

Saddam Hussein:

In July, 1958, King Faisal II was overthrown in a military coup of which Saddam Hussein was part. King Faisal was one of the heirs to the Hashemite Dynasty installed as part of the Mandate System. By July 16, 1979, Hussein's Ba'ath Party emerged as the champion of a secular, sovereign, economically sound, and modern state. Pan-Arabism caused Middle Eastern states to pursue an erratic course. Persians and Arabs clashed when Iran and Iraq were engaged in one of the bloodiest wars of modern times from 1980-1988. Flames were fueled by concern neighbors felt over the emergence of an Islamic republic in Iran. Iraq emerged from the war with a formidable army equipped by Western countries. Eyeing greater oil wealth from its southern neighbor, and questioning the legitimacy of existing borders between Iraq and Kuwait, Saddam Hussein attempted to overrun Kuwait in August of 1990. If Saddam had made the case history afforded at the United Nations for incorporating Iraq and Kuwait, he could have gained support for his cause, but instead he tried to occupy Kuwait. Most of the world supported Kuwait in this poorly thought-out course

of action, forcing Hussein to retreat early in 1991. Volatility of this type so close to the ongoing Israeli/Palestinian conflict was felt to be a powder keg. Israel was forced to show incredible restraint by staying neutral in the conflict despite errant Iraqi missiles landing in Israeli territory. By March, 2003, however, the U.S. and some of its allies had invaded Iraq directly. The purpose of the invasion will be debated for years to come as U.S. and allied leaders answer the bevy of questions repeatedly asked. The powder keg smolders.

In his classic, *The Art of War*, Sun tzu said, "Know your enemy, know yourself". He explained that by following this creed, chances of victory are multiplied. The U.S. and its allies seem to know all about themselves, but not about their adversaries. Mehmet II speaks to the ages when he establishes capable leadership. Sultan Suleiman speaks to the ages when he leads the empire to its summit. In the Crimean War Britain courted the empire for mutual advantage, while during World War I Britain had to abandon the courtship. The premise, divide and conquer, as old as the Western World, yielded disappointing secret agreements sealed into League of Nations Covenants. The Western world had imposed nationalism on the empire. The first lesson of diplomacy is that lasting solutions have to be drawn by parties involved, not imposed from the outside. The maxim, "by its history a people is known", applies here. If the Western World had known all parties involved in the Ottoman Empire by its history, chances of success would have been vastly multiplied.

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Training for Disaster Management

Mary Bruce, Governors State University

Abstract

Terrorism and natural disasters pose challenges to first responders, specifically local law enforcement agencies at the local level. This study examines the administrators of local law enforcement agencies throughout the State of Illinois to determine their perceptions of the preparedness of their sworn officers as well as emergency management administrators to respond to a terrorist attacks or natural disasters. This paper investigates if large and small communities have or are developing policies to regulate, manage, invest, and maintain capital infrastructure to protect society for damage due to natural/unnatural disasters.

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Training for Disaster Management

People all over the world are increasingly being exposed to risks and hazards, both environmental and man-made. In 1975, fewer than 100 disasters were recorded, while more than 400 occurred in 2005 (International Monetary Fund, n.d.). In the past 10 years, large scale disasters have occurred: September 11, 2001 terrorist attacks in the United States, 2003 Bam Iran earthquake, 2004 Indian Ocean earthquake and tsunami, 2005 Gulf Coast hurricanes (Katrina and Rita), 2005 Kashmir earthquake, 2008 earthquake in China, 2010 earthquake in Haiti, 2011 earthquake in New Zealand, and 2011 earthquake and tsunami in Japan. These disasters have affected approximately 2 billion people worldwide, resulting in widespread death, injury, property destruction, and economic crises (Perry, 2007).

Disaster has been defined as a natural or man-made hazard that has a negative impact on society and/or the environment and stresses the available resources depending on the size of disaster. Research has divided disasters into two categories: natural or man-made. A natural disaster occurs when a natural hazard (e.g., volcanic eruption, earthquake, floods, hurricane, etc) impacts humans. A man-made hazard is defined as a disaster that is the result of man-made incidents (e.g., threats having an element of human intent, negligence, or error; or involving a failure of a man-made system). According to Carlile (2005), terrorism, a type of man-made disaster is defined as: "an anxiety-inspiring method of repeated violent action, employed by (semi) clandestine individual, group, or state actors, for idiosyncratic, criminal, or political reasons, whereby – in contrast to assignation – the direct targets of violence are not the main target" (p. 7). The Patriot Act of 2001 defines terrorism broadly as "premeditated, politically motivated violence perpetrated against non-combatant targets, usually intended to influence an audience" (U.S. Department of State as cited in Carlile, 2005, p. 15).

Wisner, Blaikie, Cannon, and Davis (2004) indicated that financial, environmental, and/or human impact often result from the lack of a suitable emergency management system. The vulnerability of the disaster is defined as the ability of the population to support or resist the disaster. Wisner et al. created a formula that represents this conjecture:

disasters = exposure to dangerous situations + susceptibility to harm.

The degree of a population's vulnerability to a hazard determines if the event is a natural disaster. Wisner et al. concluded that when a natural hazard occurs in an area without vulnerability, the result is not a natural disaster. For example, a strong earthquake in an uninhabited area (i.e., Antarctica) is not a disaster because it does not involve humans.

When a disaster occurs that affects the lives of the population, the ability of the population to recover and return to normal has been defined as vulnerability (Mitchell, 2003). Vulnerability has been defined as the probability of encountering loss from a situation. When the situation is in reference to a natural disaster, vulnerability has been associated with exposure, resistance, and resilience. Mitchell's formula for determining vulnerability is as follows:

$$\text{Hazard} = (\text{Risk}) \times (\text{Vulnerability})$$

with vulnerability defined as:

$$\text{Vulnerability} = (\text{Exposure}) \times (\text{Resistance}) \times (\text{Resilience})$$

Exposure is the extent to which the population is at risk for a hazard. Some populations are more exposed to certain specific hazards. For example, people in California have high exposure to earthquakes, while people in the Gulf states are likely to be impacted by hurricanes. People and communities in the Midwest are exposed to tornadoes and floods. **Resistance** is defined as the ability to effectively prevent, avoid, or reduce loss from a hazard or disaster. Communities and people who are unable to adjust or make adjustments are considered to be highly vulnerable. **Resilience** is the ability of a community or people who have been impacted by a disaster to resume normal operations, business, or life after experiencing the loss. Communities and people whose recovery is slow are considered to be highly vulnerable.

In research and academia, disasters often are viewed as the result of risks that are inappropriately managed. Wisner et al. (2004) argued that most disasters can be classified as manmade. Their rationale for this argument is that if appropriate human actions are taken prior to the hazard, the disaster can be prevented or the results can be minimized. They concluded that the severity of the impact of disasters therefore result from a lack of action in planning for disaster management before the occurrence of a catastrophic event. Mileti (2004) defined disaster management as a "range of activities designed to maintain control over disaster and emergency situations and to provide a framework for helping at-risk people avoid or recover from the impact of the disaster. Disaster management includes dealing with situations that occur prior to, during, and after the disaster" (p. 213). According to Hoetmer (as cited in McEntire, 2007), emergency management is "the discipline and profession of applied science, technology, planning, and management to deal with extreme events that can injure or kill large numbers of people, do extensive damage to property, and disrupt community life" (p. 169). McEntire (2007) explained that emergency managers should be considered public servants who "employ knowledge, techniques, strategies, tools, organizational networks, and other community and external resources to reduce the occurrence of disasters and successfully deal with their impacts in order to protect people, property, and the environment" (p.169). Most city ordinances designate the mayor as the emergency manager, with emergency management coordinators working under his/her supervision.

In contrast, a man-made disaster is the result of human action, negligence, error, or the failure of a system. Man-made disasters are further classified as technological or sociological, with technological disasters resulting from technology failures (e.g., engineering failures, transport disasters, or environmental disasters). Sociological disasters are motivated by humans and include arson fires, criminal acts, stampedes,

riots, and war. Terrorism is classified as a sociological disaster. On September 16, 2005, former President Bill Clinton commented that governmental response to a natural disaster differs from an act of terrorism, which is a man-made disaster. He explained that in dealing with terrorism, the plan is to prevent and be proactive, while government can only react to a natural disaster.

Literature Review

Disaster has been defined as a natural or man-made hazard that has a negative impact on society and/or the environment and resources. Research has divided disasters into two categories: natural or man-made. A natural disaster occurs when a natural hazard (e.g., volcanic eruption, earthquake, floods, hurricane, etc) impacts humans. Wisner, Blaikie, Cannon, and Davis (2004) indicated that financial, environmental, and/or human impacts often result from the lack of a suitable emergency management system. The vulnerability of the disaster is defined as the ability of the population to support or resist the disaster.

The degree of a population's vulnerability to a hazard determines if the event is a natural disaster. Wisner et al. concluded that when a natural hazard occurs in an area without vulnerability, the result is not a natural disaster. For example, a strong earthquake in an uninhabited area (i.e., Antarctica) is not a disaster because it does not involve humans.

In research and academia, disasters are viewed as the result of risks that are inappropriately managed. Wisner et al. (2004) argued that most disasters can be classified as manmade. Their rationale for this argument is that if appropriate human actions are taken prior to the hazard, the disaster can be prevented or the results can be minimized. They concluded that disasters therefore result from a lack of action in planning for disaster management before the occurrence of a catastrophic event. Mileti (2004) defined disaster management as a "range of activities designed to maintain control over disaster and emergency situations and to provide a framework for helping at-risk people avoid or recover from the impact of the disaster. Disaster management includes dealing with situations that occur prior to, during, and after the disaster" (p. 213).

In contrast, a man-made disaster is the result of human action, negligence, error, or the failure of a system. Man-made disasters are further classified as technological or sociological, with technological disasters resulting from technology failures (e.g., engineering failures, transport disasters, or environmental disasters). Sociological disasters are motivated by humans and include arson fires, criminal acts, stampedes, riots, and war. Terrorism is classified as a sociological disaster. On September 16, 2005, former President Bill Clinton commented that governmental response to a natural disaster differs from an act of terrorism, which is a man-made disaster. He explained that in dealing with terrorism, the plan is to prevent and be proactive, while government can only react to a natural disaster.

In 1803, the Congressional Act was passed as the first legislation for disaster management. Throughout the next century, ad hoc legislation was enacted more than 100 times to react to natural disasters (e.g., hurricanes, earthquakes, floods, etc.). Additional federal legislation was passed in the 1930s (e.g., The Reconstruction Finance Corporation was authorized to make loans for repair and reconstruction of public facilities following natural disasters; The Flood Control Act gave the U. S. Army Corps of Engineers the authority to implement flood control projects). Additional acts were passed to react to natural disasters until 1979, when President Jimmy Carter merged many disaster-related responsibilities into the Federal Emergency Management Agency (FEMA). As FEMA's first director, John Macy made note of the similarities between natural hazards preparedness and civil defense activities. At that time, FEMA developed the

Integrated Emergency Management System (IEMS) with an all-hazards approach that included direction, control and warning systems that were needed to respond to emergencies across the continuum from small isolated events, such as forest fires in one geographic area to major events, such as war. (<http://www.fema.gov/about/history.shtm>).

The Department of Homeland Security (DHS) was created in response to terrorist attacks in 2001. DHS Secretary, Thomas Ridge, went before the U. S. House of Representatives Select Committee on Homeland Security and stated that the role of DHS was to protect and secure the country against terrorism and to: “1) strengthen border and port security, 2) enhance bio-defense, 3) improve aviation security, 3) enhance immigration security and enforcement, 4) increase preparedness and response capabilities, and 5) support state and local first responders.” (<http://www.fema.gov/about/history.shtm>, n.d.; p. 5). In dealing with Hurricanes Katrina, Rita, and Wilma, it appeared that governmental planning for these four stages (predisaster planning and policy development, emergency response, early recovery, and long-term recovery) was lacking; contributing to the inability to respond to natural disasters and act in a reasonable manner.

Planning for disasters and protecting citizens from harm is at the core of government (Gerber, 2007). According to Comfort (2005), “A disaster can be thought of as representing the interdependent cascade of failure triggered by an extreme event that is exacerbated by inadequate planning and ill-informed individual or organizational actions” (p. 338). Understanding the “interdependent cascade of failure” is important because emergency and disaster management systems start at the local government level. State and federal government assistance is provided when a disaster overwhelms the local government capabilities, such as in extreme events like Hurricane Katrina or the Mississippi River floods of 2008.

Comfort (2005) indicated that “The interrelated phases of disaster management – preparedness, response, recovery, mitigation – consist of vertical coordination between government levels local, state, and federal and horizontal coordination across local governments, and coordination between public and private organizations in various functional roles and responsibilities” (p. 228).

Furthermore (Gerber, 2007) argued that while news coverage drew attention to questions of competencies and leadership inadequacies of key administrators, such as Michael Brown, the story of Hurricane Katrina pointed to deeper obstacles including effective policymaking and administration. Three obstacles also were playing a role:

1. Organizational, for example the Federal Emergency Management Agency’s FEMA move into the Department of Homeland Security [DHS] which has been seen as diminishing its capabilities to deal with natural disasters.
2. Institutional, for example U.S. Federalism creates important policy goal and incentive incongruities between levels of government.
3. Behavioral, Americans perform a fairly poor job of individual preparedness for emergencies/disasters.

Gerber argued that limitations or deficiencies in each of these three interconnected areas make emergency and disaster management practices in the United States more difficult. Understanding exactly how these obstacles are connected is an important question that this research seeks to explore and examine as hazards vulnerability becomes increasingly prevalent in the United States.

According to Rubin and Barbee (1985), the quality of intergovernmental relations has a major influence on the efficiency of local recovery. As a result, “intergovernmental relations in post-disaster settings often characterized by limited coordination, uncertainty, problem complexity, and conflict among key actors” (p. 58). During emergencies where multiple entities have jurisdiction, a Unified Command (UC) or Unified Incident Commands (UIC) may be formed to ensure cohesion during an emergency. Poorly designed UC or UIC is another factor that can impede effective response to emergencies. “The UC is a structure that brings together the ‘Incident Commanders’ of all major organizations involved in an incident in order to coordinate an effective response while at the same time carrying out their own responsibilities” (www.osha.gov). The policies and standard operating procedures of organizational intergovernmental relations may have an effect on the viability of the UIC. For example, an Incident Commander member of a UC may need to obtain multiple approvals prior to deploying resources involving external agencies. This will delay appropriate resources. While others, may have the authority to deploy resources at will. Organizational rivalry or limited interpersonal skills may impact the operational cohesion of a UC.

An increasing number of local governments have initiated mitigation and emergency plans because of state mandates. Overall, mixed results indicate that most community governments assign a low priority to comprehensive hazard management, although some local governments may take an interest in one particular hazard. Evidence suggests that three planning problems facing local governments continue to exist: (a) inadequate conceptualization of the planning process; (b) insufficient legitimacy for planning, and (c) ineffective planning practices.

The general perception by officials and citizens is that because disasters are unexpected and unique; planning is useless or insufficiently cost effective. Many citizens and officials do not understand the disaster management process or the planning values underlying it. Community “social” climate,” including values, political environment, management capacities, and the intergovernmental system, contribute to a lack of disaster planning. At the time of a major disaster, “local government frequently is unable to cope with the overload of problems and is replaced by an improvised emergency government such as a Citizens’ Committee, or by authorities from state or national agencies” (Barton as cited in Rubin & Barbee, 1985, p. 57). Four explanations have been posed for performance problems: (a) ineffective leadership, (b) lack of preparedness, (c) government structure, (d) excessive demands, and (e) inadequate training also. Each of these explanations warrant examination during the policy analysis component of the research.

A gap in the review of literature revealed that, while local governments have the immediate responsibility for handling natural disasters and terrorism attacks, little has been written about their preparedness and public policies that regulate disasters using intergovernmental relations strategies. Poor emergency/disaster preparation is only compounded by cities’ lack of media management plans among disaster management commanders (Scanlon, Alldred, Farrell, & Prawzick, (1985). The media continues to focus on local communities’ lack of preparedness, especially in the wake of the three devastating hurricanes of 2005 and the floods in the Midwest of 2008. Research on public policies related to intergovernmental relations and systemic capital investment in infrastructure is needed to manage these types of disasters to assure the public that most communities are prepared for possible natural disasters. Although natural disasters cannot be planned, they can be anticipated, therefore, local governments, as the primary response agency, must plan for the outcomes and be prepared to make accommodations to minimize the negative effects on its citizenry.

The purpose of this study is to determine if large (cities with more than 50,000 residents) and small (cities with less than 50,000 residents) communities currently have or are developing intergovernmental

(IGR) policies for regulating, managing, investing, and maintaining capital infrastructure to protect society from damage or destruction due to natural/unnatural disasters. In addition, a need exists to examine the coordination of disaster management between local, state, and federal governments. Important information about disaster planning across the continuum of locations that range from small rural communities to large cities will be obtained. In larger communities, the person responsible for disaster planning may be a department head who reports to the mayor, city council, the city manager or a regional administrator, while in small cities, the individual in this position may be the chief law enforcement officer, fire chief or the mayor. The topics that will be measured include: responsibility for disaster planning; coordination of disaster planning with other local communities within three Illinois counties, regulatory agencies; and phases of disaster management: preparedness, response, recovery, and mitigation.

Methods

Quantitative analyses procedures were used to summarize the responses regarding the demographic characteristics and preparedness for various types of terrorist activities and natural disasters. A list of law enforcement and emergency management personnel in Illinois was obtained from the Illinois Emergency Management Association (IEMA). An original survey was developed and mailed (using the US Postal Service) to administrators of local law enforcement agencies (police departments, sheriff's departments, and public safety departments) in state of Illinois. A total of 130 surveys were sent to randomly selected law enforcement agencies on the IEMA list. Of this number, 34 surveys were completed and returned for a 26.15% response rate. This response rate is considered typical for an unsolicited mailed survey (Kerlinger & Lee, 2000).

Findings: Demographics of the Law Enforcement Agency

The participants were divided into two groups: those from communities smaller than 50,000 ($n = 21$) and those from communities 50,000 and greater ($n = 11$). Two of the 34 communities did not provide the size of their communities on the survey. Their responses were not included in the analysis comparing large and small communities.

The majority of the small communities identified their geographical area as rural, while 4 (40.0%) of the large communities were located in either suburban or rural areas. The largest group of participants in both small communities ($n = 10$, 55.5%) and large communities ($n = 4$, 40.0%) reported they were working in sheriff departments. Ten (47.6%) participants in small communities indicated the number of personnel in their departments had not changed substantially since 9/11/2001, while 5 (55.6%) participants from large communities reported substantial increases in personnel. The largest group of participants in small communities reported that their workload since 9/11/2001 had been somewhat impacted and 6 (75.0%) participants in large communities indicated that their workload had been either impacted or greatly impacted. (See Table 1.)

The participants provided information regarding the personnel in their departments. Table 2 presents results of the descriptive statistics used to summarize these data. The number of sworn officers in small communities ranged from 1 to 60, while those in large communities ranged from 60 to 570. The number of support staff in small communities ranged from 0 to 40, while participants in large communities reported their support staff ranged from 0 to 53. The number of volunteers in small communities was from 0 to 50, with 0 to 70 volunteers working in law enforcement agencies in large communities.

Level of Preparedness for Natural and Man-made Disasters

The participants were asked to rate their agencies level of preparation for different types of natural and man-made disasters. Their responses are shown in Table 3. Their levels of preparation for natural disasters appear to be related to the likelihood of the natural disaster occurring in their areas. For example, both large and small communities were either prepared or very prepared for tornadoes ($n = 31$, 43.8%) and blizzards/snow storms ($n = 31$, 100.0%). In contrast, neither type of community was prepared or very prepared for earthquakes ($n = 11$, 35.5%) or forest fires ($n = 9$, 34.6%) which are unlikely to happen in their geographic regions. Large communities ($n = 7$, 70.0%) appear to be better prepared to handle workplace violence than small communities ($n = 7$, 33.3%). While 4 (40.0%) of the large communities indicated they were prepared for foreign terrorist activities, 19 (86.4%) of the small communities were either not at all prepared or somewhat prepared for these types of disasters. Seven (31.8%) of small communities and 9 (90.0%) large communities indicated that they were prepared or very prepared to manage domestic terrorist activities. In regard to hostage situations, 24 (62.5%) of the participants from large and small communities were prepared or very prepared to manage hostage situations.

Training for Disasters

Both small and large communities reported they had been involved in training their officers for the management of natural and man-made disasters. Training to handle hazardous materials was completed in 20 small communities and 8 large communities. Unified incident control was indicated by 20 small and 9 large communities. Eighteen of the 22 reporting small communities had completed training in natural disaster management, with 9 of the large communities also indicating completion of this training. Completion of training for disaster planning to develop master plans for different situations was reported by 17 small and 9 large communities. Six small and 6 large communities had training for bomb detection/disposal, indicating they did not consider this to be a major problem in their areas. These findings indicate that training for natural disasters was more prevalent than training for man-made disasters.

Limitations of the Study

The small sample size only 34 responses were received. Responses needed to derive from a greater number of participating communities to get a more accurate understanding of preparedness for natural and man-made disasters. The responses are also self-reported, with no verification of the data in regard to percentage of officers trained. Additional research is needed to obtain more accurate data regarding the percentage of trained officers ready to manage most types of disasters. On the other hand, some communities may not have responded because they do not have adequate training and did not want to report that they needed more training in those areas.

Conclusions

Larger cities appear to be better prepared to handle most natural and man-made disasters than smaller communities. The level of preparedness for natural and man-made disasters is not at the level needed to protect the citizens of the communities. It was expected that the levels of preparedness should be at least 4 on a 5-point scale. None of the types of crises were at that level. A greater percentage of officers need to be trained to manage disasters, especially for bomb detection and disposal. Training for disasters comes from all levels of the government. The federal and state governments appear to be training a greater number of officers in large cities when compared to smaller communities.

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Table 1: Cross tabulations – Demographic Characteristics of the Responding Departments by Size of Municipality (N = 34)

Demographic Characteristics	Size of Municipality					
	Under 50,000		50,000 and Over		Total	
	N	%	N	%	N	%
Geographic location						
Urban	5	25.0	2	20.0	7	23.3
Suburban	0	0.0	4	40.0	4	13.4
Exurban	1	5.0	0	0.0	1	3.3
Rural	14	70.0	4	40.0	18	60.0
Missing	4					
Type of law enforcement agency						
Police department	0	0.0	3	30.0	3	10.7
Sheriff's department	10	55.5	4	40.0	14	50.0
Public safety	3	16.7	1	10.0	4	14.3
Other	5	27.8	2	20.0	7	25.0
Missing	6					
Change in personnel						
No change	10	47.6	3	33.3	13	43.3
Decreased	3	14.3	1	11.1	4	13.4
Increased	8	38.1	5	55.6	13	43.3
Missing	4					
Impact on workload since 9/11/2001						
No impact	1	5.3	1	12.5	2	7.5
Somewhat impacted	8	42.1	1	12.5	9	33.3
Impacted	5	26.3	3	37.5	8	29.6
Greatly impacted	5	26.3	3	37.5	8	29.6
Missing	7					

Table 2: *Descriptive Statistics – Demographic Characteristics of the Responding Departments by Size of Municipality (N = 34)*

Demographic Characteristic	Number	Mean	SD	Median	Range	
					Minimum	Maximum
Number of sworn officers						
Under 50,000	22	14.84	14.66	13.00	1	60
50,000 and over	10	184.38	164.60	110.50	60	570
Number of support staff						
Under 50,000	19	5.79	9.02	4.00	0	40
50,000 and over	8	26.88	16.75	22.50	0	53
Number of volunteers						
Under 50,000	20	14.30	14.58	12	0	50
50,000 and over	8	19.88	25.19	12	0	70

Table 3: Cross tabulations: Level of Preparedness for Specific Types of Disasters by Size of Community (N = 34)

Type of Disaster	Size of Municipality								
	Under 50,000 (N= 22)			50,000 and Over (N = 10)			Total (N = 34)		
	N	M	SD	N	M	SD	N	M	SD
Tornadoes	22	3.36	.58	10	3.50	.53	32	3.41	.56
Flood	21	3.10	.63	10	3.60	.52	31	3.26	.63
Forest fires	19	2.11	.94	7	2.14	1.07	26	2.12	.95
Blizzards & Snow Storms	21	3.29	.46	10	3.50	.53	31	3.35	.49
Earthquakes	21	2.14	.79	10	2.50	.53	31	2.26	.73
Gas leaks	22	3.05	.72	10	3.70	.48	32	3.25	.72
Chemical leaks	22	3.05	.79	10	3.60	.70	32	3.22	.79
Workplace violence	21	2.29	.85	10	3.00	1.05	31	2.52	.96
Crowd control	22	2.36	.95	10	3.10	.99	32	2.59	1.01
Mass shootings	22	2.23	.92	10	3.00	.82	32	2.47	.95
Domestic terrorist activities	22	2.18	.80	10	3.00	.47	32	2.44	.80
Foreign terrorist activities	22	1.77	.69	10	2.50	.85	32	2.00	.80
Domestic violence	22	2.50	.91	10	3.00	.94	32	2.66	.94
Public building bomb threats	22	2.64	.85	10	3.30	.68	32	2.84	.85
Hostage situations	22	2.50	.86	10	3.10	.74	32	2.69	.86
Nuclear/radiological event (dirty bomb)	22	2.05	.95	10	2.40	1.08	32	2.16	.99
Biological release (anthrax, small pox, etc.)	22	2.27	.94	9	2.78	.97	31	2.42	.96
Large scale explosion	22	2.64	.90	10	3.00	.82	32	2.75	.88
War on U. S. soil	22	1.68	.95	10	2.40	.97	32	1.91	1.00
Hijacking (planes, cars, etc.)	22	1.64	.66	10	2.30	1.06	32	1.84	.85

Table 4: *Training for Disasters (N = 34)*

Type of Training	<u>Small Communities</u> <u>(50,000 and less)</u> <u>N = 22</u>			<u>Large Communities</u> <u>(Over 50,000)</u> <u>N = 10</u>		
	Training Available*	<u>% of Officers Trained</u>		Training Available*	<u>% of Officers Trained</u>	
		<i>M</i>	<i>SD</i>		<i>M</i>	<i>SD</i>
Negotiations	13	13.54	26.70	7	31.71	35.03
Crowd Control	15	35.33	33.26	8	52.75	41.60
Disaster Planning to develop master plans for different situations	17	41.75	37.63	9	46.11	38.76
Bomb Detection/ Disposal	6	1.50	1.98	6	13.33	11.26
Hazardous Materials	20	64.79	42.33	8	89.37	14.75
Natural Disaster Management	18	52.82	38.28	9	55.00	44.62
Traffic Control	17	76.73	36.34	8	93.13	10.33
Evacuation	15	60.00	39.27	8	64.38	37.17
Training to use new equipment	15	73.21	34.58	9	92.50	11.34
Effective Communication	16	62.86	38.52	9	61.44	40.68
Unified Incident Control	20	63.12	40.11	9	63.89	40.22

*Number of Communities Participating in Training

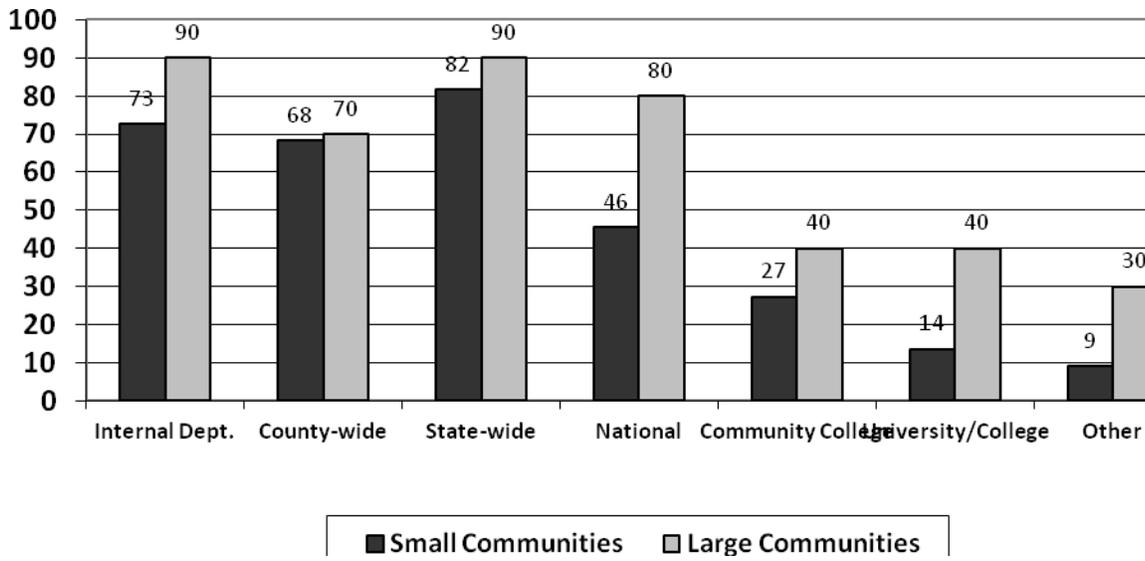


Figure 1: Organizations Providing Training for Law Enforcement Agencies

Presidential Preferences, Congressional Revisions, or Judicial Doctrine? Prosecutions for Violations of Federal Law after *Lopez*

Naser L. Javaid, Roosevelt University

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Abstract

This paper argues that federal prosecutors are agents who must try and serve two principals, the executive administration that employs them and the legislature that writes the laws they enforce. The empirical analyses investigate how the need to be responsive to both Congress and the president affects federal prosecutors' decisions to pursue prosecutions for violations of federal statutes revised to meet current constitutional standards. A series of analyses show that although these prosecutors may often act in a manner that reflects the priorities of the current administration, there are often significant differences in their behavior after Congress revises an existing statute. The empirical analyses lead to the conclusion that Congress can have a meaningful impact on how prosecutors fulfill their responsibilities, and also have implications for the practical consequences of a federal court's constitutional decision.

Introduction

In 1995, the U.S. Supreme Court invalidated a federal law known as the Gun Free School Zone Act (GFSZA) (*United States v. Lopez* 1995). The GFSZA made it a federal crime to possess a gun within a 1000-foot radius of school grounds, but it did not contain any language requiring the gun in question to have a connection to interstate commerce. Without such language, the law was an unconstitutional exercise of Congress's authority under the Commerce Clause because it was "a criminal statute that by its terms has nothing to do with 'commerce' or any sort of economic enterprise, however broadly one might define those terms" (*United States v. Lopez* 1995, 514 U.S. at 561). The decision in *United States v. Lopez* (1995) is generally seen as a watershed moment since the Court struck down a law based on the federal commerce authority for the first time since the New Deal era, and there is no question that, at least jurisprudentially, it

marked a dramatic shift in the legal landscape and had implications for the scope of the federal government's constitutional authority.

Congress was undeterred, however, and passed a slightly revised version of the GFSZA that made it a crime to possess a gun in a school zone if that gun had "moved in or...otherwise affect[ed] interstate or foreign commerce." President Bill Clinton signed the revised GFSZA into law on September 30, 1996 (104 P.L. 208), and since it has taken effect federal prosecutors have filed almost 600 charges for violations of the revised GFSZA (Bureau of Justice Statistics 2012). Importantly, circuits in the federal Court of Appeals have upheld the constitutionality of the revised statute (e.g., *United States v. Danks* 1999; *United States v. Dorsey* 2005), and the Supreme Court has declined to review these decisions on appeal. Thus the GFSZA remains "good law" and convictions stemming from its violation also remain valid.

On its face, the Court's interpretation of the Commerce Clause in *Lopez* seems to shrink the scope and reach of federal authority since legitimate exercise of the commerce authority now requires a "substantial nexus" to interstate commerce. However, as some scholars have noted (Pickerill 2004), the lawmaking authority of Congress is not stripped away when the Court invalidates a piece of federal legislation, and Congress is able to respond and adapt to the doctrine of the Court; congressional members are still able to pursue public policy for their various goals, but they must approach the legislation differently. As with the revised GFSZA, bills introduced in the post-*Lopez* period in Congress that rely on the Commerce Clause for their constitutional authority are significantly more likely to contain boilerplate language restricting their scope to activities "in or otherwise affecting interstate or foreign commerce" (Javaid 2010). With the Court's unwillingness to review statutes like the revised GFSZA, this suggests that members of Congress have, at least to some extent, successfully adapted to the new legal environment with regards to enacting statutes likely to pass muster if subjected to judicial review.

While this minor revision may assuage potential concerns of the judiciary, the text of a statute is not unimportant, particularly for the people and agencies that are charged with implementing or enforcing federal law. In terms of boilerplate language in Commerce Clause based statutes, this language now creates

an additional requirement for federal prosecutors¹ who pursue charges for violations of those laws: in addition to proving a defendant engaged in a specific activity or action, they must now also demonstrate that the defendant's actions affected interstate or foreign commerce in some manner. Thus, while members of Congress may be able to introduce, pass, and claim credit for revised public policy, it may in fact be the case that these policies have minimal practical effects because the additional burden placed on federal prosecutors is too great.

Although Congress writes the laws federal prosecutors enforce, the prosecutors themselves are members of the executive branch, and therefore may be influenced by more than congressional preferences or actions. As the mission statement of the office professes, "The United States Attorneys serve as the nation's principal litigators under the direction of the Attorney General...[and] are appointed by, and serve at the discretion of, the President of the United States" (Office of the United States Attorneys 2012). Thus, federal prosecutors who serve at the discretion of the president are charged with executing the laws of the United States as promulgated by members of the legislature. As outlined below, this means these prosecutors may be trying to serve two masters, those who write the laws they enforce and those who in essence keep them employed. This paper investigates to what extent congressional changes to federal statutes affect the behavior of federal prosecutors, and if changes in that behavior may be more readily attributable to executive or congressional priorities; in short, it seeks to examine if U.S. Attorneys are agents to two principals, Congress and the president.

Principal-Agent Theory and Federal Prosecutors

Principal-agent (PA) theory describes a situation involving delegation: "one party (the principal) delegates work to another (the agent), who performs that work" (Eisenhardt 1989, 58). This approach has long been used by economists in their examination of the firm, but Moe (1984) was one of the first to suggest this theory is also applicable to governmental actors' activity. In particular, Moe suggests bureaucracies have many features in common with private firms, and that the PA framework "might be an important tool for political and social analysis more generally" (1984, 758). Although delegation is at the heart of PA theory,

¹ For simplicity's sake I will use the terms "federal prosecutors" and "U.S. Attorneys" interchangeably, although the former encompasses more than just the latter (e.g., assistant U.S. Attorneys).

the theory itself is also concerned with what happens (or can happen) when delegation occurs. The “problems” covered by PA theory generally stem from the underlying assumption that both parties – the principal and the agent – “act so as to maximize [their] expected utility” (Shavell 1979, 57). In other words, each actor behaves in such a manner that produces the achievable results they most desire, not necessarily those results craved by the other party. When the desires of the principal and the agent come into conflict the situation is known as “agency-loss,” a situation where “the principal tries to control the behavior of his agent [to whom authority has been delegated], but the agent is driven by his own interests” (Moe 1987, 480). This problem of control is further complicated by the fact that it is often difficult for the principal to engage in efficient oversight of the agent, a situation exacerbated by the fact the agent often has more information about the work or process they have been charged with than does the principal. This does not mean oversight is impossible, only that it is rather costly for the principal in terms of time and effort, resources that could be allocated towards something the principal finds more meaningful.

Much, if not most, work that applies the PA framework to a real-world situation focuses on the interactions between a single principal and a single agent. However, there are exceptions to this rule, and various scholars (Moe 1984; Wood and Anderson 1993; Brent 1999; 2003) acknowledge agents can be employed by multiple principals. Although this study follows in the footsteps of the vast majority of literature in political science by applying the PA framework to an aspect of the bureaucracy, it differs significantly because it suggests the specific bureaucrats under examination – federal prosecutors – are in fact answerable to two principals, both Congress and the president. In several ways being agents of the executive is obvious: prosecutors are members of the Department of Justice and, as mentioned, they serve under the Attorney General and at the discretion of the president. As scholars (Wood and Waterman 1991) have noted previously, political appointment is one of the most effective ways to control bureaucratic behavior and changes in the leadership of an agency can also affect change in that agency (Wood 1988). Furthermore, like other agents, the behavior of executive agents, including federal prosecutors, is often thought to reflect the priorities of the current administration (the principal) (Whitford 2002). In theory, if a president wanted to start fresh and appoint 94 new U.S. Attorneys at the start of their administration they

could. In practice, however, this does not happen: Patrick Fitzgerald was the U.S. Attorney for the Northern Illinois District under both Republican and Democratic presidents, and Jane W. Duke served in that position in the Eastern District of Arkansas from 2007 – 2010. Nonetheless, that vast majority of currently serving U.S. Attorneys have been appointed since the current administration took office, and instances such as the 2006 – 07 controversy over the dismissal of seven U.S. Attorneys by the Bush administration lend credence to the notion that these actors are doing the work of the president.

It would be wrong, however, to dismiss Congress as another possible principal. First, as with all bureaucratic agencies, Congress has economic control over the Department of Justice and federal prosecutors: while prosecutors may be employed by the executive, it is Congress who appropriates and authorizes their salaries and also controls their budgets. Second, constitutionally the Senate plays a role in the appointment process as well, needing to provide its “advice and consent” to these nominations before they take hold. Scholars (Epstein and Segal 2005) have found that this constitutional authority allows the Senate, and even specific members thereof, to influence the judicial nominations a president may make, and it is possible this is also true with other nominations as well. Third, and perhaps most importantly, the responsibility of these actors explicitly involves the primary result of Congress’s fulfillment of its constitutional responsibilities, namely federal law. Because these prosecutors have the responsibility of acting on the government’s behalf in criminal cases, they are relying on Congress not only for the budgets to fulfill these responsibilities, but in essence the tools as well (i.e., statutes). Thus passing a new statute codifying some type of activity as criminal may not only provide prosecutors with more tools to use against alleged wrongdoers, but also may be sending a signal that Congress expects these types of crimes to be prosecuted in the criminal justice system, and failure to meet these expectations may have negative consequences. Seen in this light, U.S. Attorneys are akin to the “implementing population” identified by Canon and Johnson (1998) in their analysis of the impact of judicial decision, only the Attorneys are implementing congressional revisions to the United States Code (U.S.C.).

The Effects of Prosecutorial Discretion

The possibility that prosecutors serve Congress rather than or in addition to the president is moot if they do not have the discretion necessary to deviate from expectations. Put differently, if federal prosecutors cannot exercise the necessary levels of discretion to deviate from the expectations of the president, there is no possibility they can serve the interests of Congress instead. However, when it comes to what types of crimes prosecutors pursue in the courts, there can be no doubt they enjoy large amounts of discretion. Again, as their mission statement says, “each United States Attorney exercises wide discretion in the use of his/her resources to further the priorities of the local jurisdictions and needs of their communities” (Office of the United States Attorneys 2012), and so the ability of these prosecutors to prioritize which types of criminal actions they want to prosecute is not open to question.

While this discretion is not within doubt, the question of if it is exercised to tackle priorities of entities other than the individual Attorney or the president has hitherto not been the focus of scholars. Rather, most of the existing literature focuses on the general nature of federal prosecutions rather than changes in the use of these prosecutions after changes in law under different administrations. Frase (1980), for instance, discusses the fact that federal prosecutors have a large degree of flexibility in their selection of cases, that most federal criminal law overlaps with local (state) law, and that U.S. Attorneys can decline low-priority cases, especially if the Attorneys “believe that primary responsibility for the prosecution of such offenses lies with state authorities” (250). Priest and Kline (1984) also discuss the effects that this prosecutorial discretion can have, and since discretion is an inherent part of prosecutions those cases that are actually filed are not random and perhaps not representative of the greater “case population.” Stinneford (2005) analyzes the potential problems discretion and the overlap of local and federal laws can produce, identifying random disparity (the decision to bring a case to court when that decision results from factors that are “completely extraneous” to the crime itself) and intentional disparity (instances when prosecutors move cases to federal court to overcome potential issues in state courts, such as avoiding hostile juries, evidentiary problems, or the desire to seek a longer prison sentence than may be imposed under state law) as the two largest issues. These works demonstrate that there are various considerations that enter the

decision to prosecute defendants in federal courts, and that the discretion exercised by U.S. Attorneys can have important implications for how the process plays out, but they do not explore how congressional or presidential preferences may affect these decisions.

Chesney's (2007) examination of convictions and sentencing in terrorism cases fills this void somewhat, addressing the critique that executive agencies may be playing fast and loose with data to present results more in line with the executive's priorities in the post-9/11 era. In his examination of terrorism-related prosecutions, Chesney examines the "data-reliability critique" (that the statistics reported by the Department of Justice overstate the number of prosecutions and convictions) and the "soft-sentencing critique" (that claims of success are overstated because the results are often short prison sentences). With regards to the former, Chesney finds that issues in the data are primarily a result of labeling and disagreements among agencies about what should be considered a "terrorism case." Chesney also finds the soft-sentencing critique to be unsupported based on an empirical examination of sentences from a unique dataset, but the specificity of addressing these two critiques again largely leaves the impact of congressional or presidential action on the decision to pursue prosecutions unanswered.

It is clear that factors others than federal law are at work in the decision to file cases against defendants in federal court. First, it may be that the prosecutors are pursuing cases that are high-priorities of the administration for which they work, leaving lower priority cases to state or local prosecutors who can charge alleged criminal with violations of state law. If this is the case, then there should be marked differences in prosecutorial behavioral across presidential administrations. However, it is also possible the prosecutor is responding to congressional priorities, priorities expressed through revisions to existing federal statutes. If this is the case, then there should be marked differences in prosecutorial behavior prior to and after congressional revision of existing law. The content of these revisions is also important even with these other factors at play because the federal criminal code forms the foundation of federal law and is the basis for federal prosecutions. The nature of federal law may in fact play a crucial role in a U.S. Attorney's decision whether or not to pursue charges against an alleged wrongdoer: if they are unable to establish a nexus to interstate commerce as mandated by federal law, the Attorney may decline to file charges because

of the unlikelihood of securing a conviction. It may also be the case, however, that the current executive does not share the same priorities as members of Congress, and therefore the decision to decline prosecution may in fact represent the prosecutor acting as a faithful presidential agent. In short, if prosecutors are agents responsive in part to Congress, their behavior should change after that principal revises existing federal laws; however, if these agents serve only the president, there should be little change in their behavior due to congressional action, and changes should be noticeable across presidential administrations.

Research Design and Data

To investigate how the priorities of different principals may affect federal prosecutors, I examine the number of cases filed and the number of convictions achieved both before and after relevant changes in the U.S.C. and across different presidential administrations. Here, “relevant change” means that, at some point after the *Lopez* decision, a law was passed that amended an *existing* provision so that the revised provision explicitly required some nexus to interstate commerce through boilerplate language (a requirement that was lacking previously).² The focus on changes in existing provisions is important because it allows for a comparison of both the decisions of federal prosecutors (the decision to formally file a charge) as well as the outcome of those charges (the number of convictions) across changes in a particular provision *only*. In other words, the specific provision is controlled for, and any changes in charges or convictions under that provision cannot be attributed to the fact that it is new or addresses a hitherto neglected area of criminal law. When these revisions occur, they may be interpreted as a signal of congressional priorities, but because these periods encompass different presidential administrations, they also allow for an examination of prosecutorial (agent) behavior under different presidents (principals).

In order to identify which provisions of the U.S.C. had been altered with boilerplate language I first used Lexis-Nexis Congressional Universe to identify all Public Laws from the 104th to 111th Congresses (1995–2010)³ that contained both: (1) a change to the then existing U.S.C.; and (2) included some variant of

² Focusing on these types of changes also have implications for the practical effects of the judiciary’s constitutional decisions, something addressed in the discussion.

³ *Lopez* was decided during the 104th Congress, and the search for revisions to the U.S.C. starts here because it is more likely changes with boiler text would occur after that decision.

the boilerplate language as that change.⁴ I then compared the edition of the U.S.C. in effect when the law was passed to the law's text and also the next updated version of the U.S.C. to ascertain if the provision went from not requiring an explicit connection to interstate or foreign commerce to requiring such a connection.⁵ This comparison was limited to Title 18 of the U.S.C., the chapter pertaining to "Crimes and Criminal Procedure," and the above procedure produced 12 sections or subsections that went from lacking an explicit connection to "interstate commerce" to requiring such a connection (see Table 1).

The data on the number of prosecutions come from the Federal Justice Statistics Resource Center (FJSRC) of the Bureau of Justice Statistics (BJS), which "is a component of the Office of Justice Programs in the U.S. Department of Justice" (BJS 2012). The FJSRC's Federal Criminal Case Processing Statistics (FCCPS) tool allows users to access and analyze federal case processing data. Specifically, the FCCPS provides information on the number of cases filed, closed, and the types of outcomes in closed cases for violations of specific titles, chapters, sections, and sometimes subsections of the U.S.C. for fiscal years (FY) 1994–2009.⁶ Since these data use provisions of the U.S.C. to classify cases and convictions, they avoid the arbitrary and potentially problematic labeling issue identified by Chesney (2007). Based on the data accessible, 11 of the 12 sections identified above were able to be included in the analysis.

The fact that the data are reported by fiscal years presents a challenge to the analysis because there is no obvious way to disaggregate the data into months based on the information accessible, and thus a comparison between exact pre-/post-revision periods is impossible (i.e., some cases in the FY in which the revision occurred will be prior to the revision while others will be after, and it is impossible to identify which cases in that year come from which period).⁷ I therefore conducted the analyses that follow specifying the "revision-year" – the year in which the change in U.S.C. occurred – in various formats. The substantive conclusions were generally very similar across specifications, and the results reported exclude the FY in which the revision occurs from the analyses because these years include both pre- and post-revision data.

⁴ The specific search terms were "insert! or amend! and interstate w/10 commerce".

⁵ All editions of the U.S.C. were access through the website of the U.S. House Office of Law Revision Counsel (2012).

⁶ The federal government's FY runs from October 1 of the previous calendar year to September 30 of the FY's calendar year. Thus, FY 2012 ran from October 1, 2011 to September 30, 2012.

⁷ Some BJS data prior to FY 1994 is housed at the Interuniversity Consortium for Political and Social Research (ICPSR), but the data that may be relevant to the analyses herein are not currently available from that organization in any format. It is also important to note that it is not clear if these ICPSR data would allow for disaggregation of the FY data analyzed here or if they provide the same information as the FCCPS.

With data for 16 fiscal years for 11 sections of the U.S.C., there are data for a total of 165 FYs when the revision-years are excluded from the analyses (176 if the revision-years are not excluded).

Results

When all the data are aggregated, there is a significant and substantial difference in the number of cases filed, the number of cases closed, and the number of convictions achieved⁸ across pre- and post-congressional revision periods, and the means are greater in the post-revision period. When the revision-years are excluded, the mean number of cases filed in the pre-revision period is 5.58 (n = 50), but in the post-revision period that number jumps to 26.30 (n = 115). A similar result is also true for the mean number of cases closed, 4.22 (n = 50) in the pre-revision period and 22.46 (n = 115) in the post-revision period. Finally, the mean number of convictions is also substantially larger in the post-revision period, 19.73 (n = 115), than in the pre-revision period, 3.54 (n = 50); all of the differences are significant at p = .000.⁹ However, because these are aggregate data, it is possible that these results are being driven primarily by prosecutions under a handful (or fewer) of provisions, and so examining provision specific trends is warranted.

First, it is interesting to note that there were zero cases filed (and thus zero convictions) under two of the provisions included in the analysis: 11A §228(a) (dealing with failure to pay child support), and 110A §2261A(a) (dealing with interstate stalking). Of the nine remaining provisions, there was a statistically significant difference between revision periods in five for cases filed, four for cases closed, and five for convictions; Figure 1 illustrates the differences for the mean number of cases filed, cases closed, and number of convictions for both the pre- and post-revision period for the four provisions where the difference is significant across all specifications of the dependent variables.¹⁰ Across all provisions, when the difference was significant the mean was larger in the post-revision period, and this difference was often substantively large as well: in 13 of the 14 significant comparisons, the post-revision mean was more than twice the pre-revision mean, and in 10 of the comparisons the post-revision mean was more than three times larger. Furthermore, these general findings are very robust: across all the dependent variables and the various

⁸ In these analyses “convictions” are the number of guilty pleas plus the number of guilty verdicts delivered by a jury. These data were obtained from the FCCPS tool.

⁹ Significance levels for all difference in means tests are based on two-sample t-tests performed in Stata 11.2

¹⁰ Figures were generated using Excel 2008. Non-significant results are omitted from this and other reported results for the sake of clarity of the figures and tables but are available from the author upon request

specifications of the revision year, the post-revision mean is smaller only once and that difference is not statistically significant ($p = .342$).

It is possible, however, that these results represent a change in prosecutorial behavior based on clarified constitutional doctrine provided by the Supreme Court. In particular, after the *Lopez* decision prosecutors may realize that they are still able to prosecute offenders for violations of federal law predicated on the commerce authority, but that they will need to establish some type of connection between the alleged criminal behavior and interstate commerce. It is almost certainly this clarity that motivated congressional changes to existing statute, and if this also motivated changes in prosecutorial behavior there should be little difference in that behavior in the period exclusively after the *Lopez* decision. This is not the case, however: when examining the difference in means for all provisions from FY 1996–2009 (i.e., only post-*Lopez*) significant differences still occur *after* congressional changes to existing statutes. Thus, clarified constitutional doctrine absent congressional action does not promote a change in prosecutorial behavior.

While the clarity of constitutional doctrine alone does not explain the change in prosecutorial behavior, it is possible that the results reported above represent a change in the priorities of the executive rather than some type of prosecutorial response to congressional will. To investigate this possibility, I first conducted a series of difference in means tests similar to those described above, this time controlling for the partisanship of the executive. As a rough measure of administrative priorities, Republican presidents should be more likely to have a “tough on crime” stance, and if prosecutors are reflecting the priorities of the administration there should be more cases prosecuted, closed, and more convictions during Republican administrations than during Democratic ones. In the aggregate, this is indeed what happens: the mean number of cases filed was 15.85 per year during Democratic administrations, and 24.04 during Republican ones ($p = .077$), the number of cases closed was 12.74 per year during Democratic administrations and 20.98 during Republican ones ($p = .039$), and the mean number of convictions was 11.17 per year during Democratic administrations and 18.35 during Republican ones ($p = .044$).¹¹ However, when the data are disaggregated into specific provisions, it does seem these results are largely due to two or three provisions,

¹¹ Because of the nature of the federal fiscal year, there is overlap between Democratic and Republican administrations during FY 2001 and FY 2009; these years are considered Republican and Democratic administrations, respectively, because the majority of the 12-month period falls under each of these coded administrations.

including 47 §1030(a), 47 §1030(b) (both dealing with fraud using computers), and 113B §2332(a) (dealing with terrorism and homicide). Figure 2 illustrates the differences in means under Democratic and Republican presidents for the two provisions where the differences are significant across all specifications of the dependent variable. Importantly, however, there is a fair amount of overlap between both the post-revision and Republican administration periods, and so it is possible any significant difference in means is being driven by the effect of the other variable (e.g., the significant differences in Figure 1 [2] may be caused by the different administrations [post-revision period] rather than a change in federal law [changes in the administration]).

To investigate this possibility I used ordinary least squares regression (OLS) with each specification of the dependent variable above in a model with two independent dummy variables, one indicating if it was a post-revision year and another indicating if it was a Republican presidential administration (the base categories are a pre-revision year and a Democratic administration, respectively). I also included a variable designed to measure the public's general mood about how important issues of crime were to the nation, since both members of Congress and the president may be more apt to prioritize criminal prosecutions if the public sees the nation as being plagued by crime. Specifically, I used the averaged aggregate yearly summary of the percentage of Gallup Poll respondents who said issues of crime were the nation's most important problem as my measure of the public's mood.¹² Because each fiscal year overlaps with two calendar years, I specified two separate versions of this control variable, one that included the average from the calendar year prior to the fiscal year under examination (e.g., the average from 1993 was used for FY 1994), and one that included the average from the calendar year of the fiscal year under examination (e.g., the average from 1994 was used for FY 1994). The substantive conclusions do not change regardless of the specification of this variable, and the results reported here employ the latter specification.

The results for the aggregated data were very similar across dependent variables: the coefficient for the post-revision period was substantively large and statistically significant (21.840 [p = .000], 18.435 [p =

¹² These data were originally collected by Frank R. Baumgartner and Bryan D. Jones, and were distributed through the Department of Government at the University of Texas at Austin through the Policy Agendas Project website (www.policyagendas.org). "Crime" is Major Topic 12 in these data (Policy Agendas 2012). The data used herein are originally reported as a proportion and are converted to a percentage before being included in the regression analyses. More detailed information about the measure can be found on the Policy Agenda Project website.

.000], and 16.239 [p = .000] for cases filed, closed, and convictions, respectively), while the Republican president indicator and the public mood variable were each substantively smaller (maximum absolute values of 1.77 and 0.196, respectively) and not statistically significant (lowest p-values of 0.824 and 0.626, respectively). In the aggregate, it is only congressional action that affects the behavior of federal prosecutors. As before, I also used OLS on the dependent variables for each provision, and the provisions with significant results appear in Table 2. In general, the story is very similar: where there is a statistically significant effect it is for the post-revision period rather than the presidential administration or public mood variables, although on some occasions all three variables are significant. Coupled with the other results discussed above, this evidence supports the conclusion that federal prosecutors are responsive to congressional preferences, expressed through revisions to existing law, even while these prosecutors are serving the president and regardless of the public's perception of how important issues of crime are to the nation.

Transformational Explanations?

While some type of boilerplate text was incorporated into all the provisions at some point from 1996–2004, the specific content of the provisions prior to this incorporation was not uniform, and there were likely different political and policy considerations that went into each provision's transformation. While the end result—a revised portion of the U.S.C.—is the same, it is possible the different nature of the transformations, and the motivations behind them, may have had differing effects on the behavior of federal prosecutors.

The first general category of transformation can be labeled as “pure transformations.” In these instances, the previous version of the provisions did not have any jurisdictional element that required the offense be limited to or have a nexus with interstate or foreign commerce, and so the inclusion of this jurisdictional element represents a potentially fundamental change to the scope of the law. Examples of this are the GFSZA (44 §922(q)), provisions relating to explosive materials (40 §842(h) and §844(e)), terrorism (113B §2332a and §2339B), and computer fraud (47 §1030(a) and 1030(b)). The GFSZA is perhaps the most unique provision included in the analysis because it was invalidated on constitutional grounds by the

Supreme Court in *Lopez*. What is interesting to note is that there were very few cases filed for GFSZA violations even in the fiscal year prior to the *Lopez* decision.¹³ However, since the revised GFSZA was signed into law in 1996, at least 589 cases have been filed for violations of that provision, and in the vast majority of cases closed the charged party has pleaded guilty (n = 455). Even in cases that have gone to the jury, the defendant is more often found guilty (53 times since FY 1996) than not (23 times since FY 1996). Thus, in almost 70 percent of cases involving the GFSZA that have gone to the jury a guilty verdict has been returned. By contrast, while there are more cases and convictions for violations of the GFSZA under Republican rather than Democratic presidents, the difference is not significant by any means. This, coupled with the results discussed above, suggests that prosecutors have been more active in pursuing cases against individuals who have violated this act in spite of the additional requirement of needing to demonstrate a nexus to interstate commerce and regardless of which party occupies the White House.

Yet these results might be unique precisely because the GFSZA is unique: it is the only law in this study that was invalidated by the Supreme Court because of constitutional considerations. Thus, other pure transformations might not stimulate any change in the behavior of prosecutors or may need a congruence of congressional and presidential priorities before change is effected. Examination of the trends for other provisions subjected to pure transformations does not suggest this is the case, however. First, all of the provisions in Figure 1 are pure transformation provisions, suggesting there was a significant difference in prosecutorial behavior across the pre- and post-revision periods. Additionally, the results in Table 2 also lend strong support to the conclusion pure transformations affect behavior independent of other factors: six of the seven provisions in the table are pure transformations, and four of these have a significant post-revision effect for two or more specifications of the dependent variable. Although two pure transformation provisions have significant differences across presidential administrations (see Figure 2), the results in Table 2 suggest the changes in prosecutorial behavior in relation to 47§ 1030(a) and 113B §2332a are more attributable to congressional revisions, or at least the fact that the statutes were revised, rather than differences in administrative priorities. Thus, when there is a change in prosecutorial behavior it is the result

¹³ This may be due to the fact that GFSZA was invalidated by the Fifth Circuit in September 1993, and so the first FY in the data (1994) occurs after this invalidation.

of congressional actions rather than administrative directives, and pure transformations spark a change in this behavior a majority of the time.

It is also important to note, however, that many of these pure transformations seem to be motivated by a desire to combat new (or renewed) issues of political or policy salience. For example, changes to provisions relating to explosives and terrorism (e.g., 40 §844(e) and 113B §2332a) occurred in the aftermath of the attack on the Alfred P. Murrah Federal Building in Oklahoma City in 1995, changes to the GFSZA occurred after the *Lopez* decision, and revisions to 113B §2339B, also dealing with terrorism, occurred shortly after the 9/11 Commission released the report on their investigation into those attacks (which also included numerous recommendations to rectify the security and informational shortcomings that the Commission perceived led to the attacks). In many ways these statutory changes represent a subset of pure transformations that can fairly be labeled as “salience transformations.” In these transformations, changes in the U.S.C. are motivated by the renewed attention given to a specific area of federal policy following some outside (non-congressional) event. While these salience transformations are a subset of pure transformations, there are two critical points to bear in mind. First, the change in prosecutorial behavior is still a result of congressional action rather than a renewed salience of policy across the spectrum of political actors: in Table 2, the only salient transformation that has a significant effect for the presidential administration variable is the GFSZA, but even here the post-revision variable still exerts a significant effect independent of the president, and the post-revision variable is almost always significant for other salient transformations as well. Secondly, pure transformations do not need to be salient transformations to elicit changes in prosecutorial behavior: there are still significant post-revision effects for 47 §1030(a) and 1030(b) in Table 2 even though these are not salient transformations. Thus, pure congressional transformations do spur a change in the behavior of federal prosecutors independent of executive preferences, but these changes in behavior are more ubiquitous when the transformation also is motivated by a renewed salience for a particular policy.

Not all statutory changes are as dramatic as pure transformations however. For example, prior to requiring a nexus to interstate or foreign commerce, 110A §2261 and §2262 targeted people “who travel[]

across [] State line[s]” (18 U.S.C. 110A §2261(a)(1), 1994 Supplement IV). In these instances, traveling across state lines seems to have the same purpose as the nexus to commerce, namely requiring that the offense be of an interstate nature in some way, shape, or form. Since this revision appears to be largely cosmetic (rather than substantive) I refer to these as “cosmetic statutory transformations,” and it seems reasonable to believe there would be little difference in case filings or convictions across revision periods (precisely because the changes were cosmetic rather than substantive) unless these were a particular priority of the executive. The empirical support for this expectation is mixed, however: only one of the six difference in means comparisons is significant across revision periods, but two of the six are across administrations. However, the results of the OLS analysis (Table 2) show that the presidential variable does not have a significant effect while the post-revision variable is significant for all three specifications relating to 110A §2261 (none of the variables are significant in the OLS analysis for 110 §2262 under any specification). Taken as a whole, this evidence suggests that these cosmetic changes can still evoke changes in prosecutorial behavior, although this effect is not as systematic or as ubiquitous as with the pure and salient transformations discussed above.

It is also important to note that, while prosecutors may change their behavior in response to legislative changes of statute, not all statutory changes evoke behavioral changes. Rather, in some instances it seems as though Congress may be tackling uncontroversial legislation for the purpose of credit claiming (Mayhew 1974), and in these instances there is no discernable effect on the number of charges filed by U.S. Attorneys. For example, 105 P.L. 187 made changes to 18 U.S.C. 11A §228, the portion of the U.S.C. that deals with child support payments and failure to make said payments. In particular, the law added travelling in interstate or foreign commerce to avoid child support payments to the acts punishable under federal law. Enacted as 105 H.R. 3811, the Deadbeat Parents Punishment Act has the hallmarks of non-contentious policy. In the House, the bill was debated for only one day (May 12, 1998), and only nine members of Congress spoke (Cong. Rec. 144:59). The majority of speakers spoke favorably about the bill, and predicated the need for policy change on the idea that existing penalties for deadbeat parents were not substantial enough to effectuate change. While one member, Rep. Ron Paul (Texas), decried the bill as an overexpansion

of the federal commerce authority, the vast majority of House members did not share such a view, and the bill passed 402 – 16 (House Roll No. 139). The debate in the Senate was even less contentious: during debate (June 5, 1998), only three members – Sens. Trent Lott, Mike DeWine, and Herb Kohl – spoke on the bill, all favorably, and it passed the Senate under a unanimous consent agreement (Cong. Rec. 144:72). On May 18, 1998 President Clinton’s office stated the administration “strongly supports” the bill (Clinton 1998a), and when he signed the bill into law on June 24, 1998 the president reiterated that stance:

From now on if you flee across state lines and refuse to pay child support you may be charged with a federal offense, a felony offense, and may land in jail for up to two years. One way or the other people who don't support their children will pay what they must (Clinton 1998b).

Despite the near universal approval from Congress and the president, this change in policy had little practical effect: zero cases were filed under 18 U.S.C. 11A §228 from FY 1994 – 2009, meaning no one was charged with or convicted of violating these sections of the U.S.C. either before or after the revisions or under *any* of the presidential administrations during that time period. These types of changes can fairly be characterized as “credit claiming transformations,” changes in the federal criminal code that are perhaps motivated by the credit claiming concerns of elected officials rather than policy outcomes per se. In these instances, officials are using their institutional resources to further their personal goals, such as improving their standing with their constituents, but there is no discernable effect on prosecutions or convictions under these provisions. Importantly, and unlike the provisions previous discussed, there was no increase in the number of filings, suggesting that non-controversial policies may be having more of an effect on legislators (for credit-claiming and reelection purposes) than on federal prosecutors, even when the executive administration lends its “strong support” to such initiatives.

Discussion

There is no doubt U.S. Attorneys dutifully fulfill their responsibilities as members of the executive branch, but when it comes to the enforcement of federal criminal statutes the results of these analyses support the conclusion that Congress can have a meaningful impact on how the prosecutors fulfill their responsibilities. Quite simply, when Congress revises an existing statute, even when that revision seemingly

makes the prosecutors' jobs more difficult, there is normally a corresponding increase in the reliance on, and meaningful and systematic increases in prosecutions for violations of, that statute. What is particularly striking is that these effects exist even when controlling for the executive administration, the very group to which prosecutors belong. In short, while prosecutors are undoubtedly agents of the executive they are also bona fide agents of the legislature, and they seem to respond to the expressed preferences of that second principal when a majority shares that preferences (as is necessary to enact federal legislation).

What about the executive; do prosecutors ignore the wishes of this (arguably the primary) principal? That conclusion is not support by these analyses because they investigate differences in prosecutorial behavior only after Congress has revised existing federal law, in other words after the second principal has expressed some type of preference. Therefore, absent the second principal expressing these preferences, it is very likely the agents – prosecutors – are responsive to the primary principal, namely the president. One could also ask if executive preferences were revealed through the president's role in the law-making process, namely the constitutional requirement that he sign a bill before it becomes a law. If in fact prosecutors were responding only to the administration's preferences (i.e., to the exclusion of congressional preferences) there should be consistent evidence of differences in prosecutorial behavior across presidential administrations. The analyses herein do not contain such evidence, and instead show that congressional actions have a significant, often substantial, and generally ubiquitous influence over the behavior of federal prosecutors. Put differently, the evidence suggests congressional action is influencing prosecutorial behavior independent of the president's preferences. In general, congressional efforts to enact pure statutory revisions seem to regularly evoke a significant change in prosecutorial behavior regardless of the executive administration, but these effects are even more pronounced and ubiquitous when the revisions are motivated by a renewed salience for a given policy. In contrast, revisions motivated by credit-claiming desires evoke no change in behavior, even when they have the "strong support" of the executive administration in which the prosecutor works. Although the analyses do not lend themselves to conclusions about prosecutorial behavior absent congressional action, they do support the conclusion Congress is able to evoke changes in prosecutorial behavior absent a reinforcing influence from the executive.

The results of this study also shed light on some of the practical consequences of constitutional decisions of the federal judiciary. From a practical perspective, it appears as though a negative “trickle-down” effect on U.S. Attorneys of *Lopez* and other cases like it has been minimal: in instances where the U.S. C. has been changed to require a nexus to interstate commerce prosecutions and convictions have either remained (statistically) static or increased, but in no instance has there been a (statistically significant) decrease in these variables. Given the amount of attention *Lopez* and other federalism decisions of the Court have received, it may be surprising that the “implementation effect” of these decisions after congressional adaptation appears to be non-existent. However, there are several possible explanations for this seemingly paradoxical increase in criminal prosecutions. First, some of the statutes target tangible goods that are very likely to be a part of interstate commerce by their nature. In addition, the growth of and advancements in technology have also whittled away geographical boundaries for things like commerce and communication. Similarly, as these advances occur a greater number of enterprises related to commerce rely on them, and so it likely becomes more difficult to engage in activities that do not affect interstate commerce. It is perhaps non-coincidental that these seem to be the types of goods and/or activities that are targeted by pure transformations. Regardless of which explanation(s) may ring true, the evidence in this article supports the conclusion that, while the jurisprudential effects of *Lopez* cannot be called into question, its practical effect on federal prosecutors has been minimal. This also suggests the examination of the practical effects of other constitutional decisions of the judiciary is warranted.

This study also makes use of a hitherto neglected set of data that could be useful to scholars from a variety of disciplines, namely the prosecution data provided by the BJS. In the current project they have been used to examine the influence of congressional behavior on prosecutions, but scholars from the field of public policy could use the data to examine the efficacy of criminal statutes (e.g., if statutory provisions are “effective” means of reducing crime, if new laws that are passed are in fact used/necessary, etc.), sociologists could examine if particular provisions of the U.S.C. are implemented equally (e.g., if cases are filed under statutes pertaining to “white-collar” crime to the same extent as other criminal statutes), and legal scholars could examine how the well-established caseload problem in the federal judiciary is affecting prosecutions

(e.g., are federal prosecutors able to bring as many charges against defendants as when the caseloads were lower, are defendants convicted in the same numbers or at the same rates as in years past, etc.). While the BJS data may not, by themselves, be comprehensive enough to facilitate completion of all these projects, there is valuable information in them that can be of beneficial use to social scientists across disciplines.

It is clear that constitutional decisions of the judiciary affect, and perhaps even encourage, statutory revisions by Congress. It is also clear that these revisions can impact federal prosecutors who often respond by prosecuting violations of these revised provisions with renewed vigor. Although explicitly members of the executive and serving at the discretion of the president, these federal prosecutors are thus also responsive to the legislature that crafts the laws they enforce, prosecuting violations of federal laws in the very courts that may elicit the very statutes whose violation the prosecutors are dealing with.

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Table 1: Title 18 Provisions Revised with Boilerplate Language, 104th – 111th Congresses

Chapter & Section	Public Law	Date of Enactment	General Provision
40 §842(h)	104 P.L. 132	April 24, 1996	Explosive materials
40§844(e)	104 P.L. 132	April 24, 1996	Use of explosive materials
113B §2332a(a)	104 P.L. 132	April 24, 1996	Terrorism/homicide
95 §1956(c)	104 P.L. 132	April 24, 1996	Money laundering
44 §922(q)	104 P.L. 208	September 30, 1996	GFSZA
47 §1030(a)	104 P.L. 294	October 11, 1996	Fraud w/ computers
47 §1030(b)	104 P.L. 294	October 11, 1996	Fraud w/ computers
11A §228(a)	105 P.L. 187	June 24, 1998	Child support
110A §2261(a)	106 P.L. 386	October 28, 2000	Domestic violence
110A §2262(a)	106 P.L. 386	October 28, 2000	Protective order violation
110A §2261A	106 P.L. 386	October 28, 2000	Stalking
113B §2339B(d)	108 P.L. 458	December 17, 2004	Terrorism

Notes: All chapters are from Title 18 of the U.S.C.

Provisions are listed with the specificity stated in the FCCPS.

Table 2: OLS Results for Number of Cases Filed, Closed, and Convictions, FY 1994 – 2009

DV	Provision						
Cases Filed		44 §922(q))	47 §1030(a)	47 §1030(b)	110A §2261	113B §2332a	113B §2339B
	40 §844(e)						
Post-Revision	23.84 (.019)	31.45 (.109)	43.40 (.033)	3.24 (.072)	22.21 (.003)	2.41 (.018)	4.42 (.150)
Rep. Pres.	1.16 (.921)	17.46 (.073)	-2.61 (.908)	-0.26 (.946)	-4.49 (.078)	9.57 (.092)	-1.11 (.545)
Public Mood	-0.23 (.608)	1.67 (.021)	-1.81 (.083)	-0.24 (.061)	0.48 (.133)	0.12 (.555)	-0.19 (.146)
Constant	38.56 (.004)	-20.56 (.403)	74.95 (.007)	7.80 (.016)	-5.36 (.475)	-2.44 (.556)	4.96 (.146)
Cases Closed							
Post-Revision	18.71 (.084)	35.64 (.001)	26.26 (.097)	2.80 (.064)	19.54 (.013)	2.19 (.014)	2.25 (.019)
Rep. Pres.	3.02 (.724)	19.52 (.002)	5.49 (.730)	4.12 (.067)	-3.37 (.367)	2.50 (.216)	-1.07 (.078)
Public Mood	-0.25 (.480)	1.59 (.000)	-1.91 (.020)	0.01 (.899)	0.54 (.169)	-0.06 (.476)	-0.10 (.039)
Constant	30.40 (.045)	-24.72 (.017)	74.67 (.001)	1.72 (.470)	-8.96 (.302)	1.32 (.478)	2.57 (.041)
Convictions							
Post-Revision	17.10 (.117)	30.56 (.001)	23.66 (.120)	3.47 (.009)	19.14 (.012)	1.20 (.042)	2.43 (.001)
Rep. Pres.	-0.18 (.983)	19.24 (.001)	1.86 (.898)	2.98 (.062)	-4.78 (.186)	2.24 (.218)	-1.15 (.071)
Public Mood	-0.35 (.353)	1.45 (.000)	-1.93 (.012)	0.04 (.635)	0.55 (.148)	-0.04 (.592)	-0.8 (.041)
Constant	28.56 (.072)	-23.84 (.017)	72.06 (.001)	0.46 (.810)	-9.59 (.256)	0.94 (.592)	2.17 (.044)

Notes: Only provisions with at least one significant independent variable are shown.

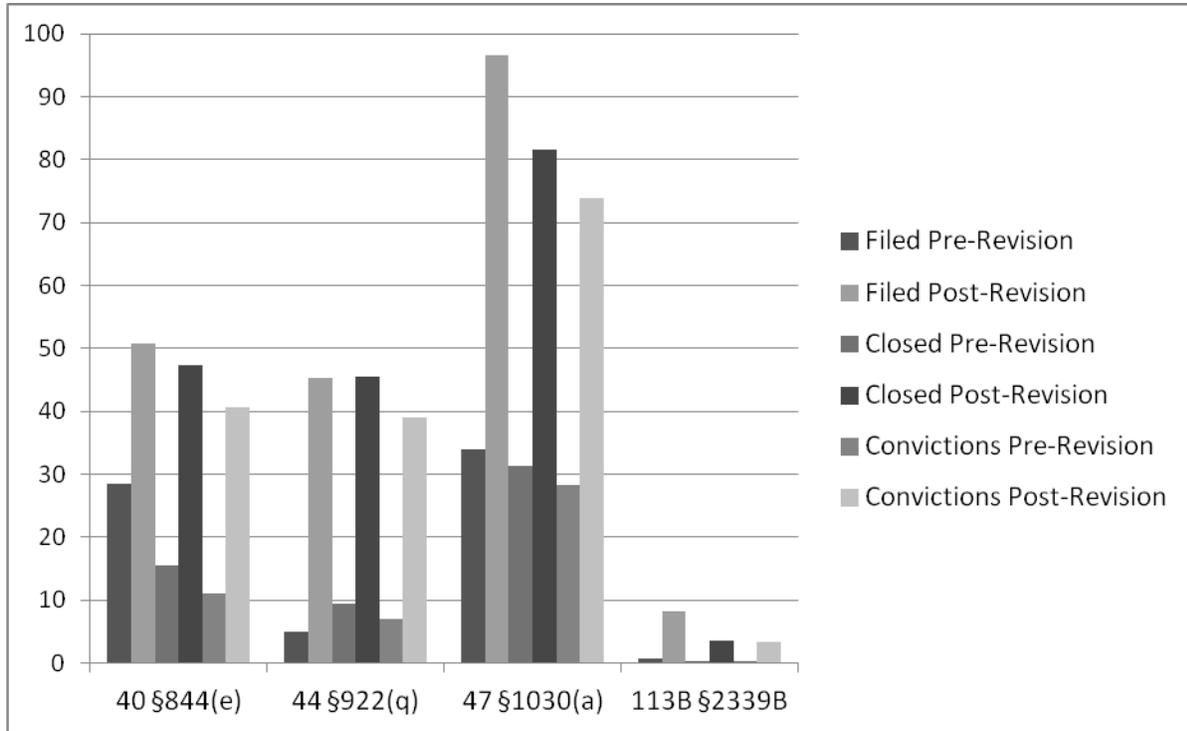
All chapters are from Title 18 of the U.S.C. and are listed with the specificity stated in the FCCPS.

Specification of the dependent variable is bold; independent variables are standard font.

Two-tailed p-values based on robust standard errors are in parentheses.

Bolded coefficients are significant at $p \leq .05$; incorrectly signed coefficients are not bolded.

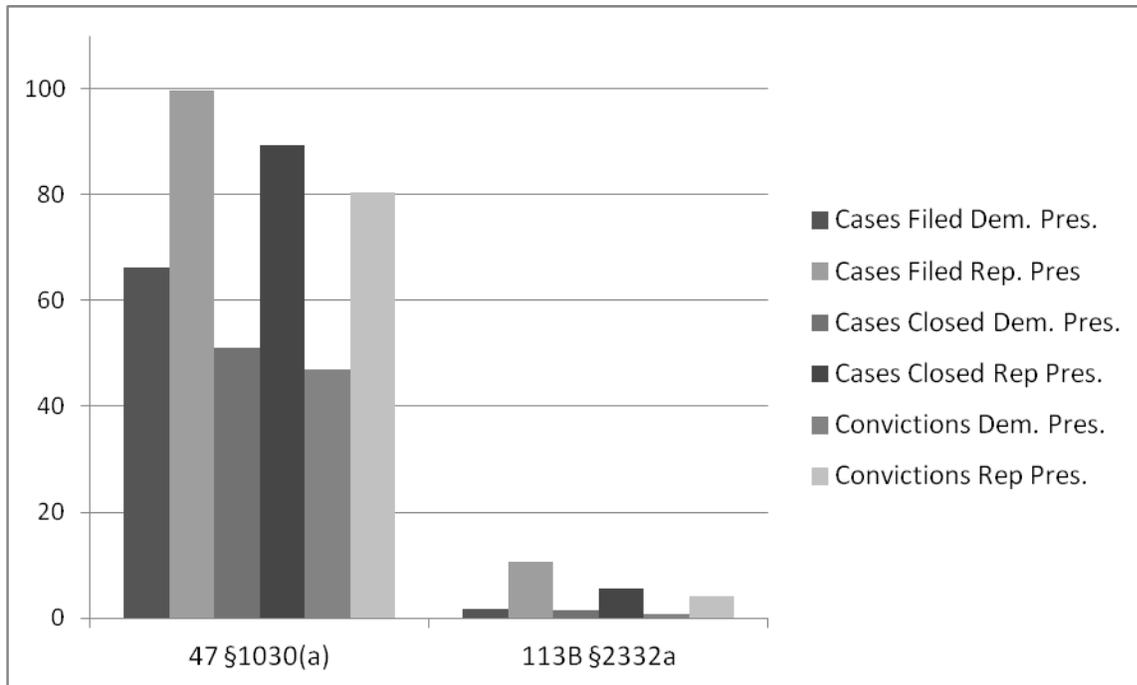
Figure 1: Significant Comparisons of Mean Number of Cases Filed, Closed, and Convictions Pre- and Post-Revision, FY 1994 – 2009



Notes: All differences are significant at $p \leq .05$.

Provisions not included in the figure do not have significant differences across all specifications of the dependent variable.

Figure 2: Significant Comparisons of Mean Number of Cases Filed, Closed, and Convictions for Democratic and Republican Presidents, FY 1994 – 2009



Notes: All differences are significant at $p \leq .05$.

Provisions not included in the figure do not have significant differences across all specifications of the dependent variable.

United States Air Force Military Civic Action in Thailand, 1964-1976: Modernization Theory and Military Doctrine

Eric D. Roehrkasse, Major, USAF, United States Air Force Academic

Disclaimer: The views expressed in this work are those of the author and do not necessarily reflect the official policy or position of the Air Force, the Department of Defense or the U.S. Government.

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When one thinks of the *positive* images of the U.S. military in Afghanistan over the last eleven years, what often comes to mind is soldiers, sailors, marines, and airmen handing out candy, medics and doctors giving shots, and engineers helping build schools. Those efforts are attempts not only to improve the image of U.S. forces in the eyes of the Afghan people but also to improve their quality of life. Knowing that U.S. forces will not remain in Afghanistan indefinitely, there is also an acknowledged need to hand responsibility for security and legitimacy over to the Afghans themselves. The campaign plan for Combined Joint Task Force (CJTF) 180 in 2002, one of the first U.S. commands of Operation ENDURING FREEDOM, included efforts to use the nascent Afghan National Army to increase the legitimacy of the new Afghan government in the eyes of the people.¹ This came through the use of Military Civic Action, or MCA. According to Joint Publication 3-57, which outlines joint doctrine for civil-military operations, MCA programs:

...use predominantly indigenous military forces at all levels in such fields as education, training, public works, agriculture, transportation, communications, health, sanitation, and other areas that can contribute to the economic and social development of the nation. These programs can have excellent long-term benefits for the host nation by enhancing the effectiveness...and...legitimacy of the host government by showing the people that their government is capable of meeting the

¹ Robert W. Redding, "19th SF Group Utilizes MCA Missions to Train Afghan National Army Battalions," *Special Warfare* 17, no. 3 (2005): 22, <http://search.proquest.com/docview/199360549?accountid=11496>.

population's basic needs.... MCA may involve US military supervision and advice but the visible effort should be conducted by the host nation...military.²

In essence, MCA tasks the U.S. military to train a host nation military in social and economic development with the hope of fostering legitimacy for the government. While a seemingly admirable endeavor, MCA, otherwise known as “nation-building,” has numerous faults. One fault, beyond the scope of this article, is that it empowers the host nation military as the guarantors of a nation's economic and social well-being, a condition especially dangerous if the nation has a weak civilian government. Another fault is that MCA takes aim at the host nation's culture and asserts the universality of the American model. A third fault is that the roots of MCA in the ideology of modernization theory make it ill-suited as military doctrine. A military doctrine created out of ideology requires that military members go beyond their professional status as “managers of violence” to become purveyors of this ideology.³ To emphasize this point, this article will link Michael Latham's explanatory framework of modernization theory as ideology to the inception of MCA as military doctrine and use the case study of U.S. Air Force (USAF) MCA in Thailand before, during, and after the Vietnam War to identify the problems with ideologically-based military doctrine.⁴

² *Civil-Military Operations*, Joint Publication 3-57, (Washington, DC: Joint Chiefs of Staff, 2008), I-13, http://www.dtic.mil/doctrine/new_pubs/jp3_57.pdf

³ The term “managers of violence” comes from Samuel P. Huntington's seminal work, *The Soldier and the State: the Theory and Politics of Civil-Military Relations*, (Cambridge: Harvard University Press, 1995), 12. This is reinforced by the 2012 white paper from the Chairman of the Joint Chiefs entitled “America's Military – A Profession of Arms,” which states, “Our profession is distinguished from others in society because of our expertise in the justified application of lethal military force and the willingness of those who serve to die for our Nation.” http://www.jcs.mil/content/files/2012-02/022312120752_Americas_Military_POA.pdf. This is not to argue that the U.S. military should not respond to disasters to alleviate suffering, but there is a distinction between humanitarian efforts and nation-building.

⁴ There is a rich literature on modernization theory and U.S. foreign policy. Michael Latham's first book on the subject was *Modernization as Ideology: American Social Science and “Nation Building” in the Kennedy Era* (Chapel Hill: University of North Carolina Press, 2000). Latham also wrote *The Right Kind of Revolution: Modernization, Development, and U.S. Foreign Policy from the Cold War to the Present* (Ithaca, NY: Cornell University Press, 2011). Other books include Nils Gilman, *Mandarins of the Future: Modernization Theory in Cold War America* (Baltimore: Johns Hopkins University Press, 2003); David C. Engerman, Nils Gilman, Mark H. Haefele, Michael E. Latham, eds, *Staging Growth: Modernization, Development, and the Global Cold War* (Amherst: University of Massachusetts Press, 2003); David Ekbladh, *The Great American Mission: Modernization and the Construction of an American World Order* (Princeton, NJ: Princeton University Press, 2010); and Nick Cullather, *The Hungry World: America's Cold War Battle Against Poverty in Asia* (Cambridge, MA: Harvard University Press, 2010).

Michael Latham's first book, *Modernization as Ideology: American Social Science and "Nation Building" in the Kennedy Era*, published in 2000, identifies the influence of social scientists on U.S. foreign policy, in particular Kennedy advisors such as Lucian Pye, Max Millikan, and Walt Whitman Rostow.⁵ These social scientists, many of them members of the Center for International Studies at MIT during the 1950s, charted a process by which they believed societies developed throughout history. These social scientists and their adherents viewed modernization and development through an American lens, seeing it as the opposite of so-called "backward societies," and the cure for many of the world's ills, in particular the problem of communism and the emergence of the Third World. Modernization theory, according to Latham, carries four major assumptions: 1) that national development proceeds along a common, *universal* path, along which America represents the most advanced stage of development, 2) that there is a sharp dichotomy between traditional and modern societies, 3) that modern societies can help accelerate development in less developed nations, and 4) that economic, political, and social changes are integrated and interdependent, meaning that change in all these areas are necessary and affect one another.⁶ Taking this a step further, Latham suggests in his 2011 work, *The Right Kind of Revolution*, that this mid-twentieth century theory repackaged preexisting ideas about empire, civilizing the uncivilized, and American exceptionalism, such as Manifest Destiny after the 1830s and the Spanish-American War in 1898.⁷ The common thread between modernization theory and earlier ideas is that Americans saw themselves as models for others to follow and believed that the U.S. needed to intervene to create other societies in its image for the good of the world.

One of the primary peddlers of this ideology was Walt Whitman Rostow, an advisor during John F. Kennedy's presidential campaign, then deputy to National Security Advisor McGeorge Bundy, and eventually the National Security Advisor under Lyndon Johnson. Rostow's 1960 book,

⁵ Latham, *Modernization as Ideology*, 57-58.

⁶ *Ibid*, 4.

⁷ *Ibid*, *The Right Kind of Revolution*, 12.

The Stages of Economic Growth: a Non-Communist Manifesto, was highly influential. As the title suggests, Rostow outlined five universal stages of development along a path from the traditional stage to the age of high mass-consumption, and asserted that development was anchored in a capitalist economic worldview.⁸ Kimber Charles Pearce's book *Rostow, Kennedy, and the Rhetoric of Foreign Aid* makes the link between Rostow's ideas and Kennedy's foreign policy, in particular foreign aid programs like the Alliance for Progress and the Peace Corps.⁹ What is particularly fascinating, and also key to the topic of this paper, are the links among Rostow, modernization theory, and military doctrine.

Military Civic Action, as official policy and military doctrine, began with McGeorge Bundy's National Security Action Memorandum No. 119, dated 18 December 1961. This memo, sent on behalf of the President to the Secretary of State and Secretary of Defense, defined civic action as, "using military forces on projects useful to the populace at all levels in fields such as training, public works, agriculture, transportation, communication, health, sanitation, and others helpful to economic development."¹⁰ It is important to note that the definition of MCA has changed very little in the fifty years since this memorandum. There is seemingly no direct evidence that Rostow had a hand in drafting this memo, but there is significant evidence of the influence of Rostow and the idea of modernization theory on the inception and implementation of Military Civic Action. First, Rostow was the deputy to McGeorge Bundy and a Kennedy advisor. That does not establish a link, but it is the kind of circumstantial evidence that suggests the possibility. More compelling is the way Air Force personnel invoked the ideas of Rostow and modernization theory in discussions about Military Civic Action.

⁸ Walt W. Rostow, *The Stages of Economic Growth: a Non-Communist Manifesto* (New York: Cambridge University Press, 1960), 4.

⁹ Kimber Charles Pearce, *Rostow, Kennedy, and the Rhetoric of Foreign Aid* (East Lansing: Michigan State University Press, 2001), 8.

¹⁰ National Security Memorandum No. 119, December 18, 1961, *Foreign Relations of the United States [FRUS], 1961-1963, Vol. VIII: National Security Policy, Document 65, history.state.gov/historicaldocuments/*.

Following the issuance of Bundy's memorandum, the Department of Defense had to fit the concept of MCA into its doctrine. As with all new doctrines, there was the need for services to educate their personnel on the whys and hows. In December 1963, Robert F. Futrell, one of the most prolific U.S. Air Force historians, gave a two part lecture on the "Background and Growth of Military Civic Actions" to the Aerospace Studies Institute at Maxwell Air Force Base, Alabama. In his opening comments, Dr. Futrell said, "The United States Air Force believes that its concept of *building nations* through military civic actions is feasible because it recognizes that military men played just this same sort of role in the development of the United States" (emphasis added).¹¹ Here, Futrell suggested one of the major assumptions of modernization theory: the universal path of development as modeled by the United States. The most significant link between MCA and modernization theory, however, is Futrell's invocation of Rostow's stages of growth. He said the United States was in Rostow's "preconditions for economic take-off" stage after the Revolution in 1783, and he then began to connect civic action by the military to the economic development of the United States. He began with the establishment of West Point as an engineering school, then proceeded through the Captain Lewis and Lieutenant Clark expedition, discussed the work of the Army Corps of Engineers, and other such uses of the military for domestic nation building.¹² The essential takeaway here is that Air Force thinkers made links between the modernization theory presented by Rostow and the new doctrine of military civic action. This link was not isolated to Futrell's lecture.

Two months earlier, in October 1963, Air Force Chief of Staff Curtis E. LeMay gave a speech to the Shriners in St. Louis entitled, "Civic Action by the Air Force." In this speech, LeMay stated, "We have seen [MCA] operate in our own country for years. By encouraging and helping the Air Forces of friendly governments make their full civic contribution, we can demonstrate increasingly

¹¹ Robert F. Futrell, "Background and Growth of Military Civic Action: the Role of Military Civic Action in the Development of the United States," (lecture, Aerospace Studies Institute, Maxwell AFB, AL, December 1963), 2, IRISNUM 00467848, Air Force Historical Research Agency [AFHRA].

¹² Ibid, 3.

the superiority of free government on the basis of hard achievements, as well as moral values.”¹³ LeMay, like Futrell, latched on to the idea of exporting the American model of development and culture through military civic action. Phrases such as “superiority of free government” and “moral values” further indicate the ideological nature of this doctrine. Again, six years later in 1969, Air Force Lieutenant Colonel Malcolm Bounds published an article in the *Air University Review* entitled “Military Civic Action”. In this article, Colonel Bounds directly tied the concept and conduct of MCA to Rostow’s five stages. After describing the stages, he wrote, “In almost all underdeveloped countries, particularly those in stages 1 and 2, the elite of the country are the military. In the military are found those capabilities necessary to nurture national development: leadership, technical skills, administrative experience,...[etc.]. If our national policy dictates assistance in development of a nation, we must work with the existing power structure...And that power structure is usually military.”¹⁴ Thus, Bounds concluded that the indigenous military, with U.S. military assistance, was the best vehicle for moving “backward societies” through the “universal” stages of growth and modernization. This is the essence of Military Civic Action, which both Bounds and Futrell also labeled as nation-building. This doctrine makes soldiers, sailors, airmen, and marines carriers of ideology rather than practitioners of the art and science of war, not to mention how it risks putting power in the hands of the military at the expense of a weaker civilian government.

The ideological roots of military civic action created several problems for the U.S. Air Force in Thailand during the ‘60s and ‘70s. First, despite the rhetoric, it took Air Force leaders more than two years (1964-1966) to provide the funding or manpower necessary for MCA activities, largely because the Air Staff was reluctant to devote attention and resources away from strategic (nuclear) and conventional capabilities (and of course the growing effort in Vietnam). Second, once the

¹³ Curtis E. LeMay, “Civic Action by the Air Force: the Air Commandos,” October 19, 1963, reprinted in *Vital Speeches of the Day* 30, no. 5 (December 1963): 152, web.ebscohost.com.libproxy.temple.edu.

¹⁴ Malcolm S. Bounds, “Military Civic Action,” *Air University Review* (May-June 1969), accessed April 7, 2011, <http://www.airpower.au.af.mil/airchronicles/aureview/1969/may-jun/bounds.html>.

resources did come to match the rhetoric, U.S. airmen were frustrated by Thai culture and their efforts to develop along *their own* unique path rather than following the American model. Third, once modernization theory and President Johnson's handling of the Vietnam War were discredited, the ideological foundation of MCA eroded and it was twisted into something that could never achieve its original objective of nation-building. The bottom line here is that an ideologically-driven military doctrine has little chance of success because it is difficult to get broad and consistent support throughout the entire chain of command and because ideological assumptions are subject to change, difficult to measure in terms of success, and often flawed.

As stated earlier, General LeMay made the connection between military civic action and the exportation of the American development model. However, he never fully converted to this ideological use of the military. In the same speech already mentioned, LeMay emphasized that nuclear dominance was "the key to all the tasks" performed by the Air Force, including MCA.¹⁵ Given this, it is unsurprising that the original air commando unit deployed to Thailand in 1964 found little support from Air Force leadership for MCA. Detachment 6 of the 1st Air Commando Wing deployed there to train Thai and Laotian pilots on airborne counterinsurgency tactics.¹⁶ Part of the counterinsurgency mission was MCA. While the operational side of their mission was well supported, which included training for pilots as well as maintenance personnel, there was no provision for a dedicated, full-time MCA program.¹⁷ Air Commandos performed MCA during off-duty time, receiving supplies from humanitarian groups but lacking necessary equipment such as radios and vehicles despite repeated requests to Pacific Air Force Headquarters.¹⁸ Lacking a

¹⁵ Curtis E. LeMay, "Civic Action by the Air Force: the Air Commandos," October 19, 1963, reprinted in *Vital Speeches of the Day* 30, no. 5 (December 1963): 152, <http://web.ebscohost.com.libproxy.temple.edu>.

¹⁶ Warran A. Trest, *Air Commando One: Heinie Aderholt and America's Secret Wars* (Washington, DC: Smithsonian Institution Press, 2000), 140.

¹⁷ Michael E. Haas, *Apollo's Warriors: US Air Force Special Operations During the Cold War* (Maxwell AFB, Alabama: Air University Press, 2000), 240-1.

¹⁸ Trest, 142; Detachment 6, 1st Air Commando Wing (Weekly Activity Report, 2 January 1966), IRISNUM 00446512, AFHRA.

coherent nation-building strategy from higher headquarters, the Air Commando effort had little chance of success.

When funding and manpower did flow from the Air Staff following the appointment of General John McConnell as Air Force Chief of Staff and a reemphasis in MCA by President Johnson in early 1966, the civic action program “transformed from a voluntary humanitarian effort into an official program.”¹⁹ The 606th Air Commando Squadron arrived at Nakhon Phanom Royal Thai Air Force Base in April 1966, and in July they stood up a formal Civic Action Section.²⁰ They received money through foreign assistance funds, worked closely with the U.S. Operational Mission in Bangkok, and grew the unit to nearly one hundred personnel.²¹ Additionally, the Air Force established base-level civic action offices at each of the seven Thai air bases with an American presence. This should have spelled success for Air Force MCA, but an early indicator of friction came just two months before the 606th Civic Action Section began work: the USAF canceled the original Air Commando MCA program at the request of the Thai government for reasons never fully understood.²² Even with increased manpower and funding, American airmen faced problems: lack of Royal Thai Air Force participation--a necessary ingredient for MCA--and a desire by the Thai government to chart its own path of development, thus rejecting the American model. MCA could not succeed as long as the Thai government rejected the fundamental tenets of America’s modernization ideology.

Since Marshal Sarit Thanarat came to power through a military coup in 1958, Thailand was on its own path of modernization. Sarit understood the need to secure popular legitimacy through national development, but conceived his ideas of development with little Western influence.²³ While the U.S. concept of modernization emphasized the need for economic, social, and political

¹⁹ “Report on USAF Logistics Activities in Support of Operations in Southeast Asia, 1 January 1965-31 March 1968” (working paper for Corona Harvest, August 1970), III-6-149, IRISNUM 1007067, AFHRA.

²⁰ “606th Air Commando Squadron (Lucky Tiger) Activities,” October 5, 1966, 5, IRISNUM 00451168, AFHRA.

²¹ “Medical Training for Royal Thai Government Health Workers in remote site operations,” December 26, 1969, IRISNUM 00451168, AFHRA.

²² Detachment 6, Weekly Activity Report for 16-22 May 1966.

²³ Thak Chaloemtiarana, *Thailand: the Politics of Despotic Paternalism* (Ithaca, NY: Cornell University Press, 2007), 99.

development, Sarit's plan left out any mention of political reform, emphasizing the aforementioned dangers inherent in MCA. That Sarit and his successors had their own motives and methods for modernization does not mean there was never cooperation, but the American and Thai "partners" rarely saw eye to eye. As early as 1963, the Thai-U.S. Military Development Center was critical of Thai efforts.²⁴ Additionally, as mentioned before, American airmen had a hard time getting their Thai counterparts to participate. While the original problem with MCA might have been lack of commitment and resources by U.S. Air Force leadership, MCA failed to achieve its aims during this surge from 1966 to 1968 due to the agency of the Thai government and the failure of the U.S. and Thailand to agree on the fundamental tenants of modernization.

The continued failure of U.S. Air Force MCA efforts culminated in the demise of the MCA surge at the end of 1968. After only one and a half years, the U.S. Embassy in Bangkok directed the Air Force to withdraw MCA efforts to within a 16 kilometer radius of each base by the end of 1969.²⁵ While there is no explanation for the reduction in MCA efforts in any of the Air Force civic action reports from this period, it is perhaps not a coincidence that this change came when modernization theory was falling out of favor. Lyndon Johnson, who carried forward Kennedy's plan for MCA, was by this point discredited by the Tet Offensive and not running for reelection. Many in Congress believed that Kennedy and Johnson's focus of on modernization led to the unfortunate political and military commitments in Southeast Asia.²⁶ With Nixon's election providing a clear mandate to rethink America's foreign policy, it appeared that military civic action's end was near. However, being stripped of its ideological underpinnings, military civic action offices in Thailand were not closed; rather, they were repurposed.

By the end of 1969, the USAF MCA effort was no longer focused on helping the local military with social and economic development for the purpose of enhancing the image of the host

²⁴ Lee W. Huff, *Observations on National Security Organization Mobile Development Unit-2 Operations* (Bangkok, Thailand: Joint Thai-U.S. Military Research and Development Center, 1963), ii.

²⁵ "Medical Training for Royal Thai Government Health Workers in Mobile Medical Team Operations," (Semi-Annual Civic Action Report, December 28, 1969), IRISNUM 00451166, AFHRA.

²⁶ Ekbladh, 222 (see n. 5).

government. Rather, the focus shifted to “good will projects designed to enhance the image of the U.S. in the eyes of the Thai people.”²⁷ The goal was no longer nation-building; the goal became airbase security and force protection through improved public relations. Comments from one military civic action officer, Air Force Captain Charles Murphy, Jr., who was assigned to Thailand from July 1971 to December 1972, illustrate this goal-displacement.²⁸ In an oral history interview in 1973, Captain Murphy offered the following conclusion: “the purpose for the civic action program, the whole basis of the thing, is not just development...or anything like that. It is...creating an environment around an installation [so you can] deny it to the enemy.”²⁹ Murphy’s perception was consistent with the tone of the Nixon Doctrine and the strategy of Vietnamization, which no longer emphasized nation-building but rather focused on “peace with honor” and getting the U.S. out of Southeast Asia. Though the label of military civic action remained, it no longer resembled the doctrinal definition.

For MCA to work as intended, which is to use indigenous military forces (advised by the U.S. military) to modernize their society, the following must be true: the ideological assumptions of modernization theory must be correct (Latham and others argue they are not), the military members performing MCA must become agents of that ideology (a group that should remain politically neutral), and the target society must cooperate (even if contrary to their unique culture). The assumption that the U.S. represents the most advanced stage of the *universal* process of development has received much criticism since 1968 because it requires the target nation to adopt economic, political, and social systems compatible with the U.S. Yet this ideological assumption remains at the heart of MCA doctrine. Additionally, U.S. military members must become agents of

²⁷ “Medical Training for Royal Thai Government Health Workers in Mobile Medical Team Operations,” 8.

²⁸ John Scott and Gordon Marshall, “goals-displacement,” in *A Dictionary of Sociology* (Oxford University Press, 2009), <http://www.oxfordreference.com/view/10.1093/acref/9780199533008.001.0001/acref-9780199533008-e-943>. This reference defines goals-displacement as, “The substitution by an organization, of the goal or goals which it was established to serve, for other goals.” A similar concept in this dictionary is “goal displacement,” which emphasizes that the reason the goals change is to reflect the interest of the organization’s leadership rather than the group it was originally created to serve. Thanks to Chris Newman for making me aware of this sociological phenomenon.

²⁹ Charles G. Murphy, Jr., interview by Lyn R. Officer and Hugh N. Ahnmann, June 4, 1973, interview #675, transcript, IRISNUM 00904782, AFHRA.

liberal democratic capitalism in order to foster economic and social development and build nations. This goes beyond their ideologically neutral role as “managers of violence” and even the ideological neutrality of humanitarian aid (the policy motive for aid may be ideological, but the act of providing medical care or disaster management are not). Finally, MCA cannot be successful if the target nation refuses to adopt Western economic, political, and social systems, as was the case with Thailand’s refusal to adopt a democratic political system and their arguments about the uniqueness of Thai culture. In the end, the appropriateness of military civic action, and any other doctrine for that matter, comes down to a question of the military’s purpose. The military is an instrument of policy. It must not become an instrument of ideology, not only because ideologically-based doctrine has little chance of success, but because an ideologically-driven military is dangerous.³⁰

³⁰ LtCol Rein correctly commented that patriotism is an ideology much valued in the military. In this paper, by ideology I mean *political* ideology. Using Germany as an example, this is the difference between patriotism in the German Army during WWI and Nazism in the *Wehrmacht* during WWII.

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Thoughts on Bureaucracy and the Building of Democratic Traditions in Newly Democratizing Nations

Craig Curtis, Bradley University

Michael J. Kittleson, University of Washington School of law

Abstract

The relationship between bureaucracy and democracy has always been an uneasy one. While Democracy demands free and open debate, the management of bureaucracies, especially military style organizations, demands loyalty and unquestioning compliance with rules and procedures. This relationship is especially difficult when attempts are made to create democracy in a formerly autocratic state. Often the new democracy struggles with a holdover bureaucracy that simply knows no other way to behave other than in an autocratic fashion. Those who would create democracy in a nation without a history of democratic norms and values must craft a bureaucracy that is deeply committed to those norms and values. This paper looks at the relationship between social theory and bureaucracy and attempts to make an argument for a different approach to democracy building efforts across the globe. Instead of attempting to impose Western values on these developing democracies, the US should instead recognize that it has no monopoly on democratic theory and focus on developing their bureaucracies in ways that are honest and responsive to the needs of the people.

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What bureaucracy does in a society: an argument for all of us to pay more attention to public organizations

The writings of scholars from Woodrow Wilson (1887) to Max Weber (1946; 1958; 1966; 1983) to James Q. Wilson (1989) and beyond make it clear that merely passing a law in a legislature and having the president sign it will not have much effect on society unless some entity takes action to implement that law (Pressman and Wildavsky 1973). That entity is the bureaucracy. At all levels of government, and in all nation states, bureaucratic agencies give substance to laws. Scholars such as Michael Lipsky (1980) and B. Guy Peters (2011, 216) have argued convincingly that “street level bureaucrats” are the main interface between citizens and the government, which means that the lowest level appointed functionary in an agency may actually define the content of justice in a society.

The experience of the United States, both currently and in our historical development, is potentially instructive in an exploration of the ways that the functioning of the bureaucracy gives substance to democratic theory. Not only can we learn from the process whereby the United States moved from a fundamentally corrupt government in the nineteenth century to a far more honest and open government today, but we can also use current bureaucratic behavior to learn more about how bureaucracies can behave in ways that tend to undermine democracy.

Examination of current examples can illustrate the importance of the low level bureaucrat. In the United States, discretionary and inconsistent enforcement of vehicle noise ordinances has led to greater opportunities to engage in racial profiling by the local police (Curtis 2009; Crawford 2000).¹ While the citizens demand these laws be enacted because they do not like the noise from “boom cars,” the police tend to view violations of these laws as relatively insignificant. The police do see these laws as useful in that they are a valuable tool to be used to stop and impound the cars of suspected gang members. Every policy has side effects (Stone 1988). In the case of these laws that side effect is discriminatory enforcement which damages the relationships between the police and minority communities (Gau and Brunson 2010; Brunson 2007).

An example from post invasion Iraq is also valuable. After the end of formal military hostilities, when some of the internally displaced persons began to return to their old homes, they often found someone else living in their house (United Nations Office for the Coordination of Humanitarian Affairs 2010; Tarabay, 2007).² While there was a legal procedure for establishing a person’s claim to the property, and a procedure for paying off the squatters, corrupt bureaucrats demanded significant bribes for enforcing the law; and local officials were often unsympathetic to minority groups (McEvers, 2011). The US State Department’s last three annual Human Rights Reports on

1 There is an extensive literature on racial profiling in United States law enforcement. Excellent studies have been published in the mainstream criminal justice research literature. See, e.g., Crawford (2004), Engel and Calnon (2004), Lichtenberg (2006), and Nunn (2002) for examples of this literature.

2 It should be noted that the Coalitional Provisional Authority in 2004 established a procedure for the legal owners to assert ownership of property seized by Saddam’s Hussein’s government. The Commission for the Resolution of Real Property Disputes was not empowered to resolve disputes between squatters and those who left Iraq after 2003 and then returned.

Iraq repeatedly mention delays in resolving claims of restitution of property and lamented the widespread corruption in all levels of the Iraqi government (United States Department of State, 2008, 2009, 2010). The law means little if bureaucrats cannot or will not enforce it.

The vision of George W. Bush during his administration was to use military force to break down terrorist networks and build functioning democracies in the Middle East. Regardless of the wisdom of that approach, Obama inherited the foreign policy problem of fulfilling that vision. It is our argument that the likelihood of success in building democracy in the Middle East, and elsewhere in the world, is enhanced if we pay attention to the bureaucracy. This paper looks at the relationship between social theory and bureaucracy and attempts to make an argument for a different approach to democracy building efforts across the globe. Instead of attempting to impose Western values on these developing bureaucracies, the US should instead recognize that it has no monopoly on democratic theory and focus on developing their bureaucracies in ways that are honest and responsive to the needs of the people.

Weber, Stratification, and the Importance of Normative Thought in Maintaining Order

The intellectual history of organization theory may be traced to Adam Smith ([1776] 1905), who first wrote about the division of labor or Henri Fayol (1949) who gave us the Scalar diagram or even Frederick Taylor (1911) who gave the world “scientific management.” Thinkers like these focused on organizations per se, without really calling our attention to the underlying justification for hierarchy. Max Weber (1946) gave the world its first ideal type for bureaucracy that was intended to apply in all situations. Far more importantly, he gave the world a way to justify hierarchy in a political system. The classic literature on democratic theory recognized the contribution that Weber had made to this area of inquiry. Lipset, in his classic 1959 article on the social requisites of democracy, cited Weber for the proposition that a system of legitimizing beliefs is essential for the formation and maintenance of democracy (Lipset 1959, 71). Inglehart and Welzel (2005, 71) argued that organizations that are responsive to local political culture are more likely to be perceived as legitimate in the eyes of the citizens whereas large, centrally controlled bureaucracies do less well in this regard..

For Weber, society inevitably stratifies into social classes (Weber 1946, 180-195). Like many stratification theorists, Weber believed that societal order is threatened when the distinction between social classes is too great but can be distinguished from Marx in his belief that rational structures of government can create conditions for a stable but stratified society (Weber 1946, 49). Given that disorder can result if social stratification is not legitimized in some manner, Weber opined that there were three main ways for society to organize itself. The three mechanisms for maintaining order were labeled: Traditional, Charismatic, and Legal Rational (Weber 1946, 78-79; 1958).

Traditional societies were held together by a unifying set of traditions. Often these were religious in nature. Examples might include the Inca, Maya, and Aztecs in Meso-America in which the head of

the society was regarded as divine, or semi-divine him or herself. Charismatic societies are held together by the force of personality of the leader. Alexander the Great is a prime example. He created an enormous empire through military conquest, but the empire was entirely dependent on his personal leadership. Those nations that have created institutions that are able to survive the death of charismatic leaders have done so with the assistance of normative political theories that are widely accepted among the common citizens. Weber used the term "Legal Rational" to refer to nation states where the stratification in society was prevented from creating disorder by widespread acceptance of a shared political philosophy. Weber's writings could certainly be taken to mean that a Legal Rational system is the only way to preserve order in a modern society with a well educated and literate population. For example, in describing the spoils system in the United States Weber (1946, 109), said, "A corruption and wastefulness second to none could be tolerated only by a country with as yet unlimited economic opportunities." Further, Weber (1946, 111) accurately predicted that the spoils system in the United States would inevitably be replaced by a merit system.

In the United States, we have a fairly well defined set of traditions and agreed upon set of normative principles that justify the power of the government. We have a written Constitution that expresses these principles and purports to place clear limits on the power of the federal and state governments. These ideas include the social contract, Classical Liberalism, capitalism, and the rule of law. Very few Americans, only a very small percentage, reject the ideals of freedom and equality that are expressed in our Constitution.

The rule of law is very important in the American democratic tradition. Weber's ideal type of bureaucracy was characterized by well established rules and procedures that limited the behavior of the members of the organization. The binding effect of these laws, coupled with the imperative to keep records of transactions, allows for citizens and elected officials to hold public sector employees accountable when their behavior fails to meet legal or normative standards.

In contrast to the democratic ideals that obtain in the United States, in the old Soviet Union, Marxism, as interpreted and applied by Lenin and Stalin, gave the society its reason for being. While we do not have clear data on the percentage of citizens who accepted the communist ideals that the leaders of the Soviet Union employed to justify their exercise of power, there clearly were large numbers of people who did accept the underlying legitimacy of Marxism and who worked diligently to ensure the success of the Soviet State. The brutality of the Soviet state certainly served to limit the legitimacy of a government as well since it inevitably served to create a massive class of people who feared any contact with the state.

This nearly century old theory of Weber's is extremely important today. Without a bureaucracy that adheres to the underlying principles justifying the state, the government will wither. In democracies, there must be put into place a bureaucracy that is bound by the normative philosophical principles that justify the existence of the democracy itself, with mechanisms to hold that bureaucracy fully accountable when it fails to behave in accord with its guiding normative principles. In essence, the new democracy must be held together by what Weber called a legal

rational system, including a bureaucracy that is trusted by the citizenry as whole. American failures to build functioning democracies in Afghanistan and Iraq are explained by the failure, on the part of the United States and the indigenous governments, to build bureaucracies in those countries that can be trusted by its people and that can be held accountable when the bureaucracy violates that trust.

This process is evolutionary in that it must follow a path that may seem a bit out of place in the twenty-first century. We are advocating that an early twentieth century form of bureaucracy, with a rigid set of personnel rules and with politically neutral competence as a guiding principle, be part of the early democratization process. Just as a rigid, politically neutral public personnel system played a key role in the United States as it overcame a strong tradition of corruption, so too will such a system, based on Weber's ideal type, play a positive role in building trust and legitimacy in newly democratizing nations. As newly democratizing nations seek to reduce corruption and build trust and democratic traditions, a rigid personnel system based on civil service rules and political neutrality can play a positive role.

A Tradition of Equating Democracy with Liberty in the United States

Democratic societies all share one common characteristic. The citizens have a real and meaningful mechanism for influencing the policy output of the government. Robert Dahl in his famous 1999 book, *On Democracy*, opined that effective participation and equality in voting were two of the five conditions for an ideal democracy to exist. Lipset (1959, 71) defined democracy "as a political system which supplies regular constitutional opportunities for changing the governing officials." Lipset and Lakin (2004, 27) argued that, "Generally, there must be a realistic chance that the party in power will lose, . . ." Further, these authors (Lipset and Lakin 2004, 28) stated that, "Our preference for democracy, though only imperfectly realized, is [based on the idea] that competition yields some degree of candidate responsiveness to the electorate." Huntington (1991, 7) defined democracy in terms of leaders being elected in "fair, honest, and periodic elections in which candidates freely compete for votes"

As early as 1886, in *Yick Wo v. Hopkins* (1886, 370) the Supreme Court wrote that the right to vote, "is regarded as a fundamental political right, because preservative of all rights." Voting with no actual choices, as happened in the old Soviet Union, is not democracy because it robs citizens of their ability to influence policy. The ballot should be secret, so that no one's vote can be held against them. The voting process should be honest, so that votes actually matter. Fraudulent vote tallies, as certainly has happened in far too many elections in developing countries, are not democratic.

The American version of democratic theory also mandates a number of other freedoms and rights. The most important of these are the right to free speech and the freedom of the press. With regard to freedom of the press, the policy established early in the Twentieth Century is that the government may not exercise prior restraint on what is published (*Near v. Minnesota* 1931; *New York Times Co. v. United States* 1971). This is not to say that speech or protests may never be

restricted. The treatment of Occupy Movement protesters in 2011 was less than sympathetic (See, e.g., CNN Wire Staff, 2011; Randewich and Devine, 2011; Washington Post, 2011) and the broadcast media can be regulated in ways that the print media cannot (Federal Communications Commission, 2008). Huntington (1991, 7) opined that without the freedom to organize, debate and speak freely, democracy cannot function because these freedoms are essential to conducting meaningful elections. There is disagreement about the details and applications of free speech in many contexts, but about the broad principle, there is little disagreement.

In the US, these freedoms have been construed to protect a wide variety of alternative lifestyles, forms of dress, religious worship, and associations. While religious freedom is somewhat controversial in the US, with some factions demanding a “wall of separation” between church and state³ to avoid any danger of theocracy and others demanding a place at the table for religion in political debate,⁴ even those who would favor a significantly larger role for religion in the policy process would reject the kind of involvement in public affairs that religion often plays in Islamic nations in the Middle East and Northern Africa.⁵

There is a significant literature on the conflicts between the conditions obtaining in bureaucracy and the type of personal freedom we associate with democracy. Sociologist Robert Merton (1957) wrote insightfully about bureaucratic dysfunction. William Whyte’s (1956) *Organization Man* and Ralph Hummel’s (1977) *The Bureaucratic Experience* are well known to all serious students of bureaucracy. Weber himself was keenly aware of the conflict between democracy and bureaucracy and wrote about that conflict in numerous places in his famous essay on the ideal type of bureaucracy:

Hence, whenever possible, political democracy strives to shorten the term of office by election and recall and by not binding the candidate to a special expertness. Thereby democracy inevitably comes into conflict with the bureaucratic tendencies which, by its fight against notable rule, democracy has produced (Weber 1946, 226).

‘Democracy’ reacts precisely against the unavoidable ‘status’ character of bureaucracy (Weber, 1946, 242).

The individual bureaucrat cannot squirm out of the apparatus in which he is harnessed (Weber, 1946, 228).

The main point here is that bureaucracies are characterized by rules and order. By contrast, democracy is characterized by very few limits on the behavior of citizens. The most rigidly hierarchical organizations, the police and the military, are the ones that present the greatest threat

³ A good example of such a participant in the American political system would be the organization Americans United for Separation of Church and State (<http://www.au.org/>).

⁴ A good example of such a participant in the American system would be The American Center for Law and Justice (<http://aclj.org/>).

⁵ On the role that religion plays in Islamic societies, see, e.g. Hamdi (1996, 85) “A secular government might coerce obedience, but Muslims will not abandon their belief that state affairs should be supervised by the just teachings of the holy law. This is not to recommend autocracy, but to say that Islam should be the main frame of reference for the constitution and laws of predominantly Muslim countries.”

to freedom. These organizations, with their traditions of strict hierarchy and detailed rules and regulations, are the ones charged with protecting the order in society.

In the United States, the initial police response to civil rights protests was to arrest the protesters. There were examples of brutality and the images from places like Selma, Alabama, still scar our body politic. But the big difference between a charismatic government and a legal rational government is that there are normative constraints on the behavior of the bureaucracy. The existence of mechanisms to gain control over the police organizations and to force compliance with the dictates of equal protection, developed and exercised over the course of decades, allowed progress to be made on civil rights in the US.

The Need for Harmony Between Democratic Theory and Bureaucratic Behavior

The success of civil rights leaders such as the Rev. Martin Luther King, Jr., was won at a terrible cost, but would not have been possible if American society lacked a collective ethic that demanded that the system respect the equal rights of all citizens and a system for holding public sector bureaucrats accountable for their actions when compared to that collective ethic. The legitimacy of the protests, and the illegitimacy of the police response in much of the country, played a very large role in the Civil Rights movement's ultimate success in passing and enforcing legislation that eliminated Jim Crow rule in the Deep South.

The violence of the public sector's response to demands for equal protection from civil rights leaders is a part of our national history of which we are not proud and is not limited to the states of the old Confederacy. Ours is a history in which violations of some of our most basic normative principles have occurred. The Alien and Sedition Acts of 1798 were passed less than a decade after the First Amendment to the Constitution proclaimed that Congress shall make no law abridging the freedom of speech, or of the press. These acts were subsequently held unconstitutional when challenged by their victims. In World War II, we put citizens of Japanese origin in concentration camps. Even though our Supreme Court upheld the action at the time (*Korematsu v. United States* 1944), years later the action was rejected and in 1988 the Japanese-American Reparation Act was passed to authorize the payments of reparations. These events show that ours is also a history in which these injustices are partially correctable and that the integrating philosophy of our society generally overcomes the prejudices of the time.

Often the key to holding the bureaucracy accountable is access to a politically independent judiciary. Access to the Courts in the United States is admittedly hard to achieve for the ordinary citizen, but many who might be the victim of injustice have help. Organizations such as the American Civil Liberties Union exist primarily to use litigation as a tool of political participation. For example, as evidence mounted that the system for implementation of capital punishment in the United States was racially biased, the ACLU worked closely with the Legal Defense Fund of the National Association for the Advancement of Colored Persons to contest every single death sentence in the US. Ultimately, these organizations were able to stop all executions from 1967 to 1976 and to force major and meaningful change in the legal rules governing capital cases.

While the mechanism for correcting violations of normative principles in the US can be slow and painful, and there are still differential economic outcomes by race, the mechanisms do work. Over time, the quest for equal protection for all races and economic classes has made tremendous progress and the public sector in all areas of the country now willingly complies with rules governing such matters as equal employment opportunity. The strategy that was used has been copied by the advocates for the rights of gay, lesbian, bisexual, and transgendered Americans, and despite the major objections by some parts of society, progress is being made in garnering equal rights for these persons. They may now serve in the military openly and, as of March 20, 2013, marriage for same sex couples was available in 9 states and the District of Columbia (National Conference of State Legislatures, 2013). Five other states allow civil unions (National Conference of State Legislatures, 2013).

Inglehart and Welzel (2005, 158-160) specifically addressed the question of whether the existence of democratic institutions fosters the development of democratic norms and argued that they do not. Based on analysis of post-soviet states, Inglehart and Welzel (2005, 159) argued that the existing political culture, especially the “strength of self-expression values” determines the extent to which democratic norms take root in a society. Most tellingly, these two authors (Inglehart and Welzel 2005, 159-160) stated, “Institutions cannot function well unless the public internalizes a set of norms consistent with these institutions.” Similarly, in his now famous and widely applied book on how American cities can combat violence and the drug trade, David Kennedy (2010) argued that his plans for how police can work successfully to limit the damage of crime to neighborhoods depends on the legitimacy of the police in the eyes of the residents of that neighborhood.

The main point here is that normative political philosophy matters. If the general public accepts the underlying philosophical basis of the society and the public bureaucracy can be held accountable when it behaves in ways that violate that normative basis, then true democracy and the necessary conditions to keep it on track are possible. The responsiveness and democratic nature of our bureaucracy and governmental system helped bridge the gap between our normative philosophy and reality. In summation, without a legitimate bureaucratic organization no new nation with democratic forms of government can be created and expected to survive as a functioning democracy.

How does this apply to the Arab Spring?

We use the term “Arab Spring” to refer to the events that began with the self-immolation of a young Tunisian Man named Muhammad Buazizi in December of 2010. These events are well described by Dalacoura (2012). There has been substantial commentary since the events of what is commonly described as the Arab Spring on the issue of whether these revolts will lead to greater democratization in the Middle East. While many in the Western world look forward to the growth of friendly, democratic governments in the Middle East, the prospects for these governments to quickly turn into democratic and friendly allies are not so certain (Goldstone 2011; Jones, 2013; Berman 2013).

Some of the well known thinkers on democratic theory have addressed the issue of whether Islamic societies can be democratic. Lipset and Lakin (2004, 186) expressed doubt that Islamic societies could tolerate dissent to the extent necessary for free political debate to occur. Huntington (1991, 72-73) argued that a “strong correlation exists between Western Christianity and democracy.”

In contrast, Inglehart and Welzel (2005, 71-76) suggest that Islamic cultures can value self expression more highly than many formerly communist nations. For them, a key value in determining whether a society can become more democratic is the value with which self-expression is held within that society. Given the enormous spread of expression of dissatisfaction with existing governments that characterize the Arab Spring, this certainly can be taken to mean that Inglehart and Welzel’s theoretical framework is consistent with the idea that Islamic societies can be democratic. Wright (1996) and Kubba (1996) argued that there is nothing in Islam itself that precludes the development of democracy and that other factors are responsible for the failure of Islamic societies to develop into democracies. Hamdi (1996) is far more skeptical of the ability for Islamic societies to adopt democracy according to the Western model, but does see the potential for Islam to adapt to greater demands for freedom from its citizens, within the constraints of *shari`a*. While he does not directly accuse Western democracies of hypocrisy in terms of their denial of the role that religion plays in those societies, Hamdi (1996, 83) does argue that Christian values play a large role in the governing constitutions of Western democracies and that it is not appropriate for these societies to demand that Islamic societies adopt these “Christian” constitutional provision. Similarly, Filali-Ansery (1996) argues that secularization, as it has occurred recently in Western societies, will not likely occur in Islamic societies, but that religious and societal transformations were already occurring within Islamic societies in 1996.

Before any discussion of events in Tunisia, Egypt, Libya, Yemen Bahrain, and Syria can commence, it is imperative that nation building efforts in Iraq and Afghanistan be addressed. Despite the expenditure of hundreds of billions of dollars in military effort and civilian assistance, neither Iraq nor Afghanistan has what anyone in the Western world would call a functioning democracy. It is true that neither nation has a tradition of respect for western democratic traditions, a factor cited by several commentators on the issue of democratization in the region (Kubba, 1996; Jones 2013). Huntington (1991) would predict that the immediate aftermath of many attempts at democratization is a temporary reversion to autocracy, and perhaps it is too early to judge the success of our efforts to build democracy.

One major setback in Iraq is the American failure to restrain the Maliki government in Iraq from using the judiciary and the bureaucracy as a political tool. This failure is largely to blame for the Iraqi government’s current lack of legitimacy in many parts of the country. Where “the law exists as a weapon to be wielded against rivals and hide the misdeeds of allies,” all but dedicated partisans lose faith in the integrity of the government and the democratic experiment fails (Parker, 2012). Maliki assigns security details to his allies and purposely denies similar requests for bodyguards for his political foes (Parker, 2012). A responsive and transparent security apparatus would not allow

this to happen. Such a bureaucracy would assign bodyguard based on actual threat, based on evidence, not political allegiance.

But there are domestic factors at play as well. Both Iraq and Afghanistan, each to a differing degree, have deeply religious societies. Few in either nation would care to live in a society that allows freedom of religious belief and exercise in the way that Americans take for granted. The citizens want what we would brand as theocracy. Hamdi (1996) wrote eloquently on the issue of the pervasiveness of Islam in the Middle East as a factor in determining the institutions of government. Additionally, the general resistance to secularization in Islamic societies is well known (Filali-Ansary 1996). Few people in either nation would support allowing women the kind of status that they enjoy in the US or the kinds of freedom of expression or of the press that we allow. But there are plenty of examples of functional democracies that have exceptions to freedom of the press. Both the US and the United Kingdom censored the media throughout World Wars I and II, and many accuse Britain's current harsh libel laws as censorship as well (O'Neil 2011). Internet censorship in India has gone down much the same route but most would still agree that India is a vibrant democracy (Vij 2011). It is a crime to deny the Holocaust in Israel and in several European nations (United States Holocaust Memorial Museum 2013). Insisting that Iraq and Afghanistan instantly allow more freedom of the press and expression than nations that have been democracies for decades or even centuries do is absurd. Allowing political speech is crucial to democracy, but unlimited freedom of the press is not.

The fact that a society does not hold all of the same normative values that are common in western, industrialized democracies does not mean that the society can't have democracy. Americans do not have a monopoly on democratic theory. Remember – the key to a healthy democracy is that people have a way of participating in a manner that has a meaningful impact on policy outputs of that government, not that they adapt American ideas about democracy.

Voting and the counting of votes must be honest and open in a functioning democracy. The experience with elections in both Afghanistan and Iraq do not live up to this model (Abdul-Ahad 2009; Araf 2010). Part of the reason the experience in these countries has been disappointing to observers from around the globe is that the people who run the elections and count the votes are not honest and are often put in their positions by the ruling government for the very purpose of helping the ruling government stay in power.

In democracy the decisions are legitimated by the process through which they are made. Since the bureaucracy gives substance to the law, where the bureaucracy extorts bribes from private citizens as a condition of doing their jobs, as seems to be the case in Afghanistan, (Lawrence 2011; Northam, 2009), the law will have no meaning and democracy will not be possible. According to Transparency International (2005, 77), the three main factors to be addressed in reducing corruption in post conflict reconstruction are:

- Ensuring public support
- Providing an appropriate economic and regulatory context

- Securing a legal framework for transparency and accountability

Factor two requires a competent and honest bureaucracy. Factor three requires a judiciary that is independent of political control. Factor one is impossible without factors two and three.

A major failure of the United States' efforts to build democracy in Iraq and Afghanistan is the failure to concentrate on building a legitimate bureaucracy. The traditions of bribery and uneven enforcement of the law have been allowed to carry over from the previous government. In Afghanistan, corrupt officials were allowed, with United States support, to establish what are best described as fiefdoms wherein the leader controlled everything, including access to jobs, money from the Afghan and U. S. governments, and the press (Rodriguez 2010; Chayes and Conan, 2011). In Iraq, America's outright endorsement of Maliki over his rivals in 2010 further detached the Maliki government from democratic accountability. By allowing him the crutch of US support, we freed him from having to rely on his own people to stay in power. So instead of rectifying the woeful state of Iraqi bureaucracy, he is able to continue to fashion it as an instrument of his political will and open it to corruption (Parker 2012; Engel 2010 Antelava 2009). A corrupt bureaucracy cannot be trusted to treat citizens fairly and equally, and perhaps more importantly, cannot be trusted to be free from infiltration by insurgents with lots of cash.

One might argue that an outside observer of the United States in the 1870's would have similar worries. There was terrorist violence, corruption, and fixed elections, but that system was transformed over time, and a key factor was the change in popular perception of government as an institution from a necessary evil to a potential agent of positive change during the Progressive Era. If we can transform that system into the one we have today, then there is hope for Iraq and Afghanistan. Farazmand (2011) is optimistic that bureaucracy can be reformed in newly democratizing nations so that it functions to reinforce that democracy.

One factor that limits our own efforts to induce newly democratizing nations to follow our model is the apparently justified allegations of corruption in our own nation. While the bribe taking is not so pervasive as in Afghanistan or Iraq, the relationships between government agents and the entities they are charged with regulating can be suspect. The investigation into the causes of the Deep Water Horizon oil spill in the Gulf of Mexico in 2010 revealed that employees of the Minerals Management Service were accepting all sorts of illegal benefits from the industry, including illegal drugs (Dickinson 2010). While the wrongdoers were sanctioned and the agency responsible for overseeing offshore oil drilling was reorganized, the message to the developing world was pretty clear. Recent analysis of the state of democracy in the United States is also not encouraging. Stepan and Linz (2011, 853) stated baldly that "the United States is now the world's most unequal long-standing democracy in the developed world." Their conclusions were based on the GINI index of inequality of representation as well as on economic inequality.

It is also significant to note that the Arab Spring movement has apparently not resulted in a change in the very negative image that many Arabs have of the US (Pew Global Attitudes Project 2011; Jones 2013, 63), a factor that needs to be addressed since it is crucial for America's ability to

promote democracy in the region and logical for citizens of newly democratizing nations in the Middle East to associate democracy with the U.S. It would be wise to heed Farazmand's warnings (2010, 250) about the potential for outside assistance in developing a bureaucracy in these nations to be perceived as a form of neo-colonialism.

What this all means is that we, as a nation, need to pay attention to our own democracy. We need to do a better job of living up to our own normative philosophical principles if we are to convince nations to trust us and adopt our system of government. The ability of an outside authority to impose a bureaucracy in a newly democratizing nation is severely limited by the fact that the citizens of the new democracy will not accept the legitimacy of the bureaucracy imposed from outside, especially from a nation that has a poor reputation in the region. The US has helped topple democracy in Iran and Iraq and has propped up authoritarian regimes such as those in Egypt, Saudi Arabia and Yemen for decades (Jones 2013; Goldstone 2011; Hamid 2011; Hamdi 1996). The public institutions in these countries have to be uniquely adapted to the individual society. Instead of seeking to export our version of democracy, our task is to educate and support, not to impose.

The record of democracies exporting democracy is grim indeed. The project usually fails and the recipient country reverts back to authoritarianism. Part of the problem is that we often rely on one of the most undemocratic of our own institutions, the military, to carry out this task. Instead of being responsive to the needs of the people, the newly installed government becomes responsive to the foreigners who truly keep it in power (Buena de Mesquita & Smith 2011).

If we want to assist the societies of Egypt, Tunisia, and Libya in joining the family of democracies in the world we have to help them learn these basic facts for themselves. Fung (2011, 865) argues that participation fosters democracy and that the key is to provide an "institutional tool kit," but not a "blueprint." We have to respect indigenous traditions and cultures (Hamdi 1996) and engage with leaders of political parties (Hamid 2011). Jones (2013, 56) goes so far as to say, "Any effort by Washington to bring democracy to the region will fail if local social and economic conditions are not ripe and if vested interests in the countries oppose political reforms." We have to attempt to help them develop their own unique institutions while supporting them in learning about the pitfalls of failing to maintain certain principles. Those principles are: 1) The bureaucracy must operate according to principles that are consistent with the prevailing normative theory that underlies the government itself; 2) the bureaucracy must not be corrupt; and, 3) the bureaucracy must be such that it can be held accountable when it fails to live up to its principles. This can only be done with respect for the rule of law and the existence of a politically independent judiciary.

There are many aspects of Weber's "ideal type" (Weber 1946, 196-204) of bureaucracy that provide preconditions for these principles. With regard to the prevailing normative theory, the ideal that "The management of the modern office is based upon written documents" (Weber 1946, 197) provides an opportunity for the grant of authority of a bureaucratic organization to be open and known to all citizens. This grant of authority can be written by the elected legislature, and to the extent that the legislature has legitimacy, the delegation of authority partakes of that legitimacy.

The limits of bureaucrat behavior can be prescribed according to the political culture of the nation, and, when the behavior falls short of the standards set by the legislature, it can be changed.

With regard to corruption, there are numerous aspects of the ideal type that promote anti-corruption efforts. The creation of written records on a regular basis helps hold the bureaucracy accountable to the law. The idea that bureaucrats should be paid a living wage and that the job is a career vocation is also important. On that point, Weber (1946, 199) was explicit, “Legally and actually, office holding is not considered a source to be exploited for rents or emoluments, as was normally the case during the Middle Ages and frequently up to the threshold of recent times. . . . Entrance into an office, including one in the private economy, is considered an acceptance of a specific obligation of faithful management in return for a secure existence.” The public official then, has an ethical obligation to the society itself to perform their duties faithfully and honestly.

With regard to the role an independent judiciary in holding the bureaucracy accountable, Weber wrote extensively about the role that legal institutions play in a modern, legal rational society (Weber 1966; 1983). In discussing the importance of legal systems specifically, Weber (1983, 28) said, “[M]odern rational capitalism needs, not only the technical means of production, but also a calculable legal system and an administration based on formal rules.” Weber (1946, 201) also wrote in positive terms about the American federal judiciary, “The superior qualification and integrity of federal judges, appointed by the President, as over against elected judges in the United States is well known” In writing about relationships between individuals in a society, Weber (1966, 29) said:

But it goes without saying that it makes a difference whether the partner’s expectations in this respect is supported by one or both of the following guarantees: 1. the factually wide currency, in the environment, of the subjective belief in the objective validity of such a norm (consensus); 2. Even more so, the creation of a conventional guaranty through regard of social approval or disapproval, or of a legal guaranty through the existence of enforcement machinery.

When this language is applied to dealings between citizens and bureaucrats, one can see two benefits of having a set of legally defined norms of conduct by the bureaucrat. First, if both the bureaucrat and the citizen expect that the bureaucrat will behave according to the law, including the expectation that the bureaucrat will do their job without bribery from the citizen, the behavior of both will more likely be cooperative and beneficial to the larger society. Second, if the behavior of the bureaucrat, or the citizen, falls below the consensus based standard of conduct, then a legal enforcement mechanism, in the form of an independent judiciary, provides the “legal guaranty” of which Weber spoke.

Over time, these norms of conduct, including civilian oversight and honesty, become incorporated into the organizational culture of public sector organizations. The result is the kind of highly efficient bureaucracy that Weber spoke of in positive terms. “Bureaucracy is *the* means of carrying ‘community action’ over into rationally ordered ‘societal action’” (Weber 1946, 228).

The success of the bureaucracy will be integral to the success of new democracies in the Middle East. In terms of how our foreign policy in response to the Arab Spring must proceed, the following is offered. First, we must provide the opportunity for leaders and citizens in those societies to engage in serious and thoughtful discussion about what democracy means in their country (Hamid 2011). We want to make sure that citizens have meaningful opportunities to have an impact on the nature and structure of the government through their participation.

Second, we have to educate them about how our own system works, including the aspects of our system that have been problematic in the past and/or could stand improving in the present. We should teach them how social movements make progress within the legal framework of our system as well as the limitations of our system.

Third, we should also endeavor to convince them that certain aspects of the system are essential. For example, we believe that a politically independent judiciary is essential. We should convince them that the rule of law must be respected. We should endeavor to convince them of the essential nature of having an honest bureaucracy through discussion of how our own society worked to eliminate corruption throughout the Progressive Era and how those efforts continue today.

Fourth, we want to remove the stereotype that democracy is a Western imposition or a tool of imperialism used to weaken the targeted societies for infiltration and control.⁶ Instead we must show that democracy is a way of throwing off oppression and giving the average citizen (so long oppressed in most Arab Spring countries) a say in the daily workings of government and society.

We must be patient as these new democracies make their own way through the process. It will not always be pretty (Berman 2013; Jones 2013; Vandewalle 2012) and won't always meet with our approval. In fact, there is already evidence that newly formed governments are not as aligned with our geopolitical interests as their autocratic predecessors (Hamid 2011; Doran 2011). Rather than criticize them when they fail, we need to offer assistance.

The US won't always like what comes out of this process but we must recognize that we have a choice to make: engage in a futile attempt to coerce newly developing democracies to adapt their policies to our benefit or help them develop into fully functioning, self-determining democracies. Jones (2013, 62), is quite clear that America must be realistic in its foreign policy in the region, "The normative hope that liberal democracy may flourish in the future must be balanced by the need to work with governments and societies as they exist today."

We should also recognize that the nations of the Arab Spring have very strong religious traditions. In the United States, we tend to associate theocracy with tyranny, but many Arabs do not make that connection (Hamid 2011). One example of this is the common prohibition of depicting the Prophet

⁶ The foreign policy of the United States is full of examples of the use of the rhetoric of democracy in support of brutal, autocratic regimes, especially during the Cold War. We are well aware of the potential lessons learned in Vietnam and Latin America and defer discussion of the impact of those mistakes for another paper.

Mohammed in certain ways. The publication of political cartoons in Europe resulted in widespread protest in the Middle East. One can plausibly assume that American notions of freedom of the press will not be respected when it comes to reporting news about religion in these new democracies. If the people of Iraq or Afghanistan demand that their government censors the media and the government responds accordingly, is that true democracy even though liberties are potentially trampled on? Over time, one would hope that freedom to think, speak about, and observe one's religion as one chooses would gain greater acceptance as the democracy matures and the citizens do not feel as threatened by speech or religion with which they disagree.

Most functioning democracies today can only be called such because they didn't have outside interference preventing them from finding their own path to prosperity. One major reason for the rise of democracy in Latin America since the end of the Cold War is that the United States is no longer interfering in the internal affairs of those countries to the degree it was previously (Azpuru & Shaw 2010). The US propped up authoritarianism in the region for decades. The Western Hemisphere is in America's "backyard," yet democracy was largely excluded from the region until America was no longer concerned about warding off communists. It was Latin America's increased ability to make its own choices after the Cold War that enabled it to become more democratic.

In Libya, we seem to be doing the right thing in that we are engaging in dialogue with the leaders of the new government (Hamid 2011) but not seeking to impose a government from the outside as we did in both Iraq and Afghanistan. In Egypt, as the fledgling military government seemingly moves towards democracy, there is substantial support for reversing their cooperative relations with Israel, something we do not want to happen. This is another example of our choice between promoting American policy goals and promoting democracy. If we give in to the temptation to interfere in Egypt's affairs instead of offering advice, we will adversely affect the prospects for democracy in Egypt. We have to attempt to engage with Mohamed Morsi's government. We have to refrain from the temptation to intervene, in full knowledge that sometimes even friendly democracies do things that we don't like.

Still, there are things we can do without overtly interfering in the evolution of democracy in these nations. In a democracy, citizens need the skills and education necessary to demand that their government attend to their needs. This starts with the education system itself. One of the best ways to help citizens inform themselves is to teach civic education in public classrooms. American assistance in building schools and training teachers can be done in a fairly non-controversial way. Investments in public civic education have proven very useful in Latin America, Africa, and Eastern Europe (Finkel and Smith 2011) and there is every reason they should work in the Middle East as well.

Another aspect of national development that can be fostered by United States assistance in a way that is consistent with the idea of developing a bureaucracy that is trustworthy honest, and effective is to improve infrastructure. Having traversable roads, widespread Internet access and a functioning postal system will make it easier for citizens to communicate with one another. Finding out where the nearest polling place is located, how to register to vote, and many other specifics

needed in order to vote effectively can be provided through better communication and transportation infrastructure. Without them, citizens can remain isolated bands of tribesmen largely unaware of more than their immediate surroundings but with them nations formerly scattered can be woven together through meaningful political participation.

While a free press in the same sense and degree that currently exists in the United States may not be feasible in Islamic democracies, widespread sharing of information is very useful. Given the role that social media and cell phones have played in the Arab Spring, it is clear that the citizens in these areas are sophisticated users of this technology. American aid can certainly assist in making sure that cell phones and other information technologies are widely available.

Conclusion: What is Obama to do?

The Obama Administration faces a crisis. There is the risk of disruption to our oil supply and a risk that our allies in Israel will perceive the situation as a threat to the peace with Egypt that has existed since the Carter Administration. At the same time we enjoy the potential of fundamentally altering the political environment in the Middle East in ways that are seemingly very much in our national interest. A major cause of Arabs' disapproval of the United States is the common perception in the region that we have failed to consider the perceptions and interests of anyone but ourselves in making foreign policy.⁷ Cooperation with the process of democratization as it unfolds on its own in the region can help to improve our image there. Behaving as we have in Iraq and Afghanistan will likely do nothing to improve our standing among Arabs.

Although following the recommendations laid out here will gain America and developing democracies much, it will not cure all problems, and the process of fixing those it does may be messy and incomplete. As Fukuyama notes, development is "complex and context specific," and the prescriptions here are not across-the-board solutions that can be applied in a cookie-cutter fashion (Mann, 2012). Time is also of the essence. In order for these strategies to be effective, the US must act quickly, before the new governments of Arab Spring countries entrench themselves and their partisans in power, guaranteeing an ugly transition (or perpetual authoritarianism) later on. However, despite these limitations, encouraging the development of a bureaucracy in line with democratic principles will generally go a long ways towards creating functioning and responsive governments in the developing world.

If we want to foster the long term expansion of democracy in the Middle East, and I am sure that we do, we have to allow events to unfold in ways that may, in the short run, seem antithetical to our national interests. Just like in our own history, the process is messy and full of fits and starts. It is better to allow these developing democracies to do things we might not approve of now in order to see them succeed later than to see democracy collapse in an attempt to graft American ideas onto a culture that is not like our own. We must trust the process of allowing newly democratizing nations

⁷ According to the Pew Global Attitudes Project (2011), the three main factors "that have driven animosity toward the U.S. in recent years are . . . a perception that the U.S. acts unilaterally, opposition to the war on terror, and fears of America as a military threat."

to develop their own version of democracy for themselves, paying attention to the key factors, such as the honesty of the bureaucracy, the existence of an independent judiciary, and the compatibility of the bureaucracy and underlying ideological justification for the government. We should nudge gently here and there, but only on rare occasions. If we do so, success in fostering democracy will be much more probable than it was with our past policy of supporting brutal, authoritarian governments in the region for the sake of our supposed national interest.

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Thinking Our Way out of the Proverbial Paper Bag: Critical Thinking in an Age of Political Polarization

Ira Smolensky, Monmouth College

Abstract

Critical thinking is currently the mantra of numerous colleges, universities, and think tanks. Competing factions in our political arena also claim to embrace critical thinking, each proposing that sloppy or corrupt thought prevents us from seeing the truth of its own moral and/or tactical superiority. This paper argues that ideological polarization and political gridlock cannot be transcended by critical thinking, or by its (sometimes competing) cousins such as critical literacy, critical pedagogy, and critical theory. To punch our way out of this proverbial paper bag, we must get beyond these aforementioned versions of critical inquiry, moving toward models that are more open-minded, doggedly self-critical, strategically targeted to meaningful action, and thoroughly resistant to convenient superficialities.

I. The Bag We Are In: Morbid Political Polarization

In the United States of America circa 2012, there seems to be very little upon which we all agree. Indeed, this is perhaps the one thing upon which most of us would agree. By common acknowledgement, ours is an age of counter-productive political polarization. While our era did not by any means invent political nastiness or ideological gridlock, it does seem to have put us into a most regrettable *cul-de-sac*, one in which there is no shortage of major problems but there most definitely is a dire shortage of innovative solutions or even innovative approaches with which to address these problems. Instead, we have an apparently futile rhetorical landscape in which implacable foes on the left and right dogmatically duke it out, producing an abundance of heat but precious little light. Meanwhile, an ineffectual center laments the unreasonableness of the two extremes, offering neither heat nor enlightenment to any useful degree. One might hope that the drama of the debate is seducing the public into becoming better informed citizens. Unfortunately, this does not seem to be the case. While avid principals on the extremes throw themselves into battle the general public looks on with disgust or looks away with studied disinterest. Ours seems to be an age in which rabid polarization is actually (and ironically) contributing mightily to the production of militant apathy.

This state of affairs is bitterly disappointing to the author of this paper. Way back in 1980 he had the temerity to suggest to his frantic liberal friends that the election of Ronald Reagan to the Presidency with a Republican majority in the Senate was not the end of the world. Keep your chins up, he exhorted, going on to predict that the unhappy results of the election would spur the "left" to revise, refine, and improve its ideas, moving beyond the half measures of the New Deal and broken Great Society programs to a modernized, more realistic version of its commitment to enhanced equality. In turn, the "right" would also be forced back to the drawing board to sharpen its

approach to government and public policy. Unfortunately, hindsight has proved the author a hopelessly optimistic Pollyanna. Instead of a golden age of political thinking, we find ourselves in a frustrating cycle of futility with hideously expensive elections failing to provide workable mandates or functional governing coalitions. In place of these political assets we have ceaseless posturing and the almost total stagnation of political thought, at least in terms of what actually reaches the public arena with a real chance of being implemented or at least burrowing its way even slightly into mass consciousness. The result is a disquieting, perhaps even scary polarization, with tensions being ratcheted up and any meaningful common ground quickly disappearing into the furthest reaches of our collective rear view mirror. If this sounds bleak, that is the author's intent. Indeed, the situation might be seen to bare a haunting resemblance to the caustic stalemate facing the country just before the Civil War.

What the equivalent of the Civil War would be like today is something most of us can not envision and do not want to find out. What we would like to find is a way out of this mess short of anything resembling civil war. On the contrary, we crave the emergence of a *modus operandi* through which we can think our way out the "bag" we are in, improving public discourse, formulating solutions to the problems that face us, winning public support for these solutions, and then moving to implement them. In short, we wish to move the U.S. toward the next and greater stage of democratic development. This will improve life for its own citizens and possibly even for people all over the world, not through intervention but through becoming a better "city on the hill" and a better "beacon" to humanity.¹

Unfortunately, as indicated above, the right, left, and center of the U.S. political stratum do not seem to be providing the intellectual ammunition needed to move the nation forward. The right is mired in a bog of its own devise featuring a dogmatic (and often anti-intellectual) hate affair with "big government," politics of resentment against various minorities, and demonization of the "left," defined as anyone who does not vehemently proclaim their own (the right's) agenda. The left, in so far as a left actually exists, is reduced to fighting a rear guard action against the constant onslaught of right-wingers, defending a welfare state that even they (the left) do not see as effectively addressing the nation's inequalities. Indeed, in doing so, they appear more as apologists for the status quo (the real "conservatives"?) than true champions of progressive reform. And what can we say about the center; it seems to represent the majority of Americans but has been reduced to impotence because it is split between the two major parties and lack of a forceful agenda other than its kneejerk condemnation of the two extremes.

In short, we find ourselves in an unproductive stalemate, one with the potential to become tragic and from which there appears to be no ready escape.

¹ The phrases quoted are from John Winthrop's famous 1630 sermon, "A Modell of Christian Charity", in which he urged his fellow Puritans to make the most of their opportunities in the new world. In citing Winthrop's popular conception of the American experiment, the author does not wish to suggest that Americans cannot learn from others as well or that we are the only beacon from which people can learn.

II. "Critical Thinking" to the Rescue?

At about the same time as this stultifying and possibly dangerous polarization has taken shape in American politics, the idea of "critical thinking," has become one of the primary goals of higher education and the mantra of choice in numerous other sectors of our society at large. College catalogues proudly proclaim their devotion to critical thinking. For example, the term appears 102 times on the Monmouth College web site as of this past February 17 (2012). As of the same date the web site of Monmouth's arch rival Knox College references critical thinking 79 times. But these examples are "small potatoes" compared to large universities. For example, the web site of the University of Illinois, Urbana-Champaign references critical thinking a staggering 18,800 times. In addition, ambitiously designed non-academic websites and numerous books are devoted to the establishment of critical thinking as a generous and perhaps even game-changing fount of intellectual energy and practical guidance in our society. Taken together, this elevation of critical thinking to a core, foundational goal of our society promises to give us more efficient professionals in many fields of endeavor, better informed citizens, more astute leadership, and more effective problem-solving in all avenues of American life.

From these already grand purposes, it is not too great a leap to think that critical thinking can provide a passage out of the current gridlock of polarization, that is, that we can "think" our way out of the bag we're in. If true this would be a welcome source of hope in gloomy times, leading us to ask, what exactly constitutes critical thinking and, as currently conceived, is it equal to the ambitious task of setting us free from the morbidly polarized state in which we find ourselves.

The Foundation and Center for Critical Thinking (FCCT) is an organization which publishes many texts on critical thinking (in English and a number of other languages), organizes conferences on the topic, recruits educators and other interested parties into its "Critical Thinking Community", and sees its mission as the promotion of "essential change in education and society through the cultivation of fair-minded critical thinking."²

The FCCT's website abounds with definitions, conceptualizations, and illustrations of critical thinking. On a basic level,

Critical thinking is the intellectually disciplined process of actively and skillfully conceptualizing, applying, analyzing, synthesizing, and/or evaluating information gathered from, or generated by, observation, experience, reflection, reasoning, or communication, as a guide to belief and action. In its exemplary form, it is based on universal intellectual values that transcend subject matter divisions: clarity, accuracy, precision, consistency, relevance, sound evidence, good reasons, depth, breadth, and fairness.³

² <http://www.criticalthinking.org/pages/our-mission/405>. The organization's extensive website includes several institutional identities, each of which centers around the promotion of critical thinking.

³ Michael Scriven and Richard Paul: from a statement for the National Council for Excellence in Critical Thinking Instruction. <http://www.criticalthinking.org/pages/defining-critical-thinking/766> Accessed February 17, 2012.

Critical thinking is offered as a necessary corrective to the inherent flaws of more spontaneous forms of thinking.

Everyone thinks; it is in our nature to do so. But much of our thinking, left to itself, is biased, distorted, partial, uninformed or down-right prejudiced. Yet the quality of our life and that of what we produce, make, or build depends precisely on the quality of our thought. Shoddy thinking is costly, both in money and in quality of life. Excellence in thought, however, must be systematically cultivated.⁴

Once trained, a well cultivated critical thinker

- Raises vital questions and problems, formulating them clearly and precisely;
- Gathers and assesses relevant information, using abstract ideas to interpret effectively;
- Comes to well-reasoned conclusions and solutions, testing them against relevant criteria and standards;
- Thinks openmindedly within alternative systems of thought, recognizing and assessing, as need be, their assumptions, implications, and practical consequences; and
- Communicates effectively with others in figuring out solutions to complex problems.⁵

This section of the FCCT website closes with following summation:

Critical thinking is, in short, self-directed, self-disciplined, self-monitored, and self-corrective thinking. It presupposes assent to rigorous standards of excellence and mindful command of their use. It entails effective communication and problem solving abilities and a commitment to overcome our native egocentrism and sociocentrism. (Taken from Richard Paul and Linda Elder, *The Miniature Guide to Critical Thinking Concepts and Tools*, Foundation for Critical Thinking Press, 2008).⁶

Based on these definitions, which, at this point of the author's inquiry, do not seem atypical, critical thinking would seem to be a potential antidote to our current condition, breaking down ideological and other forms of prejudice, combating dogmatic and uninformed world views, and clearing the way for innovative solutions to public policy and other social problems, large and small.

Further supporting this conclusion is the fact that, to a substantial extent, critical thinking is a practice supported by all three "sides" in our ideologically polarized political arena, right, left, and center. Spokespersons for all of these perspectives regularly decry the faulty thinking of the opposition, calling for greater acumen in exploring key issues and coming to defensible conclusions. Thus, critical thinking would seem to provide a good starting point from which ideological rivals can seek common ground.

⁴ <http://www.criticalthinking.org/pages/defining-critical-thinking/766> Accessed February 17, 2012.

⁵ Ibid.

⁶ Ibid.

Closer scrutiny, however, reveals that critical thinking as it is currently conceived, promoted, and practiced falls short of being an effective tool for escaping the polarized dead end in which American politics now languishes. Despite paying lip service to some of the following concerns, critical thinking fails in terms of a) it's inadequate emphasis on **self**-critical thinking, b) it's underdeveloped treatment of issues related to the depth of inquiry, c) inadequate attention to the interface between thought and action, d) a subtle but nevertheless definitive and chilling bias in favor of the status quo, and e) a lack of reflection about the problem of how the "wisdom" gained from right thinking can ultimately be made to speak effectively to "power."

III. Inadequacies of "Critical Thinking"

The promise of "critical thinking" as currently conceived as an antidote to morbid political polarization is marred by a number of crucial inadequacies.

Before going into each of these inadequacies a word is in order about the origin of the following critique. The author's doubts with regard to the efficacy of "critical thinking" as a paramount goal of education and public discourse came about not through abstract speculation, but rather through the observation of how the objective of critical thinking was pursued on the ground at institutions of higher education, and most especially at the author's own highly esteemed institution. This observation led to what seemed at first to be a perverse disillusionment, a kind of reflexive skepticism toward any idea that sweeps through the academy with all the earmarks of a catchy fad rather than conveying the weight of substantial scholarship. After a brief period of newness, the more colleagues spouted off about the benefits of critical thinking and the orderly progression of critical thinking plateaus to which students would be elevated the more the author began to think that a) the mania for critical thinking was not itself very thoughtful (or self-critical), and b) that the main attraction of critical thinking might actually be it's usefulness for the purposes of assessment rather than genuine excitement about its educational value. These generic doubts were ultimately replaced by more specific ones about what kind of reflection is needed to actually make a positive difference in way people live and in the way they are governed, particularly in light of the ideological impasse described above. These latter inadequacies are addressed below. In dealing with these inadequacies, it is hoped that a more productive model of thinking our way out of the bag we are in will emerge, moving us beyond critical thinking to what in this paper shall be labeled "transformative thinking," that is, thinking (and doing) that actually can deliver us from the rhetorical and practical sickness of our times.

1. Critical thinking puts insufficient emphasis on the need for and intricacies of self-critical thought.

Despite paying lip service to the need for **self**-criticism, critical thinking far underestimates the importance and persistence of this factor. True, the definitions above warn against "ethno-centric," "socio-centric," and ideology-bound thinking. But the centrality of this obstacle to

genuinely open inquiry goes unrecognized.⁷ As a result, critical thinking as currently practiced and taught, in numerous cases, actually buttresses up biases and preconceptions, encouraging mere gestures of open-minded inquiry rather than truly incisive attempts to uncover "inconvenient" truths. To put it another way, human-beings are much better at giving the appearance of challenging their own beliefs than they are at actually abandoning or even questioning treasured truths. Thus, self-delusion is a prevailing norm of the human condition. On the other hand, we have known at least since Plato wrote the "allegory of the cave" 2500 years ago that social self-criticism itself can be unreflective and irrational, with challenges to perceived orthodoxies leading to new and perhaps even less fortuitous orthodoxies. In sum, genuinely self-critical inquiry is difficult to initiate, maintain, and master, a problem (or set of problems) of which we need to be manifestly aware.

2. Critical thinking inadequately addresses issues related to depth of inquiry.

As commonly understood and put into operation, critical thinking requires that a person (or assembly of persons) be able to show plausible reasons for what he or she (or it) believes and how he or she (or it) acts. While conspicuously superficial thinking is at least implicitly rejected, much room is left for thinking that goes deep enough to meet the plausibility standard but stops well short of conclusiveness. This vagueness with regard to how deeply we are to go in our thinking raises the fear that critical thinking will not depolarize us, but rather create a state of polarized deadlock featuring more intricate rationalization but no real breakthroughs between the warring sides. Indeed, in academia as well as politics disputes are very often not a case of reason vs. unreason, but rather reason vs. reason, critical thinking vs. critical thinking with the different sides presenting very plausible reasons for their opposed positions. Of course, when these latter situations arise, there is a tendency to think that the opposition is not thinking critically, since they fail to see the unassailable rational power of our own positions. That is, we usually have a tendency to believe that WE are the ones being reasonable. Nor, in light of the hesitancy of most people to be self-critical, is there a strong incentive to go into the depth necessary to see the other guy's point of view.

In short, there is a tendency for critical thinking to go just deep enough to be self-justifying, and to avoid the depth necessary to discover common ground between antagonistic viewpoints. The answer to this problem is, of course, to think in more rather than less depth. That, however, raises another depth related problem. In today's world of impossibly abundant knowledge, facts, data, theories etc. where does one cut off inquiry in order to come to conclusions and actually act, hopefully with some confidence that the right decision has been made? This is not a simple question. Indeed, each of the three following propositions holds true. a) We do not want to be superficial in our thinking. b) We do not want to sink into paralysis by analysis. c) We cannot know everything there is to know about even the more moderately complex problems we wish to solve.

⁷ A first hint that the FCCT website quoted above falls short in this regard is its lionization of William Graham Sumner (1840-1910) as a champion of critical thinking. A pioneering sociologist, Sumner was also a rather dogmatic proponent of social-Darwinism.

In light of the above propositions, it behooves us to go to depth of analysis where we have a strategic core of understanding, one that enables us to move with confidence even though our knowledge is not comprehensive and complete. This balancing act is dictated by the urgency factor in alleviating the suffering or other serious and odious consequences of the problems we are trying to solve (which, ultimately, makes them worth solving). The need to act before we have anything resembling perfect knowledge can and should be ameliorated by the transparency of our efforts. In making the parameters of our inquiry public, we invite the commentary and criticism of other individuals and groups with overlapping or even very different knowledge than our own. Thus, at least in the sphere of big public policy and social problems, the effort is essentially collaborative, with problem solvers biting off what they can chew and hoping that complementary and even corrective efforts will make it all come out right. Another way of looking at it is to imagine we are all working on a massive jig-saw puzzle. We work on as much of the puzzle as we can see and hope that others are working on the parts we can not see or for which we haven't a clue. We hope that the limits of our perspective are compensated for by the efforts of others.⁸

3. Critical thinking also has a breadth issue in so far as it devalues pre-, non-, extra-, or trans-rational intuitions, inspiration, and other ways of knowing that may come from unique perspectives, experiences, and/or emotions.

Though critical thinking as presented above on the FCCT website and in other venues often includes an attempt to frontload basic such values such as empathy and compassion, its overwhelming emphasis is on conventional forms of rationality-- science, logic, mathematics, rational deduction, etc.-- nearly to the exclusion of non-linear ways of seeking or acknowledging truth. This emphasis might be useful or even indispensable for solving certain classes of problems in need of solution, for example, engineering problems and other technical areas where the logistics of action may figuratively or even literally be set in stone. But when it comes to social issues, less rational approaches-- even sentimental leaps of faith-- may put us light years ahead of hard, cold calculations. A case in point is one involving William Graham Sumner (1840-1910), one of the intellectuals lionized as an exemplar and advocate of critical thinking on the FCCT website. A pioneering sociologist, Sumner may be thought of as a hero of social science. But his scientific methodology did not keep him from dogmatically espousing the exploitive, exclusivist, and now thoroughly discredited (on empirical as well as moral grounds) philosophy of "Social Darwinism." Sumner disparaged his opponents-- those who rued class exploitation and despaired for the poor-- as intellectually soft, unrealistic, and irrational. His thought that their position was unscientific and contrary to the interests of the human race. Over time, however, Sumner's science was refuted while the bleeding heart sentiments of his opponents have become elevated to legitimacy, with today's capitalists and socialists agreeing that the meek should-- if not inherit the earth-- get their fair share of the earth's bounty. In this case, unscientific sentiment hit the target while Sumner's apparently more rational efforts went awry, reminding us that the truth can be approached and

⁸ What is referred to as depth here includes the breadth of perspectives, methodologies, and such that may be employed to inform one's working knowledge regarding the problem at hand. In the following section, the term breadth is used to mean something more specific: the willingness to entertain intuitive, emotional, inspirational sources of understanding in addition to the more cerebral and rationale methodology heavily though perhaps not exclusively suggested by the definitions of critical thinking included above.

perhaps even corralled by a variety of routes, some of which may seem inferior in the eyes of critical thinking proponents.⁹

4. Critical thinking pays insufficient attention to the interface between thought and action. The vision of progress conveyed on the FCCT website and other founts of the critical thinking movement is one based on converting as many people as possible to the cause, thus, through right thinking, stamping out the negatives associated with irrational thought: hatred, bigotry, persecution, bullying, etc. This would seem to be naïve on at least two separate grounds. First, the likelihood of getting the whole world (or nearly the whole world) to think critically would seem to be slim at best. It is far more likely that large numbers of people will remain immune to the pleas of the critical thinking community. Thus it is incumbent on those who promote critical thinking as the tonic for what ails us to discuss the problem of a) turning critical thought into productive action, and b) doing so in a context where there is a lot of loud talk from competing perspectives. The emphasis on critical thinking, however, appears to be squarely on the deliberative process, with action as a mere afterthought, literally as well as figuratively.

5. Whether intended or not, critical thinking is biased toward the status quo.

With its emphases on thought over action (see above passage), deliberation over urgency, and civility over passion critical thinking is inappropriately biased toward maintenance of the status quo, both on the personal and collective levels. As indicated by the sage advice of Yogi Berra - "you can't think and hit at the same time"¹⁰-- there is a tradeoff between thought and action that requires careful balancing based on circumstances. If you see a baby carriage rolling down the middle of a busy street you normally wouldn't take the time to write a carefully designed treatise or organize a conference on road safety or proper parenting until after you've retrieved the carriage and stashed it out of harm's way. Critical thinking, on the other hand, lacks a sense of emergency. On the contrary, it almost seems leisurely. This predilection is supported by the neutral starting point of critical thinking. Since it seeks the broadest appeal, it makes as few assumptions about the nature of the world as it can, including presumptions about the urgent nature of problems facing the nation and the world. It is the premise of this paper that this neutrality toward the state of things actually gets in the way of incisive thinking and effective action. This is true because there are things in the world that are clearly wrong and in need of change. Grinding poverty, gross forms of oppression, and rampantly wasteful lifestyles are all so plainly wrong that no sophisticated thought is needed to know that, in one way or another, these things must be abated. Thus critical thinking is hampered by a false objectivity, one which encourages us to think when we should be hitting.

6. Critical thinking neglects or at the very least is naïve with regard to the age-old issue of how wisdom can be made to speak to power (and, correspondingly, how power can be made to listen). Critical thinking is curiously apolitical. Perhaps this should not be surprising in light of the previous two points of criticism, since hesitancy to act and especially to act

⁹ This is not to disparage science or reason per say. Sumner's was-- even at the time-- only one of many scientific approaches to the issues of poverty and class conflict. But he certainly saw himself as more methodologically sophisticated and rational than his opposition. And the FCCT site does put his example front and center.

¹⁰ Yogi Berra, *"I Really Didn't Say Everything I Said"* (New York, Workman Publishing, 1998) p.13.

against the status quo would seem to be consistent with an apolitical stance. Certainly, change that unclogs our polarized, gridlock burdened political system will have to be, at some point and on some level, political. The insights that carry us beyond "culture war," simplistic free market vs. government rhetoric, and equally simplistic corporation bashing will have to be translated into a compelling political agenda that opens new paths to a happier future.

Taken together, these six inadequacies of critical thinking make it a highly improbable political savior. Conversely, if there is a kind of inquiry that can help us to escape the discouragingly confining bag we are in it will have to address and correct the deficiencies outlined above.

IV. Turning Critical thinking into Transformative Thinking

As suggested by the critique of the previous section, tackling polarization is a task that lies beyond the likely powers of critical thinking as currently conceived. Conversely, addressing the inadequacies outlined above should bring us to a brand of "thinking" that genuinely has the potential to be "transformative," carrying us safely away from the politics of morbid polarization.

Based on the previous discussion, such thinking should 1) focus definitive attention on open-mindedness as a necessary corollary and more than equal partner to critical thinking, with special attention beamed onto the difficulty of achieving thought that is relentlessly and thoroughly self-critical, 2) recognize both the need for in-depth analysis and the need for plateaus of closure allowing for informed (though necessarily not perfectly informed) action, 3) give credence to a fuller breadth of perspectives, realizing that usable knowledge can be derived from sources that appear less rather than more polished in terms of critical thinking, 4) explore as part of its basic modus operandi the complex interface between thought and action, 5) avoid biases for or against the status quo, and 6) derive a coherent strategy for speaking to power, translating its wisdom and understanding into concerted world-changing action.

It is the conclusion of this paper that inquiry based on the above guidelines has the potential to be genuinely transformative, and, more specifically, that it has the potential to bring the current state of polarization afflicting American politics. Further, as will be seen in the following section, it is asserted that this model of "transformative thinking" does not reinvent the wheel as it were by duplicating "critical theory", "critical literacy", "structuralism", "deconstructionism", or any of the other "radical" left cousins of critical thinking.

V. Critical Theory, Critical Literacy, and Other Radical Alternatives

Coexisting with the falsely neutral, status quo oriented version of critical thinking outlined (and criticized) above, are evil (or angelic, depending on your perspective) cousins of critical thinking like "critical theory", "critical literacy", and other "radical" left approaches to socio-political inquiry which start off with the presumption that genuine inquiry and truly critical thinking necessarily reveals the oppressive reality behind the façade of justice (and/or normalcy or

even inevitability) that we call reality. This general perspective shares the same Enlightenment roots as the "critical thinking" movement, but it certainly must be seen as an alternative way of learning about and acting in the world, starting out with the presumption that the goal of thinking and inquiry in general is to free the "wretched of the earth" from the bonds of oppression camouflaged by the existing structure(s) of power.

The question arises, then, as to whether or not the above formulation of transformative thinking merely reinvents the wheel of critical theory and its close sisters and brothers weighing in decisively in favor of the world's oppressed peoples and classes.

It is the position of this paper that "transformative thinking" does not duplicate what will here be called the "critical theory cluster" of perspectives, but rather that the critical theory cluster comes in for some of the same (and/or similar) criticisms as critical thinking. The critical theory cluster is not particularly attuned to the overall problem of open-mindedness, that is, the special problem of achieving a meaningful level of self-criticism. While it does, by its very nature, promote in-depth analysis and a wide breadth of perspectives, it has a problem identifying and pursuing levels of analysis offering opportunities to leverage change; that is, there is a tendency for scholars and other commentators who work within the critical theory cluster to achieve profundity at the expense not only of clarity, but also practicality. Critical theory tends to fall short in terms of the thought-action and wisdom-power interfaces as well, assuming that the revealing of structures and processes which prop up the powers that be and promote false consciousness will more or less automatically trigger positive and effective praxis on the part of oppressed masses.

The issue of bias has been left for last because it draws perhaps the starkest difference between "transformative thinking" and the "critical theory cluster." On the most basic level, just as transformative thinking rejects the false neutrality of critical thinking as a debilitating bias in favor of the status quo (because of its obliviousness to the world's clear and present evils), transformative thinking rejects as a half-truth the critical theory cluster's condemnation of the world's power structure as entirely corrupt. Transformative thinking as conceived in this paper is based on the central premise that the world as it exists now is a perplexing mix of good and evil, justice and injustice, compassion and cruelty. It follows that the main objective of public policy and social reform should be to change what is bad while preserving what is good. The complexity of this task makes it essentially different from that of the critical theory cluster, which assumes that a previously unforeseen order based on something far more innocent than "power" will spontaneously arise once we have been raised to true consciousness.

There is an additional point to be considered about the critical theory cluster and its relation to critical thinking. While, at first glance, the latter seems to be biased in favor of a status quo that the former seeks to undermine, in practice both perspectives may be seen as buttressing the status quo. This is true in so far as "radical" scholars take refuge in the inner recesses of the academy, staying above the fray of day to day politics and only coming forth occasionally to titillate their fellow believers and semi-cult followings. In so far as they are complicit-- for the sake of their own comfort-- with the marginalization of radicalism, these proponents of radical change could

actually be seen as agents of the status quo, preaching to the choir without any danger of ever really shaking up the current state of affairs.

VI. Transformative Thinking (Modestly) Illustrated

The outline below presents the bare bones of a plan to end the "war" on terror. It was presented to students in an Integrated Studies class on Machiavelli and Gandhi in late October, 2011. The purpose was to illustrate what an approach that transcended current kneejerk ideological positions could look like, but it also can be cited as an example of transformative thinking in terms of its depth, employment of multiple perspectives, orientation toward action, willingness to depart from the status quo, and inclusion of a political component-- that is, consideration of how it could be "sold" to domestic as well as international publics. While it is not nearly complete, it does at least have the smell of transformative thinking in its depth of analysis, decisiveness, and orientation away from ideological or intellectual stagnation.

Plan for Transforming the War on Terror into a Triumph of U.S. Foreign Policy

1. Redefine the "War on Terror" by launching phase II "the Campaign for Global Peace and Prosperity"
 - a) rigorous domestic defense against "terrorist" violence within our borders
 - b) cooperate (for example, share "intelligence" and other information) with other nations similarly defending their borders
 - c) define terrorism as criminal acts rather than acts of war
 - d) commit wealthy nations, corporations, and philanthropic foundations to end the world's most dire poverty through education, health reform, and socially oriented investment (think Jeffrey Sachs, *The End of Poverty*)
 - e) foment mutually beneficial world trade
 - f) pursue an equitable course of "sustainable development"-- one which recognizes the legitimate interests of all the world's nations and peoples
 - g) recognize terrorism as a destructive force which seeks to disrupt all the positive goals enunciated above

2. Withdraw military forces from Iraq (already scheduled) and Afghanistan while continuing humanitarian and economic aid

International Rationale: with our allies, we have launched viable (though not yet fully stable) democratic governments in both countries, governments which now risk losing legitimacy due to extended U.S. military involvement.

Domestic Rationale: with our allies, we have given these nations a chance at a better life-- our troops have not sacrificed in vain-- it is simply time to let these nations stand on their own militarily. The humanitarian and economic aid shows our continued good will and protects our investment.

3. Stay engaged in world events, including carefully proscribed military ventures such as those in Libya and Uganda; put the vicious cycle of knee jerk isolationism and irresponsible intervention behind us once and for all

What's Gandhian? Application of humanitarian force in the name of global equality and peace.

What's Machiavellian? Willingness to use military force when necessary (and only when necessary), rhetorical sensitivity to public opinion at home and abroad, appear to be acting from strength rather than weakness.

VII. Transformative Thinking, Pragmatism, and Political Philosophy

Some observers might see transformative thinking as a contemporary application of pragmatism. Leaving aside epistemological concerns (that is, how we define truth and more specifically, the relation of truth to "what works"), this assignation would seem appropriate. Like pragmatism, transformative thinking has an experimental aura and is results oriented.

Transformative thinking can also be seen as an extension of the tradition of political philosophy in its recognition of the tension between wisdom and power, its orientation both to considerable depth of analysis and to the providing the requisite amount of closure to support action, its tendency to blend intellectual and scholarly disciplines, and its foundational and abiding concern with justice defined as the common good.

VIII. Speaking to Power: The Promotion of Transformative Thinking (Getting the show on the Road)

What then are we to do with transformative thinking? How is it to be inserted meaningfully into our political discourse and public policy? Answering these questions once again raises the ancient challenge of somehow reconciling wisdom and power. Political philosophers have always known that this is a daunting task, yet also a necessary one. The task is daunting because political truth is complex and often "inconvenient," that is, something those in power do not want to hear. As a result, there has normally been a time lag between enlightened thinking and enlightened practice, with real world progress coming only after the pioneers of thought have been martyred or at the very least ignored.

This time lag may well be unavoidable, but it would behoove us to at least make a concerted attempt to bring theory and practice into synchronicity at this dangerous time in our history. This means gaining the attention of those who wield or have the potential to wield power. Included in this list would be political, social, and cultural leaders, the public at large, and those individuals and organizations with the resources-- primarily pecuniary-- needed to successfully sponsor elevated rhetoric in the quest for progress.¹¹

¹¹ Power sources in political thought and political science would also traditionally include force of arms. The assumption here is that transformative thinking is to pursue a strategy of persuasion rather than compulsion.

Thus there are multiple access points through which supporters of transformative thinking can try to induce change in the way we think about the world and address our problems. Influential public figures such as Oprah Winfrey or Bill Gates might be asked to champion the idea. Political parties, interest groups, and think tanks might also be approached.

Since the author of this paper is manifestly not an expert in modern forms of communication and persuasion, we cannot go very far in describing the details of this campaign for more productive thinking. But two guidelines seem clear. First, it will help the cause if transformative thinking is tied to concrete problems and challenges faced by Americans and the world.¹² That is, transformative thinking should not be offered in the abstract, divorced from tangible, well polished examples of what it can offer. Second, just as there are multiple access points (including state and local government) in the quest to speak to power, there should be an abundance of efforts to employ transformative thinking to break free of the polarization paralysis which envelops us. There is no person or group that can claim a monopoly of the wisdom needed to positively change the way we think and act. There is room for lots of different kind of wisdom from lots of different sources.

More specifically, there is no need to stamp out critical thinking or critical theory. Nor is there any call to stamp out current perspectives on the right, left, and center. The aim of transformative thinking is to succeed by showing the way to innovative concepts and policies in a competitive and challenging arena of political and social discourse. It needs only to be put into practice as well and as often as possible and followed through rigorously to its own conclusions. The results, hopefully, will speak persuasively to enough of us so that we can think and act our way out of the bag we are in.

¹² Corollary to this last point is that politics is not the only arena for action. Constructive efforts to make the world better on the grass roots level can proceed with or without the cooperation of power holders. Such efforts are worthwhile for their own sake. They may also affect politics from the bottom up.

Unpopular Terrorism: Why Did Al Qaeda of Iraq Fail?

Ribhi I. Salhi, Oakton Community College

Abstract

This study attempts to explain how Al Qaeda of Iraq (AQI) lost popularity among the Iraqi Sunni Community (ISC), which led to its failure. Three forces contribute to the failure of Al Qaeda of Iraq: the planting of the seeds of democracy in Iraq, national reconciliation, and the American surge which was the result of the strained relationship between Iraqi Sunnis and Wahhabist Jihadists. The paper neither predicts nor confirms that because of Al Qaeda's failure, political stability will take place in Iraq¹.

INTRODUCTION

Some scholars might argue that Al Qaeda of Iraq (AQI) is an offshoot of Al Qaeda of Afghanistan (also called Al Qaeda Center or AQC), which was established by Osama Bin Laden and his jihad associates in 1998.² AQI is not a direct offshoot of AQC since the components of its jihadist structure suggest a more heterogeneous chemistry. At the head of the hierarchical system are the Salifists elements and other Wahhabists, while the rest of its structure is dominated by various elements that joined to promote jihad or national interests, or for other undetermined personal purposes.³ It is a collection of foreign jihadists and other Iraqi Sunnis who joined the popular insurgency in the wake of Saddam Hussein's regime. Other thugs and misfits also joined the organization. Interestingly, these elements, if they are of Iraqi origin, lack the characteristics of religious extremism or the knowledge of Wahhabist principles. If they are foreign terrorists

¹ The author is deeply grateful to the following scholars whose constructive comments have inspired this study: Christopher Newman, Margorie Newman, James Ownes, Randall Smith, Marla Hyder, and Jovi Salhi. Naturally, the author alone remains responsible for the contents of this study.

² In order to distinguish between Al Qaeda of Iraq and Al Qaeda Center, I will use (AQI) for Al Qaeda of Iraq and (AQC) for Al Qaeda Center. AQI is also known as Al Qaeda of the Two Rivers.

³ The word "Salf" means predecessors or ancestors; those were the earliest Muslims considered to be examples of Islamic practice. The followers of the Salifists movement believe that the true Muslim is the one copies the practice of earliest Muslims. Wahhabism, on the other hand, was a revivalist movement instigated by an eighteenth century theologian, Muhammad ibn Abd al-Wahhab (1703-1792) from Najd, Saudi Arabia. He argued that Muslim nations should return to the teachings of Quran and Hadith. The movement called on Muslims not to be influenced by or subordinate itself to western values. The movement was highly accepted by many people in Saudi Arabia.

(neighboring jihadists), they are motivated religiously without an understanding of Wahhabism or the future of the Iraqi State. AQI drew its ideological inspiration from AQC without having a direct line of coordination.

AQI has failed miserably and has been resisted nationally. There are several questions this paper will attempt to answer: What is AQC? How did AQI develop? Why has AQI failed? Were there alliances between AQI and other Iraqi national movements? This paper will identify the source of the failure of AQI in its jihad journey in Iraq. AQI's failure can be observed in several institutions that served to undermine its popularity among the Iraqis. To understand the difference in terms of formation and popularity between AQC and AQI, this paper will first explain briefly the driving forces that aided the formation of AQC; then it will identify the elements of AQI along with its basic objectives in Iraq. It will also highlight that AQI's plans were not accepted by the Iraqi Sunnis, a fact that helped to undermine its popularity and confirm its failure. Its failure among the Iraqis can be attributed to the following: the planting of the seeds of democracy in Iraq, the national reconciliation between Iraqis especially with the Iraqi Sunnis Community (ISC), and the American surge in 2007 that was the result of the strained relationship between Iraqi Sunnis and the Wahhabists of AQI.

The future appears bleak for both AQI and Iraqi stability in general. The two organizations (AQC and AQI) are extremely radical and possess great hatred for the U.S. and its allies in the Middle East.⁴ In order to understand the ideological orientations and the structural foundations of the two organizations, this paper will briefly explain the driving forces of radicalism.

LITERATURE REVIEW

Laqueur (2003) takes a general look at the global system and points out that some of the factors contributing to radicalization in the Muslim world, particularly within the Arabic societies, are uncontrolled demographic growth together with the incapacity of the Arab governments to provide jobs and economic opportunities for their people. Laqueur also notes a growing frustration about the social and economic stagnation that does not allow the new generations of Muslims to

⁴ Muslim radicals are divided into three groups: traditional conservatives like the Salifists and Sufies who believe in dawa and violence should not be the first option; the second group is radical rebel like Hamas, Islamic Jihad, and Al Qaeda associates who believe in adopting forces of violence; and finally the third group is moderate like the Muslim Brotherhood who believes in dawa and non-violence option. Overall, the three groups are unified under one perception which is free Muslim nations (Ummah) from oppression and infidels.

escape poverty and starvation. The ongoing violence within the Muslim world—either because of religious disputes or ethnic tension or a combination of the two factors, like in Chechnya, Kashmir, and the West Bank—contributed heavily to radicalization. Furthermore, Western economic exploitation of Third World nations, particularly in the Muslim world, has inspired radicalism among the Muslim youths.

To some extent with Laqueur, Guelke (2009) explains violence and terror in the Third World through an economic perspective. He agrees with Laqueur that Western economic exploitation is the driving force for terror. Interestingly, Guelke relies on Kegely's idea that there is great potential in the Third World to establish a "Third World Liberation Army" to emancipate itself from Western imperialism. This is could be one of the reasons for the creation of AQC in Afghanistan, since the association believes that the natural resources in Muslim countries have long been exploited by the West.⁵

Smith (2008), on the other hand, points out that there are religious foundations for terrorism. Al Qaeda is motivated religiously because of the humiliation of the Muslim around the world. Smith and Laqueur agree that the tension within the Muslim world created the conditions for the jihadist movements to adopt forces of terror in the name of God. Their intention is to fight for the Muslim cause. It seems that both Smith and Laqueur provide accurate explanations for why radicalism has increased within Muslim and Arab societies.

Hafez (2003) provides three dimensions for Al Qaeda mobilization against the West. His analysis meets Guelke's and part of Laqueur's analyses. He relies on Muslim allegations against the West: There is an ethical justification for the Al Qaeda terror network since Muslims are political victims. He argues that Muslim rebellion is caused by Western domination and is not rooted in the Muslim religion; thus, the West is responsible for the outcome of this confusion and distraction. Obviously, Hafez does not rely on an economic approach to explain the radicalization of the Muslim world. Muslim rebellion is caused by the historical domination of colonial powers. The colonial powers divided Muslim land according to their sphere of influence and secured their interests after

⁵ The idea of the "Third World Liberation Army" was introduced by Charles Kegley to explain that the South (Third World nations) will unify and challenge the exploitation of the North (the First World nations). This idea is also supported by Johan Galtung's structural theory of imperialism in 1971. The structural theory suggests that the wealthy nations dominate the poor nations, which leads to inequality at the global level. Such inequality will force the poor nations to revolt against the wealthy nations. This explanation is useful for understanding the grievances of Al Qaeda Center, whose radical Muslim followers live in Third World nations and hope to create the International Muslim Army that will take the lead to stop Western domination.

their departure. European departure transformed the Muslim world into an arena of struggle and violence between seculars and Islamists.

AL QAEDA CENTER (AOC)

The previous literature sheds light on the formation of the global jihad network and the root of Islamic radicalism. However, there is more to say regarding the foundation of Al Qaeda. Since the terrorist attacks of September 11, 2001, we have heard much about rising Islamic radicalism, but the world did not predict that Al Qaeda would carry out such a terrible attack. The formation of Al Qaeda as a transnational terrorist network has generated several questions: How did Al Qaeda rise? What are the driving forces and motives for its network? What grievances does Al Qaeda have? Will Al Qaeda attempt to create alliances with other Arab or Muslim terrorist groups?

Al Qaeda's rise in the age of globalization is merely the latest version of religious terror.⁶ Some authors who have devoted a great deal of time to Al Qaeda and its associates have not provided sufficient explanations for the foundation of Al Qaeda's ideology of terror and its possible influences. The driving forces behind the foundation of Al Qaeda cannot be discovered without deep knowledge of the events in the Middle East and the conflicting Islamic politics throughout its modern political history. The foundation itself is a product of political crises that the Muslim world has experienced, which have developed several radical Islamic groups in various parts of the world. These radicals believe that "the Crusade-Zionist conspiracy" aims to keep dividing Muslim land and exploiting its resources; this has created a negative image of the U.S. in the Middle East and elsewhere in the Muslim world. From Southeast Asia to the Middle East to North Africa to the Balkans, and ending with Central Asia, radical Islamic rhetoric is oriented to resist Western domination in the Muslim world (Haddad, 2012).

The present author is not arguing that the U.S. has caused the birth of radical Islam, but rather that following WWII, when the U.S. inherited the legacy of the colonial powers and the Jewish state was born in the Middle East, radical Islam strengthened its rhetoric against the West. If we further examine the coinciding rise of radical Islam and the rise of U.S. interest in the Muslim world, we would surely conclude that there was a harmonious relationship between the U.S. and the radical jihadists during the Soviet invasion of Afghanistan. While the U.S. experienced tension with

⁶ Religious terrorism is identified as a religious militia that commit acts of violence in the name of God, whether they are Christian, Jewish, Muslim, or Shinto; killing in the name of God is justified. See Jessica Stern (2003). *Terror in the name of God: Why religious militants kill*. New York: Harper Collins.

Islamic fundamentalism following the Iranian revolution in 1979, it enjoyed great cooperation with some Muslim nations, such as Saudi Arabia and Pakistan, who also logistically and financially supported radical jihadists in Afghanistan (Cooley, 2002). Why? The answer is simple: according to the realist approach of international relations, it is national interest that motivates the nation-state in the foreign arena.

The U.S. and other Western governments have not understood the militancy of Muslim and Islamic politics that are rooted in the history of the Arab-Muslim Empires. Obviously, Muslim radicals and the U.S. have shared the same hostility to Soviet Communism. With the help of regional allies Pakistan and Saudi Arabia, the U.S. recruited jihadists on the grounds that—as the popular expression would have it—“the enemy of my enemy is my friend.” So it is the Soviet invasion of Afghanistan at Christmas 1979 that pulled the trigger and caused the U.S. to engage in militarizing the jihadists. The CIA agreed to train the jihadists in Afghanistan because the invasion was considered by the U.S. a threat to its national interests in South Asia. The Muslim jihadists, on the other hand, hoped to spread the roots of the Islamic global revolution and to develop the Muslim International Army, which eventually would cause major challenges for Western powers (Munson, 2006).

Arabs and other Islamic volunteers responded to the call of jihad during the Soviet invasion of Afghanistan (Kaplan, 2001). Osama bin Laden and Abdullah Azzam, who had been the founding fathers of Al Qaeda, established the Bureau of Service (*Maktab Al-Kadmat*), an office aimed to take care of the jihad’s “affairs” and promote social services during the fight with Soviet troops. The Bureau was also linked to CIA activities. The CIA and the Pakistan Intelligence Service (ISI) provided the jihadists with logistics support and military assistance. By 1988, the former Soviet Union withdrew its troops and officially ended the invasion. The Afghani rebels and their Jihad allies (Arab Afghan), on the other hand, faced the dilemma of establishing a political future for Afghanistan. The nation fell into seven years of bloody civil war that enabled the Taliban to capture Kabul and make Afghanistan a safe-haven for the jihadist network (Rashid, 2001).

The end of the Soviet invasion of Afghanistan produced new generations of Muslim jihadists. Some of these jihadists became professional fighters; some remained in Afghanistan; and still others traveled elsewhere in the globe for jihad’s sake or returned to their native countries (Kohlmann, 2004). The groups that returned to their countries—Jordan, Egypt, Sudan, Yemen,

Saudi Arabia, and the other Gulf States—faced new political turmoil. To some extent, the issue of jihad still occupied their minds, and their return coincided with the Gulf crisis and the American military involvement in the 1990s. It was the absolute refusal of the Islamic clerics in Saudi Arabia and elsewhere in the Middle East to bring in foreign troops that internationalized the Gulf crisis. On top of that, the Saudi government accepted the presence of the American military forces, which, in turn, inflamed the tension between the monarchy and its religious opponents.

Such opposition developed more radical forces. These forces gathered and united their voices against the Saudi Kingdom, and in order for the Saudi government to combat these radicals, it had to adopt harsher measures. Some of these radicals were jailed or stripped of their religious titles, and others were sent into exile—including to Sudan and Afghanistan. The Taliban rule in Afghanistan provided them with a safe-haven from which they were able to achieve their political and religious aspirations (Hegghammer, 2010). Like Mao in the 1930s and his revolutionary comrades who camped in Yunnan and relied on rural guerrilla tactics to fight Westerners and their Chinese allies, Islamic radicalists in the 1990s moved to the Tora Bora Mountains in Afghanistan and relied on rural guerrilla tactics for global jihad.

Al Qaeda's motives and grievances can both be observed within the context of the political history of the Muslim world. It would be an oversimplification to state that religious differences and a clash of civilizations were the sole causes of the tragedy of September 11, 2001 (Esposito, 2002). Although these were factors, the motives of the attackers were far more complicated. There are five areas of context—domestic, regional, international, cultural, and historical—that played direct and indirect roles in influencing Al Qaeda Center. Both domestic and regional contexts played a direct role in the foundation of Al Qaeda, while the rest played a more indirect role, eventually contributing to the religious motive for violence and terror.

In the domestic context, there are three main factors driving people towards radicalism: the masses that make up the Islamic forces, the rise of a new generation, and the economic downturn in the Middle East. The masses view those in power as puppet regimes sponsored by the former colonial powers or those who seized power in military coups (Pratt, 2007). These regimes attempt to suppress the Islamic movements. For example, in 1991, France, the former colonial ruler of Algeria, supported the military regime against the elected government, and when the military government refused to step down after being voted out of power, Algeria fell into a state of civil war

(Layachi, 2014 Advance). Such suppression of Islamic movements was also experienced elsewhere in Indonesia, Syria, Egypt, Yemen, Morocco, and Turkey.⁷

There is also a rising new generation in the Gulf States, one that has been educated in the West and thus exposed to democracy (Gause, 2010). This new generation understands oil politics and sees the U.S. and Britain as holding back the Middle East in order to protect their imperial interests in the region. Interestingly, eighteen of the nineteen terrorists responsible for September 11 were from the Gulf States.

Turning to the economic downturn and its effect on the masses, huge economic disparities exist in the Middle East. These disparities, along with resentment for the fact that the Middle East was overlooked as a source of labor in favor of cheaper sources elsewhere in the world, have contributed to the development of unrest and encouraged the youth within the Gulf States to seek out the jihad in Afghanistan.

The regional context contains several interesting causal factors: the Israeli-Palestinian issue, the humiliation of the Arabic military forces, the failure of the Arab League and the weakness of the Organization of the Islamic Conference (OIC), the wars of the Persian Gulf, and finally, the revival of the Islamic identity in Central Asia.

Radical Islamic forces view Israel as an illegitimate state and as the outcome of the forces of an Imperialist-Zionist alliance (C. Smith, 2007). They see the West supporting Israel even though the Israelis have committed massacres against the Palestinians. The many Arab-Israeli wars that occurred between 1948 and 1973, including the Israeli invasion of Lebanon in 1982, and the consequences of these wars have inspired the radicals to adopt the jihad against the West and the Jews.

The failure of the Arab League to solve the Gulf Crisis and the inconsistency of ideologies in the OIC made both of these institutions irrelevant. Neither of these institutions was able to prevent

⁷ Most of the radical Muslim forces have adopted the notion that the West historically has intended to humiliate Muslims. The end of WWI that led to the dismemberment of the Ottoman Empire, termination of the Muslim Caliphate, and creation of new secular states by installing puppet kings in Iraq, Jordan, and Saudi Arabia allowed Western powers to impose more political domination. Muslim radicals believe that Western aspirations are rooted in the 11th century when the Crusades invaded the Near East. As a result of all these events, Muslim nations are required not to trust the West and its regional allies.

the confrontation in the Gulf, which generated an influx of coalition forces into the region. Many Muslims believe that foreign forces should not be involved in Islamic crises.

The disintegration of the Soviet Union in 1991 led to the formation of an Islamic sense of identity in Central Asia. Religion had been oppressed under communism (Saikal, 2003). The collapse of communism allowed Muslims in Chechnya, Uzbekistan, Tajikistani, and Kyrgyzstan to strive for the Sharia, and thus the rise of the Islamic cause aided the rise of Al Qaeda.

Clearly, the people of the Middle East feel deep ties to their region and thus regional factors played a major role in the rise of Islamic radicalism. The region is by no means isolated from the rest of the world, however, and international factors such as the war in Afghanistan, oil politics, and the hypocrisy of the United Nations also contributed to the rise of Al Qaeda. The Soviet invasion of Afghanistan led to years of fighting and brought Muslims from all over the Islamic world to Afghanistan. The jihadists responded to the call and developed the atmosphere that would allow Al Qaeda to take root. They viewed their victory against the former Soviet Union as an event that could eventually be repeated against the West, namely the United States.

Middle Eastern oil is equally important for industrial democratic nations as well as Saudi Arabia and the other Gulf States. The revenue produced from trading oil has helped the Gulf regimes consolidate their powers and finance their religious aspirations, such as establishing educational and charity centers (Lewis, 2003). These centers graduate classes of fanatics and extremists who view U.S. government involvement in the region as nothing more than the industrial nations protecting its imperial interests.

The hypocrisy in regard to oil-based policy decisions of the United Nations is evident in Chechnya and Bosnia, and in the treatment of Kuwait versus that of Palestine. The U.N. supported the coalition forces in freeing Kuwait, an oil-rich nation, but failed in Palestine and Chechnya. Moreover, not only did the U.N. fail to prevent the U.S. invasion of Iraq, but also it made no physical attempt to stop the U.S. from dominating and controlling more oil, nor did it set any embargo—all of which only demonstrates the global hypocrisy of the U.N. and the dominance of the U.S. over nations less resourceful or with similar political and industrial interests. The U.N. is supposed to be stronger than nation-states but obviously has lost its relevance because the U.S. operates freely in the world (Halliday, 2003).

The cultural context also plays a significant role in the rise of Al Qaeda because the Islamic elite rallied to resist the Western influence inherited through colonial rule (Esposito, 1995). The failure of Middle Eastern modernization, the revival of Islamic elites, and the rise of Wahhabism provide further cause for radicals to influence advocates of Al Qaeda. Wahhabism has helped Saudi Arabia religiously and politically by legitimizing Saudi leadership of the Islamic World.

If the previous contexts (domestic, regional, international, and cultural) played a crucial role in the rise of Al Qaeda Center, the historical context provided a powerful background to unify all Muslim radicals and motivate them to associate with its foundation. The historical context—including the colonial legacy, the Crusades, and the Golden Age of Islam—established Al Qaeda’s grievances and its image of the West. The colonial powers aimed to achieve political and economic expansion. The legacy of the Ottoman Empire enabled the colonial regimes of France and Britain to rearrange the Middle East based on their own national interests.

The Crusades invaded the Near East during the eleventh century under the banner of reclaiming the Holy Land for Christians, but the real motive behind the Crusades was economic bias, which unfortunately turned into holy war (Lockman, 2010). Saladin, a Kurdish Muslim who liberated Jerusalem in 1187, put an end to the Crusades and purged most of the Near East. Additionally, the Golden Age of Islam came to an end with the Sultanship or Caliphate rule of the Ottoman Empire in 1923, turning Turkey into a secular nation (Fromkin, 1989). The August 1990 arrival of American troops in the Arabian Peninsula, waging war against the Iraqi occupation of Kuwait, sent the message to Muslim radicals that the Crusades had returned to protect their economic interests. Muslim clerics who did not agree with the Saudi-American alliance against the Iraqi invasion argued that the Islamic Sharia requires Muslims to respond to the call of jihad against a warring party, thus giving Osama bin Laden, according to his own religious interpretation at least, *Fatwa (religious edicts)*, rights to call for jihad against the United States and the Jews (Hunter, 1998).

As a result of the precipitating factors in each of these five contexts, then, radical Islamic groups found an opportunity to gather and decisively structure Al Qaeda, led by Osama bin Laden, and to announce its inception in Afghanistan in February 1998.⁸ Furthermore, because of the war in

⁸ Since then, Muslim radicals have launched several terrorist campaigns against the U.S. and its allies: namely, the bombing of the American Embassies in both Tanzania and Kenya in August of 1998, the bombing of the U.S. Cole in the Arabian Sea in October of 2000, the tragedy of the World Trade Center on September 11, 2001, the Bali bombing in

Iraq, extremist forces joined together and formed the new network of Al Qaeda in Iraq. It was AQI that actively launched daily terrorist attacks against the forces of the international coalition, Iraqi military, and other Iraqi civilians. Not surprisingly, the nation-state has become borderless and more Al Qaeda terrorist attacks are imminent due to the political conditions of the Middle East. Thus, further explanation of AQI is needed.

AL QAEDA OF IRAQ (AQI)

Of course, the main reason for the formation of AQI was the Bush Administration's decision to invade Iraq and to create a new Iraqi regime that in the future would secure U.S. national interests and contain the hegemonic rivalry of Iran. Just days after the collapse of the Hussein regime, Wahhabists and other Salifists praised the Lord for that great grace. It is the jihad grace that will justify the Muslim adoption of bin Ladenism with its hostility to the West.⁹ Gradually, this bandwagon of jihad started to fill with various heterogeneous elements. The former Baathists and other Iraqi Sunni loyalists, new recruiters for neighboring and other Arab states alongside what was left of Afghan Arabs, found their jihad interests in the Sunni neighborhoods of Baghdad that were considered a stronghold for the insurgency. Their main framework was a unified front against U.S. military forces. Others had unclear interests and intended to launch revenge campaigns against the Shias forces. Others rallied for the love of jihad and the hatred of America and Israel. All these forces jumped on the bandwagon of AQI.

Many observers of the Iraqi violence might think that AQI's primary concern was the American military invasion. Not surprisingly, AQI intends to Afghanize Iraq by creating a civil war between Sunnis and Shias of Iraq. This civil war will lead to Sunni domination, which will create a future Islamic State of Iraq based on the caliphate system that once had Baghdad as its seat (Phillips, 2007). Such an Islamic state will eventually influence the secular Arab states to respond to the jihad message and prepare the road for a military attack against Israel.

Indonesia in October of 2002, the bombing of American military bases in Saudi Arabia in May of 2003, the Morocco bombings in May of 2003, and the Madrid bombings in March of 2004. Osama bin Laden praised all these attacks, but he stated that he did not authorize them.

⁹ The invasion of Iraq has worked perfectly to the advantage of the Iraqi Shias and Iran's regime, since the Iraqi Shias suffered from the ruthless rule of the Saddam regime. The invasion placed Baghdad under new a Shia regime that religiously would be loyal to Tehran.

But these objectives were not of primary concern for the rest of the elements of AQI. In order to clarify this confusion, it is necessary to identify these other elements that joined AQI. How did these elements manage the first years of the violence (2003-2007)? Are they ideologically unified around extreme Wahhabism, or is this a temporary alliance for them? First of all, AQI consists of several different groups, described in detail below. These groups did not have a common religious ideology to unify them. Rather, all these elements were divided in their goals, tactics, sources, characteristics, and orientations. They were not all bound by bin Ladenism or Islamic teachings, and some of them were even secular in nature or adopt a leftist ideology. In fact, some elements who joined AQI intended to hide their national identities for political purposes. According to some intelligence sources, the Wahhabists of AQI accounted for only about 10–15% of its forces (Tilghman, 2007). This will provide us with an answer as to why there was a divorcing of elements within AQI. The following elements comprised the AQI association:

The Baathist Groups (former Saddamists):

These groups contain the former Baathist Party officials, the Fedayeen Saddam, former agents of the Iraqi Intelligence Service (*Almokubarat*), and other elements of the Republican Guards (*Haras Jamohrie*). These groups still operate as if they are part of Saddam's political and military regime. Most of the Baathists of Iraq are Arab Sunnis and secular in nature. However, others maintain their religious loyalty without rising to the level of zealots. They kept their military ranks and formed strong ties with the rest of the former Iraqi bureaucrats. Their goal, without question, is to restore the Baathist regime to power. After the fall of Baghdad, these groups organized and planned guerrilla war, targeting the Shia allies of the U.S., American forces, and the new Iraqi government. Following Saddam's capture, the rhetoric of these groups shifted to become either nationalist or Islamist, with the goal of restoring the Baath Party to power, which was once seemingly out of reach. Many of these groups have adopted an Islamist façade in order to attract more credibility within the country, and perhaps also to attract support from outside Iraq. However, some of them readjusted their political orientations and looked to the January 2005 elections to gain back their political privileges. After those elections, some were given the chance to go back to their old posts, and some gave up military resistance and moved abroad, particularly following the execution of Saddam on December 30, 2006.

Even though the fall of Baghdad officially ended the political and military structure of the Baathists, several members maintained their existence and were willing to carry on the fight even after the capture of Saddam. They joined the guerrilla organizations that began to form to resist the U.S.-led occupation. They enforced their existence in the central and northern parts of Iraq, especially in areas known as the Sunni Triangle. Some units of these groups (Saddam Fedayeen, Republican Guards, Intelligence Service, and Public Security Forces) continue to operate independently of other resistance and insurgent organizations in the Sunni areas.

Baathists groups are also linked to Syria, a neighbor of Iraq and which has been ruled by a Baathist regime since 1971. To some extent, Syria has provided these groups with support. Hence, the Syrian government has been influencing and shaping the politics of Iraq's Baathists. Some reports indicate that former Iraqi Baathists are directing their insurgent forces from Syrian land since it is safer for them than operating from Iraq itself.

The Nationalist Groups:

These groups of mostly Sunni Arabs are drawn from several provinces of Iraq. They were former members of the Iraqi Army. Their reasons for opposing the Coalition vary from a rejection of the foreign presences as a matter of principle, to the failure of the multinational forces to fully restore public services and to quickly restore complete sovereignty to Iraq. These groups may also include some Iraqis who have had relatives killed by Coalition soldiers. Most likely, the majority of the low-level members of the indigenous Sunni resistance fall under this broad category. Even a small percentage of Shias who served in the Iraqi Army during Saddam's regime have joined these groups (Guide: Armed groups in Iraq, 2006).

Some of the members of this group were interested in restoring the power previously held by the Sunni minority, who controlled all previous Iraqi regimes since the departure of the British in the 1950s. Some of them engaged in a revenge campaign against the Shias. Their activists have been crossing the border between Iraq and Syria disbursing funds, smuggling weaponry, and organizing much of the fighting in the central areas of Iraq.

The Sunni Islamist Militia:

This group is composed of Iraqis belonging to the Muslim Brotherhood Movement (*Ikhwan Muslemen*) who advocate a return to the pure Islam of the time of the Prophet Mohammed and oppose any foreign, non-Muslim influence.¹⁰ The hardline clerics and the remaining underground cells of this group in Iraq helped to provide support for the indigenous militant Islamist movement (Muson, 2006). Not surprisingly, some of its members have been supported by other Muslim Brotherhood elsewhere in the Middle East.

Foreign Fighters Groups:

These vary in their organization, goals, and nationalities. Many news sources have confirmed that these fighters from other countries who have flocked to Iraq to join the insurgents are motivated by animosity toward the U.S. and the desire to install an Islamic state in place of the Baath Party's secular regime. These groups are influenced by idea of the "Arab Afghans," the Arabic fighters who joined Osama bin Laden in Afghanistan during the jihad years to oppose the Soviet invasion of 1979-1988. This model of jihad has motivated many young Arabs from several countries in the Middle East and North Africa. They are Palestinians, Jordanians, Syrians, Saudis, Yemenis, Sudanese, Somalis, Egyptians, Algerians, and Moroccans. Many of them are Wahhabist fundamentalists who see Iraq as the new field of jihad in the battle against U.S. forces (Martinez, 2005). These fighters were organized into several subgroups, some of which were affiliated with other organizations that believe in Al Qaeda religious doctrine. Interestingly, new subgroups formed as a result of these fighters. The most active one is the Organization of Monotheism and Holy War (*Al-Tawhid Wal-Jihad*) that spawned Al Qaeda of the Land of the Two Rivers and was led by Jordanian terrorist and former Arab Afghan Fighter Abu-Mosaeb Alzarqawi.¹¹

Abu-Mosaeb Alzarqawi of Al Qaeda in Iraq:

The U.S. and the new Iraqi government have accused Alzarqawi's organization of a number of terrorist attacks. In several speeches by Alzarqawi posted to the Internet, he has denied the rumors that his organization was a foreign fighter in Iraq. He confirmed that he was a jihadist with

¹⁰ The origin of this organization goes back to the 1920s in Egypt when Hussin Al-Bana, an Islamic scholar, established this movement and called for an Islamic State within Egypt and the rest of the Arab World in order to end the colonial system and the corrupted secular regimes. This movement has found its advocates all over the Middle East. For more information see Monte Palmer and Princess Palmer. *At the Heart of Terror: Islam, Jihadists, and America's War on Terrorism*. Oxford, UK. Rowman & Littlefield Publisher, Inc. 2004. pp. 39-76.

¹¹ Abu-Mosaeb Alzarqawi was killed by a U.S. raid in northern Baghdad on June 7, 2006. His killing has created some tension between his tribes and the Jordanian government for barring him from his town in northern Jordan. Alzarqawi's insurgent group also claimed responsibility for the three hotel bombs in Amman-Jordan on November 5, 2005. The State Court of Jordan ruled the death penalty against Zarqawi and some members of his association.

his followers, and that the U.S and its allies were foreigners coming to occupy a Muslim country.¹² The followers of Alzarqawi's organization are unified by an extremist ideology. The organization intended to liberate Iraq and establish the Emirate of Iraq under Islamic rule (Brisard, 2005). His followers formed the Ansar Platoon, a squad of Iraqi suicide bombers. Their main targets were the U.S. forces and their collaborators. Some reports indicate that his group also targeted Shia figures, assemblies, and other foreign contractors. One of their tactics, in addition to suicide bombings, is beheading foreign contractors.¹³

After his death, some documents found in Alzarqawi's safe house indicated that Al Qaeda was trying to provoke the U.S. to attack Iran in order to reinvigorate the resistance in Iraq and to undermine American forces in Iraq. However, the present author argues that the U.S. is not serious about taking military action against Iran since Iran helped the U.S. form a new government in Afghanistan and has not allowed the former Iraqi regime to regroup at the western borders of Iraq-Iran.¹⁴ The U.S. might lose any remaining Iraqi Shia support in a future confrontation with Iran (Ansari, 2003).

The death of Alzarqawi did not bring his organization to an end. Rather, a new leadership was installed and further terrorist attacks have been launched. Abu Hamza al-Muhajir became Alzarqawi's successor until he also was killed by U.S.-Iraq joined forces on April 19, 2010.¹⁵

Criminal Insurgency Groups:

These groups are interested in resisting neither the American occupation nor the new Iraqi government. They are criminals who are fighting simply for money and other material goods.¹⁶

¹² For more of his speeches, see Aljazeera.com during Spring & Summer of 2005.

¹³ On June 20, 2004, Alzarqawi's group beheaded Kim Sun-il, a Korean contractor. The group demanded that the South Korean government withdraw its troops from Iraq if it wanted to save its citizen's life. The requested was denied and the contractor was beheaded on television.

¹⁴ Some reports have indicated that the U.S and Iran have been cooperating secretly against Al Qaeda and the remnant of the Saddam regime. For its part, Iran helped regroup the Northern Alliance of Afghanistan, who in return helped the U.S. attack the Taliban. For more see Ribhi Salhi & Wael Hoboub. "The State of Concerns: The Case of Iran." A paper presented at the Illinois Political Science Association (IPSA). Roosevelt University. November 2004.

¹⁵ Most of the terrorist attacks that took place in Baghdad between 2004 and 2006 indicated that there was no line of communication between AQC and AQI. According to some intelligence sources, Alzarqawi took the lead in several attacks without consulting bin Laden or Al-Zawahiri. Also, Abu Hmza al-Muhajir, known as Abu Ayyub al-Masri, was behind the formation of the "Islamic State of Iraq" (ISI) and the "Mujahidin Shora Council" (MSC). For more information see <http://news.bbc.co.uk/2/hi/8630213.stm>

¹⁶ I have not been able to gather more information about their size or their political orientation. Most of these criminals were released before the invasion. By 2004, the new Iraqi government had established a plan to secure the streets of Baghdad with help from the U.S. forces.

They play the two sides, the government and the insurgency, against each other for financial reasons. Many of them have been arrested and indicted for burglary (Iraqi Police Make Large-Scale Arrests, 2004).

SOURCES OF FAILURE

The first four years of the American occupation in Iraq demonstrated the brutality of the insurgency, which was responsible for killing American soldiers, butchering foreigners, and beheading Iraqi civilians. Not to mention that throughout Iraq, national loyalty has been replaced by local and tribal loyalty. To some extent, Iraqis reached the conclusion that Iraq was about to collapse due to the sectarian violence and that Iraq would then become three separate states: *Baghdistan*, *Kurdistan*, and *Shiastan*. However, the sectarian violence did not create such a separation. Instead, it merely undermined the security of every sect in Iraq, as well as the objectives of AQI itself. How did this happen? By 2007, the political and social conditions in Iraq had improved, leading many to the conclusion that the seeds for future democracy in Iraq had been planted. The call for national reconciliation weakened the insurgent forces and resulted in the declining popularity of AQI.

Planting Seeds for Future Democracy

Iraq is a complicated society in terms of culture, ethnic orientation, and religious background. Therefore, Iraq is a multinational state. Since the end of the monarchial system in July 1958, Iraqis have experienced successive repressive regimes (Stansfield, 2004). Civil and political rights were denied and Iraqis had no power to change their government democratically. By the late 1960s all the political institutions were dominated by the Baath Party.¹⁷ Political dissidents and ethnic minorities were suppressed and further political actions were taken against their families if they ever challenged the Baathist regime. In other words, the end of Saddam's regime is a new force with the potential to advance freedom and democracy for a new generation of Iraqis. In short, the seeds of democracy needed to be planted. Democracy needs a civil society, a stable middle class,

¹⁷ Baath means "resurrection." It is an Arab national ideology founded in the 1930s and developed in the 1940s into a political force intending to rebuild the Arab nation on the basis of secularism, socialism, and unity. The two Arab states dominated by the Baath Party are Syria and Iraq. Before the installment of the Baath Party, Iraq experienced three coups: On July 14, 1958, General Kasiem overthrew the monarchy and Iraq became a republic. In 1963, General A.S. Arif ousted Kasiem. In 1966, Arif was killed in helicopter crash and was succeeded by his brother A. R. Arif. Later in 1968, Arif was overthrown by the Baath party of A.H. Baker, the father-in-law of Saddam Hussein. In 1979, Baker stepped down and handed power to Saddam Hussein.

free market economic enterprise, majority rule, minority rights, and educational forces to engage with political participation (Daimond, 2005).

Nongovernmental organizations have been operating in Iraq since the second year of the invasion. Their activities include promoting civic participation in government through educational initiatives and encouraging pluralism. Such activities have strengthened the political interests of Iraq's young citizens, who experienced the deprivation of civic life during the Baath regime but who have started to experience the life of other democratic societies through the Internet and other aspects of globalization (Grove, 2007). Governmental organizations like the U.S. Agency for International Development (USAID) and other NGOs like the National Democratic Institute for International Affairs (NDI), the International Republican Institute (IRI), and the Center for International Private Enterprise (CIPE) have worked extensively alongside Iraqi citizens to form the new civic society of Iraq. These organizations have been helpful in promoting economic opportunities for Iraqis and building new methods of constructive engagement. Many Iraqis have joined interest groups, formed political parties, applied for licenses to establish media resources, and educated themselves about the meaning of liberal democracy and the role of diversity.

Planting the seeds for a future democracy provides resources for a non-violent generation. Having the young generations of Iraqis experience the beginning of democracy within certain aspects of their lives has served to prevent the young from riding the bandwagon of violence and led them to think of AQI as a foreign conspirator that intended to impose Wahhabism on their multicultural society. The younger generation of Iraqis recognizes that their future rests in practicing authentic Islam without extremism, welcoming forms of democracy, and denouncing violence (J. Phillips, 2006). A fresh start for democracy is a future alternative to the cloudy present and the ugly past. The Iraqis themselves should learn the rules of the game of democracy by engaging with political participation and avoiding the expansion of sectarian violence. This can only happen if they work as Iraqi nationals and not as Sunnis, Shias, or Kurds.

Iraqi National Reconciliation

On several occasions, the Nouri al-Maliki government has called for all the opposition forces to join the national convention, where all the Iraqis can reconcile their differences and reach a future framework for national unity. Generally speaking, Iraqi opposition is divided into two sides

depending on religious and ethnic background. One side consists of those who favor the leaders of the previous regime who lost their privileges as a result of war, and the second side is those who would not like to see the former leaders allowed back into Iraq. As was stated before, the AQI contains some elements of the Baathists who have been fighting for revenge reasons. Some of these Baathists, especially those from the lower ranks of the former army and other security forces, have been granted general amnesty and allowed back into their old posts. In fact, the U.S. encouraged the al-Maliki government to adopt this procedure on the grounds that it will undermine the Iraqi insurgency. Many former Baathists, especially at the lower ranks of the party, have welcomed this invitation to join the new Iraq since there has been no hope for them to restore the old system or to form a long-term alliance with the Wahhabists of AQI. Interestingly, it was Paul Bremer III, former director of the National Coalition Authority, who dissolved the Iraq Army and the Baath Party and yet it was the U.S. that motivated the Iraqi government to reconcile with the Baathists (D. L. Phillips, 2005).

This was not the only step towards national reconciliation, however. Iraqi social culture is dominated by tribal leadership. The stronghold of Arab Sunnis is near Baghdad, especially in the Anbar provinces. Arab Sunnis would not be so quiet as to let the Shias benefit from the new Iraq. Also, it was not in their interest to remain allies with AQI since they disagree with it ideologically. The tribal leaders mobilized Iraqi Sunnis to cooperate with the new government, which can protect them from majority rule and help them to maintain their civil privileges.

The American Surge

We should not dismiss the argument that the U.S. was a cooperative force in undermining AQI, nor can we argue that Iraqi national reconciliation is the only source that has served that purpose. The American surge in 2007 in the Sunni triangle was a constructive force in purging AQI from Sunni neighborhoods. Two developments were particularly instrumental: First, General David Petraeus, the former Commander of U.S. Central Command Iraq, successfully exploited the Arab Sunnis-Wahhabists strains. Several U.S. military intelligence reports indicated that AQI elements were neither coordinating their efforts nor acting according to the directions of AQC. Added to this was the fact that tribal leaders had grown tired of seeing the mass murders of Shias by the extremist Wahhabists of AQI (Gardiner, 2008). Sunni tribal leaders realized that their enemy was not the U.S. military presence, even though they did not favor American troops in Iraq; rather, it

was the increased influence of the Shias' power and the ongoing conflict between Shias and other elements of AQI. Also, Sunni tribal leaders opposed the presence of powerful Wahhabists in their provinces.

For Wahhabists, who dominate the core of AQI, Islamic extremism is the right approach for Iraq's future Islamic State; Iraq's Arab Sunnis, on the other hand, are secular or not religiously committed to the teaching of strict Islam (Odierno, 2008). Rumors spread among Iraq's Arab Sunnis that some of their sons were executed or tortured by the Wahhabists for not making the daily prayers, disagreeing with their ideology, or drinking alcohol (Admiral: Al Qaeda in Iraq "killing off" former allies, 2008).

For Wahhabists, also, if a Muslim individual does not follow the main teachings of Islam, there is *Fatwa* of killing that individual. Therefore, killing is totally justified and legitimate since that individual is not cooperating or not committing to strict Islam. In other words, the Wahhabists of AQI are trying to Talibanize the Sunni neighborhoods around Baghdad, which spurred the fears for Iraq's Arab Sunnis. The *Fatwa* of killing is the notion of *Takfirism (apostasy)*, which provides a strong motive for the Wahhabists to adopt coercive methods in dealing with the enemy of Islam. In this case, the enemy is not only the foreign occupiers but also the people of Islam who are not adhering strictly to their Islamic teachings. Therefore, the presence of suicide bombers around innocent crowds and the decline of the popularity of AQI can both be understood by *Takfirism*.

The United States' concern with stabilizing Iraq led to a second factor in the decline of AQI: General Petraeus increased the number of troops who served around the Sunni provinces like Anbar, Salaheden, Hela, Diyala, and Fallujah. The purpose of increasing the number of troops was to protect the residents from AQI revenge (Petraeus, 2008). Local alliances were formed by establishing the awakening movements (*Majelis Alshowa*) and each one represented certain neighborhoods (A. Phillips, 2009). The leaders of the tribes were in charge of these movements, such as the formation of Diyala Salvation Council and Amiriyah Freedom Fighters. This helped to further counter the influence of AQI within the Sunni tribes by establishing Iraqi Sunni parties such as the Iraqi Islamic Party (IIP) (Lynch, 2011).

The U.S. also encouraged the establishment of the Sons of Iraq, who were mostly Sunnis and potential security forces for the new Iraq (Long, 2008). Tribal leaders mobilized their sons against

AQI and encouraged them to protect their provinces from future domination by foreign terrorists (Klein, 2007). At the same time, the U.S. encouraged the al-Maliki government to recruit these sons within Iraq's new bureaucratic agencies. This helped to undermine the affiliation with AQI and decreased its popularity.

THE FUTURE OF AQI

AQI has failed to advance its jihadist message and force its extremist ideology upon Iraqis. Its enemy after all is not only the U.S. and its allies, but also the Muslims who do not accept its extremist ideology. This paper suggests that local alliances between the U.S. and the tribal leaders came as a result of strains between the Sunni population and the Wahhabists of AQI. But what is still not clear is why other elements, who did not share the same religious orientation, joined Al Qaeda and started calling it AQI.

AQI was a bandwagon for several groups who were not homogenous in goals and orientations. Some Iraqi Baathists who were nationalist and secular jumped on that bandwagon. They argued that if the terrorist attacks of September 11, 2001, perpetrated by AQC, had not taken place, the U.S. would not have marched its troops to invade Afghanistan and their country, Iraq. Because of AQC, Saddam Hussein's regime collapsed, Iranian influence increased in Iraq, and Israel became the only super regional power. In other words, from the Baathists' perspective, AQC has provided a great opportunity to the U.S. to increase its domination in the Arab World.

From the beginning of its terrorist activity in Iraq, AQI stated several objectives, but it failed to find the Iraqis who might espouse such objectives (Beehner, 2007). The act of terrorism that took place on November 5, 2005, in Amman, Jordan, helped to undermine AQI's popularity within the Jordanian Society. Ever since that day, AQI has had fewer volunteer fighters from Jordan. No record after that suggests that AQI has been successfully involved with terrorism in neighboring states.

The birth of democracy in Iraq requires supportive institutions. These institutions are united around the goals of Iraqi national unity, developing civil society, and denouncing the forces of violence. Even though some believe that AQI has lost its stronghold within the Sunni population, the waves of violence still continue around Baghdad. But what will ultimately determine whether

AQI departs the country or not is the same thing that drives the violence at present: the unequal and unfair distribution of wealth and power among the Iraqis. For this reason, the future of democracy with great stability in Iraq is bleak.

While many argue that the presence of AQI is very dangerous for the stability of Iraq, the violence itself suggests that other forces, like the organized Shia militias, have contributed to the violence which develops the notion that the potential stability for Iraq is out of reach¹⁸. This is what motivated the Sunni population to give up their alliance with AQI and form a stronger one with the U.S. since the later was a better mediator and protector for their causes in the al-Maliki government. It was the U.S. that encouraged national reconciliation between all the Iraqi disputers. It was the U.S. that pushed Iraqi Sunnis to participate in Iraq's politics. Creating a stable Iraq, from the U.S. perspective, would secure U.S. national interests, contain the regional rivalry with Iran, and undermine the foundation of future radical Islamic forces.

AQC has not finished sending its global message. The failure to stabilize Iraq can provide more excuses to strengthen the causes of AQC (Harmon, 2004). The Bush Administration stated on several occasions that Iraq was the center front for war on terror while Ayman Zawahiri, before he became the new leader of AQC, announced through Aljazeera television that the war against the U.S. would never stop as long as Israel exists in the Middle East. This is an indication that the decline of AQI is not a major victory. It is merely another round in the battle between radical Muslims and the United States.

¹⁸ AQI often target Shia civilians in an effort to undermine the Shia-led government. AQI's ideology emphasizes that Shia Muslims are heretics. According to monitoring group led Body Count (The Christian Science Monitor), more than 6,000 people have been killed across the country up to fall 2013.

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Librarian Support in the Enhanced Learned Environment

Connie James-Jenkin, Illinois Math and Science Academy

Information Literacy

Information literacy is a central tenant of any academic librarian's beliefs. For many years, librarians have championed the information literacy effort on college campuses across the country.

According to the American Association of College and Research Libraries (AACRL) information literacy standards, it is:

...a set of abilities requiring individuals to recognize when information is needed and have the ability to locate, evaluate, and use effectively the needed information....¹

Information literacy instruction in the academic library has traditionally come in a variety of forms:

- The one-shot "library instruction" session. In these sessions, an instructor brings his or her class to the library one time for some type of formal instruction. Sessions are individually tailored to meet the research/information literacy needs for a particular assignment. Another type of instruction (web evaluation, scholarly versus popular materials, etc.) selected by the classroom instructor may be done. Sessions generally last 50-75 minutes.
- Semester-long for-credit research instruction classes. These courses can cover a variety of topics dealing with information and information evaluation.
- Workshops. These drop-in sessions generally cover one topic. Workshops might cover citing, database use or selection, etc.
- Bibliographies. Traditionally booklists, they have developed into "research guides," which are dynamic online links to books, e-books, tutorials, articles, etc.
- Reference desk instruction (one-on-one point of need, on demand help). Students come to the library's reference desk as they need research help or instruction, and we help them individually.

At Elgin (IL) Community College, our traditional face-to-face instruction program has evolved over the years. We provide all the types of information literacy instruction mentioned above (except the research class). Our one-shot library instruction sessions have proven very popular. The number of these sessions taught at ECC has risen from 131 in the school year 1997/98 to 285 in the school year 2011/12.

Growth of Distance Learning

As in colleges across the country, Elgin Community College has experienced a tremendous rise in the number of online classes. Online education has become a major component of higher education.

¹ Association of College and Research Libraries, "Information Literacy Competency Standards for Higher Education," American Library Association, last modified January 18, 2000.
<http://www.ala.org/acrl/standards/informationliteracycompetency>.

As a result of this growth, AACRL developed the *Standards for Distance Learning Library Services*. In these standards they state:

Every student, faculty member, administrator, staff member, or any other member of an institution of higher education is entitled to the library services and resources of that institution, including direct communication with the appropriate library personnel, regardless of where enrolled or where located in affiliation with the institution. Academic libraries must therefore, meet the information and research needs of all these constituents, wherever they may be.²

In other words, librarians need to begin a whole new method of delivering of information literacy instruction. Our students might not be located physically in the Elgin area, they might be anywhere in the world. They may be students who take online classes for convenience sake, and cannot make it to the college during traditional times. These students are entitled to library services as well. The goal of distance learning librarians and library service is to provide distance learning students services that are equal to those services provided to on-campus students.³

Over the last several years, our service to distance learning classes, students, and faculty has grown tremendously. Our first year of distance learning services was during the 2008/09 school year. We worked with 3 online classes. During the school year, 2011/12, we served 97 online classes.

As “embedded librarians,” we provide a variety of services to our distance classes. They include:

- Discussion board monitoring. We may have a dedicated library or research discussion board where we post useful material and answer students’ questions. We may monitor some or all other discussion boards to determine how we can best help the students.
- Research guides (see above)
- IM/chat services. This very popular services is offered in D2L (our course management software) and also on the library’s homepage. We started this service in 2006 and received 56 questions via IM. During 2011/12 this has grown to 2058.
- Video tutorials for particular databases, search strategies, web evaluation, etc.

Case Study: POS151, State and Local Government with Christopher Newman

While we work with many different classes and instructors, one class stands out in its unique online content development. ECC Librarians have worked with political science professor Chris Newman and his face-to-face classes for many years. He wanted to continue information literacy instruction when he began teaching some classes online.

Newman’s class is unique in that information literacy is incorporated throughout the semester as students work on their research. At different points in the semester, they will need to know or do certain things, so we post material in the discussion boards at appropriate times. Research has shown that emphasizing point-of-need instruction rather than extensive mini-curricula covering all aspects of library research, some of which may not be either needed or appropriate, is the most

² Association of College and Research Libraries, “Standards for Distance Learning Library Service,” American Library Association, last modified 2008. <http://www.ala.org/acrl/standards/guidelinesdistancelearning>.

³ Mollie Dinwiddie, “Looking for Ways to Provide Online Library Services Equal to On-Campus,” *Distance Education Report* 9, no. 18 (2005):8, Academic Search Premier.

effective.⁴

We anticipated the information needs of distance students from evaluating our face-to-face encounters with students.

We determined that these needs included:

- Knowing the library exists and how we can help
- Navigating library resources
- Finding academically appropriate resources
- Refining searches to retrieve better results
- Evaluating different types of sources and their appropriate uses

Through this knowledge and through conversations with Professor Newman, we thought we would start addressing the above anticipated needs by doing the following:

- Introducing the library to distance/online students and informing them of resources and help available
- Monitoring discussion boards and offering appropriate advice when needed
- Developing an online research guide with links to appropriate sources. This is introduced in the discussion boards a few weeks into the semester, when the students begin their research.
- Creating a video tutorial on research strategies for library databases and Google. This is now included in the research guide.

Librarian Introductions

⁴ Carol Goodson, *Providing Library Services for Distance Education Students*(New York: Neal-Schuman, 2001), 74.

View Message

[View Message](#) [Reply](#) [Edit Message](#)

[Delete](#)



Your own online librarian!

[Connie James-Jenkin](#) Jan 17, 2012 1:03 PM

Good afternoon POS151!

My name is Connie James-Jenkin & I am a librarian here at ECC & I will be working with your class this semester! I have been working with online classes several years & look forward to helping you guys this semester.

I've been working at ECC for 11 years. Wow! In my spare time I usually take my daughter to the barn where we keep our horse! That keeps us pretty busy. I am also a Packer fan and am in mourning this week after their loss on Sunday. My husband went to that game so he isn't allowed to go to Packer games anymore! Lol!

Connie

Discussion Board Monitoring

Elgin Community College POS_151_770_2012SP Amer Govt-State & Local

Course Home Content Discussions Dropbox Chat Classlist Surveys Edit Course Logs

Search For: Search Show Search Options

Subject	Author	Date
Connie	Deanna Benstein	Feb 15, 2012 6:52 PM
Re: Connie	Connie James-Jenkin	Feb 16, 2012 8:26 AM
connie	Erica Meinen	Feb 14, 2012 2:54 PM
Re: connie	Connie James-Jenkin	Feb 15, 2012 11:10 AM
Legalizing Marijuana	Agatha Wrobel	Feb 12, 2012 9:44 AM
<No Subject>	Erica Meinen	Feb 9, 2012 5:34 PM
Re:	Connie James-Jenkin	Feb 10, 2012 10:46 AM
Re: Connie	Anette Bliss	Feb 11, 2012 2:09 PM
Re: Connie	Connie James-Jenkin	Feb 11, 2012 8:38 PM
Re:	Erica Meinen	Feb 14, 2012 2:57 PM
Re:	Connie James-Jenkin	Feb 15, 2012 11:10 AM
<No Subject>	Crystal Allen	Feb 8, 2012 2:18 PM
Re:	Christopher Newman	Feb 8, 2012 3:50 PM
Re:	Crystal Allen	Feb 8, 2012 4:17 PM

Research Guide creation

Elgin Community College Library
Research Guides

Library » LibGuides » POS 151 libref@elgin.edu « Guide Admin « Dashboard « Sign Out

POS 151
Chris Newman Online Class

Last update: Jan 17, 2012 | URL: <http://ecclibrary.elgin.edu/pos151> | [Print Guide](#) | [RSS Updates](#) | [SHARE](#) [f](#) [t](#) [e](#)

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[Catalog](#)
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Comments (0)

Welcome!

The ECC Librarians have created these Research Guides to help you find information for your research paper, project or speech. Use the tabs above to find information on the topic.

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ECC Library

Page Author

Connie James-Jenkin

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Was this information helpful?

ECC Library

Section dealing with Local Sources Paper

Online Tutorials

- [State and Local Research Paper Sources](#)

A short video discussing some of the different types of sources available for your research paper.
- [Simple Search Strategies](#)

A more indepth tutorial discussing different search strategies to help improve your search results, in Google and in library resources.
- [Cost Benefit Analysis](#)

Professor Newman discusses the benefits of doing a cost/benefit analysis in your research papers.

Comments (0)

General Sources

Depending on your topic, there may be other specialized sources available. Check with the library.

- [Books in the ECC Library](#)

Search for books here.
- [CQ Researcher](#)

Once-a-week magazine on current event topics. Excellent for background overviews, pro/con, current status, etc.
- [Ebsco's Academic Search](#)

Search using keywords you have identified: violence AND Chicago; suicide AND teenagers
- [Google](#)

Evaluate sites you want to use for authority - point of view - currency.

Comments (0)

Local Information Sources

- [Chicago Sun-Times](#)

Full-text articles from 1992-present.
- [Chicago Tribune](#)

Search using keywords you have identified: bilingual education AND elgin. Select "More Search Options" and choose "Search terms in citation and document text."
- [Daily Herald \(listed as Chicago Daily Herald\)](#)

Full-text to articles from the Daily Herald from July 1, 1997 to present.
- [Illinois Issues](#)

My Profile



ECC Library

ECC Library

Type here to chat.
Press ENTER to send.:

[f](#) [t](#)

Contact Info:
SRC 242
847-214-7354
[Send Email](#)

Links:

After completing the first semester, we had conversations with Professor Newman to determine how the semester went. Through these conversations and observations we made about the students based on the questions they asked, we determined the POS students were having the following difficulties:

- Looking at the big picture of a topic. Students were immediately focused on finding local sources without having a broad understanding of the subject. They were also missing out on what was happening in other communities and other solutions that were being experimented with across the country.
- Finding enough quality sources
- Using resources in an objective, academic way.

In response to these concerns, we developed the following:

- Tutorial on looking at the big picture then focusing on the local. Many students were jumping into their research and immediately trying to find only local articles. By doing this, they were missing some of the larger implications of particular policies or alternatives that may be being followed in other areas of the country.

POS 151 State and Local Government

Library Research Paper Sources



- Online “virtual librarian consultation”. This is similar to what Newman requires his face-to-face students do - meet with a librarian, only now we are meeting with them online. We created a Google Doc form that they fill out describing the status of their research:
 - What is their thesis statement?
 - What information have they found?
 - What do they still need or want to find?

General online tutorials can help, but they may not be able to address specific information needs.⁵ This virtual librarian consultation satisfies that goal.

The screenshot shows a web interface for a "Librarian Consultation Form for POS151 Newman". The main content area has a blue header with the title. Below the title, there is a instruction: "Please answer the questions below. An ECC librarian will get back to you." followed by a red asterisk and the word "Required". There are three input fields: "Name *", "Email Address *", and "What is your topic or thesis statement? *". The right sidebar, titled "My Profile", features a profile picture of a library building, the text "ECC Library", a chat window with a text input field and a "Send" button, and social media icons for Facebook and Twitter. At the bottom of the sidebar, there is "Contact Info" including "SRC 242", "847-214-7354", and a "Send Email" link.

- Newman wanted the cost/benefit analysis video tutorial. He wanted students to think about their topic and use sources in an objective, academic manner. Many students were focusing on what they felt or what they thought. This tutorial encourages them to think objectively.

Newmancam: Cost/Benefit Analysis

With Chris Newman

⁵ Rachel Owens, "Where the Students Are: The Embedded Librarian Project at Daytona Beach College," *Florida Libraries* 51, no. 1 (2008): 8, Academic Search Premier.

Future Considerations and Conclusion

Faculty/librarian collaboration is an essential element to the success of information literacy instruction in the online environment.⁶ This is evidenced by the success of ECC's information literacy instruction in online POS151.

We hope to develop a more concrete set of assessment criteria. In 2008 AACRL developed a set of Political Science Research Competency Guidelines. We hope to incorporate these standards with POS151.

⁶ Ibid., 9.

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Illinois Political Science Association

WEBSITE HOST: Eastern Illinois University <http://castle.eiu.edu/~ipsa/index.php>

President: Baudelaire K. Ulysse, Elgin Community College
bulysse@elgin.edu

Vice President: Naser L. Javaid, Roosevelt University
njavaid@roosevelt.edu

Treasurer: Robert Bruhl, University of Illinois at Chicago
rbruhl1@uic.edu

Non-technical Webmaster: Richard Wandling, Eastern Illinois University
rawandling@eiu.edu

Journal: Illinois Political Science Review

Editors: Christopher Newman, Elgin Community College
cnewman@elgin.edu

Marjorie Newman, William Rainey Harper College

Copy Editor: Jennifer Altman, Elgin Community College
jaltman@elgin.edu

Layout Editor: Arezou Kashani, Northern Illinois University

akashani@niu.edu

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